

HB0580/323925/1

BY: Delegate Kipke

AMENDMENTS TO HOUSE BILL 580, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in lines 4, 5, 6, 8, 11, and 18, in each instance, strike “sick and safe”; in line 5, strike “paid or unpaid”; strike beginning with “requiring” in line 11 down through “purposes;” in line 12; and in line 15, after “time;” insert “authorizing an employer to adopt a certain written leave policy;”.

On page 2 of the bill, in line 3, after “circumstances;” insert “requiring and”; in line 5, after “authorizing” insert “, under certain circumstances,”; in line 7, strike “, fees and injunctive relief”; in line 15, after “terms;” insert “providing that certain provisions of this Act preempt the authority of a local jurisdiction to regulate earned leave provided by certain employers; prohibiting a local jurisdiction from adopting or enforcing certain laws, ordinances, rules, and regulations; providing for the effective dates of this Act;”; in line 16, strike “sick and safe”; and in line 24, strike “3-1311” and substitute “3-1310”.

In the Economic Matters Committee Amendments (HB0580/233899/1), strike Amendment No. 1 in its entirety.

AMENDMENT NO. 2

In the Economic Matters Committee Amendments, strike in their entirety Amendment Nos. 2 through 5 and 7 through 12.

On page 4 of the Economic Matters Committee Amendments, in line 2 of Amendment No. 6, strike “**(C)**” and substitute “**(B)**”; and strike beginning with “**; OR**” in line 3 down through “SUBTITLE” in line 6.

(Over)

On page 5 of the Economic Matters Committee Amendments, in line 2 of Amendment No. 6, strike “(C)” and substitute “(B)”; and in line 4, strike “SICK AND SAFE”.

Strike Delegate Davis’ Amendment (HB0580/713723/1), in its entirety.

Strike the Economic Matters Committee Amendment (HB0580/713294/1), in its entirety.

On page 3 of the bill, strike in their entirety lines 17 through 20, inclusive; in lines 21, 23, and 28, strike “(D)”, “(E)”, and “(F)”, respectively, and substitute “(B)”, “(C)”, and “(D)”, respectively; and in line 21, strike “SICK AND SAFE”.

On pages 4 and 5 of the bill, strike in their entirety the lines beginning with line 4 on page 4 through line 11 on page 5, inclusive.

On page 5 of the bill, in line 15, strike “SICK AND SAFE”; in line 16, after “EMPLOYMENT,” insert “OR”; strike in their entirety lines 17 through 23, inclusive; and in line 24, strike “(4)” and substitute “(2)”.

On pages 5 and 6 of the bill, strike in their entirety the lines beginning with line 26 on page 5 through line 2 on page 6, inclusive.

On page 6 of the bill, in line 4, before “THIS” insert “(A)”; in line 5, strike “8” and substitute “30”; strike in their entirety lines 7 through 10 and substitute:

“(2) HAS BEEN EMPLOYED BY THE EMPLOYER FOR LESS THAN 120 DAYS DURING A 12-MONTH PERIOD.

(B) THIS SUBTITLE DOES NOT APPLY TO AN EMPLOYER THAT HAS A PAID LEAVE POLICY THAT:

(1) PROVIDES AN EMPLOYEE WITH AN AMOUNT OF PAID LEAVE MEETING THE TOTAL ANNUAL ACCRUAL REQUIREMENTS PROVIDED UNDER § 3-1304 OF THIS SUBTITLE; AND

(2) ALLOWS AN EMPLOYEE TO USE THE PAID LEAVE FOR ANY REASON.”;

in line 12, strike “MORE THAN NINE EMPLOYEES” and substitute “50 OR MORE EMPLOYEES IN A SINGLE, DISCRETE WORKPLACE OR INDIVIDUAL WORK LOCATION”; in lines 13, 18, 26, and 28, in each instance, strike “SICK AND SAFE”; strike in their entirety lines 15 and 16; in line 17, strike “(3)” and substitute “(2)”; in the same line, strike “FOR” and substitute “SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, FOR”; in line 18, strike “PAID OR UNPAID”; strike beginning with “WITHOUT” in line 24 down through “SUBSECTION” in line 27 and substitute “IF, DURING THE IMMEDIATELY PRECEDING YEAR, THE EMPLOYEE:

1. WAS EMPLOYED BY THE EMPLOYER FOR MORE THAN 120 DAYS; AND

2. WORKED FOR MORE THAN 30 HOURS PER WEEK FOR THE EMPLOYER”;

and after line 27, insert:

“(III) IF AN EMPLOYER HAS MORE THAN ONE BUSINESS LOCATION IN THE STATE, THE NUMBER OF EMPLOYEES AT EACH LOCATION MAY NOT BE AGGREGATED IN THE CALCULATION MADE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.”.

