

UNOFFICIAL COPY OF SENATE BILL 109

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SENATE BILL 109

(PRE-FILED)

4lr0901
CF HB 52

By: **Senator Gile**

Requested: October 9, 2023

Introduced and read first time: January 10, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **State Employees - Parental Bereavement Leave**

3 FOR the purpose of providing that certain State employees are entitled to a certain amount
4 of parental bereavement leave with pay under certain circumstances; prohibiting
5 certain State entities from requiring certain State employees to use certain paid
6 leave under certain circumstances; and generally relating to parental bereavement
7 leave for State employees.

8 BY repealing and reenacting, without amendments,
9 Article - State Personnel and Pensions
10 Section 9-1101
11 Annotated Code of Maryland
12 (2015 Replacement Volume and 2023 Supplement)

13 BY adding to
14 Article - State Personnel and Pensions
15 Section 9-1109
16 Annotated Code of Maryland
17 (2015 Replacement Volume and 2023 Supplement)

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

20 **Article - State Personnel and Pensions**

21 9-1101.

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

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1 9-1109.

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (2) "CHILD" MEANS AN ADOPTED, BIOLOGICAL, OR FOSTER CHILD, A
5 STEPCHILD, OR A LEGAL WARD, WHO IS AT LEAST 6 MONTHS OLD AND UNDER THE AGE OF ~~21~~
27 YEARS.

(3) "INFANT" MEANS AN ADOPTED, BIOLOGICAL, OR FOSTER CHILD, A
STEPCHILD, OR A LEGAL WARD, WHO IS UNDER THE AGE OF 6 MONTHS.

6 ~~(3)~~ (4) "PARENTAL BEREAVEMENT LEAVE" MEANS LEAVE AN EMPLOYEE
7 IS ALLOWED TO USE:

- 8 (I) ON THE DEATH OF THE EMPLOYEE'S CHILD; OR
- 9 (II) WHEN THE EMPLOYEE EXPERIENCES A STILLBIRTH.

10 ~~(4)~~ (5) "STILLBIRTH" MEANS THE DEATH OF A FETUS AFTER A
11 GESTATION PERIOD OF 20 WEEKS OR MORE FOR AN EMPLOYEE:

- 12 (I) WHO WAS PREGNANT WITH THE FETUS;
- 13 (II) WHO IS THE SPOUSE OR DOMESTIC PARTNER OF AN
14 INDIVIDUAL WHO WAS PREGNANT WITH THE FETUS; OR
- 15 (III) WHO INTENDED TO ASSUME PARENTAL RESPONSIBILITIES
16 FOR THE FETUS IF THE FETUS HAD BEEN BORN ALIVE.

17 (B) THIS SECTION APPLIES TO :

(1) ALL EMPLOYEES, INCLUDING TEMPORARY
18 EMPLOYEES, IN THE EXECUTIVE, JUDICIAL, AND LEGISLATIVE BRANCHES OF
19 STATE GOVERNMENT, INCLUDING ANY UNIT WITH AN INDEPENDENT PERSONNEL
20 SYSTEM ;AND

(2) ALL EMPLOYEES OF A PUBLIC INSTITUTION OF HIGHER EDUCATION,
AS DEFINED IN § 2-308 OF THIS ARTICLE.

21 (C) AN EMPLOYEE SUBJECT TO THIS SECTION IS ENTITLED TO PARENTAL
22 BEREAVEMENT LEAVE WITH PAY.

23 (D) (1) SUBJECT TO PARAGRAPH ~~(2)~~ (3) OF THIS SUBSECTION, AN EMPLOYEE
24 MAY USE UP TO 10 DAYS OF PARENTAL BEREAVEMENT LEAVE WITHIN 60 DAYS
25 AFTER:

- 26 ~~(I)~~ THE DEATH OF THE EMPLOYEE'S CHILD; ~~OR~~
- 27 ~~(II)~~ ~~THE EMPLOYEE EXPERIENCES A STILLBIRTH.~~

(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN EMPLOYEE
MAY USE UP TO 60 DAYS OF PARENTAL BEREAVEMENT LEAVE WITHIN 60 DAYS
AFTER:

- (I) THE EMPLOYEE EXPERIENCES A STILLBIRTH; OR
- (II) THE DEATH OF THE EMPLOYEE'S INFANT.

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1 ~~(3)~~ **(3)** AN EMPLOYEE MAY USE PARENTAL BEREAVEMENT LEAVE ONLY
2 AFTER NOTIFYING THE EMPLOYEE'S APPOINTING AUTHORITY OF THE EMPLOYEE'S
3 INTENTION TO USE PARENTAL BEREAVEMENT LEAVE.

4 ~~(4)~~ **(4)** AN EMPLOYEE'S APPOINTING AUTHORITY MAY NOT REQUIRE AN
5 EMPLOYEE ENTITLED TO PARENTAL BEREAVEMENT LEAVE UNDER ~~PARAGRAPH~~ PARAGRAPHS(1) AND
6 (2)
7 OF THIS SUBSECTION TO USE ANY OTHER PAID LEAVE AVAILABLE TO THE
8 EMPLOYEE.

8 **(E)** THE SECRETARY SHALL ADOPT REGULATIONS GOVERNING PARENTAL
9 BEREAVEMENT LEAVE.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2024.