

Department of Legislative Services  
Maryland General Assembly  
2023 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

Senate Bill 48

(Senator Lam)

Finance

Appropriations

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**Disaster Service and Uniformed Services Leave Modernization Act of 2023**

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This bill (1) expands the applicability of disaster service leave for State employees; (2) grants appointing authorities additional authority to award this type of leave; (3) expands military administrative leave for “military” members to instead apply to “uniformed services” members, as defined by federal law; and (4) clarifies the definition of emergency manager in reference to the Maryland Department of Emergency Management (MDEM). **The bill takes effect July 1, 2023.**

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**Fiscal Summary**

**State Effect:** Overall, the bill is not anticipated to materially affect State operations or finances; however, in limited circumstances, agency expenditures may increase minimally to provide coverage for employees on leave, as discussed below.

**Local Effect:** The bill does not directly affect local government operations or finances.

**Small Business Effect:** Minimal.

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**Analysis**

**Bill Summary:**

*Disaster Service Leave*

On request, a State employee may be entitled to disaster service leave with pay if the employee is a member of the Civil Air Patrol, U.S. Coast Guard Auxiliary, Maryland voluntary organizations active in a disaster, a volunteer emergency medical services

department, a volunteer fire department, a volunteer rescue company or volunteer rescue squad, or a community emergency response team. During a prolonged or recurrent disaster, and if doing so would be in the best interest of the State, an employee's appointing authority may (1) waive the eligibility requirements for disaster service leave, including the requirement that the employee obtain approval before using the leave and (2) increase the number of days of disaster service leave that an employee may use.

### *Military and Uniformed Services Leave*

Various references to military administrative leave for training and active duty are instead changed to uniformed services administrative leave, using the federal definition of uniformed services. The changes expand eligibility for this type of leave to additional types of federal service instead of only military service. Existing procedures, processes, and limitations on this type of leave continue to apply.

Specifically, the bill references two sections of federal law defining "uniformed services" in different ways. Both sections include in the definition the Armed Forces; the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; the commissioned corps of the Public Health Service; and any other category of persons designated by the President of the United States in time of war or national emergency. However, the following individuals are only included in one of the two definitions:

- the commissioned officer corps of the National Oceanic and Atmospheric Administration;
- system members of the National Urban Search and Rescue Response System during a period of appointment into federal service, as specified;
- intermittent personnel who are appointed into Federal Emergency Management Agency service, as specified, or train for such service; and
- an appointee of the National Disaster Medical System under specified circumstances.

### *Maryland Department of Emergency Management*

In reference to MDEM, "emergency manager" means an individual whose primary duty of employment is to execute the mission of emergency management.

## **Current Law:**

### *Disaster Service Leave*

On request, any State employee may be entitled to disaster service leave with pay if the employee is certified by the American Red Cross as a disaster service volunteer and the American Red Cross requests the services of the employee during certain disasters. An employee may use up to 15 days of disaster service leave in any 12-month period only after obtaining approval from the employee's appointing authority. For purposes of workers' compensation and the Maryland Tort Claims Act, an employee on disaster service leave is not considered a State employee.

### *Military Administrative Leave*

The Secretary of Budget and Management may provide, by regulation, for leave with pay for up to 15 days for military training or active military duty in a reserve unit of the Armed Forces or in the organized militia.

For all State employees, military administrative leave may be provided to an employee who is activated for military duty. Such an employee is entitled to leave in an amount sufficient to compensate the employee, during each pay period for which the employee is eligible to receive the military administrative leave, for the difference between the employee's active-duty base salary and the employee's State base salary or direct wages. This compensation may not exceed an employee's State base salary or direct wages.

**State Expenditures:** Expanding the State's military and uniform services leave policy and disaster service leave policy does not directly affect State expenditures for most State agencies, since regular employee salaries are already budgeted. Additionally, State agencies do not generally hire temporary employees when employees are on leave.

However, in limited circumstances, particularly if an employee takes disaster service leave during an emergency and the affected State agency is directly affected by the emergency (for example, if the State were affected by an earthquake and a number of Maryland Department of Transportation employees were to take disaster service leave), the affected agency may incur coverage costs for overtime or a loss of productivity. Even so, any such cost, if realized, is likely be minimal; MDEM advises that, during emergencies, it works closely with the Department of Budget and Management and other State agencies to ensure there are enough employees to support State emergency operations while also enabling employees to take disaster service leave when appropriate.

**Additional Comments:** As noted above, the bill references two different definitions of "uniformed services" when determining the individuals for which the bill's uniformed

service leave policy applies. The Department of Legislative Services advises that it is unclear whether the leave applies (1) only for an individual whose position is included in both definitions or (2) for an individual whose position is included in either definition.

In either case, the bill is not anticipated to materially affect State operations or finances for the reasons discussed above.

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### **Additional Information**

**Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Maryland Department of Emergency Management; Judiciary (Administrative Office of the Courts); Department of Budget and Management; Maryland Department of Transportation; Department of Legislative Services

**Fiscal Note History:** First Reader - February 1, 2023  
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