

Chapter 606

(House Bill 1503)

AN ACT concerning

State Personnel – Paid Family and Medical Leave

FOR the purpose of requiring the Secretary of Budget and Management *and the governing body of a public institution of higher education* to adopt regulations governing certain paid family and medical leave benefits for Executive Branch employees; establishing certain parameters for the paid family and medical leave; authorizing Executive Branch employees to submit a request for paid family and medical leave beginning on a certain date; repealing certain provisions of law regarding parental leave with pay for Executive Branch employees; and generally relating to paid family and medical leave benefits for Executive Branch employees.

BY adding to

Article – State Personnel and Pensions
Section 9–1001 through 9–1005
Annotated Code of Maryland
(2024 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,

Article – State Personnel and Pensions
Section 9–1001
Annotated Code of Maryland
(2024 Replacement Volume and 2024 Supplement)

BY repealing

Article – State Personnel and Pensions
Section 9–1108
Annotated Code of Maryland
(2024 Replacement Volume and 2024 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**9–1001.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “APPLICATION YEAR” MEANS THE 12-MONTH PERIOD BEGINNING ON THE SUNDAY OF THE CALENDAR WEEK ~~FOR WHICH PAID FAMILY AND MEDICAL LEAVE IS APPROVED~~ IN WHICH LEAVE UNDER THIS SUBTITLE BEGINS.

(C) “DEPLOYMENT” MEANS A SERVICE MEMBER ACTING UNDER OFFICIAL ORDERS WHO, ON ANY DAY, IS PERFORMING SERVICE IN A TRAINING EXERCISE OR OPERATION AT A LOCATION OR UNDER CIRCUMSTANCES THAT MAKE IT IMPOSSIBLE OR INFEASIBLE FOR THE SERVICE MEMBER TO SPEND OFF-DUTY TIME IN THE HOUSING IN WHICH THE SERVICE MEMBER RESIDES WHEN ON GARRISON DUTY AT THE SERVICE MEMBER’S PERMANENT DUTY STATION OR HOME PORT.

(D) “FAMILY MEMBER” MEANS:

(1) A BIOLOGICAL CHILD, AN ADOPTED CHILD, A FOSTER CHILD, OR A STEPCHILD OF THE EMPLOYEE;

(2) A CHILD FOR WHOM THE EMPLOYEE HAS LEGAL OR PHYSICAL CUSTODY OR GUARDIANSHIP;

(3) A CHILD FOR WHOM THE EMPLOYEE STANDS IN LOCO PARENTIS, REGARDLESS OF THE CHILD’S AGE;

(4) A BIOLOGICAL PARENT, AN ADOPTIVE PARENT, A FOSTER PARENT, OR A STEPPARENT OF THE EMPLOYEE OR OF THE EMPLOYEE’S SPOUSE;

(5) THE LEGAL GUARDIAN OF THE EMPLOYEE OR THE WARD OF THE EMPLOYEE OR OF THE EMPLOYEE’S SPOUSE;

(6) AN INDIVIDUAL WHO ACTED AS A PARENT OR STOOD IN LOCO PARENTIS TO THE EMPLOYEE OR THE EMPLOYEE’S SPOUSE WHEN THE EMPLOYEE OR THE EMPLOYEE’S SPOUSE WAS A MINOR;

(7) THE SPOUSE OF THE EMPLOYEE;

(8) A DOMESTIC PARTNER OF THE EMPLOYEE;

(9) A BIOLOGICAL GRANDPARENT, AN ADOPTIVE GRANDPARENT, A FOSTER GRANDPARENT, OR A STEPGRANDPARENT OF THE EMPLOYEE;

(10) A BIOLOGICAL GRANDCHILD, AN ADOPTED GRANDCHILD, A FOSTER GRANDCHILD, OR A STEPGRANDCHILD OF THE EMPLOYEE; OR

(11) A BIOLOGICAL SIBLING, AN ADOPTED SIBLING, A FOSTER SIBLING, OR A STEPSIBLING OF THE EMPLOYEE.

