

MONTGOMERY COUNTY, MARYLAND

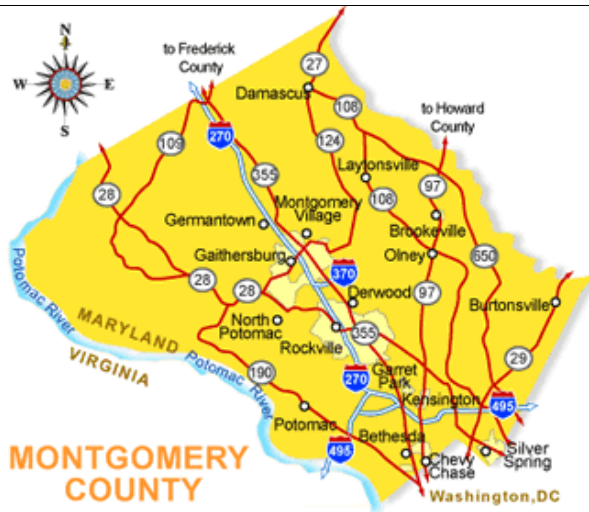
PAID EARNED SICK AND SAFE LEAVE

Covers workers who regularly work in Montgomery County, Maryland more than 8 hours each week.

An employee can accrue **one hour of paid sick time for every 30 hours worked in the County up to 56 hours in a calendar year**, beginning their first day of employment or October 1, 2016, whichever is later.

Employees may not use more than 80 hours of accrued paid sick leave in a calendar year.

Employee unused sick and safe leave carries over to the next calendar year, but the **amount carried over is limited to 56 hours of unused earned sick and safe leave**.



EFFECTIVE: 10/1/2016

Retaliation or discrimination against an employee who requests paid sick days or uses paid sick days or both is prohibited.

Paid Sick Leave – Use of

- To care for or treat the employee's own illness (mental or physical), injury, or health condition.
- To obtain preventative medical care for the employee or their family member.
- To take care of a family member with an illness (physical or mental), injury, or health condition.
- When the employee's place of business or when the employee's family member's school or child care center has been closed by order of a public official due to a public health emergency.
- To care for a family member if a health official or health care provider determined the family member's presence in the community, due to exposure to a communicable disease, would jeopardize the health of others.
- Due to domestic violence, sexual assault, or stalking against the employee or the employee's family member. Leave must be used for medical attention, services from a victim services organization, legal services, or during the time that the employee has temporarily relocated.

Employees can use the time in one hour increments.

Family Member

- Child (biological, adopted, or foster child, stepchild, child for whom the employee has legal or physical custody or guardianship, a child for whom the employee is the primary caregiver);
- Parent (biological, foster, or adoptive parent; step-parent of the employee or the employee's spouse; a legal guardian; or an individual who served as the primary caregiver of the employee when the employee was a minor);
- Spouse;
- Grandparent or spouse of a grandparent of the employee;
- Grandchild;
- Sibling (biological, adopted, or foster) or spouse of a biological, adopted or foster sibling of the employee;
- Spouse of a biological, adopted, or foster sibling of the employee

Paid Sick Leave – Use of (Cont.)

<ul style="list-style-type: none">• For the birth of a child or for the placement of a child with the employee for adoption or foster care;• To care for a newborn, newly adopted, or newly placed child within one year for a newborn or adoption or placement. <p>Note: An employee must miss scheduled work time in order to receive paid leave for the absence.</p>	
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Paid Sick Leave – Employee Notice Requirement

<ul style="list-style-type: none">• Employee must be eligible and accumulate sick time (see below) before requesting use of sick leave.• An employee may request paid sick days in writing or verbally.• If the need for paid sick leave is foreseeable, the employee shall provide reasonable advance notification to the customer and your branch representative, not to exceed seven days advance notice, about his/her need for paid sick leave.• If the need for paid sick leave is unforeseeable, the employee shall provide notice of the need for paid sick leave to the customer and your branch representative as soon as practicable.	<p>For an absence of more than three consecutive days, an Employer may require reasonable documentation--e.g., documentation signed by a licensed Health Care Provider indicating the need for the amount of Earned Sick Leave taken. The documentation <u>should not</u> specify the nature of the Employee's or the Family Member's injury, illness, or medical condition.</p>
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Paid Sick Leave – Accrual

