

# BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY

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**BILL: SB304 MARYLAND HEALTHY WORKING FAMILIES ACT - ENFORCEMENT - DELAYED IMPLEMENTATION**

**HEARING DATE: JANUARY 24, 2018**

**COMMITTEE: FINANCE**

**POSITION: SUPPORT WITH AMENDMENTS**

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The Board of Education of Anne Arundel County supports **SB304 MARYLAND HEALTHY WORKING FAMILIES ACT - ENFORCEMENT - DELAYED IMPLEMENTATION** with amendments. This emergency bill prohibits the Commissioner of Labor and Industry from enforcing specified provisions of the Maryland Healthy Working Families Act, which include issuing orders, assessing civil penalties, and bringing actions against employers, until 60 days after February 11, 2018.

The Maryland Healthy Working Families Act has significant fiscal implications for local school systems. This law applies to temporary employees, including substitute teachers. Currently, substitute teachers receive an invitation to work at a school, and they have the ability to accept or reject the assignment based upon their needs and interests. However, under the new law, Anne Arundel County Public Schools and local school systems in the State would be required to provide sick leave for these substitute teachers and other temporary employees at an increased cost to local school systems. As such, the Board of Education of Anne Arundel County proposes an amendment to treat daily, on-call, as-needed employees in local school systems in the same manner as daily on-call as-needed employees in the health and human services industry. This amendment would address 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.” Therefore, we believe 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. This exemption is already in the law for health or human service industry employees.

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 health or human services industry, **OR COUNTY BOARD OF EDUCATION.**

The Board of Education of Anne Arundel County also proposes an amendment to align the new law’s requirements with the beginning of the FY 2019 fiscal year. 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. Local school

systems will be required to adopt new policies and absorb the administrative expenses associated with recordkeeping, documentation, and notification requirements in order to determine the eligibility of part-time employees, such as substitute teachers, and this amendment will allow for additional time to make the necessary adjustments.

Accordingly, the Board of Education of Anne Arundel County respectfully requests a FAVORABLE committee report on SB304 with the above-referenced amendments.

**The Board of Education of Anne Arundel County requests the following amendments to SB304:**

**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”.