



Maryland Healthy Working Families Act Frequently Asked Questions (FAQ)

While Montgomery College already provides generous benefits to its employees – the amount of which depends on the employee type and years of service – the new Maryland Healthy Working Families Act (MHWFA) expands on the College’s offerings.

The Maryland Healthy Working Families Act (MHWFA) establishes a uniform minimum “sick and safe leave” program for the state of Maryland. This act, **effective February 11, 2018**, requires employers with 15 or more employees to provide sick and safe leave to their employees.

The following information outlines the legislation as we can best present at this time. As administrative regulations and guidance becomes available from the state of Maryland, we will be communicating with the College community as to how it affects employees and how we are complying with this new law and operationalizing this new program.

If you have questions regarding the MHWFA or sick and safe leave, please contact LeaveRequest@montgomerycollege.edu or 240-567-5396

(Note: [Items 17 through 19](#) specifically relate to employees covered by a bargaining agreement.)

1. What is the Maryland Healthy Working Families Act (MHWFA)?

The Maryland Healthy Working Families Act (MHWFA) establishes a uniform minimum “sick and safe leave” program for the state of Maryland. This act, **effective February 11, 2018**, requires employers with 15 or more employees to provide sick and safe leave at the same rate as the employees normally earns. Employers must provide at least one hour of safe and sick leave for every 30 hours work.

2. What is Sick and Safe Leave (SSL)?

SSL is broader than the College’s previous sick leave provision. SSL allows eligible employees to accrue and use leave for the following reasons:

- To care for or treat an employee’s mental or physical illness, injury, or condition.
- To obtain preventive medical care for an employee or employee’s family member.
- To care for a family member with a mental or physical illness, injury, or condition.
- For maternity/paternity leave.

- In domestic violence, sexual assault, and stalking situations against the employee or the employee's family member:
 - Medical or mental health attention;
 - Services from a victim services organization;
 - Legal services or proceedings;
 - During the time the employee has temporarily relocated.

3. Who are covered by this new law?

The law covers all employees. However, the impact will be different based on the employee type:

- Full-time faculty, regular full-time, regular part-time and temporary with benefits employees will not see any significant impact as their current leave benefits are more generous than the new law requires.
- Part-time credit and non-credit faculty, casual temporary staff, and student aides and work study students will be immediately affected by the new law.

4. The law allows employees to use leave to care for “family members.” What does “family member” mean?

A family member includes:

- Child (biological, adopted, foster, stepchild, child for whom the employee has legal or physical custody or guardianship, and a child for whom the employee stands in loco parentis).
- Parent (biological, adoptive, foster, and stepparent of the employee or the employee's spouse, legal guardian, and an individual who acted as a parent or stood in loco parentis to the employee or employee's spouse).
- Spouse.
- Grandparent (biological, adopted, foster, or step grandparent of the employee).
- Grandchild (biological, adopted, foster, or step grandchild of the employee).
- Sibling (biological, adopted, foster, step-sibling of the employee).

5. Can a supervisor ask for proof of relationship?

Any questions regarding whether an employee is properly using SSL should be initiated through HRSTM or with HRSTM's guidance. This includes questions regarding proof of a familial relationship, which the College may seek so long as it does not request verification of the reason for the SSL until the employee has used SSL for more than two consecutive scheduled workdays. (see FAQ #4 for additional information).

6. Can a supervisor ask questions about an employee's SSL use?

Consistent with College policy, a supervisor may ask an employee why the leave is being taken -- meaning whether the leave is vacation, SSL, annual leave, etc. However, a supervisor should not ask an employee for documentation regarding the leave or specifics about the reason for the

leave if the leave is one of the SSL reasons set forth in FAQ #1. Instead, contact Farah.Vivas@montgomerycollege.edu, who will conduct further inquiry, if appropriate.

7. Can an employee be required to use leave at a certain number of hours?

SSL should be reported in increments of 0.01. Full-time and part-time credit and non-credit faculty should use leave in accordance with department guidelines.

8. How is SSL reported?

Employees who complete on-line timesheets should record SSL accordingly. Credit and non-credit part-time faculty should report leave in accordance with their department guidelines.

9. Who can use SSL?

All employees who regularly work at least 12 hours per week/24 hours per pay period are entitled to SSL.

Employees in the AFSCME bargaining unit and AAUP bargaining unit, however, must follow the provisions in those agreements regarding sick leave until those contracts are modified. Eligible employees in the SEIU bargaining unit are entitled to SSL -- see FAQ 19 for additional information.

Full-time and part-time regular employees and temporary with benefit employees will continue to accrue sick and safe leave in accordance with P&P 35003CP as their current leave benefits are more generous than the new law requires.