(E) “PAID FAMILY AND MEDICAL LEAVE” MEANS LEAVE FROM WORK TAKEN UNDER § 9-1004(A)(1) OF THIS SUBTITLE THAT IS PAID AT THE EMPLOYEE’S REGULAR RATE OF PAY.

(F) “QUALIFYING EXIGENCY” MEANS ANY OF THE FOLLOWING REASONS FOR WHICH LEAVE MAY BE NEEDED BY A FAMILY MEMBER OF A SERVICE MEMBER:

(1) THE SERVICE MEMBER HAS RECEIVED NOTICE OF DEPLOYMENT WITHIN 7 DAYS BEFORE THE DEPLOYMENT IS TO BEGIN;

(2) TO ATTEND MILITARY EVENTS AND RELATED ACTIVITIES INCLUDING FAMILY SUPPORT PROGRAMS RELATED TO THE ACTIVE DUTY OF THE SERVICE MEMBER;

(3) TO ARRANGE, PROVIDE, OR ATTEND CHILD CARE OR SCHOOL ACTIVITIES ONLY WHEN THE SERVICE MEMBER IS ON ACTIVE DUTY CALL OR ACTIVE DUTY STATUS;

(4) TO MAKE FINANCIAL AND LEGAL ARRANGEMENTS FOR THE SERVICE MEMBER’S ABSENCE OR BECAUSE OF THE ABSENCE;

(5) TO ATTEND COUNSELING THAT:

(I) IS NEEDED DUE TO THE ACTIVE DUTY OR CALL TO ACTIVE DUTY STATUS OF THE SERVICE MEMBER; AND

(II) IS PROVIDED BY AN INDIVIDUAL WHO IS NOT A LICENSED HEALTH CARE PROVIDER;

(6) TO SPEND UP TO 15 CALENDAR DAYS WITH A SERVICE MEMBER WHO IS ON SHORT-TERM TEMPORARY REST AND RECUPERATION LEAVE DURING THE PERIOD OF DEPLOYMENT;

(7) TO ATTEND POSTDEPLOYMENT ACTIVITIES INCLUDING REINTEGRATION SERVICES FOR A PERIOD OF 90 DAYS IMMEDIATELY FOLLOWING THE TERMINATION OF ACTIVE STATUS;

(8) TO ATTEND TO MATTERS RELATED TO THE DEATH OF THE SERVICE MEMBER WHILE ON ACTIVE DUTY STATUS;

(9) TO ARRANGE FOR OR PROVIDE ALTERNATIVE CARE FOR A PARENT OF THE SERVICE MEMBER WHEN THE PARENT IS INCAPABLE OF SELF-CARE AND THE COVERED ACTIVE DUTY OR CALL TO ACTIVE DUTY NECESSITATES A CHANGE; OR

(10) ANY OTHER ISSUES THAT ARISE OUT OF ACTIVE DUTY OR A CALL TO ACTIVE DUTY THAT AN APPOINTING AUTHORITY AND EMPLOYEE AGREE SHOULD BE COVERED.

(G) (1) “SERIOUS HEALTH CONDITION” MEANS AN ILLNESS, AN INJURY, AN IMPAIRMENT, OR A PHYSICAL OR MENTAL CONDITION THAT INVOLVES:

(I) INPATIENT CARE IN A HOSPITAL, HOSPICE, OR RESIDENTIAL HEALTH CARE FACILITY;

(II) CONTINUED TREATMENT BY A LICENSED HEALTH CARE PROVIDER; OR

(III) CONTINUED TREATMENT OR SUPERVISION AT HOME BY A LICENSED HEALTH CARE PROVIDER OR OTHER COMPETENT INDIVIDUAL UNDER THE SUPERVISION OF A LICENSED HEALTH CARE PROVIDER.

(2) “SERIOUS HEALTH CONDITION” INCLUDES AN ILLNESS, AN INJURY, AN IMPAIRMENT, OR A PHYSICAL OR MENTAL CONDITION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION THAT CONTINUES OVER AN EXTENDED PERIOD OF TIME AND REQUIRES INTERMITTENT TREATMENT.

