

HOUSE BILL 1172

K3, F2

4lr1966

By: **Delegate Lopez**

Introduced and read first time: February 7, 2024

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Federal Public Service Loan Forgiveness Program – Employee Certification and**
3 **Awareness Materials**

4 FOR the purpose of establishing requirements related to the certification of employment
5 by public service employers under the federal Public Service Loan Forgiveness
6 Program, including requirements regarding determinations of whether employees
7 are full-time and the frequency with which the certifications are to be provided;
8 requiring the Student Loan Ombudsman in the Office of the Commissioner of
9 Financial Regulation to develop and disseminate information to increase awareness
10 of and participation in the Program; and generally relating to employment
11 certification for the federal Public Service Loan Forgiveness Program.

12 BY repealing and reenacting, without amendments,
13 Article – Financial Institutions
14 Section 2–104.1(a)(1) and (5)
15 Annotated Code of Maryland
16 (2020 Replacement Volume and 2023 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Financial Institutions
19 Section 2–104.1(e)
20 Annotated Code of Maryland
21 (2020 Replacement Volume and 2023 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article – Labor and Employment
24 Section 3–101(a) and (b)
25 Annotated Code of Maryland
26 (2016 Replacement Volume and 2023 Supplement)

27 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Labor and Employment

Section 3–1801 through 3–1805 to be under the new subtitle “Subtitle 18.
Certification of Public Service Employment Under the Federal Public Service
Loan Forgiveness Program”

Annotated Code of Maryland

(2016 Replacement Volume and 2023 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Financial Institutions

2–104.1.

(a) (1) In this section the following words have the meanings indicated.

(5) “Student Loan Ombudsman” means an individual, whether a paid
employee or a volunteer, whom the Commissioner designates to serve as a liaison between
student loan borrowers and student loan servicers.

(e) The Student Loan Ombudsman, in consultation with the Commissioner, shall
disseminate information about student education loans and servicing by:

(1) Helping student loan borrowers understand their rights and
responsibilities under the terms of student education loans;

(2) Providing information to the public, State agencies, elected officials,
and other individuals regarding student loan borrower problems and concerns; [and]

(3) Disseminating information about the availability of the Student Loan
Ombudsman to assist those with student education loan servicing concerns, including
disseminating the information to:

(i) Student loan borrowers;

(ii) Potential student loan borrowers;

(iii) State higher education institutions; and

(iv) Student loan servicers; AND

**(4) DEVELOPING AND DISSEMINATING INFORMATION TO INCREASE
AWARENESS OF AND PARTICIPATION IN THE FEDERAL PUBLIC SERVICE LOAN
FORGIVENESS PROGRAM IN ACCORDANCE WITH § 3–1804 OF THE LABOR AND
EMPLOYMENT ARTICLE.**

Article – Labor and Employment

3–101.

(a) In this title the following words have the meanings indicated.

(b) “Commissioner” means the Commissioner of Labor and Industry.

**SUBTITLE 18. CERTIFICATION OF PUBLIC SERVICE EMPLOYMENT UNDER THE
FEDERAL PUBLIC SERVICE LOAN FORGIVENESS PROGRAM.**

3–1801.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
INDICATED.

(B) “CERTIFY” MEANS TO:

(1) COMPLETE THE EMPLOYER SECTIONS OF THE FEDERAL PUBLIC
SERVICE LOAN FORGIVENESS PROGRAM FORM FOR A CURRENT OR FORMER
EMPLOYEE; OR

(2) SHARE DATA DIRECTLY WITH THE U.S. DEPARTMENT OF
EDUCATION ABOUT A CURRENT OR FORMER EMPLOYEE THAT CORRESPONDS TO
THE INFORMATION REQUIRED ON THE FEDERAL PUBLIC SERVICE LOAN
FORGIVENESS PROGRAM FORM.

(C) “EMPLOYEE” MEANS AN INDIVIDUAL WHO IS OR WAS EMPLOYED BY A
PUBLIC SERVICE EMPLOYER.

(D) “FULL-TIME” HAS THE MEANING STATED IN 34 C.F.R. § 685.219.

(E) “INSTITUTION OF HIGHER EDUCATION” HAS THE MEANING STATED IN §
10–101 OF THE EDUCATION ARTICLE.

(F) (1) “PUBLIC SERVICE EMPLOYER” MEANS AN EMPLOYER IN THE
STATE WHO IS DESIGNATED AS A QUALIFYING EMPLOYER UNDER THE FEDERAL
PUBLIC SERVICE LOAN FORGIVENESS PROGRAM, INCLUDING:

(I) A STATE OR LOCAL GOVERNMENT EMPLOYER, INCLUDING:

1. AN OFFICE OR A DEPARTMENT;

2. AN INDEPENDENT AGENCY;

1 3. A LOCAL SCHOOL SYSTEM;

2 4. A PUBLIC INSTITUTION OF HIGHER EDUCATION;

3 5. A PUBLIC LIBRARY SYSTEM; AND

4 6. AN AUTHORITY OR OTHER BODY; AND

5 (II) AN EMPLOYER DESIGNATED AS A TAX-EXEMPT
6 ORGANIZATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.

