

SENATE BILL 902

K3
HB 1021/20 – ECM

EMERGENCY BILL

3lr2958
CF HB 1015

By: **Senators Carozza, Mautz, Hershey, and Corderman**

Introduced and read first time: February 15, 2023

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Maryland Healthy Working Families Act – Seasonal**
3 **Temporary Workers**

4 FOR the purpose of altering the period during 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 required to reinstate certain unused sick and safe leave;
7 altering the circumstances under which an employer is authorized to require an
8 employee who uses earned sick and safe leave to provide certain verification; and
9 generally relating to the Maryland Healthy Working Families Act.

10 BY repealing and reenacting, with amendments,
11 Article – Labor and Employment
12 Section 3–1304(c) and (h) and 3–1305(g)
13 Annotated Code of Maryland
14 (2016 Replacement Volume and 2022 Supplement)

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

Article – Labor and Employment

18 3–1304.

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

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

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

22 (3) accrue a total of more than 64 hours at any time;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

8 (iii) pay period in which:

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

11 2. the employee worked fewer than 26 hours in the pay
12 period.

13 (h) If an employee is rehired by the employer within [37] **32** weeks after leaving
14 the employment of the employer, the employer shall reinstate any unused earned sick and
15 safe leave that the employee had when the employee left the employment of the employer
16 unless the employer voluntarily paid out the unused earned sick and safe leave on the
17 termination of employment.

18 3-1305.

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

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

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

27 2. the employee agreed to provide verification under terms
28 mutually agreed to by the employer and the employee at the time the employee was hired
29 by the employer].

30 (2) If an employee fails or refuses to provide verification as required by an
31 employer under paragraph (1) of this subsection, the employer may deny a subsequent
32 request to take earned sick and safe leave for the same reason.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
2 measure, is necessary for the immediate preservation of the public health or safety, has
3 been passed by a yea and nay vote supported by three-fifths of all the members elected to
4 each of the two Houses of the General Assembly, and shall take effect from the date it is
5 enacted.