(H) “SERVICE MEMBER” MEANS AN INDIVIDUAL WHO IS AN ACTIVE DUTY OR FORMER MEMBER OF:

(1) THE UNITED STATES ARMED FORCES;

(2) A RESERVE COMPONENT OF THE UNITED STATES ARMED FORCES;

OR

(3) THE NATIONAL GUARD OF ANY STATE.

(I) “TREATMENT” INCLUDES:

(1) EXAMINATIONS OR TESTING TO DETERMINE THE EXTENT TO WHICH A SERIOUS HEALTH CONDITION EXISTS OR PERSISTS;

(2) ONGOING OR PERIODIC EVALUATIONS OF THE SERIOUS HEALTH CONDITION; AND

(3) ACTUAL TREATMENT BY A HEALTH CARE PROVIDER.

9-1002.

THIS SUBTITLE APPLIES TO ALL EMPLOYEES, INCLUDING TEMPORARY EMPLOYEES, OF ALL UNITS IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT ONLY, INCLUDING ANY UNIT WITH AN INDEPENDENT PERSONNEL SYSTEM.

9-1003.

(A) THE SECRETARY, OR THE GOVERNING BODY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION, SHALL ADOPT REGULATIONS GOVERNING PAID FAMILY AND MEDICAL LEAVE BENEFITS UNDER THIS SUBTITLE, INCLUDING REGULATIONS THAT ESTABLISH CONDITIONS AND PROCEDURES FOR REQUESTING AND APPROVING PAID FAMILY AND MEDICAL LEAVE TO THE EXTENT THAT THE REGULATIONS DO NOT CONFLICT WITH THIS SUBTITLE.

(B) THE SECRETARY, OR THE GOVERNING BODY OF A PUBLIC INSTITUTION OF HIGHER EDUCATION, MAY DELEGATE TO AN EMPLOYEE ~~OF THE DEPARTMENT~~ OR AN APPOINTING AUTHORITY ANY POWER OR DUTY THAT IS REASONABLE AND PROPER FOR THE ADMINISTRATION OF THIS TITLE.

(C) IF AN EMPLOYEE TAKES LEAVE FROM WORK UNDER THIS SUBTITLE, THE APPOINTING AUTHORITY, ON THE EXPIRATION OF THE LEAVE, SHALL RESTORE THE EMPLOYEE TO THE SAME OR AN EQUIVALENT POSITION OF EMPLOYMENT.

(D) ~~THE DEPARTMENT SHALL FILE QUARTERLY~~ QUARTERLY INFORMATIONAL WAGE AND HOUR REPORTS SHALL BE FILED WITH THE MARYLAND DEPARTMENT OF LABOR THAT PROVIDE THE AMOUNT OF WAGES AND HOURS WORKED FOR EACH EMPLOYEE FOR EACH WEEK IN THE IMMEDIATELY PRECEDING CALENDAR QUARTER.

9-1004.

(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, BEGINNING JULY 1, 2026, AN EMPLOYEE MAY SUBMIT A REQUEST ~~TO THE DEPARTMENT EMPLOYEE'S APPOINTING AUTHORITY~~ FOR PAID FAMILY AND MEDICAL LEAVE IN ACCORDANCE WITH ESTABLISHED PROCEDURES:

(i) 1. TO CARE FOR A NEWBORN CHILD OF THE EMPLOYEE DURING THE FIRST YEAR AFTER THE CHILD'S BIRTH; OR

2. BECAUSE A CHILD IS BEING PLACED FOR ADOPTION, FOSTER CARE, OR KINSHIP CARE WITH THE EMPLOYEE OR TO CARE FOR OR BOND WITH THE CHILD DURING THE FIRST YEAR AFTER THE PLACEMENT;

(II) TO CARE FOR A FAMILY MEMBER WITH A SERIOUS HEALTH CONDITION;

(III) TO ATTEND TO A SERIOUS HEALTH CONDITION THAT RESULTS IN THE EMPLOYEE BEING UNABLE TO PERFORM THE FUNCTIONS OF THE EMPLOYEE'S POSITION;

(IV) TO CARE FOR A SERVICE MEMBER WITH A SERIOUS HEALTH CONDITION RESULTING FROM MILITARY SERVICE FOR WHOM THE EMPLOYEE IS NEXT OF KIN; OR

(V) TO ATTEND TO A QUALIFYING EXIGENCY ARISING OUT OF THE DEPLOYMENT OF A SERVICE MEMBER WHO IS A FAMILY MEMBER OF THE EMPLOYEE.

