

MARYLAND EARNED SICK AND SAFE LEAVE MARYLAND SPMS EMPLOYEE NOTICE

The Maryland Healthy Working Families Act (the Act) went into effect on February 11, 2018. Pursuant to the Act, all State employees who regularly work at least 12 hours per week may use earned leave for certain “sick and safe” purposes.

Accrual

Permanent State employees who are at least 50% employed, and temporary employees who work 30 or more hours a week, earn leave that meets or exceeds the requirements of the Act.

Permanent State employees whose percentage of employment is greater than 30%, but less than 50%, and temporary employees who work less than 30 hours a week will accrue at least 1 hour of sick and safe leave for every 30 hours that an employee works as long as the employee regularly works 12 hours in a week (or 24 hours in a pay period). If an employee, on occasion, works fewer than 12 hours in a week (or less than 24 hours in a pay period), the employee still is an eligible employee and those hours still count toward the employee’s sick and safe leave accrual.

Temporary employees and part-time permanent employees (i.e.: one whose percentage employment is less than 50%) may earn up to 40 hours of sick and safe leave in a year, but may not accrue more than 64 hours of earned sick and safe leave at any time.

Leave Usage

State employees may use earned leave for the following “sick and safe leave” purposes:

1. To care for or treat the employee's mental or physical illness, injury, or condition;
2. To obtain preventive medical care for the employee or employee's family member;
3. To care for a family member with a mental or physical illness, injury, or condition;
4. For maternity or paternity leave; or
5. If the absence from work is necessary due to domestic violence, sexual assault, or stalking committed against the employee or the employee's family member, **and** the leave is being used by the employee to obtain for the employee or the employee's family member:
 - a. medical or mental health attention that is related to the domestic violence, sexual assault, or stalking;
 - b. services from a victim services organization related to the domestic violence, sexual assault, or stalking;
 - c. legal services or proceedings related to or resulting from the domestic violence, sexual assault, or stalking; or
 - d. during the time that the employee has temporarily relocated due to the domestic violence, sexual assault, or stalking.

Although the term “family member” for the purposes of sick and safe leave includes a spouse, child, parent, grandparent, grandchild or sibling, these are defined differently than “immediate family member” is defined for the use of sick leave in Title 17 of the Code of Maryland Regulations.

Employees may use sick and safe leave or any other form of leave for sick and safe purposes in increments down to 1/10 of an hour.

Employees in the State Personnel Management System are not allowed to use leave before it has accrued.

An employee may not use more than 64 hours of sick and safe leave or any other form of leave for sick and safe purposes in a calendar year. [NOTE – If an employee earns sick leave under Title 9 of the State Personnel and Pensions Article, the employee may use such leave in accordance with any limitations of that title.]

Reporting

Employees will have access to up-to-date information concerning their balances of earned sick and safe leave within the Statewide Personnel System (Workday).

Prohibitions

State agencies are prohibited under the law from taking adverse action against an employee who exercises a right under the Maryland Healthy Working Families Act, and an employee is prohibited from making a complaint, bringing an action, or testifying in an action in bad faith.

How to Address a Violation

A permanent State employee who is at least 50% employed and who believes that their employer has violated the employee’s rights under the Act may file a grievance in accordance with Annotated Code of Maryland, State Personnel and Pensions Article, Title 12.

A regular State employee whose percentage of employment is greater than 30% but less than 50% who believes that an employer has violated the employee’s rights under the Act may file a written complaint with the Commissioner of Labor and Industry in accordance with the Act. See <http://www.dllr.state.md.us/paidleave/> for additional information concerning this process.

A temporary employee may file a grievance using the procedure established in the Guidelines for the Provision of Paid Leave to Certain Temporary Employees as a result of the 2017 Executive Order, 01.01.2017.09. The grievance process permits the

employee to file a grievance using the ***Temporary Employees' Paid Leave Grievance Form*** issued by the Office of Personnel Services and Benefits.