

HOUSE BILL 633

K3, P4

9lr1625

By: **Delegates Levi, Barkley, Glenn, Howard, and V. Turner**

Introduced and read first time: February 6, 2009

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment - Employee Leave - Parent-Teacher Conferences**

3 FOR the purpose of authorizing employees of certain employers that provide leave
4 with pay to use leave with pay to attend certain parent-teacher conferences;
5 providing that an employee who uses leave with pay may only use leave with
6 pay that has been earned; providing that an employee who earns more than one
7 type of leave with pay may elect the type and amount of leave with pay to be
8 used or may elect to use leave without pay; authorizing employees of certain
9 employers that do not provide leave with pay to use leave without pay to attend
10 certain parent-teacher conferences; limiting the cumulative amount of leave
11 that can be used each calendar year under this Act; providing that leave
12 granted under this Act may be used only for certain parent-teacher conferences;
13 requiring an employee who uses leave under this Act to comply with the terms
14 of a collective bargaining agreement or employment policy with a certain
15 exception; prohibiting an employer from taking certain actions against an
16 employee who exercises certain rights, files a complaint or testifies against the
17 employer, or assists in a certain action; defining certain terms; and generally
18 relating to the use of leave by employees to attend parent-teacher conferences.

19 BY repealing and reenacting, without amendments,

20 Article - Labor and Employment

21 Section 3-802(a)(4)

22 Annotated Code of Maryland

23 (2008 Replacement Volume)

24 BY adding to

25 Article - Labor and Employment

26 Section 3-803

27 Annotated Code of Maryland

28 (2008 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Labor and Employment**

4 **3–802.**

5 (a) (4) (i) “Leave with pay” means time away from work for which an
6 employee receives compensation.

7 (ii) “Leave with pay” includes sick leave, vacation time, and
8 compensatory time.

9 **3–803.**

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
11 MEANINGS INDICATED.

12 (2) (I) “EMPLOYER” MEANS A PERSON THAT EMPLOYS 15 OR
13 MORE INDIVIDUALS AND IS ENGAGED IN A BUSINESS, INDUSTRY, PROFESSION,
14 TRADE, OR OTHER ENTERPRISE IN THE STATE.

15 (II) “EMPLOYER” INCLUDES:

16 1. A UNIT OF STATE OR LOCAL GOVERNMENT THAT
17 EMPLOYS INDIVIDUALS WHO ARE NOT SUBJECT TO THE PROVISIONS OF TITLE 9,
18 SUBTITLE 4 OF THE STATE PERSONNEL AND PENSIONS ARTICLE; AND

19 2. A PERSON THAT ACTS DIRECTLY OR INDIRECTLY
20 IN THE INTEREST OF ANOTHER EMPLOYER WITH AN EMPLOYEE.

21 (3) “LEAVE WITH PAY” HAS THE MEANING STATED IN § 3–802 OF
22 THIS SUBTITLE.

23 (4) “LEAVE WITHOUT PAY” MEANS TIME AWAY FROM WORK FOR
24 WHICH AN EMPLOYEE DOES NOT RECEIVE COMPENSATION.

25 (5) “PARENT–TEACHER CONFERENCE” MEANS A FACE–TO–FACE
26 MEETING BETWEEN A PARENT AND A PRIMARY OR SECONDARY SCHOOL
27 TEACHER OF THE PARENT’S CHILD CONCERNING THE BEHAVIOR OF THE CHILD.

28 (B) (1) THIS SUBSECTION APPLIES TO AN EMPLOYER THAT PROVIDES
29 LEAVE WITH PAY TO AN EMPLOYEE UNDER THE TERMS OF A COLLECTIVE
30 BARGAINING AGREEMENT OR AN EMPLOYMENT POLICY.

1 **(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN**
2 **EMPLOYEE OF AN EMPLOYER MAY USE LEAVE WITH PAY TO ATTEND A**
3 **PARENT-TEACHER CONFERENCE.**

4 **(3) AN EMPLOYEE:**

5 **(I) MAY USE ONLY LEAVE WITH PAY UNDER THIS**
6 **SUBSECTION THAT HAS BEEN EARNED;**

7 **(II) WHO EARNS MORE THAN ONE TYPE OF LEAVE WITH PAY**
8 **MAY ELECT THE TYPE AND AMOUNT OF LEAVE WITH PAY TO BE USED UNDER**
9 **THIS SUBSECTION; AND**

10 **(III) MAY ELECT TO USE LEAVE WITHOUT PAY UNDER THIS**
11 **SUBSECTION.**

12 **(C) (1) THIS SUBSECTION APPLIES TO AN EMPLOYER THAT DOES NOT**
13 **PROVIDE LEAVE WITH PAY TO AN EMPLOYEE UNDER THE TERMS OF A**
14 **COLLECTIVE BARGAINING AGREEMENT OR AN EMPLOYMENT POLICY.**

15 **(2) AN EMPLOYEE OF AN EMPLOYER MAY USE LEAVE WITHOUT**
16 **PAY TO ATTEND A PARENT-TEACHER CONFERENCE.**

17 **(D) LEAVE GRANTED UNDER THIS SECTION:**

18 **(1) MAY NOT EXCEED A CUMULATIVE TOTAL OF 4 HOURS IN ANY**
19 **CALENDAR YEAR; AND**

20 **(2) MAY BE USED ONLY FOR A PARENT-TEACHER CONFERENCE**
21 **THAT CANNOT BE SCHEDULED OUTSIDE OF THE EMPLOYEE'S NORMAL WORKING**
22 **HOURS.**

23 **(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
24 **SUBSECTION, AN EMPLOYEE WHO USES LEAVE UNDER THIS SECTION SHALL**
25 **COMPLY WITH THE TERMS OF A COLLECTIVE BARGAINING AGREEMENT WITH AN**
26 **EMPLOYER OR AN EMPLOYMENT POLICY OF AN EMPLOYER.**

27 **(2) IF THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT**
28 **OR EMPLOYMENT POLICY PROVIDE A LEAVE BENEFIT THAT IS EQUAL TO OR**
29 **GREATER THAN THE BENEFIT PROVIDED UNDER THIS SECTION, THE**
30 **COLLECTIVE BARGAINING AGREEMENT OR EMPLOYMENT POLICY PREVAILS.**

1 (F) AN EMPLOYER MAY NOT DISCHARGE, DEMOTE, SUSPEND,
2 DISCIPLINE, OR OTHERWISE DISCRIMINATE AGAINST AN EMPLOYEE OR
3 THREATEN TO TAKE ANY OF THESE ACTIONS AGAINST AN EMPLOYEE WHO:

4 (1) EXERCISES RIGHTS GRANTED UNDER THIS SECTION; OR

5 (2) FILES A COMPLAINT AGAINST, TESTIFIES AGAINST, OR
6 ASSISTS IN AN ACTION BROUGHT AGAINST THE EMPLOYER FOR A VIOLATION OF
7 THIS SECTION.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2009.