

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 345
Economic Matters

(Delegates Lierman and Clippinger)

Finance

Labor and Employment - Flexible Leave - Use of Leave for Family Illness

This bill prohibits an employer from taking specified disciplinary or retaliatory action against an employee because the employee has *requested* leave with pay due to an illness of a member of the employee's immediate family. Additionally, the bill voids any agreement between an employer and an employee to waive provisions relating to specified leave with pay due to an illness of a member of the employee's immediate family.

Fiscal Summary

State Effect: None. The bill does not apply to State agencies, and enforcement can be handled with existing resources. No effect on revenues.

Local Effect: None.

Small Business Effect: Potential minimal. Small businesses that employ 15 or more individuals and provide paid leave to their employees may no longer take specified action against an employee for requesting specified leave, nor may they have an agreement with an employee waiving specified leave provisions.

Analysis

Current Law: A private-sector employer who provides paid leave to its employees must allow an employee to *use* earned paid leave to care for immediate family members, including a child, spouse, or parent, with an illness. An employer is prohibited from taking specified disciplinary or retaliatory action against an employee who exercises the rights granted or against an employee who files a complaint, testifies against, or assists in an action brought against the employer for a violation of these provisions. If the

Commissioner of Labor and Industry determines that these provisions have been violated, the commissioner must try to resolve the issue informally by mediation or ask the Attorney General to bring an action on behalf of the applicant or employee.

An employer is considered a person that employs 15 or more individuals and is engaged in a business, industry, profession, trade, or other enterprise in the State, including a person who acts directly or indirectly in the interest of another employer. State and local governments are not included.

Employees who earn more than one type of paid leave from their employers may elect the type and amount of paid leave to be used in caring for their immediate family members.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Labor, Licensing, and Regulation; Department of Legislative Services

Fiscal Note History: First Reader - February 11, 2015
min/mcr

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