

BILL: Senate Bill 686
TITLE: Maryland Healthy Working Families Act – Applicability
DATE: February 21, 2019
POSITION: SUPPORT
COMMITTEE: Finance Committee
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The Maryland Association of Boards of Education (MABE) strongly supports Senate Bill 686.

MABE strongly supports this bill in order 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 services industries.

This bill 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 the exemption applying to employees in health and human services industries would be to similarly exclude daily employees in local school systems. This exemption would only be for those school employees who: (1) are called to work on an as-needed basis, (2) can reject or accept the shift offered, and (3) 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 bill is needed to 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.

For these reasons, MABE urges a favorable report on Senate Bill 686.