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**MARYLAND HEALTHY WORKING FAMILIES ACT  
EMPLOYEE NOTICE  
(Permanent Employees)**

The Maryland Healthy Working Families Act went into effect on February 11, 2018 and requires employers with 15 or more employees to provide paid leave for sick and safe purposes to certain employees.

Employers are not required to modify an existing paid leave policy if the existing policy permits an employee to accrue and use leave under terms and conditions that are at least equivalent to the requirements outlined in the law. Currently, permanent Maryland Department of Transportation (MDOT) employees earn paid leave at a rate greater than required by the law. Therefore, permanent employees will not be given any additional paid leave but will be permitted to use up to 40 hours of accumulated sick, annual, personal, or compensatory leave (if applicable) per calendar year for sick and safe purposes.

**Eligibility**

Employees whose primary work location is in Maryland are entitled to use accumulated paid leave for sick and safe purposes unless they are exempt from coverage under the law. The exemption includes:

- Employees who regularly work less than 12 hours a week;
- Certain independent contractors;
- Certain associate real estate brokers and real estate salespersons;
- Individuals who are younger than 18 years of age before the beginning of the year;
- Individuals employed in the agricultural sector in certain agricultural operations as defined in Section 5-403 of the Courts and Judicial Proceedings Article of the Maryland Annotated Code;
- Certain construction workers covered by a collective bargaining agreement;
- Certain employees working on an as-needed basis in a health or human service industry; and,
- Certain employees of a temporary services agency.

**Leave Allotment and Usage**

Eligible permanent employees will continue to accrue sick, annual, and compensatory leave at the currently established rates and continue to be allotted a maximum of 56 hours of personal leave per calendar year, pro-rated depending on hire date and percentage employed. Upon request, employees may use their accumulated sick, annual, compensatory or personal leave for sick and safe purposes.

An employee can use leave for sick and safe purposes 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; 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 is being used: (1) to obtain medical or mental health attention; (2) to obtain services from a victim services organization; (3) for legal services or proceedings; or (4) because the employee has temporarily relocated as a result of the domestic violence, sexual assault, or stalking.

A family member includes a spouse, child, parent, legal guardian, grandparent, grandchild, or sibling.

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Employees may use leave in 6-minute increments, as currently permitted through MDOT's timekeeping system. Employees using leave for sick and safe purposes are to code timesheets with the type of leave used and use the remark code "Z" to denote usage of leave for sick and safe purposes.

Employees are required to give notice of the need to use leave for sick and safe purposes when it is foreseeable. If the need to use leave is not foreseeable, then the employee must provide notice as soon as practicable. The leave request may be denied if the employee fails to provide notice and the employee's absence will cause a disruption to the workplace.

The Transportation Service Human Resources System (TSHRS) policies regarding leave accrual and allotment, leave use, and potential discipline for policy violations apply.

### **Reporting**

Employers are required to provide employees with a written statement of the employee's available leave balance that can be used for sick and safe purposes. Employees can find their leave balances on MDOT's timekeeping system.

### **Prohibitions**

Maryland law prohibits MDOT from taking adverse action against an employee who exercises a right under the Maryland Healthy Working Families Act and prohibits an employee from making a complaint, bringing an action, or testifying in an action in bad faith.

### **How to File a Complaint or Obtain Additional Information**

For additional information, please contact your Office of Human Resources. If you feel your rights have been violated under this law, you may file a grievance according to the TSHRS policy. The Commissioner of Labor and Industry has oversight of issues related to paid leave for sick and safe purposes and may be contacted at:

COMMISSIONER OF LABOR AND INDUSTRY  
1100 North Eutaw Street, Room 607  
Baltimore, MD 21201  
<https://www.dllr.state.md.us/paidleave/>  
Email: ssl.assistance@maryland.gov