

HOUSE BILL 1272

K3, P4

0lr1115

By: Delegates Mizeur, Barkley, Barnes, Bronrott, Carr, Feldman, Frick, Gilchrist, Glenn, Gutierrez, Hammen, Hecht, Hixson, Hucker, Ivey, Kaiser, Krysiak, Lafferty, Lee, Love, Manno, McHale, McIntosh, Montgomery, Murphy, Niemann, Pena-Melnyk, Pendergrass, Reznik, Riley, Rosenberg, Ross, Taylor, F. Turner, and Waldstreicher

Introduced and read first time: February 18, 2010

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Family and Medical Leave Act**

3 FOR the purpose of requiring employers in the State that are subject to the federal
4 Family and Medical Leave Act of 1993 to provide certain leave to a certain
5 eligible employee with respect to the eligible employee's brother, sister,
6 grandparent, grandchild, or domestic partner and the son or daughter of the
7 eligible employee's domestic partner; providing that an eligible employee who
8 takes leave provided under this Act is entitled to certain protections and rights;
9 providing that the amount of leave taken by an eligible employee under the
10 federal Family and Medical Leave Act of 1993 during a certain period of time
11 shall be counted against the amount of leave the eligible employee is entitled to
12 under this Act; requiring the Commissioner of Labor and Industry to enforce
13 this Act and adopt regulations to carry out this Act; defining certain terms; and
14 generally relating to family and medical leave benefits.

15 BY adding to

16 Article – Labor and Employment

17 Section 3–803

18 Annotated Code of Maryland

19 (2008 Replacement Volume and 2009 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article – Labor and Employment**

23 **3–803.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
2 MEANINGS INDICATED.

3 (2) “DOMESTIC PARTNER” MEANS AN INDIVIDUAL WHO IS IN A
4 DOMESTIC PARTNERSHIP, AS DEFINED IN § 6-101 OF THE HEALTH – GENERAL
5 ARTICLE, WITH AN ELIGIBLE EMPLOYEE.

6 (3) “ELIGIBLE EMPLOYEE” HAS THE MEANING STATED IN 29
7 U.S.C. § 2611.

8 (4) “FMLA” MEANS THE FEDERAL FAMILY AND MEDICAL LEAVE
9 ACT OF 1993.

10 (B) THIS SECTION APPLIES TO EMPLOYERS IN THE STATE THAT ARE
11 SUBJECT TO FMLA.

12 (C) AN EMPLOYER SUBJECT TO THIS SECTION SHALL PROVIDE THE
13 SAME LEAVE TO AN ELIGIBLE EMPLOYEE TO WHICH THE ELIGIBLE EMPLOYEE IS
14 ENTITLED UNDER FMLA WITH RESPECT TO A SPOUSE, SON, DAUGHTER, OR
15 PARENT OF THE ELIGIBLE EMPLOYEE WITH RESPECT TO:

16 (1) THE ELIGIBLE EMPLOYEE’S BROTHER, SISTER,
17 GRANDPARENT, GRANDCHILD, OR DOMESTIC PARTNER; AND

18 (2) THE SON OR DAUGHTER OF THE ELIGIBLE EMPLOYEE’S
19 DOMESTIC PARTNER.

20 (D) AN ELIGIBLE EMPLOYEE WHO TAKES LEAVE PROVIDED UNDER
21 SUBSECTION (C) OF THIS SECTION IS ENTITLED TO THE SAME PROTECTIONS
22 AND RIGHTS THAT AN ELIGIBLE EMPLOYEE IS ENTITLED TO UNDER FMLA,
23 INCLUDING PROTECTION FROM DISCRIMINATION AND INTERFERENCE, THE
24 RIGHT TO REINSTATEMENT, AND THE RIGHT TO CONTINUATION OF HEALTH
25 CARE BENEFITS.

26 (E) THE AMOUNT OF LEAVE TAKEN BY AN ELIGIBLE EMPLOYEE UNDER
27 FMLA DURING A 12-MONTH PERIOD SHALL BE COUNTED AGAINST THE
28 AMOUNT OF LEAVE THE ELIGIBLE EMPLOYEE IS ENTITLED TO UNDER THIS
29 SECTION.

30 (F) THE COMMISSIONER SHALL:

31 (1) ENFORCE THIS SECTION; AND

1 **(2) ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 October 1, 2010.