

Chapter 420

(Senate Bill 109)

AN ACT concerning

State Employees – Parental Bereavement Leave

FOR the purpose of providing that certain State employees are entitled to a certain amount of parental bereavement leave with pay under certain circumstances; prohibiting certain State entities from requiring certain State employees to use certain paid leave under certain circumstances; and generally relating to parental bereavement leave for State employees.

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 9–1101
Annotated Code of Maryland
(2015 Replacement Volume and 2023 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 9–1109
Annotated Code of Maryland
(2015 Replacement Volume and 2023 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

9–1101.

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

9–1109.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CHILD” MEANS AN ADOPTED, BIOLOGICAL, OR FOSTER CHILD, A STEPCHILD, OR A LEGAL WARD, WHO IS AT LEAST 6 MONTHS OLD AND UNDER THE AGE OF ~~21~~ 27 YEARS.

(3) “INFANT” MEANS AN ADOPTED, BIOLOGICAL, OR FOSTER CHILD, A STEPCHILD, OR A LEGAL WARD, WHO IS UNDER THE AGE OF 6 MONTHS.

~~**(3)(4) “PARENTAL BEREAVEMENT LEAVE” MEANS LEAVE AN EMPLOYEE IS ALLOWED TO USE:**~~

~~**(I) ON THE DEATH OF THE EMPLOYEE’S CHILD; OR**~~

~~**(II) WHEN THE EMPLOYEE EXPERIENCES A STILLBIRTH.**~~

~~**(4)(5) “STILLBIRTH” MEANS THE DEATH OF A FETUS AFTER A GESTATION PERIOD OF 20 WEEKS OR MORE FOR AN EMPLOYEE:**~~

~~**(I) WHO WAS PREGNANT WITH THE FETUS;**~~

~~**(II) WHO IS THE SPOUSE OR DOMESTIC PARTNER OF AN INDIVIDUAL WHO WAS PREGNANT WITH THE FETUS; OR**~~

~~**(III) WHO INTENDED TO ASSUME PARENTAL RESPONSIBILITIES FOR THE FETUS IF THE FETUS HAD BEEN BORN ALIVE.**~~

(B) THIS SECTION APPLIES TO ALL EMPLOYEES, INCLUDING TEMPORARY EMPLOYEES, IN THE EXECUTIVE, JUDICIAL, AND LEGISLATIVE BRANCHES OF STATE GOVERNMENT, INCLUDING ANY UNIT WITH AN INDEPENDENT PERSONNEL SYSTEM.

(C) AN EMPLOYEE SUBJECT TO THIS SECTION IS ENTITLED TO PARENTAL BEREAVEMENT LEAVE WITH PAY.

(D) (1) SUBJECT TO PARAGRAPH ~~(2)~~ (3) OF THIS SUBSECTION, AN EMPLOYEE MAY USE UP TO 10 DAYS OF PARENTAL BEREAVEMENT LEAVE WITHIN 60 DAYS AFTER:

~~**(I) THE DEATH OF THE EMPLOYEE’S CHILD; OR**~~

~~**(II) THE EMPLOYEE EXPERIENCES A STILLBIRTH.**~~

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN EMPLOYEE MAY USE UP TO 60 DAYS OF PARENTAL BEREAVEMENT LEAVE WITHIN 60 DAYS AFTER:

(I) THE EMPLOYEE EXPERIENCES A STILLBIRTH; OR

(II) THE DEATH OF THE EMPLOYEE’S INFANT.

~~(2)~~ **(3)** AN EMPLOYEE MAY USE PARENTAL BEREAVEMENT LEAVE ONLY AFTER NOTIFYING THE EMPLOYEE'S APPOINTING AUTHORITY OF THE EMPLOYEE'S INTENTION TO USE PARENTAL BEREAVEMENT LEAVE.

~~(3)~~ **(4)** AN EMPLOYEE'S APPOINTING AUTHORITY MAY NOT REQUIRE AN EMPLOYEE ENTITLED TO PARENTAL BEREAVEMENT LEAVE UNDER ~~PARAGRAPH~~ PARAGRAPHS (1) AND (2) OF THIS SUBSECTION TO USE ANY OTHER PAID LEAVE AVAILABLE TO THE EMPLOYEE.

(E) THE SECRETARY SHALL ADOPT REGULATIONS GOVERNING PARENTAL BEREAVEMENT LEAVE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.

Approved by the Governor, May 9, 2024.