



Committee: Joint GO/HHS
Committee Review: At a future date
Staff: Christine Wellons, Senior Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #ParentalLeave

AGENDA ITEM #3B
June 14, 2022
Introduction

SUBJECT

Bill 10-22, Personnel and Human Resources – Paid Parental Leave

Lead Sponsor: Councilmember Friedson

Co-Sponsors: Councilmember Hucker, Council President Albornoz, and Councilmembers Katz and Navarro

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A

DESCRIPTION/ISSUE

Council Bill 10-22 would

- (1) require the County to provide paid parental leave to County employees prior to the effective date of the State Family and Medical Leave Insurance Program;
- (2) require the County to pay an employee's salary, minus benefits under the State Family and Medical Leave Insurance Program, for certain leave taken under the State Family and Medical Leave Insurance Program; and
- (3) generally amend personnel and human resources laws affecting County employees.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

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MEMORANDUM

June 9, 2022

TO: County Council

FROM: Christine Wellons, Senior Legislative Attorney

SUBJECT: Bill 10-22, Personnel and Human Resources – Paid Parental Leave

PURPOSE: Introduction – no Council votes required

Bill 10-22, Personnel and Human Resources – Paid Parental Leave, sponsored by Lead Sponsor Councilmember Friedson and Co-Sponsors Councilmember Hucker, Council President Alborno, and Councilmembers Katz and Navarro, is scheduled for introduction on June 14, 2022. A public hearing is tentatively scheduled for July 12, 2022.¹

The bill would:

- (1) require the County to provide paid parental leave to County employees prior to the effective date of the State Family and Medical Leave Insurance Program;
- (2) require the County to pay an employee's salary, minus benefits under the State Family and Medical Leave Insurance Program, for certain leave taken under the State Family and Medical Leave Insurance Program; and
- (3) generally amend personnel and human resources laws affecting County employees.

BACKGROUND

The purpose of Bill 10-22 is to provide paid parental leave to County employees and to supplement the State's Family and Medical Leave Insurance (FAMLI) program for County employees. The State FAMLI program will be established through Chapter 48 of the 2022 Laws of Maryland. Currently, County personnel regulations allow a County employee to use up to 720 hours (within a 24 month period) of certain other types of paid or unpaid leave (*e.g.*, sick leave or annual leave) as "parental leave" to care for a newborn, newly adopted child, or newly placed foster child.

Under Bill 10-22, there would be a new category of paid parental leave for County employees. The leave would consist of 240 paid hours of parental leave. This leave could be used *in addition to* other accumulated leave; it would not count against the employee's sick, annual or personal leave. Once the State's new FAMLI program becomes operational in 2025, County employees would continue to receive 240 hours of fully paid parental leave; the employee's leave would be paid in part by the FAMLI program. The remainder of the salary would be paid by the County. In effect, the

¹ #SecurityCameras #SecurityIncentives

County would be supplementing the State FAMILI program to ensure that a County employee receives 240 of fully paid parental leave during a 12-month period.

BILL SPECIFICS

Bill 10-22 would establish two different paid parental leave systems depending upon the status of the state law: one system for the time period before the State’s FAMILI program becomes operational in 2025, and a different system for the time period after the State’s FAMILI program becomes operational.

Prior to the State’s FAMILI program, the bill would require the County to provide up to 240 paid hours of parental leave (within a 12 month period) to care for a newborn, newly adopted child, or newly placed foster child. This parental leave would run concurrently with federal FMLA leave, but it would not count against any other employee leave (e.g., sick or annual leave).

Once the FAMILI program becomes operational on January 1, 2025, a new set of County provisions would take effect under the bill, in order to coordinate the County and State leave programs. A County employee would continue to receive 240 hours of fully paid parental leave within a 12-month period, but the County would pay the portion of the employee’s salary that is not covered by FAMILI payments.

The chart attached at ©6 illustrates *parental leave* requirements under: (1) the current County law; (2) Bill 10-22 before the State FAMILI program comes online; and (3) Bill 10-22 after the State FAMILI program comes online.

Under Bill 10-22, the paid parental leave requirement “must not be construed to diminish any employee leave required by a collective bargaining agreement”.

This packet contains:	<u>Circle #</u>
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Bill No. 10-22
Concerning: Personnel and Human
Resources – Paid Parental Leave
Revised: 5/18/2022 Draft No. 1
Introduced: June 14, 2022
Expires: December 23, 2022
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Friedson
Co-Sponsors: Councilmember Hucker, Council President Alborno, and
Councilmembers Katz and Navarro

AN ACT to:

- (1) require the County to provide paid parental leave to County employees prior to the effective date of the State Family and Medical Leave Insurance Program;
- (2) require the County to pay an employee’s salary, minus benefits under the State Family and Medical Leave Insurance Program, for certain leave taken under the State Family and Medical Leave Insurance Program; and
- (3) generally amend personnel and human resources laws affecting County employees.

By amending

Montgomery County Code
Chapter 33, Personnel and Human Resources
Sections 33-27 and 33-28

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Sections 33-27 and 33-28 are amended as follows:**

2 **33-27. Paid Parental Leave – Prior to Commencement of the State Family and**
 3 **Medical Leave Insurance Program.**

4 (a) Definitions. For purposes of this Section, the following words have the
 5 meanings indicated.

