

Sick and Safe Leave

Leave that is granted pursuant to the Maryland Healthy Working Families Act (the Act), which went into effect on February 11, 2018. Permanent State employees whose percentage of employment is at least 50% currently earn leave at a greater rate than is required by the Act and may be permitted to use earned annual, sick, or personal leave (or accrued compensatory time) as provided by State leave laws for “sick and safe” reasons, as noted below.

Temporary State employees who regularly work at least 12 hours in a week (even if, on occasion, the employee works less than 12 hours in a week) and permanent State employees whose percentage of employment is below 50% will accrue at least 1 hour of sick and safe leave for every 30 hours that the employee works. If a temporary employee already earns leave in accordance with the Executive Order 01.01.2017.09, Sensible Paid Leave in the Executive Branch of State Government, the employee will not earn additional leave.

Pursuant to the Act, all State employees who regularly work at least 12 hours per week 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.

An employer is not required to allow an employee to earn more than 40 hours of sick and safe leave in a year; accrue more than 64 hours at any time; or use more than 64 hours of earned sick and safe

leave in a calendar year. If an employee has unused earned sick and safe leave at the end of the year, the employee may carry over the balance of the earned sick and safe leave to the following year, up to a 40-hour carryover maximum.

When the need to use sick and safe leave is foreseeable, employees should make a request to use the leave in advance. If the need to use earned sick and safe leave is not foreseeable, employees should notify their supervisor as soon as practicable and generally comply with any notice or procedural requirements for requesting or reporting leave usage. If the use of sick and safe leave meets the requirements of the Family and Medical Leave Act, appropriate steps should be taken to provide the employee with this protection, which generally will run concurrently with sick and safe leave.