

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 473

(Senator Washington)

Finance

Economic Matters

Labor and Employment - Leave With Pay - Bereavement Leave

This bill expands Maryland's Flexible Leave Act by authorizing employees of certain employers (those with at least 15 employees) to use earned paid leave for bereavement leave. An employee is allowed to use bereavement leave for the death of the employee's immediate family member, including an adult child of the employee, as defined by the bill.

Fiscal Summary

State Effect: The Maryland Department of Labor can implement the bill with existing budgeted resources. The bill does not apply to the State as an employer; it pertains exclusively to private-sector employers. Revenues are not affected.

Local Effect: None. The bill pertains exclusively to private-sector employers.

Small Business Effect: Minimal.

Analysis

Current Law: Under the Maryland Flexible Leave Act, a private-sector employer who provides paid leave to its employees must allow an employee to use earned paid leave to care for immediate family members, including a child, spouse, or parent, with an illness. For purposes of taking leave to care for a family member under the Act, "child" is defined as an (1) adopted, biological, or foster child; (2) stepchild; or (3) legal ward who is either younger than 18 or at least 18 years old and incapable of self-care due to a mental or physical disability (for bereavement leave only, the bill expands this to include all adult children).

An employer is prohibited from taking action against an employee who exercises the rights granted or against an employee who files a complaint, testifies against, or assists in an action brought against the employer for a violation of these provisions.

An employer is considered a person that employs 15 or more individuals and is engaged in a business, industry, profession, trade, or other enterprise in the State, including a person that acts directly or indirectly in the interest of another employer. State and local governments are not included.

Employees who earn more than one type of paid leave from their employers may elect the type and amount of paid leave to be used in caring for their immediate family members.

Additional Information

Prior Introductions: HB 712 of 2020, a similar bill, was amended and passed the House and was referred to the Senate Finance Committee, but no further action was taken. Its cross file, SB 260, received a hearing in the Senate Finance Committee, but no further action was taken.

Designated Cross File: HB 56 (Delegate Boyce) - Economic Matters.

Information Source(s): Maryland Department of Labor; Office of the Attorney General; Department of Legislative Services

Fiscal Note History: First Reader - January 26, 2021
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Analysis by: Richard L. Duncan

Direct Inquiries to:
(410) 946-5510
(301) 970-5510