

## Maryland Enacts Leave Law for Family of Armed Service Members

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Effective October 1, 2013, Maryland employers must provide employees with one day of unpaid leave to be used on the day the employee's "immediate family member" is leaving for or returning from active military duty outside the United States as a member of the armed forces. "Immediate family member" is defined as the employee's spouse (including a same-sex spouse), parent, stepparent, child, stepchild or sibling.

The new law (which will be codified at Article – Labor and Employment, Section 3–803 Annotated Code of Maryland) applies to employers with at least 50 employees. An employee taking the unpaid leave must have worked for a covered employer on a full-time or part-time basis for at least 1,250 hours during the last 12 months.

The law prohibits employers from requiring employees to use paid leave to cover this one-day leave-of-absence, although employers covered by the federal Family and Medical Leave Act could designate this leave as qualifying exigency leave. Employers may require employees to provide documentation supporting the need for leave.

Maryland employers should review and update their leave policies and employee leave-tracking systems according to the new law. They also should train supervisors and managers regarding the new leave requirement.

Maryland joins several other states, including California, Illinois, Indiana, Maine, Minnesota, Nebraska and New York, with laws providing for short-term leaves for family members of military service-members. (See our articles, [Growing Number of States Passing Family Military Leave Acts](#) and [California Adopts Time Off Requirement for Military Spouses](#).)

If you have any questions about this or other workplace developments regarding veterans or military leave, please contact Shawn Kee, at [KeeC@jacksonlewis.com](mailto:KeeC@jacksonlewis.com), or the Jackson Lewis attorney with whom you regularly work.

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