<ul style="list-style-type: none">• For every 30 hours worked, an employee shall accrue one hour of paid sick leave.• An employee may use accrued paid sick days beginning on the 90th day of employment or October 1, 2016, whichever is later. The 90 day period works like a probationary period. Although you begin to accrue paid sick leave on October 1, 2016, or your first day of employment if you are hired after October 1, 2016, if you work less than 90 days for the company, you are <u>not</u> entitled to take paid sick leave.• Paid sick leave will be calculated for nonexempt employees in the same manner as the regular rate of pay for the workweek in which the employee uses paid sick time.• An exempt employee is deemed to work 40 hours per workweek unless the employee's normal workweek is less than 40 hours, in which case the employee shall accrue paid sick days based upon that normal workweek.	<p>90-day time period is regardless of <i>where</i> the employee worked—it just has to be 90 days with the company.</p> <p>If an employee begins working outside the County for the same employer, the employer must permit the employee to use the earned sick and safe leave that accrued while working for the employer in the County.</p> <p>Note: If an employer has a paid leave policy, such as PTO or vacation policy, that makes available to employees leave that may be used for the same purposes specified in the Ordinance (or for any purpose) and that is sufficient to meet the Ordinance's requirements for paid sick leave accrual, then it is not required to provide additional paid sick leave.</p>
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Paid Sick Leave – Accrual (Cont.)

- Accrued but unused paid sick leave does not expire; it carries over from year-to-year up to limit of 56 hours of unused earned sick and safe leave.
- Employees may not use more than 80 hours of accrued paid sick leave in a calendar year.

Paid Sick Leave – Upon Termination

Accrued unused paid sick leave **is not paid out** upon termination, resignation, retirement, or other separation from employment

Note: Only paid out if using a PTO or vacation policy to comply with the Ordinance (which we are not).

Rehires

If rehired by the company within 9 months from the previous date of separation, previously accrued and unused paid sick days shall be reinstated **except for when the employee voluntarily leaves work without good cause** as defined in MD. LABOR & EMPL. CODE ANN> §8-1001.

The employee shall be entitled to use those previously accrued and unused sick days after 90 days of employment with the company (counting their previous time working for the company) and to accrue additional paid sick days upon rehiring.

Montgomery County, Maryland – In SAP if the employee is working in the city of “Montgomery County, Maryland,” mark the subarea as “Montgomery County MD.”

20810	20855	20897
20811	20857	20898
20812	20859	20899
20813	20860	20901
20814	20861	20902
20815	20862	20903
20816	20866	20904
20817	20868	20905
20818	20871	20906
20824	20872	20907
20825	20874	20908
20827	20875	20910
20830	20876	20911
20832	20877	20912
20833	20878	20913
20837	20879	20914
20838	20880	20915
20839	20882	20916
20841	20883	20918
20842	20884	20993
20847	20885	20997
20848	20886	
20849	20889	
20850	20891	
20851	20892	
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20853	20895	
20854	20896	

Montgomery County, Maryland
EARNED SICK AND SAFE LEAVE LAW
Montgomery County Code
Chapter 27 Human Rights and Civil Liberties, Article XIII

EFFECTIVE OCTOBER 1, 2016

Revised November 9, 2016

How is Earned Sick and Safe Leave Accrued?

An employee must accrue paid leave before accruing unpaid leave in a calendar year. Paid earned sick and safe leave must accrue at a rate of at least 1 hour for every 30 hours an employee works in the County.

An employer with FEWER THAN 5 EMPLOYEES:

- ✓ Must provide each employee with both paid and unpaid sick and safe leave for work performed in the County.
- ✓ Must not be required to allow an employee to:
- ✓ Earn more than 32 hours of paid earned sick and safe leave and 24 hours of unpaid earned sick and safe leave in a calendar year; or
- ✓ Use more than 80 hours of earned sick and safe leave in a calendar year.

An employer with 5 OR MORE EMPLOYEES must not be required to allow an employee to:

- ✓ Earn more than 56 hours of earned sick and safe leave in a calendar year; or
- ✓ Use more than 80 hours of earned sick and safe leave in a calendar year.

Permitted Uses of Earned Sick and Safe Leave:

- ✓ To care for or treat the employee's own illness (mental or physical), injury, or health condition.
- ✓ To obtain preventative medical care for the employee or their family member.
- ✓ To take care of a family member with an illness (physical or mental), injury, or health condition.
- ✓ When the employee's place of business or when the employee's family member's school or child care center has been closed by order of a public official due to a public health emergency.
- ✓ To care for a family member if a health official or health care provider determined the family member's presence in the community, due to exposure to a communicable disease, would jeopardize the health of others.
- ✓ Due to domestic violence, sexual assault, or stalking against the employee or the employee's family member. Leave must be used for medical attention, services from a victim services organization, legal services, or during the time that the employee has temporarily relocated.
- ✓ For the birth of a child or for the placement of a child with the employee for adoption or foster care.
- ✓ To care for a newborn, newly adopted, or newly placed child within one year for a newborn or adoption or placement.

An employer may not retaliate against an employee for exercising the rights granted by the Sick and Safe Leave Article.



If you think you have been subjected to a violation of any rights granted by the Earned Sick and Safe Leave Article, please contact:

Montgomery County Office of Human Rights
21 Maryland Avenue, Suite 330, Rockville, Maryland, 20850
240-777-8450, www.montgomerycountymd.gov/humanrights

