

# HOUSE BILL 1421

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EMERGENCY BILL

8lr3446  
CF 8lr3709

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By: **Delegates Carozza, Adams, Afzali, Anderton, Arentz, Bromwell, Cluster, Corderman, Jacobs, Kipke, Kittleman, Mautz, Morgan, Otto, Reilly, Szeliga, Vogt, and West**

Introduced and read first time: February 9, 2018

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Maryland Healthy Working Families Act – Seasonal**  
3 **Worker Revisions**

4 FOR the purpose of repealing the period within which an employer is not required to allow  
5 an employee to use earned sick and safe leave; altering the circumstances under  
6 which an employer is authorized to require an employee who uses earned sick and  
7 safe leave to provide certain verification; altering the scope of this Act to exempt  
8 certain employees; making this Act an emergency measure; and generally relating  
9 to the Maryland Healthy Working Families Act.

10 BY repealing and reenacting, with amendments,  
11 Article – Labor and Employment  
12 Section 3–1303, 3–1304(c), and 3–1305(g)  
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; and

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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) (i) is called to work by the employer on an as-needed basis in a  
5 health or human services industry; **OR**

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

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

8 (iv) is not employed by a temporary staffing agency;

9 **(4) IS EMPLOYED BY THE EMPLOYER FOR LESS THAN 120 DAYS**  
10 **DURING A YEAR.**

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 3-1304.

5 (c) An employer may not be required to allow an employee to:

6 (1) earn more than 40 hours of earned sick and safe leave in a year;

7 (2) use more than 64 hours of earned sick and safe leave in a year;

8 (3) accrue a total of more than 64 hours at any time; **OR**

9 (4) [use earned sick and safe leave during the first [106] **120** calendar days  
10 the employee works for the employer; or

11 (5)] accrue earned sick and safe leave during a:

12 (i) 2-week pay period in which the employee worked fewer than 24  
13 hours total;

14 (ii) 1-week pay period if the employee worked fewer than a combined  
15 total of 24 hours in the current and the immediately preceding pay period; or

16 (iii) pay period in which:

17 1. the employee is paid twice a month regardless of the  
18 number of weeks in a pay period; and

19 2. the employee worked fewer than 26 hours in the pay  
20 period.

21 3-1305.

22 (g) (1) An employer may require an employee who uses earned sick and safe  
23 leave to provide verification that the leave was used appropriately under subsection (a) of  
24 this section if[:

25 (i)] the leave was used for more than two consecutive scheduled  
26 shifts[; or

27 (ii) 1. the employee used the leave during the period between the  
28 first 107 and 120 calendar days, both inclusive, that the employee was employed by the  
29 employer; and

