

**Department of Legislative Services**  
Maryland General Assembly  
2007 Session

**FISCAL AND POLICY NOTE**

House Bill 799  
Appropriations

(Delegate Rosenberg, *et al.*)

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**State Personnel - Compensatory Time for Mentoring Youth**

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This bill authorizes all nontemporary Executive Branch employees to earn up to eight hours of compensatory time every month for mentoring youth in a bona fide mentoring youth program. An employee must be deemed qualified to earn the compensatory time by the Secretary of Budget and Management and obtain approval from the employee's appointing authority. Further, the Secretary of Budget and Management must adopt regulations that establish conditions and procedures related to mentoring youth, including employee qualifications and what constitutes a bona fide mentoring youth program. The total value of compensatory time awarded for mentoring youth may not exceed \$250,000 in each fiscal year.

The bill takes effect October 1, 2007, and terminates September 30, 2010.

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**Fiscal Summary**

**State Effect:** Potential minimal impact resulting from loss of productivity for participating employees. Revenues would not be affected.

**Local Effect:** None.

**Small Business Effect:** None.

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## **Analysis**

**Current Law:** In general, an employee who works more than the normal workweek for that employee's unit is entitled to compensation for that overtime work, either through overtime pay or compensatory time. By regulations consistent with the Fair Labor Standards Act, the Secretary of Budget and Management may authorize employees who would otherwise be entitled to payment for overtime work to elect to receive compensatory time instead. In this instance, compensatory time must equal one hour for each hour of overtime work for which the employee otherwise would receive the employee's regular hourly pay, and one and one-half hours for each hour of overtime work for which the employee would otherwise receive one and one-half times the employee's regular hourly rate of pay. There are no provisions permitting State employees to earn compensatory time for mentoring youth.

**Background:** Chapter 307 of 2003 established the Task Force to Study the Mentoring and Monitoring of Children in the Custody of or Under the Supervision of the Department of Juvenile Justice. The task force studied and made recommendations regarding the feasibility of implementing volunteer mentoring programs and intensive monitoring and support programs within the Department of Juvenile Services (DJS). The task force was also charged with making recommendations about ways to help children become productively involved in school or the workplace and ways to use monitoring and mentoring programs to reduce recidivism among children who come into contact with DJS. The task force published its findings and recommendations to the Governor and the General Assembly in an October 2004 report.

One of the task force's recommendations was that the State establish administrative leave for State employees interested in mentoring DJS youth. The task force cited the Florida Governor's Mentoring Initiative established in 1999 to encourage volunteerism to mentor at-risk youth. During 2006, the program had over 212,000 active mentors. In fiscal 2005, over 4,000 State of Florida employees participated in the program. Under the Florida model, state employees are authorized to take one hour of paid administrative leave per week to be mentors, with a maximum of five hours of paid leave per month.

**Exhibit 1** shows the total number of hours of used and lost leave by Executive Branch employees, excluding higher education, during calendar 2005.

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**Exhibit 1**  
**Executive Branch Leave**  
**Calendar 2005**

*Leave Hours Used*

<b>Type of Leave</b>	<b>Hours Used</b>
Annual Leave	6,119,052
Compensatory Time	1,676,257
Sick Leave	4,926,423
Personal Leave	<u>2,189,639</u>
<b>Total</b>	<b>14,911,371</b>

*Leave Hours Lost*

<b>Type of Leave</b>	<b>Hours Lost</b>
Annual Leave	141,677
Compensatory Time	106,464
Personal Leave	<u>98,104</u>
<b>Total</b>	<b>346,245</b>

Note: The figures above only include SPMS agencies and the Maryland Department of Transportation.  
Source: *Annual Personnel Report, Fiscal Year 2006*, Department of Budget and Management

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**State Fiscal Effect:** As of June 30, 2006, the average annual salary of an employee in the State Personnel Management System (SPMS) was \$44,464, or \$21.38 per hour. Given the average hourly salary of an SPMS employee and the \$250,000 annual cap on the value of this compensatory leave, the number of compensatory hours that would be allowed would be approximately 11,693 – this represents 0.7% of compensatory time used by nonhigher education Executive Branch employees during 2005. While the precise impact in terms of lost productivity cannot be reliably quantified at this time, since the compensatory hours would be used across all agencies in the Executive Branch, and given the limited maximum value of this compensatory leave, it is assumed that any loss of productivity would be minimal.

There could be indirect costs associated with implementing the bill. For example, there could be an increase in expenditures if program regulations include screening requirements for potential mentors. Since these costs would depend on regulations

proposed by the Secretary of Budget and Management, they cannot be reliably estimated at this time. It is noted that each State and National Criminal History Record Information check costs \$62. It is assumed that developing the mentoring program regulations could be done within existing resources.

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### **Additional Information**

**Prior Introductions:** This bill was introduced as HB 986 and SB 260 during the 2006 session. HB 986 received an unfavorable report from the House Appropriations Committee. SB 260 passed the Senate but it received an unfavorable report from Appropriations. A similar bill, SB 876 of 2005, received an unfavorable report from the Senate Finance Committee.

**Cross File:** SB 621 (Senator Gladden) – Finance.

**Information Source(s):** Department of Budget and Management, Maryland Department of Transportation, St. Mary's College of Maryland, Morgan State University, University System of Maryland, Department of Legislative Services

**Fiscal Note History:** First Reader - February 27, 2007  
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