

HOUSE BILL 902

K3, P4

9lr0580

By: **Delegates Mizeur, Barkley, Bronrott, Carr, Feldman, Frick, Gilchrist, Lafferty, Lee, Manno, Montgomery, F. Turner, and Waldstreicher**
Introduced and read first time: February 12, 2009
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Family and Medical Leave Act**

3 FOR the purpose of requiring employers in the State that are subject to the federal
4 Family and Medical Leave Act of 1993 to provide certain leave to a certain
5 eligible employee with respect to the eligible employee's brother, sister,
6 grandparent, grandchild, or domestic partner and the son or daughter of the
7 eligible employee's domestic partner; providing that an eligible employee who
8 takes leave provided under this Act is entitled to certain protections and rights;
9 providing that the amount of leave taken by an eligible employee under the
10 federal Family and Medical Leave Act of 1993 during a certain period of time
11 shall be counted against the amount of leave the eligible employee is entitled to
12 under this Act; requiring the Commissioner of Labor and Industry to enforce
13 this Act and adopt regulations to carry out this Act; defining certain terms; and
14 generally relating to family and medical leave benefits.

15 BY adding to
16 Article – Labor and Employment
17 Section 3–803
18 Annotated Code of Maryland
19 (2008 Replacement Volume)

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

22 **Article – Labor and Employment**

23 **3–803.**

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 (2) **“ELIGIBLE EMPLOYEE” HAS THE MEANING STATED IN 29**
2 **U.S.C. § 2611.**

3 (3) **“FMLA” MEANS THE FEDERAL FAMILY AND MEDICAL LEAVE**
4 **ACT OF 1993.**

5 (b) **THIS SECTION APPLIES TO EMPLOYERS IN THE STATE THAT ARE**
6 **SUBJECT TO THE FMLA.**

7 (c) **AN EMPLOYER SUBJECT TO THIS SECTION SHALL PROVIDE THE**
8 **SAME LEAVE TO AN ELIGIBLE EMPLOYEE TO WHICH THE ELIGIBLE EMPLOYEE IS**
9 **ENTITLED UNDER THE FMLA WITH RESPECT TO A SPOUSE, SON, DAUGHTER, OR**
10 **PARENT OF THE ELIGIBLE EMPLOYEE WITH RESPECT TO:**

11 (1) **THE ELIGIBLE EMPLOYEE’S BROTHER, SISTER,**
12 **GRANDPARENT, GRANDCHILD, OR DOMESTIC PARTNER; AND**

13 (2) **THE SON OR DAUGHTER OF THE ELIGIBLE EMPLOYEE’S**
14 **DOMESTIC PARTNER.**

15 (d) **AN ELIGIBLE EMPLOYEE WHO TAKES LEAVE PROVIDED UNDER**
16 **SUBSECTION (C) OF THIS SECTION IS ENTITLED TO THE SAME PROTECTIONS**
17 **AND RIGHTS THAT AN ELIGIBLE EMPLOYEE IS ENTITLED TO UNDER THE FMLA,**
18 **INCLUDING PROTECTION FROM DISCRIMINATION AND INTERFERENCE, THE**
19 **RIGHT TO REINSTATEMENT, AND THE RIGHT TO CONTINUATION OF HEALTH**
20 **CARE BENEFITS.**

21 (e) **THE AMOUNT OF LEAVE TAKEN BY AN ELIGIBLE EMPLOYEE UNDER**
22 **THE FMLA DURING A 12-MONTH PERIOD SHALL BE COUNTED AGAINST THE**
23 **AMOUNT OF LEAVE THE ELIGIBLE EMPLOYEE IS ENTITLED TO UNDER THIS**
24 **SECTION.**

25 (f) **THE COMMISSIONER SHALL:**

26 (1) **ENFORCE THIS SECTION; AND**

27 (2) **ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

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