



Testimony in Opposition of HB 839

“Family & Medical Leave Insurance Program” Submitted to the House Economic Matters Committee

February 24, 2020

Dear Chairman Davis and Members of the Committee.

I am the Governmental Affairs Chair for the Maryland Society for Human Resource Management State Council, Inc. (“MD SHRM”). MD SHRM represents more than 7,000 members of SHRM across the state. MD SHRM is acutely aware that family and medical leave laws are on the rise and paid time off to care for family and serious health conditions can be a rewarding benefit. MD SHRM is not opposed to family and medical leave. However, MD SHRM does have significant concerns with the implementation and compliance with HB 839 and is in opposition to the bill as written.

MD SHRM opposes the bills for the following reasons:

- It creates undue financial and administrative burdens, particularly for small employers and non-profits.
- The definitions and requirements do not align with the federal FMLA or MD sick and safe leave; expanding definitions of use and eligibility; allowing for inconsistent application and confusion.
- It places significant challenges on small employers by providing up to 24 weeks of leave in one calendar year, mandating that an employer hold the job open.
- As a mandate for all employers, regardless of size, it makes it difficult to support.

HR professionals are charged with administering employer leave and benefit programs. At present, Maryland and the federal government require employers to provide a significant number of leave benefits. Maryland alone mandates that employers offer Maryland sick and safe leave, Maryland Parental leave, Maryland Flexible leave, Organ Donor Leave, Maryland Military Leave for Deployment of Family members, Voting leave, Montgomery County Sick and Safe Leave, Jury Duty, Pregnancy leave, FMLA, disability. Most small employers and non-profits cannot afford full time HR professionals or employment attorneys to properly navigate the all of the state and federal mandated leave laws. Thus, leaving these employers to do the best they can while facing significant penalties and fines if they make one mistake.

This mandate of paid family and medical leave is not feasible for MD SHRM to support. It does not allow employers to provide flexible leave and benefit options within their budget.

Employers who can provide paid leave do so and do so with many alternative options. Small business employers who financially cannot will not be able to support such a program in addition to the already numerous programs that exist. The bill does not allow for the coordination of all of the paid leave and benefits an employer offers.

HR professionals and employers have firsthand knowledge of the challenges that this bill presents. MD SHRM seeks to work with the bill proponents to establish a more balanced and administratively feasible family and medical leave insurance program that this bill, as written, ignores. For the reasons outlined above, **MD SHRM strongly urges your unfavorable vote for HB 839.**

Respectfully submitted,
Cheryl U. Brown
MD SHRM Governmental Affairs, Chair