



Maryland
Hospital Association

House Bill 686 – Maryland Healthy Working Families Act – Adverse Actions – Absence Control Policy

Position: *Support*

Bill Summary

HB 686 prohibits a certain provision of the Maryland Healthy Working Families Act from being construed to prohibit an employer from applying a certain absence control policy if the employer provides at least 40 hours of paid leave a year, excluding earned sick and safe leave.

Additionally, HB 686 requires that the absence control policy must be uniformly applied, is provided to all employees uniformly, has a progressive accountability structure and provides for a warning before any possible action is taken against an employee.

MHA Position

Maryland's hospitals believe the Maryland Healthy Working Families Act can be strengthened. Sick and safe leave ensures that people can get well at home and/or care for a loved one before returning to work recharged. However, while current law is a critical benefit for workers, it is also important for employers to use common-sense absence control policies to offset any abuses.

Hospitals throughout Maryland have indicated that since the implementation of the Maryland Healthy Working Families Act, unplanned absences have increased specifically around holidays and long weekends, creating staffing challenges in both clinical and non-clinical roles. These unplanned absences influence predictive staffing patterns and disrupt continuity of care for patients who are going through a treatment process.

In addition to staffing and care continuity concerns, the Department of Labor, Licensing and Regulation has stated that there is confusion among both employers and employees regarding the use of an absent control policy.¹ Currently, an absent control policy can be used to prohibit the improper use of earned sick and safe leave, including prohibiting a pattern of abuse of earned sick and safe leave; however, an employer may not apply an absence control policy that includes earned sick and safe leave absences as an absence that may lead to or result in adverse action being taken against an employee.² Because of this, abusers of sick and safe leave can simply use this type of leave to avoid any consequences in relation to a pattern of behavior.

HB 686 seeks to address a gap in current law by providing an important safeguard for employers including hospitals. The bill offers the means to implement absent control policies that are progressive, clear and reasonable for both employers and employees.

For these reasons, we urge you to give HB 686 a *favorable* report.

¹ *Fiscal Note*. Maryland Healthy Working Families Act – Adverse Actions – Absence Control Policy. (2019) Available at http://mgaleg.maryland.gov/2019RS/fnotes/bil_0006/hb0686.pdf

² *Ibid.*