

**MARYLAND JUDICIAL CONFERENCE**  
**OFFICE OF GOVERNMENT RELATIONS**

Hon. Mary Ellen Barbera  
Chief Judge

580 Taylor Avenue  
Annapolis, MD 21401

**MEMORANDUM**

**TO:** House Economic Matters Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 375  
Labor and Employment – Family and Medical Leave Insurance  
Program - Establishment  
**DATE:** January 25, 2021  
(2/16)  
**POSITION:** Oppose

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The Maryland Judiciary opposes House Bill 375. This bill establishes the Family and Medical Leave Insurance Program and Fund to provide up to 12 weeks of benefits to covered individuals taking leave from employment for a qualifying reason.

This bill raises separation of power concerns as it impedes the Judiciary's independence. Article IV, §18(b)(1) identifies the Chief Judge of the Court of Appeals as the administrative head of the Maryland Judiciary. The power to administer the Judiciary is not an implied or inherent power but is an express constitutional power of the Chief Judge. This constitutional authority includes managing the Judiciary's personnel.

The Judiciary has its own comprehensive personnel system with policies that address recruitment, supervision, grievances, and termination. The Judiciary is exempt from those aspects of the State Personnel Management System. Indeed, in 1996, as part of the comprehensive personnel reform bill, the General Assembly enacted State Personnel and Pensions Article §2-201, which says "Except as otherwise provided by law, an employee in the Judicial, Legislative, or Executive Branch of State Government is governed by the laws and personnel policies and procedures applicable in that branch." The Judiciary, therefore, submits that the same principle should be applied here: that this legislation should not be applied to the Judiciary.

The bill could also have a large operational impact on the Judiciary workforce as it expands leave benefits beyond what is currently allowed by Judiciary policy and the federal Family and Medical Leave Act, potentially leading to increased absences. The increased absences could have an operational impact, the extent of which could be substantial.

Finally, this legislation could have a significant fiscal impact on the Judiciary at an initial cost in excess of \$1.6 million. This cost has not been budgeted by the Judiciary.

cc. Hon. Kriselda Valderrama  
Judicial Council  
Legislative Committee  
Kelley O'Connor