

# HOUSE BILL 564

P4

(5lr0350)

## ENROLLED BILL

— Appropriations/Finance —

Introduced by **Delegates Kelly, Barkley, Carr, Cullison, Dumais, Ebersole, Frick, Frush, Glenn, Gutierrez, Hettleman, Hill, Korman, Lam, Morales, Platt, Reznik, S. Robinson, Smith, Valderrama, K. Young, and Zucker**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Personnel – Limits on Use of Leave for Birth, Adoption, Foster Placement,**  
3 **or Care of Child**

4 FOR the purpose of prohibiting certain units of State government from limiting, to less  
5 than a certain number of days the aggregate number of days of accrued sick leave  
6 that certain employees may use, without certification of illness or disability, for  
7 certain purposes; prohibiting certain units of State government from limiting, to a  
8 certain number of weeks, the aggregate number of weeks of family and medical leave  
9 that certain employees may use during a certain time period for a certain purpose;  
10 prohibiting regulations adopted by the Secretary of Budget and Management from  
11 limiting, to a certain number of weeks, the aggregate number of weeks of family and  
12 medical leave that two employees who are married to one another may use during a

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#### 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.

*Italics* indicate opposite chamber/conference committee amendments.



1 certain time period for certain purposes; making certain conforming changes; and  
 2 generally relating to sick leave and family and medical leave for State employees.

3 BY adding to  
 4 Article – State Personnel and Pensions  
 5 Section 2–309  
 6 Annotated Code of Maryland  
 7 (2009 Replacement Volume and 2014 Supplement)

8 BY repealing and reenacting, with amendments,  
 9 Article – State Personnel and Pensions  
 10 Section 9–505 and 9–1001  
 11 Annotated Code of Maryland  
 12 (2009 Replacement Volume and 2014 Supplement)

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

15 **Article – State Personnel and Pensions**

16 **2–309.**

17 (A) THIS SECTION APPLIES TO ALL UNITS IN:

18 ~~(1) THE EXECUTIVE BRANCH OF STATE GOVERNMENT, INCLUDING~~  
 19 ~~UNITS WITH INDEPENDENT PERSONNEL SYSTEMS;~~

20 ~~(2) THE JUDICIAL BRANCH OF STATE GOVERNMENT; AND~~

21 ~~(3) THE LEGISLATIVE BRANCH OF STATE GOVERNMENT.~~

22 (B) A UNIT SUBJECT TO THIS SECTION MAY NOT LIMIT, TO LESS THAN 60  
 23 DAYS, THE AGGREGATE NUMBER OF DAYS OF ACCRUED SICK LEAVE THAT TWO  
 24 EMPLOYEES WHO ARE RESPONSIBLE FOR THE CARE AND NURTURING OF A CHILD  
 25 MAY USE, WITHOUT CERTIFICATION OF ILLNESS OR DISABILITY, TO CARE FOR THE  
 26 CHILD DURING THE PERIOD IMMEDIATELY FOLLOWING:

27 (1) THE BIRTH OF THE EMPLOYEES' CHILD; OR

28 (2) THE PLACEMENT OF THE CHILD WITH THE EMPLOYEES FOR  
 29 ADOPTION.

30 (C) IN IMPLEMENTING THE FEDERAL FAMILY AND MEDICAL LEAVE ACT OF  
 31 1993, A UNIT SUBJECT TO THIS SECTION MAY NOT LIMIT, TO LESS THAN 24 WEEKS,  
 32 THE AGGREGATE NUMBER OF WEEKS OF FAMILY AND MEDICAL LEAVE THAT TWO

1 EMPLOYEES WHO ARE MARRIED TO ONE ANOTHER MAY USE DURING A 12-MONTH  
2 PERIOD FOR:

3 (1) THE BIRTH OF THE EMPLOYEES' CHILD;

4 (2) THE PLACEMENT OF A CHILD WITH THE EMPLOYEES FOR  
5 ADOPTION OR FOSTER CARE;

6 (3) THE SERIOUS HEALTH CONDITION OF THE EMPLOYEES' CHILD, IF  
7 THE CHILD IS A MINOR; OR

8 (4) THE CARE OF THE EMPLOYEES' ADULT CHILD, IF THE ADULT  
9 CHILD IS INCAPABLE OF SELF-CARE.

10 9-505.

11 (a) An employee who is responsible for the care and nurturing of a child may use,  
12 without certification of illness or disability, up to 30 days of accrued sick leave to care for  
13 the child during the period immediately following:

14 (1) the birth of the employee's child; or

15 (2) the placement of the child with the employee for adoption.

16 (b) If two employees are responsible for the care and nurturing of a child, [both  
17 employees in aggregate may use, without certification of illness or disability, up to 40 days,  
18 not to exceed 30 days for one employee,] **EACH EMPLOYEE MAY USE, WITHOUT**  
19 **CERTIFICATION OF ILLNESS OR DISABILITY, UP TO 30 DAYS** of accrued sick leave to  
20 care for the child during the period immediately following:

21 (1) the birth of the employees' child; or

22 (2) the placement of the child with the employees for adoption.

23 (c) (1) An employee who uses accrued sick leave following the birth of the  
24 employee's child may not receive payment under this subtitle unless the employee gives the  
25 employee's immediate supervisor information required by guidelines issued by the  
26 Secretary about the Family Medical Leave Act of 1993, 29 U.S.C. § 2601 et seq.

27 (2) An employee who uses accrued sick leave for adoption purposes may  
28 not receive payment under this subtitle unless the employee gives the employee's  
29 immediate supervisor the certificate required by guidelines issued by the Secretary about  
30 the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 et seq.

31 9-1001.

1 (a) **[The] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE** Secretary shall  
 2 adopt regulations, guidelines, or policies implementing the federal Family and Medical  
 3 Leave Act of 1993.

4 (b) The regulations adopted by the Secretary:

5 (1) may require an eligible employee to use other available accrued leave  
 6 concurrently with family and medical leave; **AND**

7 (2) **MAY NOT LIMIT, TO LESS THAN 24 WEEKS, THE AGGREGATE**  
 8 **NUMBER OF WEEKS OF FAMILY AND MEDICAL LEAVE THAT TWO EMPLOYEES WHO**  
 9 **ARE MARRIED TO ONE ANOTHER MAY USE DURING A 12-MONTH PERIOD FOR:**

10 (I) **THE BIRTH OF THE EMPLOYEES' CHILD;**

11 (II) **THE PLACEMENT OF A CHILD WITH THE EMPLOYEES FOR**  
 12 **ADOPTION OR FOSTER CARE;**

13 (III) **THE SERIOUS HEALTH CONDITION OF THE EMPLOYEES'**  
 14 **CHILD, IF THE CHILD IS A MINOR; OR**

15 (IV) **THE CARE OF THE EMPLOYEES' ADULT CHILD, IF THE ADULT**  
 16 **CHILD IS INCAPABLE OF SELF-CARE.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 18 October 1, 2015.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.