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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

Introduced and read first time: March 8, 1999  
Assigned to: Rules and Executive Nominations  
Re-referred to: Economic Matters, March 15, 1999

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 25, 1999

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CHAPTER \_\_\_\_\_

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

16 BY adding to  
17 Article - Labor and Employment  
18 Section 3-801 through ~~3-803~~ 3-802, inclusive, to be under the new subtitle  
19 "Subtitle 8. Sick Leave"  
20 Annotated Code of Maryland  
21 (1991 Volume and 1998 Supplement)

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

3 **Article - Labor and Employment**

4 **SUBTITLE 8. SICK LEAVE.**

5 3-801.

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

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

10 3-802.

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

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

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

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

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

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

20 ~~(5) FOR A MEDICAL APPOINTMENT OF THE EMPLOYEE OR A MEMBER OF~~  
21 ~~THE EMPLOYEE'S IMMEDIATE FAMILY AN EMPLOYER WHO PROVIDES SICK LEAVE~~  
22 ~~WITH PAY TO AN EMPLOYEE FOLLOWING THE BIRTH OF THE EMPLOYEE'S CHILD~~  
23 ~~SHALL PROVIDE THE SAME SICK LEAVE WITH PAY TO AN EMPLOYEE WHEN A CHILD~~  
24 ~~IS PLACED WITH THE EMPLOYEE FOR ADOPTION.~~

25 ~~3-803.~~

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

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

31 ~~(2) THE PLACEMENT OF THE CHILD WITH THE EMPLOYEE FOR~~  
32 ~~ADOPTION.~~

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

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

7             (2)     ~~THE PLACEMENT OF THE CHILD WITH THE EMPLOYEES FOR~~  
8 ~~ADOPTION.~~

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

14            (2)     ~~AN EMPLOYEE WHO USES ACCRUED SICK 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 OF BUDGET AND~~  
18 ~~MANAGEMENT ABOUT THE FAMILY AND MEDICAL LEAVE ACT OF 1993.~~

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