
Senate Bill 404

Date: February 20, 2020
Committee: Finance
Bill Title: Labor and Employment - Maryland Healthy Working Families Act - Verification
Re: Letter of Support

Senate Bill 404 clarifies and modifies the circumstances under which employers may require verification of the appropriate use of sick and safe leave between the first 106 and 121 calendar days of employment and requires the employer to now provide written notice of this requirement to employees upon hire.

The provisions of this bill will help ensure employees understand sick and safe leave usage verification during this 14 day time frame, provide a tangible document the Commissioner of Labor and Industry can inspect to ensure employers are providing the required information for enforcement purposes, and provide a method for employers to ensure leave is used appropriately.

The Maryland Healthy Working Families Act is a complex statute that in certain situations presents challenges for employers and employees that seek to comply with its provisions. The intent of the law is to provide an employee with the opportunity to earn leave that they can use to attend to a specific set of uses - for illness to themselves or a family member, or for time to attend to a safety issue due to domestic violence, sexual assault or stalking. The employer needs to allow the employee to use their earned leave, but also needs the ability to ensure the leave is used appropriately. It is imperative that this information be provided in writing upon hire.

Under current law, employers may require employees to provide verification that sick and safe leave was used appropriately between 106 and 121 calendar days after employment. If the employee fails to provide the verification, the employer may deny a subsequent request for the same reason. SB404 modifies that provision and allows an employer to deny the first, not subsequent, request of the employee to take earned sick and safe leave if the employee does not provide verification that the leave was used appropriately.

The Department anticipates that local governments and small employers will welcome the clarification of a written policy and the ability to verify appropriate use of sick and safe leave during this 14-day time frame. SB404 will simplify and clarify the sick and safe leave law regarding verification of used leave during a 14 day window and potentially assist both employers and employees in understanding the correct application of the law. **For these reasons the Department respectfully requests a favorable report from the committee.**