

HOUSE BILL 1204

Unofficial Copy
K3

1999 Regular Session
(91r2556)

ENROLLED BILL
-- Economic Matters/Finance --

Introduced by ~~Delegates Shriver and Turner~~ **Turner, Barve, Brown, Busch, Donoghue, Eckardt, Fulton, Goldwater, Gordon, Harrison, Hill, Kach, K. Kelly, Kirk, Krysiak, La Vay, Love, McClenahan, McHale, Minnick, Moe, and Walkup**

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.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Labor and Employment - Employee Sick Leave - Adoption**

3 FOR the purpose of requiring a ~~private employer~~ *certain employers* that ~~grants~~ *grant*
4 paid sick leave to ~~allow an employee to use sick leave under certain~~
5 ~~circumstances to care for a child after~~ *following* the birth of a child ~~or to grant~~
6 ~~the same leave to an employee following~~ the placement with the employee of a
7 child for adoption; ~~requiring a private employer to allow a certain employee to~~
8 ~~use a certain number of sick days to care for a child under certain~~
9 ~~circumstances; setting a limit on the number of sick days that may be used by a~~
10 ~~certain employee under certain circumstances; requiring an employee to submit~~
11 ~~information required by guidelines issued by the Secretary of Budget and~~
12 ~~Management about the Family Medical Leave Act to an employer; defining a~~
13 ~~certain term; providing for the termination of this Act;~~ and generally relating to
14 requiring a ~~private employer~~ *certain employers* to grant certain leave for taking

1 care of a child after ~~the birth of a child or~~ the placement of the child with a
2 certain employee for adoption under certain circumstances.

3 BY adding to

4 Article - Labor and Employment

5 Section 3-801 through ~~3-803~~ 3-802, inclusive, to be under the new subtitle

6 "Subtitle 8. Sick Leave"

7 Annotated Code of Maryland

8 (1991 Volume and 1998 Supplement)

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

11 **Article - Labor and Employment**

12 **SUBTITLE 8. SICK LEAVE.**

13 3-801.

14 (A) IN THIS SUBTITLE, "EMPLOYER" MEANS A PERSON ENGAGED IN A
15 BUSINESS, INDUSTRY, PROFESSION, TRADE, OR OTHER ENTERPRISE IN THE STATE.

16 (B) "EMPLOYER" INCLUDES:

17 (1) A UNIT OF STATE OR LOCAL GOVERNMENT THAT EMPLOYS
18 INDIVIDUALS WHO ARE NOT SUBJECT TO THE PROVISIONS OF TITLE 9, SUBTITLE 5
19 OF THE STATE PERSONNEL AND PENSIONS ARTICLE; AND

20 (2) A PERSON WHO ACTS DIRECTLY OR INDIRECTLY IN THE INTEREST
21 OF ANOTHER EMPLOYER WITH AN EMPLOYEE.

22 3-802.

23 (A) THIS ~~SECTION~~ SUBTITLE APPLIES TO AN EMPLOYER WHO PROVIDES ~~SICK~~
24 LEAVE WITH PAY TO AN EMPLOYEE FOLLOWING THE BIRTH OF THE EMPLOYEE'S
25 CHILD.

26 (B) ~~SICK LEAVE WITH PAY MAY BE USED:~~

27 ~~(1) FOR ILLNESS OR DISABILITY OF THE EMPLOYEE;~~

28 ~~(2) FOR DEATH, ILLNESS, OR DISABILITY OF A MEMBER OF THE~~
29 ~~EMPLOYEE'S IMMEDIATE FAMILY;~~

30 ~~(3) FOLLOWING THE BIRTH OF THE EMPLOYEE'S CHILD;~~

31 ~~(4) WHEN A CHILD IS PLACED WITH THE EMPLOYEE FOR ADOPTION; OR~~

32 ~~(5) FOR A MEDICAL APPOINTMENT OF THE EMPLOYEE OR A MEMBER OF~~
33 ~~THE EMPLOYEE'S IMMEDIATE FAMILY~~ AN EMPLOYER WHO PROVIDES SICK LEAVE

1 WITH PAY TO AN EMPLOYEE FOLLOWING THE BIRTH OF THE EMPLOYEE'S CHILD
2 SHALL PROVIDE THE SAME SICK LEAVE WITH PAY TO AN EMPLOYEE WHEN A CHILD
3 IS PLACED WITH THE EMPLOYEE FOR ADOPTION.

4 ~~3-803.~~

5 ~~(A) AN EMPLOYEE WHO IS RESPONSIBLE FOR THE CARE AND NURTURING OF~~
6 ~~A CHILD MAY USE, WITHOUT CERTIFICATION OF ILLNESS OR DISABILITY, UP TO 30~~
7 ~~DAYS ACCRUED SICK LEAVE TO CARE FOR THE CHILD DURING THE PERIOD~~
8 ~~IMMEDIATELY FOLLOWING:~~

9 ~~(1) THE BIRTH OF THE EMPLOYEE'S CHILD; OR~~

10 ~~(2) THE PLACEMENT OF THE CHILD WITH THE EMPLOYEE FOR~~
11 ~~ADOPTION.~~

12 ~~(B) IF TWO EMPLOYEES ARE RESPONSIBLE FOR THE CARE AND NURTURING~~
13 ~~OF A CHILD, BOTH EMPLOYEES IN AGGREGATE MAY USE, WITHOUT CERTIFICATION~~
14 ~~OF ILLNESS OR DISABILITY, UP TO 40 DAYS, NOT TO EXCEED 30 DAYS FOR ONE~~
15 ~~EMPLOYEE, OF ACCRUED SICK LEAVE TO CARE FOR THE CHILD DURING THE PERIOD~~
16 ~~IMMEDIATELY FOLLOWING:~~

17 ~~(1) THE BIRTH OF THE EMPLOYEES' CHILD; OR~~

18 ~~(2) THE PLACEMENT OF THE CHILD WITH THE EMPLOYEES FOR~~
19 ~~ADOPTION.~~

20 ~~(C) (1) AN EMPLOYEE WHO USES ACCRUED SICK LEAVE FOLLOWING THE~~
21 ~~BIRTH OF THE EMPLOYEE'S CHILD MAY NOT RECEIVE PAYMENT UNDER THIS~~
22 ~~SUBTITLE UNLESS THE EMPLOYEE GIVES THE EMPLOYEE'S IMMEDIATE SUPERVISOR~~
23 ~~INFORMATION REQUIRED BY GUIDELINES ISSUED BY THE SECRETARY OF BUDGET~~
24 ~~AND MANAGEMENT ABOUT THE FAMILY MEDICAL LEAVE ACT OF 1993.~~

25 ~~(2) AN EMPLOYEE WHO USES ACCRUED SICK LEAVE FOR ADOPTION~~
26 ~~PURPOSES MAY NOT RECEIVE PAYMENT UNDER THIS SUBTITLE UNLESS THE~~
27 ~~EMPLOYEE GIVES THE EMPLOYEE'S IMMEDIATE SUPERVISOR THE CERTIFICATE~~
28 ~~REQUIRED BY GUIDELINES ISSUED BY THE SECRETARY OF BUDGET AND~~
29 ~~MANAGEMENT ABOUT THE FAMILY AND MEDICAL LEAVE ACT OF 1993.~~

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October July 1, 1999. It shall remain effective for a period of three years and, at the
32 end of ~~September~~ June 30, 2002, with no further action required by the General
33 Assembly, this Act shall be abrogated and of no further force and effect.

