

SENATE BILL 712

K3, L6

EMERGENCY BILL

8lr3279

By: **Senator Serafini**

Introduced and read first time: February 2, 2018

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Healthy Working Families Act – Exemptions**

3 FOR the purpose of repealing the inclusion of local governments in the definition of
4 “employer” for purposes of certain provisions of law governing earned sick and safe
5 leave; exempting from certain provisions of law governing earned sick and safe leave
6 certain employees who are employed by county boards of education or nonprofit
7 entities or who regularly work at facilities at which the employers offer the
8 employees access to certain on-site health clinics; making this Act an emergency
9 measure; and generally relating to earned sick and safe leave.

10 BY repealing and reenacting, without amendments,
11 Article – Labor and Employment
12 Section 3–1301(a)
13 Annotated Code of Maryland
14 (2016 Replacement Volume and 2017 Supplement)
15 (As enacted by Chapter 1 of the Acts of the General Assembly of 2018)

16 BY repealing and reenacting, with amendments,
17 Article – Labor and Employment
18 Section 3–1301(f) and 3–1303(a)
19 Annotated Code of Maryland
20 (2016 Replacement Volume and 2017 Supplement)
21 (As enacted by Chapter 1 of the Acts of the General Assembly of 2018)

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

24 **Article – Labor and Employment**

25 3–1301.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (f) “Employer” includes:

3 (1) a unit of State [or local] government; and

4 (2) a person that acts directly or indirectly in the interest of another
5 employer with an employee.

6 3–1303.

7 (a) This subtitle does not apply to an employee who:

8 (1) regularly works less than 12 hours a week for an employer;

9 (2) (i) is employed in the construction industry; and

10 (ii) is covered by a bona fide collective bargaining agreement in
11 which the requirements of this subtitle are expressly waived in clear and unambiguous
12 terms; [or]

13 (3) (i) is called to work by the employer on an as-needed basis in a
14 health or human services industry;

15 (ii) can reject or accept the shift offered by the employer;

16 (iii) is not guaranteed to be called on to work by the employer; and

17 (iv) is not employed by a temporary staffing agency;

18 **(4) IS EMPLOYED BY:**

19 **(I) A COUNTY BOARD OF EDUCATION; OR**

20 **(II) A NONPROFIT ENTITY; OR**

21 **(5) REGULARLY WORKS AT A FACILITY AT WHICH THE EMPLOYER**
22 **OFFERS THE EMPLOYEE ACCESS TO AN ON-SITE HEALTH CLINIC THAT HAS**
23 **OPERATING COSTS OF AT LEAST \$1,000,000 PER YEAR.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
25 measure, is necessary for the immediate preservation of the public health or safety, has
26 been passed by a ye and nay vote supported by three-fifths of all the members elected to
27 each of the two Houses of the General Assembly, and shall take effect from the date it is
28 enacted.