7 (2) “PUBLIC SERVICE EMPLOYER” DOES NOT INCLUDE A FEDERAL OR
8 TRIBAL NATION GOVERNMENT ORGANIZATION, AGENCY, OR GOVERNMENTAL
9 ENTITY.

10 (G) “PUBLIC SERVICE LOAN FORGIVENESS PROGRAM FORM” MEANS THE
11 FORM USED BY THE U.S. DEPARTMENT OF EDUCATION TO:

12 (1) CERTIFY AN INDIVIDUAL’S CURRENT OR FORMER EMPLOYMENT
13 WITH A PUBLIC SERVICE EMPLOYER; AND

14 (2) DETERMINE AN INDIVIDUAL’S ELIGIBILITY FOR THE PURPOSES OF
15 THE FEDERAL PUBLIC SERVICE LOAN FORGIVENESS PROGRAM.

16 (H) “PROGRAM” MEANS THE FEDERAL PUBLIC SERVICE LOAN
17 FORGIVENESS PROGRAM ESTABLISHED UNDER 20 U.S.C. § 1087E(M).

18 (I) “STUDENT LOAN OMBUDSMAN” HAS THE MEANING STATED IN § 2-104.1
19 OF THE FINANCIAL INSTITUTIONS ARTICLE.

20 3-1802.

21 (A) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE A PUBLIC SERVICE
22 EMPLOYEE TO INCREASE THE NUMBER OF HOURS THAT THE EMPLOYEE WORKS FOR
23 THE PUBLIC SERVICE EMPLOYER.

24 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR THE
25 PURPOSES OF CERTIFYING EMPLOYMENT FOR THE PROGRAM, A PUBLIC SERVICE
26 EMPLOYER SHALL:

27 (1) ADOPT A POLICY CALCULATING HOURS WORKED USING A METHOD
28 THAT MAXIMIZES THE AMOUNT OF TIME FOR WHICH AN EMPLOYEE CAN BE

1 **CONSIDERED FULL-TIME; AND**

2 **(2) CONSIDER AS FULL-TIME AN EMPLOYEE WHO SATISFIES OR**
3 **SATISFIED THE MINIMUM AMOUNT OF TIME REQUIRED TO QUALIFY AS FULL-TIME.**

4 **(C) (1) THIS SUBSECTION APPLIES ONLY:**

5 **(I) TO A PUBLIC SERVICE EMPLOYER THAT IS AN INSTITUTION**
6 **OF HIGHER EDUCATION; AND**

7 **(II) WITH RESPECT TO AN EMPLOYEE WHO IS AN ADJUNCT OR**
8 **TENURED PROFESSOR.**

9 **(2) (I) FOR THE PURPOSE OF DETERMINING WHETHER AN**
10 **EMPLOYEE QUALIFIES AS FULL-TIME UNDER THE PROGRAM, A PUBLIC SERVICE**
11 **EMPLOYER SHALL CREDIT THE EMPLOYEE, FOR EACH HOUR OF THE EMPLOYEE'S**
12 **CREDIT, CONTACT, OR CLASSROOM TIME, WITH AT LEAST:**

13 **1. 3.35 HOURS WORKED; OR**

14 **2. IF A HIGHER NUMBER OF HOURS IS ALLOWED UNDER**
15 **THE PROGRAM, THE NUMBER ALLOWED UNDER THE PROGRAM.**

16 **(II) THIS SUBSECTION MAY NOT BE CONSTRUED TO SUPERSEDE**
17 **A PUBLIC SERVICE EMPLOYER'S POLICY OR ADJUSTMENT FOR ADDITIONAL WORK**
18 **ASSOCIATED WITH LECTURE OR CLASSROOM TIME.**

19 **(3) TO MAXIMIZE THE AMOUNT OF TIME FOR WHICH AN EMPLOYEE**
20 **CAN BE CONSIDERED TO BE A FULL-TIME EMPLOYEE, A PUBLIC SERVICE EMPLOYER**
21 **SHALL TREAT CONSECUTIVE ACADEMIC TERMS THAT AN EMPLOYEE TEACHES AS A**
22 **CONTINUOUS EMPLOYMENT PERIOD, REGARDLESS OF WHETHER:**

23 **(I) THE HOURS ARE TAUGHT UNDER SEPARATE EMPLOYMENT**
24 **CONTRACTS; OR**

25 **(II) THE ACADEMIC TERMS ARE SEPARATED BY ROUTINE**
26 **ACADEMIC VACATION.**

27 **3-1803.**

28 **(A) (1) SUBJECT TO THE PROVISIONS OF THIS SECTION, A PUBLIC**
29 **SERVICE EMPLOYER SHALL CERTIFY THE EMPLOYMENT OF EACH:**

(I) CURRENT OR FORMER EMPLOYEE WHO REQUESTS THAT THE PUBLIC SERVICE EMPLOYER COMPLETE A PUBLIC SERVICE LOAN FORGIVENESS PROGRAM FORM; AND

(II) EMPLOYEE WHO IS LEAVING THE EMPLOYMENT OF THE PUBLIC SERVICE EMPLOYER ON THE EMPLOYEE'S SEPARATION.