6 FMLA leave means employee leave under the federal Family and
 7 Medical Leave Act, 29 U.S.C § 2601 *et seq.*, as amended.

8 Parent means a biological parent, an adoptive parent, or a foster parent.

9 Parent includes the spouse or domestic partner of a parent.

10 (b) Paid parental leave – required.

11 (1) The County must provide paid parental leave under this Section
 12 to a part-time or full-time County employee who:

13 (A) has been in a County merit system position for at least 6
 14 consecutive months; and

15 (B) is the parent of a newborn child, a newly adopted child, or
 16 a newly placed foster child.

17 (2) The paid parental leave under this Section must consist of up to:

18 (A) 240 hours within a 12-month period, for an employee
 19 scheduled to work 40 hours per week; or

20 (B) a prorated amount within a 12-month period, for an
 21 employee scheduled to work more or less than 40 hours a
 22 week.

23 (3) The paid parental leave under this Section must be used within 12
 24 months of the birth of the child, the adoption of the child, or the
 25 placement of the child in foster care.

26 (c) Continuance of salary and benefits.

27 (1) The County must continue to pay an employee on parental
 28 leave under this Section the full salary of the employee.

29 (2) An employee on parental leave under this Section must
 30 continue to receive employee insurance benefits.

31 (3) An employee on parental leave under this Section must
 32 continue to receive retirement credit under the Employees’
 33 Retirement System in Article III or the Retirement Savings Plan
 34 in Article VIII, as applicable.

35 (d) Relationship to other employee leave.

36 (1) Except as provided in paragraph (2) of this subsection, parental
 37 leave taken under this Section must not count against any other
 38 type of leave of the employee.

39 (2) Parental leave taken under this Section must run concurrently
 40 with any FMLA leave of the employee.

41 (e) Collective bargaining. This Section must not be construed to
 42 diminish any employee leave required by a collective bargaining
 43 agreement under this Chapter.

44 (f) Regulations. The Executive may adopt Method (2) regulations to
 45 implement this Section.

46 **33-28. Paid Parental Leave – County supplement to the State Family and**
 47 **Medical Leave Insurance Program.**

48 (a) Definitions. For purposes of this Section, the following words have the
 49 meanings indicated.

50 FAMLI leave means employee leave under the State FAMLI Program.

51 FMLA leave means employee leave under the federal Family and
 52 Medical Leave Act, 29 U.S.C § 2601 et seq., as amended.

53 Parent means a biological parent, an adoptive parent, or a foster parent.

54 Parent includes the spouse or domestic partner of a parent.

55 Parental FAMILI leave means FAMILI leave, taken by an employee who
 56 is a parent, to care for a newborn child, a newly adopted child, or a
 57 newly placed foster child within 12 months of the child's birth,
 58 adoption, or placement.

59 State FAMILI Program means the Family and Medical Leave Insurance
 60 Program required by the State of Maryland under the Time to Care Act
 61 of 2022, Chapter 48 of the 2022 Laws of Maryland, as amended.

62 (b) County supplement to State FAMILI program benefits for parental
 63 FAMILI leave – required.

64 (1) Except as provided under paragraph (2) of this subsection, the
 65 County must pay an employee on parental FAMILI leave the
 66 employee's County salary, reduced by the amount of any benefit
 67 the employee is entitled to receive for the leave under the State
 68 FAMILI Program.

69 (2) The County's payments under paragraph (1) of this subsection
 70 must be provided to compensate up to:

71 (A) 240 hours of parental FAMILI leave within a 12-month
 72 period, for an employee scheduled to work 40 hours per
 73 week; or

74 (B) a prorated amount of parental FAMILI leave within a 12-
 75 month period, for an employee scheduled to work more or
 76 less than 40 hours a week.

77 (c) Continuance of benefits.

78 (1) An employee on parental FAMLI leave must continue to
 79 receive employee insurance benefits.

80 (3) An employee on parental FAMLI leave must continue to
 81 receive retirement credit under the Employees’ Retirement
 82 System in Article III or the Retirement Savings Plan in Article
 83 VIII, as applicable.

84 (d) Relationship to FMLA leave. To the extent permitted under the State
 85 FAMLI program and other applicable law, parental FAMLI leave
 86 must run concurrently with FMLA leave.

87 (e) Collective bargaining. This Section must not be construed to
 88 diminish any employee leave required by a collective bargaining
 89 agreement under this Chapter.

90 (f) Regulations. The Executive may adopt Method (2) regulations to
 91 implement this Section, including regulations to specify how,
 92 consistent with the State FAMLI program and other applicable law,
 93 parental FAMLI leave relates to other types of employee leave.

94 **[33-27] ~~33-29~~—33-33. Reserved.**

95 **Sec. 2. Effective date and sunset.** On the first day that an individual may file
 96 a claim under the State FAMLI Program: (1) County Code Section 33-27, amended
 97 under Section 1 of this Act, must sunset and must have no further force or effect;
 98 and (2) County Code Section 33-28, amended under Section 1 of this Act, must
 99 take effect.

