

# HOUSE BILL 633

K3, P4

9lr1625

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By: **Delegates Levi, Barkley, Glenn, Howard, and V. Turner**

Introduced and read first time: February 6, 2009

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Employee Leave – Parent-Teacher Conferences**

3 FOR the purpose of authorizing employees of certain employers that provide leave  
4 with pay to use leave with pay to attend certain parent-teacher conferences;  
5 providing that an employee who uses leave with pay may only use leave with  
6 pay that has been earned; providing that an employee who earns more than one  
7 type of leave with pay may elect the type and amount of leave with pay to be  
8 used or may elect to use leave without pay; authorizing employees of certain  
9 employers that do not provide leave with pay to use leave without pay to attend  
10 certain parent-teacher conferences; limiting the cumulative amount of leave  
11 that can be used each calendar year under this Act; providing that leave  
12 granted under this Act may be used only for certain parent-teacher conferences;  
13 requiring an employee who uses leave under this Act to comply with the terms  
14 of a collective bargaining agreement or employment policy with a certain  
15 exception; prohibiting an employer from taking certain actions against an  
16 employee who exercises certain rights, files a complaint or testifies against the  
17 employer, or assists in a certain action; defining certain terms; and generally  
18 relating to the use of leave by employees to attend parent-teacher conferences.

19 BY repealing and reenacting, without amendments,  
20 Article – Labor and Employment  
21 Section 3–802(a)(4)  
22 Annotated Code of Maryland  
23 (2008 Replacement Volume)

24 BY adding to  
25 Article – Labor and Employment  
26 Section 3–803  
27 Annotated Code of Maryland  
28 (2008 Replacement Volume)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

**Article – Labor and Employment**

**3–802.**

(a) (4) (i) “Leave with pay” means time away from work for which an employee receives compensation.

(ii) “Leave with pay” includes sick leave, vacation time, and compensatory time.

**3–803.**

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

(2) (I) “EMPLOYER” MEANS A PERSON THAT EMPLOYS 15 OR MORE INDIVIDUALS AND IS ENGAGED IN A BUSINESS, INDUSTRY, PROFESSION, TRADE, OR OTHER ENTERPRISE IN THE STATE.

(II) “EMPLOYER” INCLUDES:

1. A UNIT OF STATE OR LOCAL GOVERNMENT THAT EMPLOYS INDIVIDUALS WHO ARE NOT SUBJECT TO THE PROVISIONS OF TITLE 9, SUBTITLE 4 OF THE STATE PERSONNEL AND PENSIONS ARTICLE; AND

2. A PERSON THAT ACTS DIRECTLY OR INDIRECTLY IN THE INTEREST OF ANOTHER EMPLOYER WITH AN EMPLOYEE.

(3) “LEAVE WITH PAY” HAS THE MEANING STATED IN § 3–802 OF THIS SUBTITLE.

(4) “LEAVE WITHOUT PAY” MEANS TIME AWAY FROM WORK FOR WHICH AN EMPLOYEE DOES NOT RECEIVE COMPENSATION.

(5) “PARENT–TEACHER CONFERENCE” MEANS A FACE–TO–FACE MEETING BETWEEN A PARENT AND A PRIMARY OR SECONDARY SCHOOL TEACHER OF THE PARENT’S CHILD CONCERNING THE BEHAVIOR OF THE CHILD.

(B) (1) THIS SUBSECTION APPLIES TO AN EMPLOYER THAT PROVIDES LEAVE WITH PAY TO AN EMPLOYEE UNDER THE TERMS OF A COLLECTIVE BARGAINING AGREEMENT OR AN EMPLOYMENT POLICY.

1           (2)    SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN  
2 EMPLOYEE OF AN EMPLOYER MAY USE LEAVE WITH PAY TO ATTEND A  
3 PARENT-TEACHER CONFERENCE.

4           (3)    AN EMPLOYEE:

5                   (I)    MAY USE ONLY LEAVE WITH PAY UNDER THIS  
6 SUBSECTION THAT HAS BEEN EARNED;

7                   (II)   WHO EARNS MORE THAN ONE TYPE OF LEAVE WITH PAY  
8 MAY ELECT THE TYPE AND AMOUNT OF LEAVE WITH PAY TO BE USED UNDER  
9 THIS SUBSECTION; AND

10                  (III) MAY ELECT TO USE LEAVE WITHOUT PAY UNDER THIS  
11 SUBSECTION.

12           (C)   (1)   THIS SUBSECTION APPLIES TO AN EMPLOYER THAT DOES NOT  
13 PROVIDE LEAVE WITH PAY TO AN EMPLOYEE UNDER THE TERMS OF A  
14 COLLECTIVE BARGAINING AGREEMENT OR AN EMPLOYMENT POLICY.

15                   (2)   AN EMPLOYEE OF AN EMPLOYER MAY USE LEAVE WITHOUT  
16 PAY TO ATTEND A PARENT-TEACHER CONFERENCE.

17           (D)   LEAVE GRANTED UNDER THIS SECTION:

18                   (1)   MAY NOT EXCEED A CUMULATIVE TOTAL OF 4 HOURS IN ANY  
19 CALENDAR YEAR; AND

20                   (2)   MAY BE USED ONLY FOR A PARENT-TEACHER CONFERENCE  
21 THAT CANNOT BE SCHEDULED OUTSIDE OF THE EMPLOYEE'S NORMAL WORKING  
22 HOURS.

23           (E)   (1)   EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
24 SUBSECTION, AN EMPLOYEE WHO USES LEAVE UNDER THIS SECTION SHALL  
25 COMPLY WITH THE TERMS OF A COLLECTIVE BARGAINING AGREEMENT WITH AN  
26 EMPLOYER OR AN EMPLOYMENT POLICY OF AN EMPLOYER.

27                   (2)   IF THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT  
28 OR EMPLOYMENT POLICY PROVIDE A LEAVE BENEFIT THAT IS EQUAL TO OR  
29 GREATER THAN THE BENEFIT PROVIDED UNDER THIS SECTION, THE  
30 COLLECTIVE BARGAINING AGREEMENT OR EMPLOYMENT POLICY PREVAILS.

1           (F) AN EMPLOYER MAY NOT DISCHARGE, DEMOTE, SUSPEND,  
2 DISCIPLINE, OR OTHERWISE DISCRIMINATE AGAINST AN EMPLOYEE OR  
3 THREATEN TO TAKE ANY OF THESE ACTIONS AGAINST AN EMPLOYEE WHO:

4                   (1) EXERCISES RIGHTS GRANTED UNDER THIS SECTION; OR

5                   (2) FILES A COMPLAINT AGAINST, TESTIFIES AGAINST, OR  
6 ASSISTS IN AN ACTION BROUGHT AGAINST THE EMPLOYER FOR A VIOLATION OF  
7 THIS SECTION.

8           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2009.