**Maryland Healthy Working Families Act 2018 - Sick and Safe Leave**

**For Contingent I and Student Workers**

**Employee Summary of Pertinent items. Please refer to the USM Policy for additional information or clarification**:

**Purpose:** To implement the passage of the Maryland Healthy Working Families Act, which went into effect on February 11, 2018. This Act provides earned sick and safe leave for certain employees.

**Eligibility**: after 106 calendar days (15 weeks) of employment (contract start date or hire date whichever is greater) **and** works at least 12 hours per week on a regular basis. Employees are not permitted to use leave during the first 106 calendar days of their employment, even though a leave amount may appear in their leave account.

**Accrual/Earned**:

* 1 hour for every 30 hours worked (or .033 for every hour worked) beginning on the contract start date or hire date, whichever is greater.
* Maximum accrual of 40 hours per calendar year

**Balance/Accumulation**:

* May not exceed 64 hours, at any time, during the calendar year
* May be carried over to the next calendar year up to 40 hours
* Any earned but unused leave is not payable upon termination

**Break in Service**:

* If the break in service is less than 37 weeks:
  + The earned and unused leave balance from the prior employment instance will be reinstated.
  + The prior service time may count toward eligibility, if it meets qualifications.

**Multiple Assignments**

* Employees may transfer available leave from one department to another as leave is granted.

**Usage:**

* May not use more than 64 hours in any calendar year, for any reason.
* Sick and Safe Leave may be granted under the following conditions:
  + to care for or treat the employee’s mental or physical illness, injury, or condition;
  + to obtain preventative medical care for the employee or the employee’s family member;
  + to care for a family member with a mental or physical illness, injury, or condition;
  + for maternity or paternity leave within six months of the birth or adoption of a baby; or
  + 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 being used is:
    - To obtain medical or mental health attention;
    - To obtain services from a victim services organization;
    - For legal services or proceedings; or
    - Because the employee has temporarily relocated as a result of the domestic violence, sexual assault, or stalking.
  + Definition of an employee’s family member under the Act:
    - Employee’s spouse and:
      * child and grandchild (includes biological, adopted, step, foster, parentis loco)
      * sibling (includes biological, adopted, step, foster)
      * legal dependent
      * guardian
    - Employee’s or spouse’s:
      * parent and grandparent (includes biological, adopted, in-laws, step, foster)
* With the following notice:
  + If the need to use leave is foreseeable (for example a scheduled doctor’s appointment), the employee must provide prior notification 7 days before leave is used. Notice must be made to the immediate supervisor in writing, either through the use of the Leave Request form, via email, or in such form as acceptable to the employee’s immediate supervisor, as appropriate.
  + If the need to use leave is not foreseeable or is unplanned, the employee must provide notice as soon as practicable.
* Leave may be denied:
  + If the employee fails to provide the required notice and the employee’s absence will cause disruption to the employer.
  + If leave is used for unauthorized purposes.
* Usage Increments:
  + Non-exempt staff may use leave in one (1) hour increments
  + Exempt staff may use leave in one (1) hour increments

**Verification (when a document/appointment note is required)**:

* Used sick and safe leave for more than two consecutive scheduled shifts

**Available Balance:**

* An employee is responsible for knowing their available leave and can review their leave balance in Gull Net at Main Menu>SU Custom>Time-sheets>Leave>Employee Leave Balances.

**Adverse Action Prohibition:**

* An employer is prohibited under the law from taking adverse employment action against an employee who exercises a right under the Maryland Healthy Working Families Act.
* An employee is prohibited from making a complaint, bringing an action, or testifying in an action in bad faith.

**For Additional Information or Questions, please contact:**

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