

HOUSE BILL 564

P4

5lr0350

By: **Delegates Kelly, Barkley, Carr, Cullison, Dumais, Ebersole, Frick, Frush, Glenn, Gutierrez, Hettleman, Hill, Korman, Lam, Morales, Platt, Reznik, S. Robinson, Smith, Valderrama, K. Young, and Zucker**

Introduced and read first time: February 11, 2015

Assigned to: Appropriations

Committee Report: Favorable

House action: Adopted

Read second time: March 14, 2015

CHAPTER _____

1 AN ACT concerning

2 **State Personnel – Limits on Use of Leave for Birth, Adoption, Foster Placement,**
3 **or Care of Child**

4 FOR the purpose of prohibiting certain units of State government from limiting, to less
5 than a certain number of days the aggregate number of days of accrued sick leave
6 that certain employees may use, without certification of illness or disability, for
7 certain purposes; prohibiting certain units of State government from limiting, to a
8 certain number of weeks, the aggregate number of weeks of family and medical leave
9 that certain employees may use during a certain time period for a certain purpose;
10 prohibiting regulations adopted by the Secretary of Budget and Management from
11 limiting, to a certain number of weeks, the aggregate number of weeks of family and
12 medical leave that two employees who are married to one another may use during a
13 certain time period for certain purposes; making certain conforming changes; and
14 generally relating to sick leave and family and medical leave for State employees.

15 BY adding to

16 Article – State Personnel and Pensions

17 Section 2–309

18 Annotated Code of Maryland

19 (2009 Replacement Volume and 2014 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – State Personnel and Pensions

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 9–505 and 9–1001
2 Annotated Code of Maryland
3 (2009 Replacement Volume and 2014 Supplement)

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

6 **Article – State Personnel and Pensions**

7 **2–309.**

8 (A) THIS SECTION APPLIES TO ALL UNITS IN:

9 (1) THE EXECUTIVE BRANCH OF STATE GOVERNMENT, INCLUDING
10 UNITS WITH INDEPENDENT PERSONNEL SYSTEMS;

11 (2) THE JUDICIAL BRANCH OF STATE GOVERNMENT; AND

12 (3) THE LEGISLATIVE BRANCH OF STATE GOVERNMENT.

13 (B) A UNIT SUBJECT TO THIS SECTION MAY NOT LIMIT, TO LESS THAN 60
14 DAYS, THE AGGREGATE NUMBER OF DAYS OF ACCRUED SICK LEAVE THAT TWO
15 EMPLOYEES WHO ARE RESPONSIBLE FOR THE CARE AND NURTURING OF A CHILD
16 MAY USE, WITHOUT CERTIFICATION OF ILLNESS OR DISABILITY, TO CARE FOR THE
17 CHILD DURING THE PERIOD IMMEDIATELY FOLLOWING:

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

19 (2) THE PLACEMENT OF THE CHILD WITH THE EMPLOYEES FOR
20 ADOPTION.

21 (C) IN IMPLEMENTING THE FEDERAL FAMILY AND MEDICAL LEAVE ACT OF
22 1993, A UNIT SUBJECT TO THIS SECTION MAY NOT LIMIT, TO LESS THAN 24 WEEKS,
23 THE AGGREGATE NUMBER OF WEEKS OF FAMILY AND MEDICAL LEAVE THAT TWO
24 EMPLOYEES WHO ARE MARRIED TO ONE ANOTHER MAY USE DURING A 12-MONTH
25 PERIOD FOR:

26 (1) THE BIRTH OF THE EMPLOYEES' CHILD;

27 (2) THE PLACEMENT OF A CHILD WITH THE EMPLOYEES FOR
28 ADOPTION OR FOSTER CARE;

29 (3) THE SERIOUS HEALTH CONDITION OF THE EMPLOYEES' CHILD, IF
30 THE CHILD IS A MINOR; OR

1 **(4) THE CARE OF THE EMPLOYEES' ADULT CHILD, IF THE ADULT**
2 **CHILD IS INCAPABLE OF SELF-CARE.**

3 9-505.

4 (a) An employee who is responsible for the care and nurturing of a child may use,
5 without certification of illness or disability, up to 30 days of accrued sick leave to care for
6 the child during the period immediately following:

7 (1) the birth of the employee's child; or

8 (2) the placement of the child with the employee for adoption.

9 (b) If two employees are responsible for the care and nurturing of a child, [both
10 employees in aggregate may use, without certification of illness or disability, up to 40 days,
11 not to exceed 30 days for one employee,] **EACH EMPLOYEE MAY USE, WITHOUT**
12 **CERTIFICATION OF ILLNESS OR DISABILITY, UP TO 30 DAYS** of accrued sick leave to
13 care for the child during the period immediately following:

14 (1) the birth of the employees' child; or

15 (2) the placement of the child with the employees for adoption.

16 (c) (1) An employee who uses accrued sick leave following the birth of the
17 employee's child may not receive payment under this subtitle unless the employee gives the
18 employee's immediate supervisor information required by guidelines issued by the
19 Secretary about the Family Medical Leave Act of 1993, 29 U.S.C. § 2601 et seq.

20 (2) An employee who uses accrued sick leave for adoption purposes may
21 not receive payment under this subtitle unless the employee gives the employee's
22 immediate supervisor the certificate required by guidelines issued by the Secretary about
23 the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 et seq.

24 9-1001.

25 (a) **[The] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE** Secretary shall
26 adopt regulations, guidelines, or policies implementing the federal Family and Medical
27 Leave Act of 1993.

28 (b) The regulations adopted by the Secretary:

29 **(1)** may require an eligible employee to use other available accrued leave
30 concurrently with family and medical leave; **AND**

1 **(2) MAY NOT LIMIT, TO LESS THAN 24 WEEKS, THE AGGREGATE**
2 **NUMBER OF WEEKS OF FAMILY AND MEDICAL LEAVE THAT TWO EMPLOYEES WHO**
3 **ARE MARRIED TO ONE ANOTHER MAY USE DURING A 12-MONTH PERIOD FOR:**

4 **(I) THE BIRTH OF THE EMPLOYEES' CHILD;**

5 **(II) THE PLACEMENT OF A CHILD WITH THE EMPLOYEES FOR**
6 **ADOPTION OR FOSTER CARE;**

7 **(III) THE SERIOUS HEALTH CONDITION OF THE EMPLOYEES'**
8 **CHILD, IF THE CHILD IS A MINOR; OR**

9 **(IV) THE CARE OF THE EMPLOYEES' ADULT CHILD, IF THE ADULT**
10 **CHILD IS INCAPABLE OF SELF-CARE.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.