



**HOUSE ECONOMIC MATTERS COMMITTEE**

**House Bill 8**

**Labor and Employment – Family and Medical Leave Insurance Program**

**February 15, 2022**

**Carolyn W. Skolnik, USM Associate Vice Chancellor**

**Favorable with Amendment**

Chair Wilson, Vice Chair Crosby and committee members, thank you for the opportunity to share our thoughts on House Bill 8. This bill would require the USM's institutions to participate in a Family and Medical Leave Insurance Program (FMLIP) that would provide some wage replacement when an enrolled employee is absent from work for up to twelve weeks for reasons that are similar to, but not exactly the same as, the reasons set forth by the federal Family and Medical Leave Act.

The USM is dedicated to improving the lives of its stakeholders, including the thousands of employees who work every day in support of its mission as the public system of higher education in Maryland. Toward that end, the USM provides its employees a generous array of paid family, parental and military leave benefits that meet or exceed federal and State laws on Family and Medical Leave and the Maryland Healthy Working Families Act, and are clearly more generous than benefits available to employees in the private sector.

It is on this basis of the leave benefits already provided to regular employees, detailed on the attached chart, that the USM requests exclusion from House Bill 8. We support the underlying tenets of the bill, but without such an amendment, the generous paid leave benefits already provided to the USM's regular faculty and staff would be expanded to include paid leave an enrolled employee would be eligible to take under the bill's proposed insurance program. This could be cost-prohibitive for the USM to implement, particularly as it remains focused on keeping higher education affordable and accessible in Maryland.

In addition, while difficult to estimate precisely, the effects on USM institutions of imposing what is essentially a new payroll tax will be significant, both financially and administratively, requiring additional employees at each institution to administer the complexities of the program along with the USM's existing leave programs. The effects on USM employees will include a wage deduction for a new insurance program that significantly duplicates existing employee benefits.

Again, the USM supports the underlying tenets of House Bill 8, with amendment to exclude it from coverage, based on the generous paid leave benefits the USM already provides to employees for the same purposes as the proposed Family and Medical Leave Insurance Program.

Exempting the USM from House Bill 8 supports the USM in keeping higher education affordable and accessible in Maryland, which is among the greatest goods to society.



## Certain Leave Policies Available to USM Regular Faculty & Staff for Use During Family & Medical Leave

Policy	Eligibility	Amount of Leave	Comments
<b>Sick &amp; Safe Leave</b> – VII-7.45 for staff; II-2.30 for faculty	Any illness or injury or “safe leave” of a faculty or staff member or their immediate family member. Also includes childbirth, adoption, parental leave, & death of relative.	Accrue 15 days/yr. Pro-rated based on FTE if at least 50% time and faculty appointment type. No limit on accumulation.	In addition to regular sick leave, Faculty also have access to collegial sick leave at rate of 25 workday per acad. year. Use of more than 25 days is charged as regular sick leave.
<b>Parental Leave</b> VII-7.49 for staff and II -2.25 for faculty	Eligible after 6 months’ employment; must first exhaust available annual, personal and holiday leave. Available to regular staff, tenured and tenure-track faculty, and non-tenure track faculty w/multi-year contracts	Minimum assured period of 12 weeks annually of paid parental leave to child’s primary caregiver	
<b>Holiday Leave</b> – VII – 7.30	Regular Exempt and Nonexempt staff	Accrue 14 or 15 days/yr.	Faculty are paid, but not required to work, on university holidays.
<b>Personal Leave</b> - VII-7.10 Personal Leave for Regular Nonexempt and Exempt Staff	All regular staff employees. Pro-rated for PT staff working 50% or more.	Accrue 3 days/yr	No carry-over from year to year.
<b>Annual Leave</b> - VII-7.00 for staff; II-2.40 for faculty	Accrues from the date of hire and is available as earned.  May use only with supervisor’s prior approval.	*Nonexempt staff accrue on sliding scale from 11 – 25 days/year based on length of service *Exempt staff accrue on sliding scale from 22 – 25 days/year based on length of service *Faculty accrue based on contract type: 12-month contract - same as Exempt 10-month contract - 15 days that must be used last 15 days of contract	Pro-rated based on FTE. 50 day (400 hour) maximum carryover, also based on FTE.
<b>Advanced Sick Leave (ASL)</b> in Sick Leave Policy VII-7.45 for staff	Available immediately. Must have exhausted all accrued leave & have satisfactory record. Available for employee’s recoverable illness or injury or for parental leave.	15 days per year of service up to 60 days in a calendar year, based on FTE. Pro-rated during first year of service.	Must be repaid upon return to work @ rate of ½ Sick and Annual Leave accrued each pay period
<b>Extended Sick Leave (ESL)</b> in Sick Leave Policy VII-7.45 for staff	Must have 5 years of service and must have exhausted all types of accrued leave and ASL. Otherwise, same as ASL.	52 work weeks over entire USM or State service.	Does not require repayment.
<b>Leave Reserve Fund</b> for Regular Status Nonexempt and Exempt Staff Employees VII-7.11	Must have 1 year of service and must have exhausted all types of accrued leave, ASL, and ESL. Otherwise, same as ASL.	One day per month of creditable service.	Does not require repayment.

See also other related policies:

VII-7.23 Military Leave with Pay for Nonexempt and Exempt Staff Employees

VII-7.24 Call-Up to Active Military Duty During a National or International Crisis or Conflict for Nonexempt and Exempt Staff Employees

VII-7.40 Accident Leave for Nonexempt and Exempt Staff Employees

VII-7.50 Family and Medical Leave for Nonexempt and Exempt Staff Employees  
II-2.31 Family and Medical Leave for Faculty  
II-2.00 Sabbatical Leave for Faculty