

SENATE BILL 12

K3, P4
SB 1028/12 – FIN

(PRE-FILED)

3lr0664

By: **Senator Zirkin**

Requested: October 26, 2012

Introduced and read first time: January 9, 2013

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 28, 2013

CHAPTER _____

1 AN ACT concerning

2 **Labor and Employment – Leave – Deployment of Family Members in the**
3 **Armed Forces**

4 FOR the purpose of authorizing certain employees to take leave from work on the day
5 that an immediate family member is leaving for, or returning from, active duty
6 outside the United States as a member of the armed forces of the United States;
7 prohibiting an employer from requiring an employee to use certain leave when
8 taking leave under this Act; authorizing an employer to require an employee
9 who requests leave under this Act to submit certain proof to the employer;
10 defining certain terms; and generally relating to the use of leave by employees
11 and the deployment of immediate family members in the armed forces.

12 BY adding to

13 Article – Labor and Employment

14 Section 3–803

15 Annotated Code of Maryland

16 (2008 Replacement Volume and 2012 Supplement)

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

19 **Article – Labor and Employment**

20 **3–803.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 (2) “EMPLOYEE” MEANS AN INDIVIDUAL WHO:

4 (I) IS EMPLOYED BY AN EMPLOYER TO WORK FULL-TIME
5 OR PART-TIME;

6 (II) HAS WORKED FOR THE EMPLOYER FOR THE LAST 12
7 MONTHS; AND

8 (III) HAS WORKED FOR AT LEAST 1,250 HOURS DURING THE
9 LAST 12 MONTHS.

10 (3) “EMPLOYER” MEANS:

11 (I) A PERSON THAT:

12 1. EMPLOYS 50 OR MORE INDIVIDUALS; AND

13 2. IS ENGAGED IN A BUSINESS, INDUSTRY,
14 PROFESSION, TRADE, OR OTHER ENTERPRISE IN THE STATE;

15 (II) THE STATE AND ITS UNITS;

16 (III) A COUNTY AND ITS UNITS; OR

17 (IV) A MUNICIPAL GOVERNMENT IN THE STATE.

18 (4) “IMMEDIATE FAMILY MEMBER” MEANS A SPOUSE, PARENT,
19 STEPPARENT, CHILD, STEPCHILD, OR SIBLING.

20 (B) AN EMPLOYEE MAY TAKE LEAVE FROM WORK ON THE DAY THAT AN
21 IMMEDIATE FAMILY MEMBER OF THE EMPLOYEE IS LEAVING FOR, OR
22 RETURNING FROM, ACTIVE DUTY OUTSIDE THE UNITED STATES AS A MEMBER
23 OF THE ARMED FORCES OF THE UNITED STATES.

24 (C) AN EMPLOYER MAY NOT REQUIRE AN EMPLOYEE TO USE
25 COMPENSATORY, SICK, OR VACATION LEAVE WHEN TAKING LEAVE UNDER THIS
26 SECTION.

27 (D) AN EMPLOYER MAY REQUIRE AN EMPLOYEE REQUESTING LEAVE
28 UNDER THIS SECTION TO SUBMIT PROOF TO THE EMPLOYER VERIFYING THAT

1 THE LEAVE IS BEING TAKEN IN ACCORDANCE WITH SUBSECTION (B) OF THIS
2 SECTION.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.