On page 7 of the bill, in lines 1 and 29, in each instance, strike “**56**” and substitute “**40**”; in lines 1, 6, 10, 14, 20, 25, 26, and 29, in each instance, strike “**SICK AND SAFE**”; strike in their entirety lines 3 and 4; in lines 5 and 6, strike “**(3)**” and “**(4)**”, respectively, and substitute “**(2)**” and “**(3)**”, respectively; in line 5, strike “**80**” and substitute “**40**”; strike beginning with “**USE**” in line 6 down through “**SHORTER**” in line 8 and substitute “**ACCRUE EARNED LEAVE UNTIL THE EMPLOYEE HAS BEEN EMPLOYED FOR 121 DAYS DURING A 12-MONTH PERIOD**”; in line 20, after “**(F)**” insert “**(1)**”; in lines 21 and 22, strike “**(1)**” and “**(2)**”, respectively, and substitute “**(I)**” and “**(II)**”, respectively; in line 21, strike “**OCTOBER 1, 2016**” and substitute “**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, JANUARY 1, 2017**”; in line 22, strike “**OCTOBER 1, 2016**” and substitute “**JANUARY 1, 2017**”; in line 23, after “**BEGINS**” insert “**THE 121ST DAY OF**”; in the same line, after “**EMPLOYER**” insert “**DURING A 12-MONTH PERIOD**”; and after line 23, insert:

“(2) EARNED LEAVE SHALL BEGIN TO ACCRUE ONLY IF THE EMPLOYEE HAS BEEN EMPLOYED BY THE EMPLOYER FOR AT LEAST 121 DAYS DURING THE IMMEDIATELY PRECEDING 12-MONTH PERIOD.”

On page 8 of the bill, strike in their entirety lines 1 through 6, inclusive; in lines 7 and 19, strike “**(I)**” and “**(J)**”, respectively, and substitute “**(H)**” and “**(I)**”, respectively; in lines 7 and 8, 10, 11, 17 and 18, 20, and 25, in each instance, strike “**SICK AND SAFE**”.

On pages 8 and 9 of the bill, strike in their entirety the lines beginning with line 28 on page 8 through line 19 on page 9, inclusive.

On page 9 of the bill, in lines 20, 24, and 28, strike “**(B)**”, “**(C)**”, and “**(D)**”, respectively, and substitute “**(A)**”, “**(B)**”, and “**(C)**”, respectively; and in lines 20, 22, 25, and 28, in each instance, strike “**SICK AND SAFE**”.

On page 10 of the bill, in lines 2, 10, 20 and 21, 26, and 30, in each instance, strike “SICK AND SAFE”; in line 11, strike “(E)” and substitute “(D)”; in line 11, strike “AN” and substitute “SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN”; strike beginning with “EMPLOYEE” in line 11 down through “TIME” in line 13 and substitute “EMPLOYER MAY ADOPT A WRITTEN LEAVE POLICY THAT SPECIFIES THE INCREMENTS IN WHICH AN EMPLOYEE MAY TAKE EARNED LEAVE”; strike in their entirety lines 14 and 15 and substitute:

“(2) AN EMPLOYER’S WRITTEN POLICY MAY NOT REQUIRE THAT AN EMPLOYEE TAKE EARNED LEAVE IN INCREMENTS OF MORE THAN 4 HOURS.”;

strike in their entirety lines 16 through 19, inclusive, and substitute:

“(E) (1) IN THIS SUBSECTION, “VERIFICATION” MEANS THIRD PARTY DOCUMENTATION IN THE FORM OF A NOTE FROM:

(I) A LICENSED PHYSICIAN OR OTHER LICENSED OR CERTIFIED HEALTH CARE PROFESSIONAL;

(II) AN ATTORNEY;

(III) AN OFFICER OF A FEDERAL OR STATE COURT; OR

(IV) AN OFFICER OF A FEDERAL OR STATE LAW ENFORCEMENT AGENCY.”;

in line 20, strike “(G)” and substitute “(2)”; and in line 23, strike “UNDER SUBSECTION (A) OF THIS SECTION”.

On page 11 of the bill, in lines 2, 16, and 18, in each instance, strike “SICK AND SAFE”; in line 3, after “SUBTITLE;” insert “AND”; strike in their entirety lines 4 through 6, inclusive; in line 7, strike “(4)” and substitute “(3)”; in line 24, strike the second “SECTION” and substitute “SUBTITLE”; and in line 28, strike “MAY” and substitute “SHALL”.

On page 12 of the bill, strike in their entirety lines 1 through 3, inclusive, and substitute:

“(2) IF THE MEDIATION IS UNSUCCESSFUL, ISSUE AN ORDER TO THE EMPLOYER DIRECTING THE EMPLOYER TO RESOLVE THE MATTER WITHIN 30 DAYS OF THE ORDER;

“(3) IF THE MEDIATION IS UNSUCCESSFUL AND THE EMPLOYER FAILS TO FULLY COMPLY WITH THE ORDER WITHIN 30 DAYS, MAY ASK, WITH THE WRITTEN CONSENT OF THE EMPLOYEE, THE ATTORNEY GENERAL TO BRING AN ACTION IN ACCORDANCE WITH THIS SECTION ON BEHALF OF THE EMPLOYEE; AND”;

in line 4, strike “(3)” and substitute “(4)”; in line 6, after “SECTION,” insert “IN THE EVENT THAT MEDIATION FAILS AND THE EMPLOYER FAILS TO COMPLY WITH AN ORDER OF THE COMMISSIONER WITHIN 30 DAYS OF THE ORDER,”; in line 13, after the semicolon insert “AND”; and strike beginning with the semicolon in line 15 down through “RELIEF” in line 19.

On pages 12 and 13 of the bill, strike in their entirety the lines beginning with line 24 on page 12 through line 18 on page 13, inclusive.

On page 13 of the bill, in line 26, strike “3-1311.” and substitute “3-1310.”; and after line 28, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That a local jurisdiction may not:

(1) adopt a law, an ordinance, a rule, or a regulation that regulates earned leave provided by an employer other than the local jurisdiction; or

(2) enforce any laws, ordinances, rules, or regulations that regulate earned leave provided by an employer other than the local jurisdiction.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect July 1, 2017.”.

On page 14 of the bill, in line 1, strike “2.” and substitute “4.”.