10. Where can employees find information regarding SSL balances?

Each pay period, the College will update each employee's SSL accrual and use. This information will be available to employees to view in MyMC.

11. At what rate is SSL paid?

SSL is paid at the employees' normal wage rate.

12. When can a new employee begin using SSL?

New employees who meet eligibility may begin using SSL immediately, if needed.

13. How is SSL accrued?

Eligible employees will accrue 1 hour of SSL for every 30 hours worked. SSL is accrued for every hour an employee works as long as the employee works at least 24 hours in a pay period.

Additionally, these employees may:

- accrue no more than 40 hours of SSL in a year;
- carry over no more than 40 hours of accrued SSL;
- accrue no more than 64 hours of SSL at any time;
- use no more than 64 hours of SSL in a year; and

As a result of MHWFA, all eligible employees will be entitled to have any unused SSL reinstated if their re-employment with the College occurs within 37 weeks of termination.

P&P 35003CP Section I.A.2.a. will be modified to refer to sick and safe leave, however, the rate at which SSL will be earned will remain the same for full-time and part-time employees, because the accrual rate is more generous than that required by the MHWFA. Section I.A.2.c. has been modified to reflect that part-time employees who regularly work 12 or more hours per week are entitled to SSL under P&P 35003CP.

14. May the College require notice of SSL use?

P&P 35003CP Section I.3. has been modified to comply with the MHWFA. SSL that is foreseeable must be requested at least seven (7) days in advance. SSL that is not foreseeable must be requested as soon as possible, though employees must generally comply with Section I.3. Furthermore, an employee's use of SSL for a permitted reason will not be counted against the employee as part of Section I.3.

15. May SSL be denied?

Yes. An employee's request for SSL may be denied if the employee does not provide notice and the employee's absence will cause disruption to the College. Any decision to deny a request to use SSL should be vetted through HRSTM.

16. May a supervisor request documentation to support an employee's use of SSL?

If an employee's use of sick and safe leave appears excessive or questionable, the supervisor shall contact the VP/Chief Human Resources Officer, or designee. All verification requests should be coordinated by HRSTM. Furthermore, if an employee with earned/accrued SSL who takes SSL, but does not provide verification that is appropriately required by the College will no longer be treated as being on leave without pay. Instead, that employee may subsequently be denied SLL that is sought for the same reason.

17. Does the MHWFA impact employees in the AFSCME bargaining unit?

No. Section 8.1 of the AFSCME contract addresses sick leave for covered employees. Unless and until the contract is modified, please refer to Section 8.1(a) for information regarding the reasons sick leave may be used by employees in the AFSCME bargaining unit; Section 8.1(b) for information regarding eligibility and accrual of sick leave under the AFSCME contract; Section 8.1(c) for information regarding the notice requirements for use of sick leave by employees in the AFSCME bargaining unit, when sick leave may be denied, and what information the College may request from employees using sick leave; and 8.1(d) regarding disposition of sick leave upon termination.

18. Does the MHWFA impact employees in the SEIU bargaining unit?

Yes. All employees who regularly work 12 or more hours per week are entitled to SSL that is provided in a manner that meets the minimum requirements of the MHWFA. Currently, Section 10.2 of the SEIU contract states that, “[a]n employee is permitted to be absent from one (1) session of each course taught in a semester without penalty. An employee who is absent from more than one session of a course taught in a semester shall have the pro rata share of the amount paid for the session(s) deducted from his or her pay.” This provision continues to apply to all employees covered by the SEIU contract.

In addition to the language in Section 10.2, employees covered by the SEIU contract will accrue SSL at a rate of one (1) hour of SSL for every 30 hours worked. For purposes of ESS, every hour of ESH is calculated as 2.25 working hours, meaning that an adjunct faculty member teaching nine (9) ESH in a semester would work 20.25 hours per week. An adjunct faculty member teaching six (6) ESH in a semester would work 13.5 hour per week.

19. Does the MHWFA impact employees in the AAUP bargaining unit?

No. Members of the AAUP bargaining unit are covered by the current MC-AAUP bargaining agreement’s sick leave provisions until the current contract expires in FY 2025. Unless and until the contract is modified, please refer to Section 6.1 of the AAUP contract regarding payment and leave for sickness or disability. Section 6.1(A) address the permissible reasons sick leave may be used under the AAUP contract, covered family members, and sick leave availability outside of the academic year; Section 6.1(B) addresses leave accrual; Section 6.1(C) addresses the carryover of leave from year to year and disposition of accrued leave upon termination; Section 6.1(D) addresses the crediting of leave at the beginning of each academic year and the College’s ability to recover advanced leave; Section 6.1(E) governs non-academic year leave use; and Section 6.1(F) addresses how notice of leave must be provided.