

Chapter 752

(Senate Bill 859)

AN ACT concerning

State Employees – Parental Leave

FOR the purpose of providing that certain State employees may be entitled to parental leave with pay under certain circumstances; establishing the maximum number of days of parental leave that certain employees may use for the care and nurturing of a child ~~within a certain amount of time~~ immediately following the birth or adoption of the child; authorizing certain employees to use certain leave for a certain purpose; requiring certain State agencies to provide certain employees with additional paid leave under certain circumstances; providing that an employee may use parental leave only after obtaining approval from the employee's appointing authority; prohibiting an employee who uses parental leave from receiving certain payment unless the employee takes a certain action; requiring the Secretary of Budget and Management to adopt certain regulations; requiring the Secretary to report to certain committees on or before a certain date certain information regarding the importance of employee benefits for certain purposes; and generally relating to parental leave for State employees.

BY repealing and reenacting, without amendments,

Article – State Personnel and Pensions

Section 9–1101

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

BY adding to

Article – State Personnel and Pensions

Section 9–1108

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

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

Article – State Personnel and Pensions

9–1101.

Except as otherwise provided in this subtitle, this subtitle applies to all employees in the State Personnel Management System, except temporary employees.

9–1108.

(A) THIS SECTION APPLIES TO ALL EMPLOYEES IN THE ~~LEGISLATIVE AND EXECUTIVE BRANCHES~~ BRANCH OF STATE GOVERNMENT.

(B) ON REQUEST, AN EMPLOYEE SUBJECT TO THIS SECTION MAY BE ENTITLED TO PARENTAL LEAVE WITH PAY.

(C) ~~AN~~ (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN EMPLOYEE WHO IS THE PRIMARY CAREGIVER RESPONSIBLE FOR THE CARE AND NURTURING OF A CHILD MAY USE UP TO 60 DAYS OF PARENTAL LEAVE TO CARE FOR THE CHILD DURING THE PERIOD WITHIN 1 YEAR IMMEDIATELY FOLLOWING:

~~(1)~~ (I) THE BIRTH OF THE EMPLOYEE'S CHILD; OR

~~(2)~~ (II) THE PLACEMENT OF THE CHILD UNDER 6 YEARS OF AGE WITH THE EMPLOYEE FOR ADOPTION.

(2) (I) AN EMPLOYEE ENTITLED TO PARENTAL LEAVE AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY USE ACCRUED ANNUAL LEAVE, ACCRUED SICK LEAVE, AND PERSONAL LEAVE AVAILABLE TO THE EMPLOYEE.

(II) IF THE AMOUNT OF LEAVE SPECIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS LESS THAN 60 DAYS, THE STATE AGENCY THAT EMPLOYS THE EMPLOYEE SHALL PROVIDE THE EMPLOYEE WITH ADDITIONAL PAID LEAVE TO ATTAIN 60 DAYS OF PARENTAL LEAVE.

(D) AN EMPLOYEE MAY USE PARENTAL LEAVE ONLY AFTER OBTAINING APPROVAL FROM THE EMPLOYEE'S APPOINTING AUTHORITY.

(E) (1) AN EMPLOYEE WHO USES PARENTAL LEAVE FOLLOWING THE BIRTH OF THE EMPLOYEE'S CHILD MAY NOT RECEIVE PAYMENT UNDER THIS SECTION UNLESS THE EMPLOYEE GIVES THE EMPLOYEE'S IMMEDIATE SUPERVISOR INFORMATION REQUIRED BY GUIDELINES ISSUED BY THE SECRETARY ON THE FEDERAL FAMILY AND MEDICAL LEAVE ACT OF 1993.

(2) AN EMPLOYEE WHO USES PARENTAL LEAVE FOR ADOPTION PURPOSES MAY NOT RECEIVE PAYMENT UNDER THIS SUBTITLE UNLESS THE EMPLOYEE GIVES THE EMPLOYEE'S IMMEDIATE SUPERVISOR THE CERTIFICATE REQUIRED BY GUIDELINES ISSUED BY THE SECRETARY ON THE FEDERAL FAMILY AND MEDICAL LEAVE ACT OF 1993.

(F) THE SECRETARY SHALL ADOPT REGULATIONS GOVERNING PARENTAL LEAVE, INCLUDING REGULATIONS THAT ESTABLISH CONDITIONS AND PROCEDURES FOR REQUESTING AND APPROVING PARENTAL LEAVE.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2021, the Secretary of Budget and Management shall report to the Senate Finance Committee and the House Appropriations Committee, in accordance with § 2-1246 of the State Government Article, on what employee benefits, including paid parental leave, are important in order to attract and retain young people to State employment.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, May 15, 2018.