

HOUSE BILL 640

K3
SB 653/21 – FIN

2lr1980

By: **Delegate Carey**

Introduced and read first time: January 31, 2022

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Healthy Working Families Act – Application**

3 FOR the purpose of altering the exemption from the application of the Healthy Working
4 Families Act for employees employed in the construction industry; and generally
5 relating to the application of the Healthy Working Families Act.

6 BY repealing and reenacting, with amendments,
7 Article – Labor and Employment
8 Section 3–1303
9 Annotated Code of Maryland
10 (2016 Replacement Volume and 2021 Supplement)

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

13 **Article – Labor and Employment**

14 3–1303.

15 (a) **IN THIS SECTION, “CONSTRUCTION LABORER” MEANS AN INDIVIDUAL**
16 **WHO IS CLASSIFIED AS A LABORER UNDER THE PREVAILING WAGE**
17 **CLASSIFICATIONS ESTABLISHED BY THE MARYLAND DEPARTMENT OF LABOR.**

18 (B) This subtitle does not apply to an employee who:

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

20 (2) (i) is employed in the construction industry; [and]

21 (ii) **IS NOT A CONSTRUCTION LABORER; AND**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(III)** 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;

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

12 (1) a janitor;

13 (2) a building cleaner;

14 (3) a building security officer;

15 (4) a concierge;

16 (5) a doorman;

17 (6) a handyperson; or

18 (7) a building superintendent.

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

24 (i) accrual and use of sick leave;

25 (ii) grievances; and

26 (iii) disciplinary actions.

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
2 apply only prospectively and may not be applied or interpreted to have any effect on or
3 application to any collective bargaining agreement that waives the requirements of the
4 Maryland Healthy Working Families Act for construction laborers and that was in effect
5 before the effective date of this Act.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2022.