



UNIVERSITY SYSTEM *of* MARYLAND

SENATE FINANCE COMMITTEE

Senate Bill 539

Labor and Employment – Family and Medical Leave Insurance Program - Establishment

February 27, 2020

Favorable with Amendment

Chair Kelley, Vice Chair Feldman and committee members, thank you for the opportunity to share our thoughts on Senate Bill 539. This bill would require the USM institutions to participate in a Family & Medical Leave Insurance Program that provides job protection and wage replacement at a certain level for employees who need to be absent for up to twelve weeks due to reasons generally set forth in the federal Family & Medical Leave Act.

The University System of Maryland (USM) complies substantially with the requirements and underlying principles expressed in Senate Bill 539. On that basis, the USM urges a favorable report with an amendment that would exempt the USM on the basis of the benefits our employees currently enjoy.

Attached is a chart showing the various leave benefits available to regular faculty and staff who need to be absent for purposes recognized under the federal Family & Medical Leave Act. Compared to private sector leave policies, these policies are extremely generous. **USM employees are guaranteed twelve weeks of paid parental leave and may use the various other forms of accrued leave while they are absent for their own or their family member's health condition or military-related absences as set forth in the federal law.**

If the USM is not exempted, there are several problems with applying the language of the bill in the context of employee work schedules and the employment categories of most higher education institutions, not just the USM. It appears the bill would apply not just to regular faculty and staff, but also to those more temporary categories of employees, such as Contingent I and Contingent II employees, “contractual” faculty, adjunct faculty, and undergraduate student employees. Those employees are typically short-term employees who often do not work regular schedules. USM institutions regularly employ adjunct faculty and certain staff employees on an “if and when needed” basis and for periods of six months or less.

The bill states that employees would be eligible for benefits if they worked 680 hours during the preceding calendar year. This could mean that a full-time Contingent I employee on a six month contract during the fall 2019 semester, who took another job in the interim but returned to the university on another six month contract for the fall 2020 semester, could be eligible for a twelve week paid leave the day they begin another contract six months later. They would then be absent for most of the semester and the university would need to scramble to provide coverage for a class or other necessary operation at the last minute, which potentially doubles the cost of providing the service.

Again, the USM is supportive of the underlying tenets of Senate Bill 539 and believe an exemption works best for the continued benefit of USM faculty and staff.

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

Policy	Eligibility	Amount of Leave	Comments
Sick & Safe Leave – 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.
Parental Leave 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	
Holiday Leave – 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.
Personal Leave - 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.
Annual Leave - 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.
Advanced Sick Leave (ASL) 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
Extended Sick Leave (ESL) 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.
Leave Reserve Fund 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-7.50 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
- VII-1.40 Contingent Status Employment for Exempt and Nonexempt Employees
- VII-7.46 Sick and Safe Leave for Certain Eligible Contingent Category 1 and Other Part-time, Hourly, or Non-Regular Staff and Student Employees