

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 921
Appropriations

(Delegate J. Lewis)

State Employees - Colleague Bereavement Leave

This bill entitles all State employees in the Executive, Judicial, and Legislative branches, including temporary employees, to use up to five days of paid colleague bereavement leave immediately following the death of a colleague who is employed by the same agency as the employee if (1) the colleague's death occurs on the job and (2) the employee works in close proximity to the colleague who died. An employee must notify the employee's appointing authority of the employee's intention to use colleague 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 colleague 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. Revenues are not affected.
Local Effect: None.

Small Business Effect: None.

Analysis

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.

Chapter 419 and 420 of 2024 entitles all State employees in the Executive, Legislative, and Judicial branches, including temporary employees, 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 paid 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.

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 5 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. The Maryland State Police notes that when there is a line-of-duty death, employees are afforded many services, including time off (which affects their personal accrued leave).

However, in limited circumstances, an affected agency may incur coverage costs for overtime or a loss of productivity. Such costs are more likely than for other types of leave as the bill allows employees to take colleague bereavement leave without the approval of their supervisor. Even so, any such cost, if realized, is likely to be minimal as deaths on the job occur infrequently and the bill is limited only to employees who work in close proximity to the colleague who died. This analysis assumes a death on the job means a work-related death. Although close proximity is not defined by the bill, this analysis assumes it would apply only to a small number of employees, thereby not creating a massive staffing shortage within an agency. To the extent that these terms are more broadly defined in regulations, there may be a greater impact on affected agencies.

Agencies may need to train human resources employees on the colleague 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. Additionally, grievances may increase relating to any denial of leave.

Additional Information

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

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); University System of Maryland; Department of Budget and Management; Department of Public Safety and Correctional Services; Department of State Police; Maryland Department of Transportation; Department of Legislative Services

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