

To: Montgomery College Community

From: Dr. Janet Wormack, Senior Vice President of Administrative and Fiscal Services
Mr. Robert G. Roop, Chief Human Resources Officer

Subject: Maryland Healthy Working Families Act Implementation

Date: February 21, 2018

Currently, the College has an exceptional leave and benefits program offered to full-time faculty, regular full-time staff, regular part-time staff, and temporary staff with benefits. However, with the passage of The Maryland Healthy Working Families Act (MHWFA), the College is pleased to inform you that part-time credit and non-credit (WDCE) faculty; casual temporary staff; student aides and work-study students, if eligible, will be offered a uniform minimum sick and safe leave program.

For full-time faculty, regular full-time staff, regular part-time staff, and temporary with benefits staff, there will be no significant impact, as their current leave benefits are more generous than the new law requires.

Listed below is more information on The Maryland Healthy Working Families Act (MHWFA).

Background

The Maryland State legislature has been working for some time on legislation that would require employers to provide sick and safe leave to a greater number of employees within the state. As a result, The Maryland Healthy Working Families Act (MHWFA) was recently adopted which establishes a uniform minimum sick and safe leave program. This act, effective February 11, 2018, states employers with 15 or more employees are required to provide such leave. The following information outlines the legislation as we can best present at this time. As administrative regulations and guidance become available from the state of Maryland, we will be communicating with the College community as to how it impacts affected employees and how we are complying with this new law and operationalizing this new program.

New Law

The Maryland Healthy Working Families Act (MHWFA) establishes a uniform minimum mandatory sick and safe leave (SSL) program, which took effect on February 11, 2018. The law requires employers with 15 or more workers to offer annual paid SSL. Montgomery College employees working at least 12 hours a week and 24 hours in a two-week pay period would accrue paid SSL under the law. The MHWFA does not include employees under the age of 18 and individuals employed by a temporary agency to provide temporary staffing.

Employees who meet the eligibility requirements will be entitled to accrue at least one hour of SSL for every 30 hours worked as long as they work at least 12 hours a week and 24 hours in a two-week pay period.

Who Will Be Impacted by MHWFA at Montgomery College?

The following Montgomery College employees, if eligible, may be affected by the MHWFA:

- part-time credit and non-credit (WDCE) faculty;
- casual temporary staff; and
- student aides and work study students.

For full-time faculty, regular full-time staff, regular part-time staff, and temporary with benefits staff, there will be no significant impact, as their current leave benefits are more generous than the new law requires.

Sick and Safe Leave (SSL) may be used for the following reasons:

- to care for or treat an employee's mental or physical illness, injury, or condition;
- to obtain preventative care for an employee or an employee's family member;
- to care for or treat a family member of an employee with a mental or physical illness, injury, or condition;
- for maternity or paternity leave;
- for specified circumstances due to domestic violence, sexual assault or stalking committed against the employee of the employee's family member.

Under MHWFA, a "family member" includes:

- a biological child, an adopted child, a foster child, or a stepchild of the employee;
- a child for whom the employee has legal or physical custody or guardianship;
- a child for whom the employee stands in loco parentis, regardless of the child's age;
- a biological parent, an adoptive parent, a foster parent, or a step parent of the employee or of the employee's spouse;
- the legal guardian of the employee
- an individual who acted as a parent or stood in loco parentis to the employee or the employee's spouse when the employee or the employee's spouse was a minor
- the spouse of the employee
- a biological grandparent, an adoptive grandparent, a foster grandparent, or a stepparent of the employee;
- a biological grandchild, an adoptive grandchild, a foster grandchild, or a stepchild of the employee; or
- a biological sibling, an adoptive sibling, a foster sibling, or a stepsibling of the employee.

How Will Employees Earn and Accrue Sick and Safe Leave?

Eligible hourly employees and non-credit part-time faculty (WDCE) will accrue leave as it is earned (i.e., 1 hour of SSL for every 30 hours worked) on a calendar year basis. Part-time faculty will earn their SSL based on their respective workload (ESH) for the semester following the ACA formula (i.e., the number of ESH x 2.25 hours = weekly hours worked). 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;

- not use SSL for the first 106 calendar days of employment; and

Because 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.

Employees will be able to view their accrued balance of SSL in MyMC. Leave that is accrued during each pay period will be available to view once that payroll process has been completed. Employees may use SSL only after it has been accrued and cannot use SSL in advance, with the exception of part-time credit faculty. SSL leave should be reported in 15-minute increments. 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.

Full-time faculty, regular full-time, regular part-time, and temporary with benefits staff employees will see no change in the amount of sick leave they earn or how it is accrued.

How Can I Get More Information?

Following is a link to the [Employee Notice on the Maryland Department of Labor, Licensing and Regulation](http://dldr.state.md.us/paidleave/paidleaveposter.pdf) website: <http://dldr.state.md.us/paidleave/paidleaveposter.pdf>

A [Frequently Asked Questions](#) (FAQ) has been developed to address, more specifically, the provisions of the MHWFA. This FAQ will be updated as necessary as we move forward and receive more clarification and administrative guidance on the law.

Additionally, representatives from Human Resources and Strategic Talent Management will conduct information sessions throughout the College to educate supervisors and employees about the MHWFA and how sick and safe leave will be operationalized. Specific details about the information sessions will be forthcoming.

Any inquiries should be directed to:

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Thank you.