



Flexible leave bills may pass

Business community frets over 'intrusion'

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ANNAPOLIS — The General Assembly is poised to change state laws that govern when private employees can take paid leave, and some in the business community are calling the move an intrusion into the workplace.

"Flexible Leave" bills have passed both the House of Delegates (HB 40) and the Senate (SB 344). They would require employers that offer paid leave to make any earned time off available if an employee has a sick family member. The two chambers will likely have to work out some differences between the two bills in conference committee.

The Senate bill is more limited than the House version. Senators approved a bill that would only apply to children below 18 or who have physical or developmental disabilities. It would also only cover businesses with 15 or more employees.

The House version does not limit coverage based on the number of employees in a business and would allow employees to take leave to care for a child, spouse or parents. The House passed its version Monday, and the Senate bill passed last week. While the House bill passed handily, it met with spirited debate.

Some opponents argued that the bill could discourage employers from offering leave, even if they previously did so.

Del. Ronald George, R-Anne Arundel, said businesses are typically willing to accommodate their workers in case of a family illness. He said the state does not need to get involved.

"I am concerned when government acts as [if] it knows better than business," he said.

Supporters argued that the bill would not require businesses to do anything other than authorize leave that employees already earned. The bill would not force companies to offer leave if they do not already.

"You can only use this leave if there is a current leave policy already in place," said Del. Dereck E. Davis, D-Prince George's.

Other states, including Maine, California, Minnesota and Washington require employers to let workers use some of their earned time off for various family medical reasons.

Maryland firms with more than 50 employees are covered by the federal Family and Medical Leave Act, which allows for up to 12 weeks of unpaid leave for events such as the birth or adoption of a child or a family or personal illness.

Ellen Valentino, Maryland director for the National Federation of Independent Business, said she worries about the potentially increased state presence in the workplace. She said it could lead to laws mandating leave for Maryland's workers.

"There's no question in our minds that's the direction the proponents of this bill are going to go next year," she said.

The Maryland Chamber of Commerce has also opposed the bill, arguing that many of the situations it is designed to address are covered under federal law.

The Community Behavioral Health Association of Maryland, which represents organizations that run rehabilitation, vocational, residential and treatment programs, contends that the industry is not flexible enough to accommodate last-minute employee requests

Both the NFIB and the behavioral health association believe the Senate version is better, but would prefer not to see a bill passed.

Sen. Robert J. Garagiola, D-Montgomery, who sponsored the Senate bill, said the amendments were fair, though he would have preferred not to see the leave policy only extend to children. People may need leave to take care of grandchildren, he said

He said he does not see the bill as harmful.

"It's not going to hurt businesses," Garagiola said. "If they offer leave days, employees should be able to take [them] for a sick family member."

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