

**BILL:** Senate Bill 165  
**TITLE:** Maryland Healthy Working Families Act – Applicability  
**DATE:** January 21, 2021  
**POSITION:** SUPPORT  
**COMMITTEE:** Finance Committee  
**CONTACT:** John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) strongly supports Senate Bill 165.

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 under the very broad umbrella of the “health or human services industry.” MABE believes a logical extension of the exemption already applying to employees in health and human services industries would be to similarly include daily on-call temporary employees in local school systems.

The exemption being requested would be only 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 are the same criteria in the law used since 2018 to exempt employees in the health or human service industries.

Local school systems value the services provided by substitute teachers, some of whom are full-time, or long-term substitutes, and others who provide more limited daily services as needed, and entirely at the employee’s discretion. This bill would limit the application of the law governing earned sick-leave for the latter group, on par with the law’s treatment of on-call staff with the discretion to work or not within the health care and human service industries.

For these reasons, MABE urges a favorable report on Senate Bill 165.