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THE SENATE OF MARYLAND
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SB473: Labor and Employment – Leave with Pay -- Bereavement Leave

February 11, 2021

Finance Committee

Madame Chair, Vice Chair and members of the Finance Committee:

In the state of Maryland we have done an admirable job establishing definitions for types of leave. Current statute allows for leave for a personal illness or to take care of an ill family member, but there is nowhere in current statute that codifies bereavement as a qualified leave category.

SB473, The Family Bereavement Act, simply codifies “bereavement” as a form of leave under the current leave statute. This legislation **does not mandate leave, extend leave or add leave**, it simply recognizes bereavement as a *permissible* form of leave. This bill would in no way change or affect any leave policies that employers may or may not currently offer. It simply would make bereavement a recognized form of leave at workplaces that already offer leave to their employees.

And to be very clear, SB473 does not impede on or distract from the *Maryland Sick & Safe* or the *Time to Care Acts* because the legislation would fall under the existing Maryland Flexible Leave Act which already provides paid leave to its employees and prohibit the employer from taking action against an employee who exercises the rights granted under this provision.

Why is Bereavement Leave Important?

Research by the NIH, the American Psychiatric and Psychological Associations, and numerous experts in the field of human services recognize that when an individual experiences a loss of a loved one, they undergo differing levels of trauma associated with that loss. And without proper time for acclimation, individuals can experience damage to their mental health and other long-term negative effects. The effects of trauma experienced may exacerbate or lead to substance abuse, depression, anxiety, sleep disorders, relationship issues etc.

Bereavement leave, just as other forms of leave, provides needed time to recover from incidents in life that would otherwise impede a person's capability of fully performing their employment responsibilities and preventing further negative impacts.

- The Society for Human Resource Management has acknowledged that Individuals need time without the stress and obligations of their employment to handle the affairs surrounding the loss of a loved one. It can be a full time job dealing with a funeral, settling an estate, handling a loved one's personal effects etc.
- The Psychiatric Times states that 40% of grieverers meet the criteria for major depression one month after their loss, and 24% still meet the criteria after two months.
- Mourning a loss can cause focus and concentration issues, inability to handle stress, time management – all things that can negatively impact job performance and performance evaluation.
- Allowing for proper bereavement leave can only benefit employers -- employees will return more focused, which ultimately promotes a more productive employee.

The reality is that grief costs. The question is whether we want to pay less now, or more later. The true cost of grief in the workplace is underestimated. About 2.5 million people die in the United States annually, each leaving an average of five grieving people behind. The United States loses up to \$75 billion annually in the workforce given the lack of support and scheduling flexibility needed for the griever.

Currently two large organizations, Facebook and MasterCard, have begun offering up to 20 days of bereavement leave in the event of a family member's death. MasterCard is offering 20 days for the loss of a spouse, domestic partner, child or stepchild; 10 days for the loss of a parent, sibling, grandparent or grandchild (including in-laws and step relationships); and five days for an extended family member's death.

The American Psychological Association states that most grieverers can recover from loss on their own through the passing of time if the griever has social support and healthy habits. SB473 will assist in the allowance of needed time to gain access to social support, inside and outside of the organization, and the ability to create or maintain healthy habits for creating a new normal without their loved one.

In conclusion, providing clarity in the law, by codifying "bereavement" as a leave type, would ultimately benefit both the individual and the employer. And given that we are in a global pandemic where individuals are often not even able to say goodbye to loved ones, this legislation is needed more than ever. Therefore I urge a favorable report on SB473.

In Partnership,



Senator Mary Washington, 43rd District