(2) (I) EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF THE NEED TO USE LEAVE IS FORESEEABLE, AN ~~APPOINTING AUTHORITY MAY REQUIRE AN~~ EMPLOYEE TAKING LEAVE UNDER THIS SUBTITLE MAY BE REQUIRED TO PROVIDE ~~THE APPOINTING AUTHORITY WITH~~ WRITTEN NOTICE OF THE EMPLOYEE'S INTENTION TO TAKE LEAVE AT LEAST 30 DAYS BEFORE COMMENCING THE LEAVE.

(II) IF THE NEED TO USE LEAVE IS NOT FORESEEABLE, THE EMPLOYEE SHALL:

1. PROVIDE NOTICE ~~TO THE APPOINTING AUTHORITY~~ AS SOON AS PRACTICABLE; AND

2. GENERALLY COMPLY WITH THE ~~APPOINTING AUTHORITY'S~~ NOTICE OR PROCEDURAL REQUIREMENTS FOR REQUESTING OR REPORTING OTHER LEAVE IF THOSE REQUIREMENTS DO NOT INTERFERE WITH THE EMPLOYEE'S ABILITY TO USE LEAVE UNDER THIS SUBTITLE.

(B) (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN INDIVIDUAL MAY FILE AN APPLICATION FOR LEAVE WITHIN 60 DAYS BEFORE THE ANTICIPATED START DATE OF THE LEAVE BUT NOT LATER THAN 60 DAYS AFTER THE START DATE OF THE LEAVE.

(2) TO BE CONSIDERED COMPLETE, AN APPLICATION SHALL CONTAIN ALL INFORMATION REQUIRED ~~BY THE DEPARTMENT~~.

(3) (I) ~~THE DEPARTMENT EMPLOYEE'S APPOINTING AUTHORITY SHALL WAIVE THE~~ FILING DEADLINE ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE WAIVED FOR GOOD CAUSE.

(II) IF THE EMPLOYEE DOES NOT HAVE GOOD CAUSE FOR THE DELAY IN COMPLETING THE APPLICATION, ~~THE SECRETARY EMPLOYEE'S APPOINTING AUTHORITY MAY DENY LEAVE~~ LEAVE MAY BE DENIED UNDER THIS SUBTITLE.

(C) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, AN EMPLOYEE MAY TAKE THE LEAVE FOR WHICH THE INDIVIDUAL IS ELIGIBLE UNDER SUBSECTION (A) OF THIS SECTION ON AN INTERMITTENT LEAVE SCHEDULE.

(2) IF LEAVE IS TAKEN ON AN INTERMITTENT LEAVE SCHEDULE, THE EMPLOYEE SHALL:

(I) MAKE A REASONABLE EFFORT TO SCHEDULE THE INTERMITTENT LEAVE IN A MANNER THAT DOES NOT UNDULY DISRUPT OPERATIONS; AND

(II) PROVIDE ~~THE APPOINTING AUTHORITY WITH~~ REASONABLE AND PRACTICABLE PRIOR NOTICE OF THE REASON FOR WHICH THE INTERMITTENT LEAVE IS NECESSARY.

(3) AN EMPLOYEE MAY NOT TAKE INTERMITTENT LEAVE IN AN INCREMENT OF LESS THAN 4 HOURS.

(4) IF LEAVE IS TAKEN ~~ON AN INTERMITTENT LEAVE SCHEDULE, AN APPOINTING AUTHORITY MAY NOT REDUCE~~ THE TOTAL AMOUNT OF LEAVE TO WHICH THE EMPLOYEE IS ENTITLED MAY NOT BE REDUCED BEYOND THE AMOUNT OF LEAVE ACTUALLY TAKEN.

(D) AN EMPLOYEE MAY APPEAL A DENIAL OF LEAVE IN ACCORDANCE WITH THE APPEAL PROCEDURES ESTABLISHED BY THE SECRETARY OF LABOR FOR THE FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM.

