

# SENATE BILL 859

P4

(8lr0465)

## ENROLLED BILL

— Finance/Appropriations —

Introduced by **Senators Ferguson, Benson, Currie, Madaleno, Rosapepe, Smith, and ~~Zucker~~ Zucker, Middleton, Klausmeier, Feldman, and Mathias**

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.

\_\_\_\_\_  
President.

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

1 AN ACT concerning

### 2 **State Employees – Parental Leave**

3 FOR the purpose of providing that certain State employees may be entitled to parental  
4 leave with pay under certain circumstances; establishing the maximum number of  
5 days of parental leave that certain employees may use for the care and nurturing of  
6 a child ~~within a certain amount of time~~ immediately following the birth or adoption  
7 of the child; authorizing certain employees to use certain leave for a certain purpose;  
8 requiring certain State agencies to provide certain employees with additional paid  
9 leave under certain circumstances; providing that an employee may use parental  
10 leave only after obtaining approval from the employee's appointing authority;  
11 prohibiting an employee who uses parental leave from receiving certain payment  
12 unless the employee takes a certain action; requiring the Secretary of Budget and  
13 Management to adopt certain regulations; requiring the Secretary to report to  
14 certain committees on or before a certain date certain information regarding the

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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 importance of employee benefits for certain purposes; and generally relating to  
2 parental leave for State employees.

3 BY repealing and reenacting, without amendments,  
4 Article – State Personnel and Pensions  
5 Section 9–1101  
6 Annotated Code of Maryland  
7 (2015 Replacement Volume and 2017 Supplement)

8 BY adding to  
9 Article – State Personnel and Pensions  
10 Section 9–1108  
11 Annotated Code of Maryland  
12 (2015 Replacement Volume and 2017 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 9–1101.

17 Except as otherwise provided in this subtitle, this subtitle applies to all employees  
18 in the State Personnel Management System, except temporary employees.

19 **9–1108.**

20 **(A) THIS SECTION APPLIES TO ALL EMPLOYEES IN THE ~~LEGISLATIVE AND~~**  
21 **~~EXECUTIVE BRANCHES~~ BRANCH OF STATE GOVERNMENT.**

22 **(B) ON REQUEST, AN EMPLOYEE SUBJECT TO THIS SECTION MAY BE**  
23 **ENTITLED TO PARENTAL LEAVE WITH PAY.**

24 **(C) ~~AN~~ (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN**  
25 **EMPLOYEE WHO IS THE PRIMARY CAREGIVER RESPONSIBLE FOR THE CARE AND**  
26 **NURTURING OF A CHILD MAY USE UP TO 60 DAYS OF PARENTAL LEAVE TO CARE FOR**  
27 **THE CHILD DURING THE PERIOD ~~WITHIN 1 YEAR~~ IMMEDIATELY FOLLOWING:**

28 **~~(1)~~ (I) THE BIRTH OF THE EMPLOYEE’S CHILD; OR**

29 **~~(2)~~ (II) THE PLACEMENT OF THE CHILD UNDER 6 YEARS OF AGE**  
30 **WITH THE EMPLOYEE FOR ADOPTION.**

31 **(2) (I) AN EMPLOYEE ENTITLED TO PARENTAL LEAVE**  
32 **AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY USE ACCRUED**

1 ANNUAL LEAVE, ACCRUED SICK LEAVE, AND PERSONAL LEAVE AVAILABLE TO THE  
2 EMPLOYEE.

3 (II) IF THE AMOUNT OF LEAVE SPECIFIED UNDER  
4 SUBPARAGRAPH (I) OF THIS PARAGRAPH IS LESS THAN 60 DAYS, THE STATE AGENCY  
5 THAT EMPLOYS THE EMPLOYEE SHALL PROVIDE THE EMPLOYEE WITH ADDITIONAL  
6 PAID LEAVE TO ATTAIN 60 DAYS OF PARENTAL LEAVE.

7 (D) AN EMPLOYEE MAY USE PARENTAL LEAVE ONLY AFTER OBTAINING  
8 APPROVAL FROM THE EMPLOYEE'S APPOINTING AUTHORITY.

9 (E) (1) AN EMPLOYEE WHO USES PARENTAL LEAVE FOLLOWING THE  
10 BIRTH OF THE EMPLOYEE'S CHILD MAY NOT RECEIVE PAYMENT UNDER THIS  
11 SECTION UNLESS THE EMPLOYEE GIVES THE EMPLOYEE'S IMMEDIATE SUPERVISOR  
12 INFORMATION REQUIRED BY GUIDELINES ISSUED BY THE SECRETARY ON THE  
13 FEDERAL FAMILY AND MEDICAL LEAVE ACT OF 1993.

14 (2) AN EMPLOYEE WHO USES PARENTAL LEAVE FOR ADOPTION  
15 PURPOSES MAY NOT RECEIVE PAYMENT UNDER THIS SUBTITLE UNLESS THE  
16 EMPLOYEE GIVES THE EMPLOYEE'S IMMEDIATE SUPERVISOR THE CERTIFICATE  
17 REQUIRED BY GUIDELINES ISSUED BY THE SECRETARY ON THE FEDERAL FAMILY  
18 AND MEDICAL LEAVE ACT OF 1993.

19 (F) THE SECRETARY SHALL ADOPT REGULATIONS GOVERNING PARENTAL  
20 LEAVE, INCLUDING REGULATIONS THAT ESTABLISH CONDITIONS AND PROCEDURES  
21 FOR REQUESTING AND APPROVING PARENTAL LEAVE.

22 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1,  
23 2021, the Secretary of Budget and Management shall report to the Senate Finance  
24 Committee and the House Appropriations Committee, in accordance with § 2-1246 of the  
25 State Government Article, on what employee benefits, including paid parental leave, are  
26 important in order to attract and retain young people to State employment.

27 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2018.