

Health Employment and Labor

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Maryland Sick and Safe Leave Bill to Take Effect After Veto Override

By Brian W. Steinbach on January 16, 2018

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On January 12, 2018, the Maryland General Assembly completed its expected override of Governor Hogan's May 25, 2017, veto of a **bill** it passed last April, joining eight other states, the District of Columbia, and various local jurisdictions (including Montgomery County, Maryland) already requiring employers to provide paid sick and safe leave.

As we **reported** when the bill originally passed, the new law will require most employers with at least 15 employees to provide up to five paid days (forty hours) per year of sick and safe leave to their employees, and smaller employers to provide up to five *unpaid* sick and safe leave days. By overriding the veto, the General Assembly rejected Governor Hogan's original proposal for a narrower bill that would have required paid leave only for business with 50 or more employees and provided tax incentives to smaller business that provide leave, as well as his more recent proposal for a three-year phase-in that also would allow employees to use the leave for any reason.

Under the Maryland Constitution, **Art. II, Sec. 17(d)**, the bill is effective thirty days after the override vote, or February 11, although the General Assembly may act to delay implementation in whole or part. Accordingly, all covered employers should begin preparing to allow employees to accrue the leave at the statutory rate of one hour for every thirty hours worked, including temporary employees and part-time employees who work 12 or more hours a week. Leave can be used after the employee works 106 calendar days covered by the law. Employers may require (but need not) that employees use a minimum of four hours of leave at a time, and may require verification that the leave was used appropriately if the leave is used for more than two consecutive days. However, an existing paid leave policy that permits employees to accrue and use leave under at least equivalent terms and conditions satisfies the law's requirements and need not be modified. Employers will be required to post an appropriate notice. The bill also leaves in place the existing, more generous law in **Montgomery County**, on which we previously also **reported**.



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