

TESTIMONY

Senate Finance Committee

SB 230 – Labor and Employment – Maryland Healthy Working Families Act

Tina Bjarekull, President

February 9, 2017

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On behalf of Maryland's independent colleges and universities and the 61,000 students they serve, thank you for the opportunity to offer this testimony in support of *SB 230 – Labor and Employment – Maryland Healthy Working Families Act*.

MICUA is requesting a clarifying amendment to Senate Bill 230 to reflect the unique working conditions of teachers and researchers at institutions of higher education. Teachers and researchers work nontraditional and erratic hours. In fact, the MICUA member institutions do not track the hours worked by teachers and researchers, because they are not compensated for hours worked. Teachers and researchers are compensated for certain services provided during an academic semester.

If a teacher requires safe or sick leave, he or she has the authority to make alternative arrangements, which may include canceling class, rescheduling class, or assigning a substitute teacher or graduate student to perform certain tasks. None of these actions result in a reduction in compensation for the teacher or researcher. In effect, teachers and researchers have more generous sick and safe leave options than provided in House Bill 1; and teachers and researchers prefer the flexibility of the non-traditional work schedules.

Senate Bill 230 provides that the legislation does not require an employer to modify an existing paid leave policy if the policy permits an employee "to accrue and use leave under terms and conditions that are at least equivalent to" the earned sick and safe leave provided under the Act. While we believe the MICUA member institutions meet the spirit of this provision, our attorneys advise us that an amendment is required to fully capture teachers and researchers. Therefore, MICUA is requesting the following amendment:

For these reasons, MICUA requests a favorable report with the following clarifying amendment.

Proposed Clarifying Amendment:

On page 4, in line 5, strike "OR", and in line 7, strike "ARTICLE." and insert "ARTICLE; OR

(5) IS A TEACHER OR RESEARCHER AT AN INSTITUTION OF HIGHER EDUCATION, PROVIDED THAT:

(I) THE TEACHER OR RESEARCHER IS EXEMPT FROM THE OVERTIME PAY PROVISIONS OF THE FEDERAL FAIR LABOR STANDARDS ACT; AND

(II) THE INSTITUTION DOES NOT REDUCE THE COMPENSATION PAID TO THE TEACHER OR RESEARCHER DUE TO AN ABSENCE RELATED TO SICK OR SAFE LEAVE.