

HOUSE BILL 1364

K3, P4

8lr0919

By: **Delegates Ali, Mosby, and Rosenberg**

Introduced and read first time: February 9, 2018

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Healthy Working Families Act – Calculation of Employees**
3 **(Fair Sick Leave and Holiday Compensation Act)**

4 FOR the purpose of specifying, for purposes of determining whether an employer is required
5 to provide paid or unpaid earned sick and safe leave in accordance with certain
6 provisions of law, the method by which the number of employees of an employer or a
7 franchisor that has more than one location in the State is calculated; and generally
8 relating to earned sick and safe leave.

9 BY repealing and reenacting, with amendments,
10 Article – Labor and Employment
11 Section 3–1304(a)
12 Annotated Code of Maryland
13 (2016 Replacement Volume and 2017 Supplement)
14 (As enacted by Chapter 1 of the Acts of the General Assembly of 2018)

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

17 **Article – Labor and Employment**

18 3–1304.

19 (a) (1) (i) Subject to subparagraph (iii) of this paragraph, an employer that
20 employs 15 or more employees shall provide an employee with earned sick and safe leave
21 that is paid at the same wage rate as the employee normally earns.

22 (ii) An employer that employs 14 or fewer employees shall at least
23 provide an employee with unpaid earned sick and safe leave.

24 (iii) An employer may not be required to pay a tipped employee more

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 than the applicable minimum wage for earned sick and safe leave.

2 (2) (i) For the purpose of determining whether an employer is required
3 to provide paid or unpaid earned sick and safe leave under this subsection, the number of
4 employees of an employer shall be determined by calculating the average monthly number
5 of employees employed by the employer during the immediately preceding year.

6 (ii) Each employee of an employer shall be included in the
7 calculation made under subparagraph (i) of this paragraph without regard to whether the
8 employee is a full-time, part-time, temporary, or seasonal employee or would be eligible
9 for earned sick and safe leave benefits under this subsection.

10 **(III) IF AN EMPLOYER OR A FRANCHISOR HAS MORE THAN ONE**
11 **BUSINESS LOCATION IN THE STATE, THE NUMBER OF EMPLOYEES AT EACH**
12 **LOCATION SHALL BE AGGREGATED FOR THE PURPOSE OF THE CALCULATION MADE**
13 **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

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