

KNOW YOUR RIGHTS: Maryland Paid Sick Time

1) What does the Maryland Paid Sick Time law do?

Maryland's permanent paid sick time law gives workers up to 40 hours of sick time a year, which can be used to recover from physical/mental illness or injury; to seek medical diagnosis, treatment, or preventative care; to care for a family member who is ill or needs medical diagnosis, treatment, or preventative care; for maternity or paternity leave; or to address certain needs that may arise if the worker or a family member is a victim of domestic violence, a sexual offense, or stalking.

On May 28, 2021, the Maryland Essential Workers' Protection Act, which gives public health emergency leave to certain essential workers in relation to COVID-19—**but only when federal or state funding is available**—became law. Under Maryland's law, public health emergency leave is available to covered workers in relation to an emergency, such as COVID-19, because:

- They are isolating without an order to do so because the worker (i) has been diagnosed with the communicable disease that is the subject of the emergency, or (ii) is experiencing symptoms associated with the communicable disease that is the subject of the emergency and is awaiting the results of a test to confirm the diagnosis;
- They are seeking or obtaining a medical diagnosis, preventive care, or treatment because the worker is diagnosed with the communicable disease that is the subject of the emergency;
- They are caring for a family member who is isolating, without an order to do so, because of a diagnosis of the communicable disease that is the subject of the emergency;
- Of a determination by a public health official or health care professional that the worker's presence at their place of employment or in the community would jeopardize the health of other individuals because of the worker's exposure to, or exhibited symptoms associated with, the communicable disease that is the subject of the emergency, regardless of whether the worker has been diagnosed with the communicable disease;
- They are caring for a family member because of a determination by a public health official or health care professional that the family member's presence at their place of employment or in the community would jeopardize the health of other individuals because of the family member's exposure to, or exhibited symptoms associated with, the communicable disease that is the subject of the emergency, regardless of whether the family member has been diagnosed with the communicable disease; or
- They are caring for a child or other family member:
 - When the care provider of the family member is unavailable due to the emergency; or
 - If the child's or family member's school or place of care has been closed by a federal, state, or local public official or at the discretion of the school or place of

Headquarters

40 Worth Street, 10th Floor
New York, NY 10013
tel: 212.430.5982

info@abetterbalance.org
abetterbalance.org

Southern Office

2301 21st Avenue South, Suite 355
Nashville, TN 37212
tel: 615.915.2417

care due to the emergency, including if the school or place of care is physically closed but providing instruction remotely.

The law becomes effective on May 28, 2021 and remains in effect until the Governor Hogan's State of Emergency Proclamation due to COVID-19 expires.

2) Am I covered?

Under Maryland's permanent paid sick time law: if you regularly work as an employee in Maryland for **at least 12 hours per week**, you may be covered, whether you are a **full-time or part-time** worker. However, the law does not cover federal employees, independent contractors, agricultural workers, certain temporary workers, workers under the age of 18 before the beginning of the year, workers that are on-call in a health or human services industry that can reject or accept a shift, are not guaranteed to be called in to work, and are not employed by a temporary staffing agency, and a few other narrow groups.

Under the Maryland Essential Workers' Protection Act: if you perform a duty or work responsibility during an emergency that cannot be performed remotely or is required to be completed at your work site *and* provide services that your employer determines to be essential or critical to its operations, then you are probably covered. However, the law only applies to industries and sectors identified by the Governor or a federal or state agency as critical to remain in operation during the emergency.

3) How much sick time can I earn under Maryland's permanent paid sick time law and receive under Maryland's Essential Workers' Protection Act?

Under Maryland's permanent paid sick time law: you earn **1 hour** of sick time for **every 30 hours worked**, up to a maximum of **40 hours** per year. If your workplace has **15 or more workers**, that time must be paid. If your workplace has **fewer than 15 workers**, your sick time may be unpaid—but you can't be fired or punished for taking it.

Under the Maryland Essential Workers' Protection Act: unless otherwise specified by a federal program, order, law or regulation, **full-time workers** who regularly work 40 or more hours per week can take up to 112 hours of public health emergency leave. **Part-time workers** who regularly work less than 40 hours per week can take public health emergency leave up to an amount of hours equivalent to the average hours worked during a typical 4-week working period. **Workers whose schedules and amount of hours worked vary** from week to week can take public health emergency leave for up to the average number of hours that the worker was scheduled per week over the 6-month period ending on March 5, 2020—however, if the worker did not work over that 6-month period, they can take public health emergency leave for a number of hours that the worker reasonably expected to work per week at the time of hiring *or* for the average number of hours per week that the worker would normally be scheduled to work,

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whichever is greater. Unlike paid sick time under Maryland's permanent paid sick time law, workers do not have to earn—based on hours worked—this public health emergency leave.

Under both the permanent paid sick time law and the Maryland Essential Workers' Protection Act, all covered employees are protected against being fired or punished for using or requesting their sick time (including threats, discipline, demotion, reduction in hours, termination, etc.).

4) What if my work or my child's school or daycare is closed for a health emergency?

Under Maryland's permanent paid sick time law: you cannot use your sick time because your work or your child's school or day care is closed unless you would otherwise be able to use your sick time (for example, if you are sick or caring for a sick family member).

Under the Maryland Essential Workers' Protection Act: you can use public health emergency leave to care for a child or family member when the care provider of the family member is unavailable due to the emergency or if the child's or family member's school or place of care has been closed by a federal, state, or local public official or at the discretion of the school or place of care due to the emergency, including if the school or place of care is physically closed but providing instruction remotely.

5) Which of my family members are covered by the law?

Under Maryland's permanent paid sick time law: you can take sick time to care for yourself or a child, spouse, parent, parent of a spouse, grandchild, grandparent, legal guardian, or sibling.

Under the Maryland Essential Workers' Protection Act: you can take public health emergency leave to care for yourself or a child, spouse, parent, parent of a spouse, grandchild, grandparent, legal guardian, or sibling.

6) What if I already have paid leave or paid time off?

Under Maryland's permanent paid sick time law: if you already get any paid leave (vacation, paid time off, etc.) that you can use as sick time **and** it's **at least** the same amount you would earn under this law, the law does **not** give you any additional paid time off.

Under the Maryland Essential Workers' Protection Act: public health emergency leave under the law is in addition to any other leave to which you may be entitled, including sick time under Maryland's permanent paid sick time law.

7) When can I begin using my sick time?

Under Maryland's permanent paid sick time law: you start earning sick time immediately but cannot use it until 106 calendar days after the start of your employment.

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Under the Maryland Essential Workers' Protection Act: you can take public health emergency leave on the date funding is made available to your employer.

8) Do I need a doctor's note?

Under Maryland's permanent paid sick time law: only after an absence of more than 2 consecutive shifts, or if you used sick time before your 120th calendar day of your employment (if you agreed to provide verification of your use of sick time when you were hired).

Under the Maryland Essential Workers' Protection Act: you may be required to provide documentation to your employer of your need for public health emergency leave (the State will issue regulations on acceptable forms of documentation).

The Maryland Department of Labor, Licensing & Regulation is in charge of enforcing these laws.

All covered workers are protected against being fired or punished for using or requesting sick or safe time or public health emergency leave. If you have a problem—or want more information—call A Better Balance's **free** legal clinic at **1-833-NEED-ABB**.

Please note that this fact sheet does not represent an exhaustive overview of the paid sick time laws described, and it does not constitute legal advice. It is possible that additional provisions not described in this fact sheet may apply to a worker's specific circumstances or category of employment.