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By: **Delegates Shriver and Turner**  
Introduced and read first time: March 8, 1999  
Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

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

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

15 BY adding to  
16 Article - Labor and Employment  
17 Section 3-801 through 3-803, inclusive, to be under the new subtitle "Subtitle 8.  
18 Sick Leave"  
19 Annotated Code of Maryland  
20 (1991 Volume and 1998 Supplement)

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

23 **Article - Labor and Employment**

24 **SUBTITLE 8. SICK LEAVE.**

25 3-801.

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

1 (B) "EMPLOYER" INCLUDES A PERSON WHO ACTS DIRECTLY OR INDIRECTLY  
2 IN THE INTEREST OF ANOTHER EMPLOYER WITH AN EMPLOYEE.

3 3-802.

4 (A) THIS SECTION APPLIES TO AN EMPLOYER WHO PROVIDES SICK LEAVE  
5 WITH PAY TO AN EMPLOYEE.

6 (B) SICK LEAVE WITH PAY MAY BE USED:

7 (1) FOR ILLNESS OR DISABILITY OF THE EMPLOYEE;

8 (2) FOR DEATH, ILLNESS, OR DISABILITY OF A MEMBER OF THE  
9 EMPLOYEE'S IMMEDIATE FAMILY;

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

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

12 (5) FOR A MEDICAL APPOINTMENT OF THE EMPLOYEE OR A MEMBER OF  
13 THE EMPLOYEE'S IMMEDIATE FAMILY.

14 3-803.

15 (A) AN EMPLOYEE WHO IS RESPONSIBLE FOR THE CARE AND NURTURING OF  
16 A CHILD MAY USE, WITHOUT CERTIFICATION OF ILLNESS OR DISABILITY, UP TO 30  
17 DAYS ACCRUED SICK LEAVE TO CARE FOR THE CHILD DURING THE PERIOD  
18 IMMEDIATELY FOLLOWING:

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

20 (2) THE PLACEMENT OF THE CHILD WITH THE EMPLOYEE FOR  
21 ADOPTION.

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

27 (1) THE BIRTH OF THE EMPLOYEES' CHILD; OR

28 (2) THE PLACEMENT OF THE CHILD WITH THE EMPLOYEES FOR  
29 ADOPTION.

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

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

6     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
7 October 1, 1999.