

SENATE BILL 473

K3

1r2178
CF HB 56

By: **Senator Washington**

Introduced and read first time: January 20, 2021

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Leave With Pay – Bereavement Leave**

3 FOR the purpose of authorizing employees of certain employers to use certain leave with
4 pay for bereavement leave; making a conforming change; defining the term
5 “bereavement leave”; defining the term “child” for purposes of certain bereavement
6 leave; and generally relating to an employee’s use of leave with pay for bereavement
7 leave.

8 BY repealing and reenacting, with amendments,
9 Article – Labor and Employment
10 Section 3–802
11 Annotated Code of Maryland
12 (2016 Replacement Volume and 2020 Supplement)

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

15 **Article – Labor and Employment**

16 3–802.

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

18 (2) **“BEREAVEMENT LEAVE” MEANS LEAVE AN EMPLOYEE IS**
19 **ALLOWED TO USE ON THE DEATH OF A MEMBER OF THE EMPLOYEE’S IMMEDIATE**
20 **FAMILY.**

21 [(2)] (3) “Child” means:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 6. a similar benefit.

2 **[(6)] (7)** “Parent” means an adoptive, biological, or foster parent, a
3 stepparent, a legal guardian, or a person standing in loco parentis.

4 (b) (1) This section applies to an employee who is primarily employed in the
5 State.

6 (2) This section applies to an employer that:

7 (i) provides leave with pay under the terms of a collective
8 bargaining agreement or an employment policy; and

9 (ii) employs 15 or more employees for each working day in each of 20
10 or more calendar weeks in the current or preceding calendar year.

11 (c) The purpose of **[this section] SUBSECTION (D)(1)(I)** is to allow an employee
12 of an employer to use leave with pay to care for an immediate family member who is ill
13 under the same conditions and policy rules that would apply if the employee took leave for
14 the employee’s own illness.

15 (d) (1) An employee of an employer may use leave with pay for:

16 **(I)** the illness of the employee’s immediate family; **OR**

17 **(II)** **BEREAVEMENT LEAVE.**

18 (2) An agreement between an employer and employee to waive the
19 provisions of this section is void.

20 (e) (1) An employee of an employer:

21 (i) may only use leave with pay under this section that has been
22 earned; and

23 (ii) who earns more than one type of leave with pay may elect the
24 type and amount of leave with pay to be used under this section.

25 (2) Except as provided in paragraph (3) of this subsection, an employee of
26 an employer who uses leave under this section shall comply with the terms of a collective
27 bargaining agreement or employment policy.

28 (3) If the terms of a collective bargaining agreement with an employer or
29 an employment policy of an employer provide a leave with pay benefit that is equal to or
30 greater than the benefit provided under this section, the collective bargaining agreement
31 or employment policy prevails.

1 (f) An employer may not discharge, demote, suspend, discipline, or otherwise
2 discriminate against an employee or threaten to take any of these actions against an
3 employee because the employee:

4 (1) has requested leave authorized under this section;

5 (2) has taken leave authorized under this section;

6 (3) has opposed a practice made unlawful by this section; or

7 (4) has made a charge, testified, assisted, or participated in an
8 investigation, proceeding, or hearing under this section.

9 (g) This section does not:

10 (1) extend the maximum period of leave an employee has under the federal
11 Family and Medical Leave Act of 1993; or

12 (2) limit the period of leave to which an employee is entitled under the
13 federal Family and Medical Leave Act of 1993.

14 (h) (1) Whenever the Commissioner determines that this section has been
15 violated, the Commissioner shall:

16 (i) try to resolve any issue involved in the violation informally by
17 mediation; or

18 (ii) ask the Attorney General to bring an action on behalf of the
19 applicant or employee.

20 (2) The Attorney General may bring an action under this subsection in the
21 county where the violation allegedly occurred for injunctive relief, damages, or other relief.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2021.