

Chapter 435

(House Bill 564)

AN ACT concerning

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

FOR the purpose of prohibiting certain units of State government from limiting, to less than a certain number of days the aggregate number of days of accrued sick leave that certain employees may use, without certification of illness or disability, for certain purposes; prohibiting certain units of State government from limiting, to a certain number of weeks, the aggregate number of weeks of family and medical leave that certain employees may use during a certain time period for a certain purpose; prohibiting regulations adopted by the Secretary of Budget and Management from limiting, to a certain number of weeks, the aggregate number of weeks of family and medical leave that two employees who are married to one another may use during a certain time period for certain purposes; making certain conforming changes; and generally relating to sick leave and family and medical leave for State employees.

BY adding to

Article – State Personnel and Pensions
Section 2–309
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions
Section 9–505 and 9–1001
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – State Personnel and Pensions

2–309.

(A) THIS SECTION APPLIES TO ALL UNITS IN:

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

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

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

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

- (1) THE BIRTH OF THE EMPLOYEES' CHILD; OR**
- (2) THE PLACEMENT OF THE CHILD WITH THE EMPLOYEES FOR ADOPTION.**

(C) IN IMPLEMENTING THE FEDERAL FAMILY AND MEDICAL LEAVE ACT OF 1993, A UNIT SUBJECT TO THIS SECTION MAY NOT LIMIT, TO LESS THAN 24 WEEKS, THE AGGREGATE NUMBER OF WEEKS OF FAMILY AND MEDICAL LEAVE THAT TWO EMPLOYEES WHO ARE MARRIED TO ONE ANOTHER MAY USE DURING A 12-MONTH PERIOD FOR:

- (1) THE BIRTH OF THE EMPLOYEES' CHILD;**
- (2) THE PLACEMENT OF A CHILD WITH THE EMPLOYEES FOR ADOPTION OR FOSTER CARE;**
- (3) THE SERIOUS HEALTH CONDITION OF THE EMPLOYEES' CHILD, IF THE CHILD IS A MINOR; OR**
- (4) THE CARE OF THE EMPLOYEES' ADULT CHILD, IF THE ADULT CHILD IS INCAPABLE OF SELF-CARE.**

9-505.

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

- (1) the birth of the employee's child; or
- (2) the placement of the child with the employee for adoption.

(b) If two employees are responsible for the care and nurturing of a child, [both employees in aggregate may use, without certification of illness or disability, up to 40 days,

not to exceed 30 days for one employee,] **EACH EMPLOYEE MAY USE, WITHOUT CERTIFICATION OF ILLNESS OR DISABILITY, UP TO 30 DAYS** of accrued sick leave to care for the child during the period immediately following:

- (1) the birth of the employees' child; or
- (2) the placement of the child with the employees for adoption.

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

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

9-1001.

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

(b) The regulations adopted by the Secretary:

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

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

(I) THE BIRTH OF THE EMPLOYEES' CHILD;

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

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

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

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

Approved by the Governor, May 12, 2015.