9-1005.

(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN EMPLOYEE MAY NOT RECEIVE MORE THAN 12 WEEKS OF LEAVE IN AN APPLICATION YEAR.

(2) AN EMPLOYEE MAY RECEIVE AN ADDITIONAL 12 WEEKS OF LEAVE IF THE EMPLOYEE DURING THE SAME APPLICATION YEAR:

(I) 1. RECEIVED LEAVE BECAUSE THE EMPLOYEE WAS ELIGIBLE FOR LEAVE UNDER § 9-1004(A)(1)(I) OF THIS SUBTITLE; AND

2. BECOMES ELIGIBLE FOR LEAVE UNDER § 9-1004(A)(1)(III) OF THIS SUBTITLE; OR

(II) 1. RECEIVED LEAVE BECAUSE THE EMPLOYEE WAS ELIGIBLE FOR LEAVE UNDER § 9-1004(A)(1)(III) OF THIS SUBTITLE; AND

2. BECOMES ELIGIBLE FOR LEAVE UNDER § 9-1004(A)(1)(I) OF THIS SUBTITLE.

(B) IF AN EMPLOYEE TAKES LEAVE UNDER THIS SUBTITLE, THE LEAVE SHALL RUN CONCURRENTLY WITH ELIGIBLE LEAVE THAT MAY BE TAKEN BY THE EMPLOYEE UNDER THE FEDERAL FAMILY AND MEDICAL LEAVE ACT.

(C) ~~THE DEPARTMENT EMPLOYEE'S APPOINTING AUTHORITY MAY COUNT~~ THE LEAVE TAKEN UNDER THE FEDERAL FAMILY AND MEDICAL LEAVE ACT MAY BE COUNTED AGAINST AN EMPLOYEE'S MAXIMUM DURATION OF LEAVE AVAILABLE UNDER THIS SUBTITLE IN AN APPLICATION YEAR FOR THE SAME PURPOSE, IF:

(1) ~~THE DEPARTMENT EMPLOYEE'S APPOINTING AUTHORITY DESIGNATES~~ A PERIOD OF LEAVE IS DESIGNATED AS COVERED BY THE FEDERAL FAMILY AND MEDICAL LEAVE ACT FOR AN EMPLOYEE WHO WOULD ALSO QUALIFY FOR LEAVE UNDER § 9-1004(A)(1) OF THIS SUBTITLE;

(2) ~~THE DEPARTMENT EMPLOYEE'S APPOINTING AUTHORITY NOTIFIES THE~~ EMPLOYEE IS NOTIFIED OF THE EMPLOYEE'S ELIGIBILITY FOR LEAVE UNDER THIS SUBTITLE; AND

(3) THE EMPLOYEE DECLINES TO APPLY FOR LEAVE UNDER THIS SUBTITLE.

(D) AN EMPLOYEE MAY NOT BE REQUIRED TO USE OR EXHAUST PAID VACATION, PAID SICK LEAVE, OR OTHER PAID TIME OFF PROVIDED TO THE EMPLOYEE BEFORE, OR WHILE, TAKING LEAVE UNDER THIS TITLE.

[9-1001.] 9-1006.

(a) Subject to subsection (b) of this section, the Secretary shall adopt regulations, guidelines, or policies implementing the federal Family and Medical Leave Act of 1993.

(b) The regulations adopted by the Secretary:

(1) may require an eligible employee to use other available accrued leave concurrently with family and medical leave; and

(2) may not limit, to less than 24 weeks, the aggregate number of weeks of family and medical leave that two employees who are married to one another may use during a 12-month period for:

(i) the birth of the employees' child;

(ii) the placement of a child with the employees for adoption or foster care;

(iii) the serious health condition of the employees' child, if the child is a minor; or

(iv) the care of the employees' adult child, if the adult child is incapable of self-care.

[9-1108.

(a) This section applies to all employees in the executive branch of State government.

(b) On request, an employee subject to this section may be entitled to parental leave with pay.

(c) (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 immediately following:

(i) the birth of the employee's child; or

(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 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 this Act shall take effect ~~October 1, 2025~~ July 1, 2026.

Approved by the Governor, May 20, 2025.