

## Maryland Sick Leave Comparison Chart

Maryland Healthy Working Families Act	Montgomery County Earned Sick and Safe Leave
<p>Provides up to 40 hours of leave annually:</p> <ul style="list-style-type: none"> <li>• If 15+ employees, provide paid leave</li> <li>• If &lt;15 employees, leave may be unpaid</li> </ul>	<p>Provides up to 56 hours of leave annually</p> <ul style="list-style-type: none"> <li>• If 5+ employees, provide paid leave</li> <li>• If &lt;5 employees, first 32 hours earned must be paid, rest may be unpaid</li> </ul>
<p>If leave is accrued:</p> <ul style="list-style-type: none"> <li>• Accrual is at least 1 hour/30 work hours</li> <li>• Must allow carryover up to 40 hours annually</li> <li>• Can cap accrual and annual use at 64 hours</li> <li>• Does not accrue when employee works less than 24 hours in 2-week period or 26 hours in a semi-monthly pay period</li> </ul>	<p>If leave is accrued:</p> <ul style="list-style-type: none"> <li>• Accrual is at least 1 hour/30 work hours</li> <li>• Must allow carryover up to 56 hours annually</li> <li>• No cap on accrual, but can cap annual use at 80 hours</li> <li>• Accrues for all hours worked, no minimum</li> </ul>
<p>May restrict use of leave until after first 106 days</p>	<p>May restrict use of leave until after first 90 days</p>
<p>Excludes employees:</p> <ul style="list-style-type: none"> <li>• who work less than 12 hours/week</li> <li>• under age 18</li> <li>• in certain industries (agriculture, construction if covered by collective bargaining agreement, health or human services only on as-needed basis)</li> <li>• independent contractors</li> </ul>	<p>Excludes employees:</p> <ul style="list-style-type: none"> <li>• who work less than 8 hours/week</li> <li>• who do not have regular work schedules and work on as-needed basis</li> <li>• independent contractors</li> </ul>
<p>Family members include the employee's:</p> <ul style="list-style-type: none"> <li>• children (biological, adopted, foster, step, legal/physical custody/guardianship, standing in loco parentis)</li> <li>• parent, parent-in-law, grandparent, grandchild, or sibling (biological, adopted, foster, or step)</li> <li>• legal guardian or in loco parentis when employee was a minor</li> <li>• spouse</li> </ul>	<p>Family members include the employee's: (same as HWFA, plus additional family members noted below)</p> <ul style="list-style-type: none"> <li>• children (as primary caregiver even if not standing in loco parentis)</li> <li>• primary caregiver of employee when a minor even if not standing in loco parentis</li> <li>• grandparent's spouse</li> <li>• sibling's spouse</li> </ul>
<p>Reasons for using leave must include:</p> <ul style="list-style-type: none"> <li>• employee or family member's physical or mental illness, injury, or condition</li> <li>• employee or family member's preventive medical care</li> <li>• maternity or paternity leave</li> <li>• medical/mental care, victim services, or legal services related to domestic violence, sexual assault, or stalking of employee or family member</li> <li>• during employee's temporary relocation due to domestic violence, sexual assault, or stalking</li> </ul>	<p>Reasons for using leave must also include: (in addition to HWFA reasons*)</p> <ul style="list-style-type: none"> <li>• if employer's business is ordered closed due to public health emergency</li> <li>• if employee's family member's school or child care center is ordered closed due to public health emergency</li> <li>• to care for family member if determined that the individual's presence in the community would jeopardize public health due to exposure to a communicable disease</li> </ul> <p>*Does not require allowing use for maternity or paternity leave which is required under the HWFA.</p>
<p>Leave must be reinstated upon rehire within 37 weeks</p>	<p>Leave must be reinstated upon rehire within 9 months, unless voluntarily quit without good cause</p>
<p>Employer may not require more than 7 days advanced notice when need is foreseeable</p>	<p>Employee must provide notice as soon as practicable</p>