(2) THE PUBLIC SERVICE EMPLOYER SHALL CERTIFY:

(I) THE PERIOD OF EMPLOYMENT REQUESTED BY THE CURRENT OR FORMER EMPLOYEE; OR

(II) IF NO PERIOD IS SPECIFIED, THE CURRENT OR FORMER EMPLOYEE'S ENTIRE PERIOD OF EMPLOYMENT.

(B) (1) IF THE U.S. DEPARTMENT OF EDUCATION ALLOWS A PUBLIC SERVICE EMPLOYER TO DIRECTLY CERTIFY THE EMPLOYMENT OF A CURRENT OR FORMER EMPLOYEE, THE PUBLIC SERVICE EMPLOYER MAY SEND THE INFORMATION NECESSARY TO CERTIFY THE EMPLOYMENT OF AN EMPLOYEE DIRECTLY TO THE U.S. DEPARTMENT OF EDUCATION.

(2) THIS SUBSECTION DOES NOT PREVENT A PUBLIC SERVICE EMPLOYER FROM SEEKING PERMISSION FROM AN EMPLOYEE BEFORE CERTIFYING THE EMPLOYEE'S EMPLOYMENT TO THE U.S. DEPARTMENT OF EDUCATION.

(C) A PUBLIC SERVICE EMPLOYER MAY NOT UNREASONABLY DELAY THE CERTIFICATION OF THE EMPLOYMENT OF A CURRENT OR FORMER EMPLOYEE.

3-1804.

(A) (1) THE STUDENT LOAN OMBUDSMAN SHALL DEVELOP AND UPDATE AS NECESSARY MATERIAL DESIGNED TO PROMOTE AWARENESS OF AND INCREASE PARTICIPATION IN THE PROGRAM.

(2) THE MATERIALS SHALL INCLUDE:

(I) A STANDARDIZED LETTER THAT:

1. GIVES A BRIEF SUMMARY OF THE PROGRAM;

2. PROVIDES INFORMATION ABOUT WHAT AN EMPLOYEE MUST DO TO BENEFIT FROM THE PROGRAM; AND

1 **3. RECOMMENDS THAT EMPLOYEES VISIT THE U.S.**
2 **DEPARTMENT OF EDUCATION’S OFFICIAL WEBSITE FOR ADDITIONAL RESOURCES;**

3 **(II) A DETAILED FACT SHEET THAT:**

4 **1. DESCRIBES THE PROGRAM; AND**

5 **2. INCLUDES THE U.S. DEPARTMENT OF EDUCATION’S**
6 **OFFICIAL WEBSITE ADDRESSES FOR THE PROGRAM AND FOR RESOURCES FOR**
7 **STUDENT LOAN BORROWERS; AND**

8 **(III) A DOCUMENT CONTAINING FREQUENTLY ASKED QUESTIONS**
9 **ABOUT THE PROGRAM.**

10 **(B) ON OR AFTER OCTOBER 15, 2024, THE STUDENT LOAN OMBUDSMAN, IN**
11 **COORDINATION WITH OTHER STATE AGENCIES, SHALL MAKE THE MATERIALS**
12 **DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION AVAILABLE TO PUBLIC**
13 **SERVICE EMPLOYERS.**

14 **(C) (1) ON OR AFTER NOVEMBER 15, 2024, EACH PUBLIC SERVICE**
15 **EMPLOYER SHALL PROVIDE EACH NEWLY HIRED EMPLOYEE WITH THE MOST**
16 **RECENTLY AVAILABLE VERSION OF THE MATERIALS DEVELOPED UNDER**
17 **SUBSECTION (A) OF THIS SECTION WITHIN 30 DAYS AFTER THE EMPLOYEE’S FIRST**
18 **DAY OF EMPLOYMENT.**

19 **(2) A PUBLIC SERVICE EMPLOYER MAY PROVIDE THE MATERIALS**
20 **DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION BY MAIL, BY E-MAIL, OR**
21 **DURING AN IN-PERSON NEW EMPLOYEE ORIENTATION.**

22 **(D) ON OR AFTER MARCH 15, 2025, EACH PUBLIC SERVICE EMPLOYER**
23 **SHALL ANNUALLY PROVIDE THE MOST RECENTLY AVAILABLE VERSION OF THE**
24 **MATERIALS DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION TO ALL**
25 **EMPLOYEES IN WRITTEN OR ELECTRONIC FORM.**

26 **3-1805.**

27 **THE COMMISSIONER SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
28 **SUBTITLE.**

29 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**
30 **1, 2024.**