Law	Qualifications	Uses of Leave	Total Hours	Paid or Unpaid	Whether the leave runs concurrently with federal FMLA leave	Whether the leave runs concurrently with other County leave (e.g., sick leave)	Who pays the employee's salary during the leave
Current County Law (COMCOR 33.07.01.20)	Full-time or part-time merit system County employee for 6 consecutive months	Care for newborn, newly placed foster child, or newly adopted child	720 hours over 24 months – but counts against other County leave	Could be either, depending upon the type of leave used	Yes; runs concurrently with federal FMLA leave	Yes	County, if the leave is sick leave, annual leave, compensatory time, or personal leave
Bill 10-22 (pre-State FAMLI program)	Same as current law	Same as current law	240 hours during 12 months – does <i>not</i> count against other County leave	Paid	Yes; runs concurrently with federal FMLA leave	No	County
Bill 10-22 (during State FAMLI program)	Same as current law, unless the State law requires that the employee be eligible prior to the 6 months of County employment	Same as current law	240 hours during 12 months would be fully paid and would not count against other County leave	Paid	Yes; runs concurrently with federal FMLA leave	The relationship between the 240 hours of paid parental leave and other types of leave would be determined by County regulations, which would have to be at least as generous as the State FAMLI program	County and the State FAMLI program

LEGISLATIVE REQUEST REPORT

Bill 10-22

Personnel and Human Resources – Paid Parental Leave

DESCRIPTION:	The bill would require the County to provide County employees with certain paid parental leave.
PROBLEM:	Need for paid parental leave for County employees
GOALS AND OBJECTIVES:	Provide paid parental leave to County employees and, once the State Family Medical Leave Insurance program is operational, supplement the State program for County employees
COORDINATION:	Human Resources
FISCAL IMPACT:	To Be Completed
ECONOMIC IMPACT:	To Be Completed
RACIAL EQUITY AND SOCIAL JUSTICE IMPACT:	To Be Completed
EVALUATION:	To be done.
EXPERIENCE ELSEWHERE:	
SOURCE OF INFORMATION:	Christine Wellons, Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	N/A
PENALTIES:	N/A



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

ANDREW FRIEDSON
COUNCILMEMBER
DISTRICT 1

MEMORANDUM

TO: Montgomery County Councilmembers
FROM: Andrew Friedson *AF*
SUBJECT: **Supporting Working Parents in the County Government Workforce**
DATE: May 31, 2022

On June 14, 2022, I will introduce two bills to benefit working parents in the County Government workforce. I believe that the County government, as an employer of almost 10,000, must lead by the power of its example. We must model an environment that acknowledges, values, and uplifts women, parents, and families.

The first bill, *The Paid Parental Leave Act*, will provide for six weeks of paid parental leave for County employees and the second, *The Right to Nourish Act*, for lactation room(s) in County buildings. I would appreciate your co-sponsorship.

Historically, women in the workforce have been overburdened and under supported. COVID-19 has only exacerbated existing challenges. Women need our backing to productively engage in the workforce and their homes, perhaps now more than ever.

A significant body of literature supports the implementation of paid parental leave and lactation rooms in the workplace. The two are inextricably linked and produce noteworthy outcomes. Paid parental leave improves maternal mental and physical health, supports fathers' involvement in care, and enhances families' economic security. Research also shows that paid parental leave reduces infant mortality perhaps partially due to adherence to recommended medical checkup and vaccinations schedules. The greatest impact appears to be on mothers who could not otherwise afford to take time off.

Furthermore, paid parental leave contributes to healthy infant development vis a vis increased initiation and duration of breastfeeding. Breastfed infants have reduced risk of developing type 2 diabetes, obesity, asthma, infections, and sudden infant death syndrome, and lowers a mother's risk of heart disease, type 2 diabetes, ovarian cancer, and breast cancer. Sadly, a return to work often marks the end of breastfeeding because mothers cannot maintain their milk supply. This doesn't have to be the case. The CDC reports that in 2018 – 2019 Montgomery County had the highest rate of breastfeeding initiation (96.3%) in the State. With adequate facilities to support their efforts, mothers won't be forced to choose between returning to work and continuing to breastfeed.

We also know that race-based differences in breastfeeding exacerbate health disparities and other related inequities. For instance, in the US 64% of Black mothers initiate and 14% breastfeed exclusively at six months, compared to 82% and 23% among White mothers. Many factors play into these persistent disparities including issues related to work and labor conditions. The CDC and national public health

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ANDREW FRIEDSON
COUNCILMEMBER
DISTRICT 1

partners recommend providing support for breastfeeding in the workplace to reduce disparities in breastfeeding.

While it is morally just to support women, parents, and caregivers in the workplace, Montgomery County Government will also reap the rewards of this public policy. Paid parental leave has been shown to increase retention and productivity and boost labor force participation. Breastfeeding is linked to decrease direct and indirect insurance claim costs and missed days from work due to caring for a sick infant. This legislation represents a win-win for all involved.

Please do not hesitate to reach out to me or [Mary Gies](#) on my staff with any questions. We look forward to receiving your support.