

## **HB 1 Maryland Healthy Working Families Act**

### **Status - Enrolled**

#### General:

1. Employers are required to provide sick and safe leave in the amount of 1 hour for every 30 hours worked.
2. FT, PT, seasonal, and temporary employees who are regularly scheduled to work 12 hours or more per week are eligible for leave.
3. Maryland county governments are employers under the legislation
4. Family member means:
  - 1) a biological child, an adopted child, a foster child, or a stepchild of the employee;
  - 2) a child for whom the employee has legal or physical custody or guardianship;
  - 3) a child for whom the employee stands in loco parentis, regardless of the child's age;
  - 4) a biological parent, an adoptive parent, a foster parent, or a stepparent of the employee or of the employee's spouse;
  - 5) the legal guardian of the employee;
  - 6) an individual who acted as a parent or stood in loco parentis to the employee or the employee's spouse when the employee or the employee's spouse was a minor;
  - 7) the spouse of the employee;
  - 8) a biological grandparent, an adopted grandparent, a foster grandparent, or a stepgrandparent of the employee;
  - 9) a biological grandchild, an adopted grandchild, a foster grandchild, or a stepgrandchild of the employee; or
  - 10) A biological sibling, and adopted sibling, a foster sibling, or a step sibling of the employee.
5. Eligible reasons for leave include:
  - (1) "to care for or treat the employee's mental or physical illness, injury, or condition;
  - (2) to obtain preventive medical care for the employee or employee's family member;

(3) to care for a family member with a mental or physical illness, injury, or condition; or

(4) for maternity of paternity leave; or

(5) if:

(i) the absence from work is necessary due to domestic violence, sexual assault, or stalking committed against the employee or the employee's family member; **and**

(ii) the leave is being used:

1. by the employee to obtain for the employee or the employee's family member:

a. medical or mental health attention that is related to the domestic violence, sexual assault, or stalking;

b. services from a victim services organization related to the domestic violence, sexual assault, or stalking; or

c. legal services or proceedings related to or resulting from the domestic violence, sexual assault, or stalking; **or**

2. during the time that the employee has temporarily relocated due to the domestic violence, sexual assault, or stalking.

- Exceptions:

1. Workers under 18 are exempt from the legislation.

2. Those who regularly work less than 12 hours a week are exempt.

3. Those who are covered by a collective bargaining agreement that expressly waives the terms of the legislation are exempt.

4. 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 for under the legislation.

5. Employers do not have to provide leave to employees within the first 106 days or accrue earned sick and safe leave during a:

(1) 2-week pay period in which the employee worked fewer than 24 hours total

- (2) 1–week pay period if the employee worked fewer than a combined total of 24 hours in the current and the immediately preceding pay period; or
  - (3) Pay period in which:
    - the employee is paid twice a month regardless of the number of weeks in a pay period; and
    - the employee worked fewer than 26 hours in the pay period.
- 6. Nonprofits and governmental units do not have to provide leave to employees employed in accordance with a grant, the duration of which is limited to 1 year and is not subject to renewal.
- 7. Employers do not have to allow accrual of more than 40 hours or use of more than 64 hours of sick or safe leave in a year, and do not have to allow accrual of more than 64 hours at any time.
- Details:
  1. An employer may require an employee who uses earned sick and safe leave to provide verification that the leave was used appropriately if:
    - The leave was used for more than two consecutive shifts; or
    - (1) the employee used the leave during the period between the first 107 and 120 calendar days, both inclusive, that the employee was employed by the employer; and
    - (2) the employee agreed to provide verification under terms mutually agreed to by the employer and the employee at the time the employee was hired by the employer
  2. If an employer re-hires and employee within a 37-week timeframe, the leave previously accrued must be reinstated.
  3. Notice:
    - (1) if the need to use earned sick and safe leave is foreseeable, an employer may require an employee to provide reasonable advance notice of not more than 7 days before the date the earned sick and safe leave would begin.
    - (2) if the need to use earned sick and safe leave is not foreseeable, an employee shall:
      - (i) provide notice to an employer as soon as practicable; and
      - (ii) generally comply with the employer’s notice or procedural requirements for requesting or reporting other

leave, if those requirements do not interfere with the employee's ability to use earned sick and safe leave.

(3) an employer may deny a request to take earned sick and safe leave if:

- (i) 1. an employee fails to provide the notice required under paragraphs (1) or (2) of this subsection; and
  - 2. the employee's absence will cause a disruption to the employer.
- Preemption:
    1. The legislation preempts the authority of a local jurisdiction to enact a law on or after January 1, 2017 that regulates sick leave provided by an employer other than the local jurisdiction.
    2. This does not prevent a local jurisdiction from amending a law that was enacted before January 1, 2017, and regulates sick and safe leave provided by an employer.
  - Records and Employee's Rights
    1. An employer shall keep for at least 3 years a record of leave earned and leave used by each employee.
    2. An employer that fails to keep accurate records or refuses to allow the commissioner to inspect a record kept under subsection (a) of this section shall be presumed to have violated this subtitle.
    3. Court may award attorney's fees and treble damages if employee prevails.