

SEPTEMBER 13, 2016 | STATE &amp; LOCAL TRENDS

## Paid Sick Leave Set to Become Effective in Montgomery County, Maryland

✖ In 2015, Montgomery County implemented Maryland's first paid sick and safe leave statute, [The Earned Sick and Safe Leave Law](#), which becomes effective on October 1, 2016. The law applies to all employees that perform work in Montgomery County. Under the law, employees who work for employers with 5 or more employees earn sick and safe leave at a rate of one hour for every 30 hours of work in Montgomery County, up to 56 hours or approximately 7 days of leave per calendar year. Employees who work for employers with fewer than 5 employees must earn one hour for every 30 hours worked in Montgomery County, but only up to 32 hours or approximately 4.5 days per calendar year.

As has been seen in similar paid leave laws developing throughout the country, under Montgomery County's statute leave can be used for (1) medical care of employee or employee's family member; (2) closure of employer's place of business or school/child care by order of a public official due to public health emergency; (3) care of a family member with a communicable disease that could jeopardize the health of others; or (4) obtaining medical or legal services for or participation in a proceeding related to domestic violence, sexual assault or stalking committed against the employee or the employee's family member.

Similar to DC's paid sick and safe leave law, employees must begin accruing leave on their first date of employment, but may be prohibited from using the leave during the 90-day initial probationary period. Employers must permit leave to be carried over from year to year (up to 56 hours), but can cap use of accrued and carried-over leave to 80 hours per calendar year. The law also requires employers to provide a written statement of available sick and safe leave to employees each time wages are paid.

Pursuant to this law, an employer must notify employees of their entitlement to leave by posting and in its written policies, usually the employee handbook. Although this may require some employers to implement a new policy, many employers may already have policies that meet these basic requirements. A general PTO policy that permits accrual of paid leave at the same or a greater rate and use of the paid leave for any reason, may simply need to be updated to encompass all of the permitted uses of leave, an anti-retaliation statement, and information about the employee's rights to file a complaint. Employers also should ensure accrual is not prohibited. Policies must be carefully reviewed and revised, if necessary, to meet the qualifications of this law by or before October 1<sup>st</sup>.

This shift in the law is especially significant because of what it reflects for Maryland as a whole. Maryland's

Healthy Working Families Act has gained renewed momentum in light of Montgomery County's law and a similar law currently being considered in Prince George's County. The Act would similarly provide full-time employees up to 7 days of paid sick and safe leave and would, as it's currently written, apply to all employers with 10 or more employees. Employers with 9 or fewer employees would have to provide unpaid leave. Although this proposed law has been introduced and reintroduced multiple times without success, there may be enough support in the state to push it through the Maryland government based on the implementation of one such law within the state already.