

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 109
Finance

(Senator Gile)

Appropriations

State Employees - Parental Bereavement Leave

This bill entitles any State employee, including a temporary employee, to use up to 10 days of paid parental bereavement leave within 60 days after the death of the employee’s child, who is at least six months old but younger than 27. An employee may use up to 60 days of parental bereavement leave within 60 days after the employee experiences a stillbirth or the death of the employee’s infant younger than six months of age. An employee must notify the employee’s appointing authority of the employee’s intention to use parental bereavement leave prior to taking leave. An employee’s appointing authority may not require an employee to use any other paid leave available to the employee. The Secretary of Budget and Management must adopt regulations governing parental bereavement leave.

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: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill defines “stillbirth” as the death of a fetus after a gestation period of at least 20 weeks for an employee who (1) was pregnant with the fetus; (2) is the spouse or domestic partner of an individual who was pregnant with the fetus; or (3) intended to assume parental responsibilities for the fetus if the fetus had been born alive.

The bill applies to all employees, including temporary employees, in the Executive, Legislative, and Judicial Branches, including those with independent personnel systems.

Current Law:

Sick and Bereavement Leave in the State Personnel Management System

State employees in the State Personnel Management System (SPMS), except temporary employees, currently accrue paid sick leave at the rate of 1.5 hours for every 26 hours worked in no overtime status. Employees earn a maximum of 15 days, or 120 hours, of sick leave each year.

Maryland regulations (COMAR 17.04.11.06) allow an SPMS employee to charge a maximum of five working days, depending on need, to sick leave in the event of the death of the following: spouse; children (including foster and stepchildren); parents, stepparents, or foster parents of the employee or spouse or others who took the place of parents; legal guardians of the employee or spouse; brothers and sisters of the employee or spouse; grandparents or grandchildren of the employee or spouse; and other relatives living as a member of the employee's household. A maximum of one day of available sick leave may be used in the event of the death of other specified relatives.

An employee may elect to receive up to three days of bereavement leave with pay, instead of using three of the five sick days that an employee is allowed to use, upon the death of the following members of the employee's immediate family: (1) spouse; (2) children, including foster and stepchildren; (3) parents, stepparents, or foster parents of the employee; (4) brothers and sisters of the employee; and (5) grandparents and grandchildren of the employee.

If additional time is required by the employee, the supervisor must make reasonable efforts to arrange the employee's work so that the employee may take other accrued leave for this purpose.

Annual and Personal Leave in the State Personnel Management System

Most employees in SPMS, except temporary employees, also earn annual and personal leave. Annual leave accruals are based on the employee's years of service, which range from a maximum of 80 hours of annual leave each year for employees with less than five years of service to a maximum of 200 hours of annual leave each year for employees with at least 20 years of service. Annual leave may be used for any reason, upon supervisor approval. State employees in SPMS are generally entitled to six days, not to exceed 48 hours, of personal leave with pay at the beginning of the first full pay period of the calendar year. If an employee begins employment on or after March 1, the number of

personal days is reduced, based on the employee's start date. Personal leave may be used for any purpose, generally, after notice is given to the employee's immediate supervisor.

Leave policies are generally comparable across branches and personnel systems, with some variations.

State Expenditures: Expanding the State's 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, an affected agency may incur coverage costs for overtime or a loss of productivity. Even so, any such cost, if realized, is likely to be minimal as fetal deaths and deaths under the age of 27 occur infrequently. The [Maryland Vital Statistics 2021 Annual Report](#) notes there were 479 fetal deaths and the Department of Legislative Services (DLS) estimates there were 1,533 deaths of individuals younger than age 27 in 2021 in Maryland. Based on those death rates and the percentage of State employees that make up Maryland's working age population, DLS estimates that fewer than 90 State employees would be eligible for the leave granted under the bill annually. More than one-third of those employees would likely be eligible for up to 60 days of parental bereavement leave, with the remainder eligible for up to 10 days of parental bereavement leave.

Agencies may need to train human resources employees on the parental bereavement leave policy, and units with independent personnel systems may need to make configuration changes to those systems, which they can likely do with existing budgeted resources.

Additional Information

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

Designated Cross File: HB 52 (Delegate Stewart) - Appropriations.

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

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Analysis by: Heather N. MacDonagh

Direct Inquiries to:
(410) 946-5510
(301) 970-5510