

HOUSE BILL 1314

K3, P4

8lr3276

By: **Delegates Adams, Arentz, Carozza, and W. Miller**

Introduced and read first time: February 9, 2018

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Healthy Working Families Act – Exemptions – Modifications**
3 **(Healthy Working Families Exemption Equity Act)**

4 FOR the purpose of altering the type of employees employed in the construction industry
5 who are exempted from the provisions of the Healthy Working Families Act;
6 exempting an employee who is covered under the federal Railroad Unemployment
7 Insurance Act from the provisions of the Healthy Working Families Act; making a
8 conforming change; and generally relating to exemptions from the Healthy Working
9 Families Act.

10 BY repealing and reenacting, with amendments,
11 Article – Labor and Employment
12 Section 3–1303
13 Annotated Code of Maryland
14 (2016 Replacement Volume and 2017 Supplement)
15 (As enacted by Chapter 1 of the Acts of the General Assembly of 2018)

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

18 **Article – Labor and Employment**

19 3–1303.

20 (a) This subtitle does not apply to an employee who:

21 (1) regularly works less than 12 hours a week for an employer;

22 (2) [(i)] is employed in the construction industry **AS CLASSIFIED BY**
23 **CODE UNDER THE NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM; [and**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) is covered by a bona fide collective bargaining agreement in
 2 which the requirements of this subtitle are expressly waived in clear and unambiguous
 3 terms; or]

4 **(3) IS COVERED UNDER THE FEDERAL RAILROAD UNEMPLOYMENT**
 5 **INSURANCE ACT; OR**

6 ~~[(3)]~~ (4) (i) is called to work by the employer on an as-needed basis in
 7 a health or human services industry;

8 (ii) can reject or accept the shift offered by the employer;

9 (iii) is not guaranteed to be called on to work by the employer; and

10 (iv) is not employed by a temporary staffing agency.

11 (b) [For the purpose of subsection (a)(2)(i) of this section, an employee who is
 12 employed in the construction industry does not include an employee employed as:

13 (1) a janitor;

14 (2) a building cleaner;

15 (3) a building security officer;

16 (4) a concierge;

17 (5) a doorman;

18 (6) a handyperson; or

19 (7) a building superintendent.

20 (c) (1) Except as provided in paragraph (2) of this subsection, if a unit of State
 21 or local government's sick leave accrual and use requirements meet or exceed the sick and
 22 safe leave provided for under this subtitle, employees of the unit of State or local
 23 government who are part of the unit's personnel system are subject to the unit's laws,
 24 regulations, policies, and procedures providing for:

25 (i) accrual and use of sick leave;

26 (ii) grievances; and

27 (iii) disciplinary actions.

1 (2) Employees of a unit of State government that are entitled to sick and
2 safe leave under this subtitle and who are not covered by the unit's sick leave and accrual
3 and use requirements are subject to § 3-1308 of this subtitle.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2018.