

Maryland Healthy Working Families Act

Unlike its federal counterpart, the Family and Medical Leave Act (“FMLA”), the new Maryland Healthy Working Families Act requires covered employers to provide **paid** sick leave and “safe leave” to employees, and establishes a schedule on which employees earn their entitlement to paid leave. Smaller employers (under fifteen employees) do not need to provide paid leave, but are still subject to the Act and required to provide earned unpaid sick and safe leave.

Some of the key provisions of the new Maryland law include:

- Credit unions (and other employers) must provide paid, earned sick and “safe” leave if the employer has fifteen or more employees. This compares to the 50-employee limit for coverage under the federal FMLA.
- Earned paid leave can be used for a variety of medical, maternity or paternity, or “safety” (e.g., domestic violence, stalking) reasons.
- Employees must accrue earned sick and safe leave at a rate of not less than one hour of leave for every thirty hours worked.
- Employees can accrue up to 40 hours of paid leave per year; may generally carry over up to 40 hours from year to year, and can use up to 64 paid hours per year. ***(If employers already provide undifferentiated paid time off (“PTO”) in excess of the requirement, there is no need to separate out the leave from vacation time.)***
- Employers must provide the employee with individualized notice of the amount of paid leave earned and available (which can be satisfied by an online system).
- Employers are responsible for providing notice to employees of their entitlement to earned sick and safe leave. The Maryland Commissioner of Labor and Industry is working on an appropriate poster and model policies.