

HOUSE BILL 1334

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By: **Delegates A. Kelly, Cullison, Gutierrez, A. Miller, Pena–Melnyk, Reznik, S. Robinson, Waldstreicher, M. Washington, and Zucker**

Introduced and read first time: February 8, 2013

Assigned to: Economic Matters and Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Employment Discrimination – Leave for Pregnancy and Childbirth**

3 FOR the purpose of requiring that certain leave be included in reasonable
4 accommodations for certain disabilities caused or contributed to by pregnancy or
5 childbirth under certain circumstances; requiring certain employers to have
6 certain employment policies; and generally relating to employment
7 discrimination and leave for pregnancy and childbirth.

8 BY repealing and reenacting, without amendments,
9 Article – State Government
10 Section 20–601(a) through (d) and 20–606(a)(4)
11 Annotated Code of Maryland
12 (2009 Replacement Volume and 2012 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – State Government
15 Section 20–609
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2012 Supplement)

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

20 **Article – State Government**

21 20–601.

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

23 (b) (1) “Disability” means:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) 1. a physical disability, infirmity, malformation, or
2 disfigurement that is caused by bodily injury, birth defect, or illness, including
3 epilepsy; or

4 2. a mental impairment or deficiency;

5 (ii) a record of having a physical or mental impairment as
6 otherwise defined under this subsection; or

7 (iii) being regarded as having a physical or mental impairment
8 as otherwise defined under this subsection.

9 (2) "Disability" includes:

10 (i) 1. any degree of paralysis, amputation, or lack of
11 physical coordination;

12 2. blindness or visual impairment;

13 3. deafness or hearing impairment;

14 4. muteness or speech impediment; and

15 5. physical reliance on a service animal, wheelchair, or
16 other remedial appliance or device; and

17 (ii) retardation and any other mental impairment or deficiency
18 that may have necessitated remedial or special education and related services.

19 (c) (1) "Employee" means an individual employed by an employer.

20 (2) Unless the individual is subject to the State or local civil service
21 laws, "employee" does not include:

22 (i) an individual elected to public office;

23 (ii) an individual chosen by an elected officer to be on the
24 officer's personal staff;

25 (iii) an appointee on the policy making level; or

26 (iv) an immediate adviser with respect to the exercise of the
27 constitutional or legal powers of an elected office.

28 (d) (1) "Employer" means:

1 (i) a person that:

2 1. is engaged in an industry or business; and

3 2. has 15 or more employees for each working day in
4 each of 20 or more calendar weeks in the current or preceding calendar year; and

5 (ii) an agent of a person described in item (i) of this paragraph.

6 (2) “Employer” includes the State to the extent provided in this title.

7 (3) Except for a labor organization, “employer” does not include a bona
8 fide private membership club that is exempt from taxation under § 501(c) of the
9 Internal Revenue Code.

10 20–606.

11 (a) An employer may not:

12 (4) fail or refuse to make a reasonable accommodation for the known
13 disability of an otherwise qualified employee.

14 20–609.

15 (a) **[Disabilities] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS**
16 **SUBTITLE, DISABILITIES** caused or contributed to by pregnancy or childbirth:

17 (1) are temporary disabilities for all job–related purposes; and

18 (2) shall be treated as temporary disabilities under any health or
19 temporary disability insurance or sick leave plan available in connection with
20 employment.

21 **(B) EXCEPT AS PROVIDED UNDER FEDERAL LAW, A REASONABLE**
22 **ACCOMMODATION FOR DISABILITIES CAUSED OR CONTRIBUTED TO BY**
23 **PREGNANCY OR CHILDBIRTH SHALL INCLUDE AT LEAST 6 WEEKS OF UNPAID**
24 **LEAVE DURING:**

25 **(1) THE EMPLOYEE’S PREGNANCY AND FOLLOWING THE BIRTH OF**
26 **THE EMPLOYEE’S CHILD; OR**

27 **(2) THE INITIAL PLACEMENT OF A CHILD UNDER THE AGE OF 16**
28 **YEARS WITH THE EMPLOYEE FOR THE PURPOSE OF ADOPTION.**

29 **[(b)] (C) [Written and unwritten employment] EMPLOYMENT** policies and
30 practices involving matters such as **[the commencement and duration of leave,] the**

1 availability of extensions of leave, the accrual of seniority and other benefits and
2 privileges, reinstatement, and payment under any health or temporary disability
3 insurance or sick leave plan, formal or informal, shall be applied to disability due to
4 pregnancy or childbirth on the same terms and conditions as they are applied to other
5 temporary disabilities.

6 **(D) AN EMPLOYER SHALL HAVE A WRITTEN EMPLOYMENT POLICY THAT**
7 **COMPLIES WITH THE PROVISIONS OF THIS SECTION AND FEDERAL LAW.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2013.