

SB0737/957773/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 737
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Forehand, King, Manno, McFadden,” and substitute “Feldman, Forehand, King, Manno, McFadden, Middleton,”; in line 2, after “Employment –” insert “Unpaid”; in line 4, after “circumstances;” insert “authorizing an employer to deny unpaid parental leave to an eligible employee under certain circumstances; authorizing, under certain circumstances, an employer to require an eligible employee, or an eligible employee to elect, to substitute paid leave for any part of or all of the period of parental leave;”; in line 9, after “circumstances;” insert “authorizing an employer, during the period of parental leave, to terminate employment of an eligible employee only for cause;”; in line 11, after “circumstances;” insert “authorizing an employer, except under certain circumstances, to recover the premium for maintaining certain health coverage by deducting the amount of the premium from certain wages; requiring an employer to pay certain commissions to certain employees during any period of parental leave;”; in line 17, strike “providing for certain penalties;”; and in line 25, strike “Maryland Family and Medical” and substitute “Parental”.

AMENDMENT NO. 2

On page 2, in line 8, strike “**MARYLAND FAMILY AND MEDICAL**” and substitute “**PARENTAL**”; strike in their entirety lines 12 and 13; in lines 14 and 24, strike “**(C)**” and “**(D)**”, respectively, and substitute “**(B)**” and “**(C)**”, respectively; in line 20, after “**INDIVIDUAL**” insert “**:**”

(I)”;

and in line 23, after “**15**” insert “**;OR**”

(Over)

(II) WHO IS AN INDEPENDENT CONTRACTOR.

On page 3, in lines 5 and 10, strike “**(E)**” and “**(F)**”, respectively, and substitute “**(D)**” and “**(E)**”, respectively; strike in their entirety lines 12 and 13; in line 15, strike “**AN**” and substitute:

“(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN”;

strike beginning with “**FOR**” in line 18 down through “**CHILD**” in line 19; and after line 21, insert:

“(B) AN EMPLOYER MAY DENY UNPAID PARENTAL LEAVE TO AN ELIGIBLE EMPLOYEE IF:

(1) THE DENIAL IS NECESSARY TO PREVENT SUBSTANTIAL AND GRIEVOUS ECONOMIC INJURY TO THE OPERATIONS OF THE EMPLOYER; AND

(2) THE EMPLOYER NOTIFIES THE EMPLOYEE OF THE DENIAL BEFORE THE EMPLOYEE BEGINS TAKING THE LEAVE.

(C) IF AN EMPLOYER PROVIDES PAID LEAVE TO AN ELIGIBLE EMPLOYEE, THE EMPLOYER MAY REQUIRE THE ELIGIBLE EMPLOYEE, OR THE ELIGIBLE EMPLOYEE MAY ELECT, TO SUBSTITUTE THE PAID LEAVE FOR ANY PART OF OR ALL OF THE PERIOD OF PARENTAL LEAVE.”

On page 4, in line 8, after “**MAY**” insert “:

(1)”;

in lines 11, 13, and 17, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “(I)”, “(II)”, and “(III)”, respectively; in line 20, after “EMPLOYMENT” insert “; AND”

(2) DURING THE PARENTAL LEAVE PERIOD, TERMINATE EMPLOYMENT OF AN ELIGIBLE EMPLOYEE ONLY FOR CAUSE”;

in line 22, after “(A)” insert “(1)”; strike beginning with “EXCEPT” in line 22 down through “DURING” in line 23 and substitute “DURING”; and in line 28, strike “(B) (1)” and substitute “(2) (I)”.

On page 5, in line 1, strike “(2)” and substitute “(II)”; in the same line, strike “SUBSECTION” and substitute “PARAGRAPH”; after line 3, insert:

“(3) AN EMPLOYER MAY RECOVER A PREMIUM UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION BY DEDUCTING THE AMOUNT OF THE PREMIUM FROM THE WAGES PAID TO THE EMPLOYEE ON THE TERMINATION OF EMPLOYMENT UNDER § 3-505 OF THIS TITLE.

(B) IF AN ELIGIBLE EMPLOYEE WORKS ON A COMMISSION BASIS, AN EMPLOYER SHALL PAY TO THE ELIGIBLE EMPLOYEE DURING ANY PERIOD OF PARENTAL LEAVE ANY COMMISSION THAT BECOMES DUE BECAUSE OF WORK THE ELIGIBLE EMPLOYEE PERFORMED BEFORE TAKING PARENTAL LEAVE.”;

in line 13, strike “APPLICANT OR”; strike in their entirety lines 23 through 28, inclusive; and in line 29, strike “(C)” and substitute “(B)”.

On page 6, strike beginning with “, REASONABLE” in line 1 down through “FEES,” in line 2; in line 3, strike “(D)” and substitute “(C)”; in line 10, in each instance, strike “SECRETARY” and substitute “COMMISSIONER”; and strike in their entirety lines 27 through 29, inclusive.