

**BILL:** Senate Bill 304  
**TITLE:** Maryland Healthy Working Families Act – Enforcement – Delayed Implementation  
**DATE:** January 24, 2018  
**POSITION:** SUPPORT WITH AMENDMENTS  
**COMMITTEE:** Finance Committee  
**CONTACT:** John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) supports Senate Bill 304 with the following amendments.

First, MABE requests an amendment to treat daily, on-call as-needed, employees in the public school setting in the same manner as daily on-call as-needed employees in the health and human industries. The amendment would make a very meaningful amendment to the section of the Healthy Working Families Act governing substitute teachers and other similarly situated school employees.

A section of the Labor and Employment Article, as amended by the Healthy Working Families Act (House Bill 1, Chapter 1 of 2018) already exempts daily substitute employees, but only in “a health or human services industry.” MABE believes a logical extension of this exemption would be to similarly exclude daily employees in local school systems. This exemption would only be for those school employees who: are called to work on an as-needed basis, can reject or accept the shift offered, and are not guaranteed to be called on to work. Again, these conditions are already in the law for health or human service industry employees.

This amendment would avoid the scenario that a school system calling on a substitute teacher or bus driver to work on any given day could be informed that the part-time employee is instead taking compensated sick leave. The school system would then have to incur that expense, continue to seek a substitute who is available, and calculate earned sick leave for that “substitute for a substitute” under the law.

The section of the law, as amended, would read as follows: 3–1303. (a) This subtitle does not apply to an employee who: ... (3) (i) is called to work by the employer on an as-needed basis in a health or human services industry, OR COUNTY BOARD OF EDUCATION.

Second, MABE requests an amendment to Senate Bill 304 to align the new law’s requirements with the beginning of the FY 2019 fiscal year. To determine the eligibility of part-time employees, such as substitute teachers, school systems would have to adopt new policies and absorb the administrative expenses associated with recordkeeping, documentation, and notification requirements. This amendment would avoid the imposition of administrative costs associated with reforming personnel systems and new sick and safe leave benefit expenditures arising during the current FY 2018 budget year.

For these reasons, MABE requests a favorable report on Senate Bill 304, with the amendments described above. The amendments MABE is requesting are provided on the reverse side of this testimony.

## **MABE Requested Amendments to Senate Bill 304**

### Amendment 1

In lines 10 and 11, strike “60 days after February 11” and replace with “July 1”.

### Amendment 2

After line 11, insert the following:

“SECTION 2. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

#### **Article – Labor and Employment**

3-1303.

(a) This subtitle does not apply to an employee who:

(1) Regularly works less than 12 hours a week for an employer;

(2) (i) Is employed in the construction industry; and

(ii) Is covered by a bona fide collective bargaining agreement in which the requirements of this subtitle are expressly waived in clear and unambiguous terms; or

(3) (i) Is called to work by the employer on an as-needed basis in a health or human services industry, OR BY A COUNTY BOARD OF EDUCATION;

(ii) Can reject or accept the shift offered by the employer;

(iii) Is not guaranteed to be called on to work by the employer; and

(iv) Is not employed by a temporary staffing agency.”

In line 12, strike “2” and replace with “3”.