

**MEMORANDUM**

July 29, 2016

TO: County Council

FROM: Josh Hamlin, Legislative Attorney 

SUBJECT: **Introduction:** Bill 32-16, Human Rights and Civil Liberties – Earned Sick and Safe Leave – Use of Earned Sick and Safe Leave – Parental Leave

Bill 32-16, Human Rights and Civil Liberties – Earned Sick and Safe Leave – Use of Earned Sick and Safe Leave – Parental Leave, sponsored by Lead Sponsor Councilmember Hucker and Co-sponsors Council Vice President Berliner and Councilmembers Katz and Navarro, is scheduled to be introduced on August 2, 2016. A public hearing is tentatively scheduled for September 20 at 1:30 p.m.

Bill 32-16 would provide that certain employees may use earned sick and safe leave for parental purposes.

**Background**

Bill 60-14, Human Rights and Civil Liberties – Earned Sick and Safe Leave, enacted on June 23, 2015 and signed into law on July 2, 2015, requires an employer doing business in the County to provide a minimum amount of earned sick and safe leave for an employee who works in the County. Bill 60-14 was enacted with a delayed effective date of October 1, 2016 to give employers time to adapt their payroll systems to the new law. The County Office of Human Rights has been meeting with County businesses over the past year to explain the new law and answer questions.

Under the provisions of the new law, an employee may use earned sick and safe leave for several enumerated purposes. Bill 32-16 will add two related purposes for which use of sick and safe leave will be permitted. The Bill would permit the use of sick and safe leave: (1) for the birth of a child, or for the placement of a child with the employee for adoption or foster care; and (2) to care for a newborn, newly adopted, or newly placed child within one year of birth, adoption, or placement.

This packet contains:

Bill 32-16

Legislative Request Report

Circle #

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Bill No. 32-16  
Concerning: Human Rights and Civil Liberties – Earned Sick and Safe Leave – Use of Earned Sick and Safe Leave – Parental Leave  
Revised: May 10, 2016 Draft No. 1  
Introduced: August 2, 2016  
Expires: February 2, 2018  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: October 1, 2016  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: Councilmember Hucker  
Co-Sponsors: Vice President Berliner and Councilmembers Katz and Navarro

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**AN ACT** to:

- (1) provide that certain employees may use earned sick and safe leave for parental purposes; and
- (2) generally regulate the eligibility for sick and safe leave benefits provided to an employee working in the County for certain employers.

By amending  
Montgomery County Code  
Chapter 27, Human Rights and Civil Liberties  
Article XIII, Earned Sick and Safe leave  
Section 27-79

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Section 27-79 is amended as follows:**

2   **27-79.       Use of Earned Sick and Safe Leave.**

3           (a)   An employee may use earned sick and safe leave:

- 4           (1)   to care for or treat the employee's mental or physical illness, injury,  
5                    or condition;
- 6           (2)   to obtain preventive medical care for the employee or the  
7                    employee's family member;
- 8           (3)   to care for a family member with a mental or physical illness,  
9                    injury, or condition;
- 10          (4)   if the employer's place of business has closed by order of a public  
11                 official due to a public health emergency;
- 12          (5)   if the school or child care center for the employee's family member  
13                 is closed by order of a public official due to a public health  
14                 emergency;
- 15          (6)   to care for a family member if a health official or health care  
16                 provider has determined that the family member's presence in the  
17                 community would jeopardize the health of others because of the  
18                 family member's exposure to a communicable disease; [or]
- 19          (7)   for the birth of a child, or for the placement of a child with the  
20                 employee for adoption or foster care;
- 21          (8)   to care for a newborn, newly adopted, or newly placed child within  
22                 one year of birth, adoption, or placement; or
- 23          (9)   if the absence from work is due to domestic violence, sexual  
24                 assault, or stalking committed against the employee or the  
25                 employee's family member and the leave is used:
- 26            (A)   by the employee to obtain for the employee or the  
27                    employee's family;

- 28 (i) medical attention needed to recover from a physical
- 29 or psychological injury due to domestic violence,
- 30 sexual assault, or stalking;
- 31 (ii) services from a victim services organization related
- 32 to the domestic violence, sexual assault, or stalking;
- 33 or
- 34 (iii) legal services, including preparing for or
- 35 participating in a civil or criminal proceeding related
- 36 to the domestic violence, sexual assault, or stalking;
- 37 or
- 38 (B) during the time that the employee has temporarily relocated
- 39 due to the domestic violence, sexual assault, or stalking.

**Sec. 2. Effective date.**

This Act takes effect on October 1, 2016.

42 *Approved:*

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\_\_\_\_\_  
Nancy Floreen, President, County Council

\_\_\_\_\_  
Date

44 *Approved:*

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\_\_\_\_\_  
Isiah Leggett, County Executive

\_\_\_\_\_  
Date

46 *This is a correct copy of Council action.*

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\_\_\_\_\_  
Linda M. Lauer, Clerk of the Council

\_\_\_\_\_  
Date

## LEGISLATIVE REQUEST REPORT

Bill 32-16

*Human Rights and Civil Liberties – Earned Sick and Safe Leave – Use of Earned Sick and Safe Leave – Parental Leave*

**DESCRIPTION:** The Bill would permit the use of sick and safe leave for: (1) for the birth of a child, or for the placement of a child with the employee for adoption or foster care; and (2) to care for a newborn, newly adopted, or newly placed child within one year of birth, adoption, or placement.

**PROBLEM:** The earned sick and safe leave permits an employee to use the leave for several purposes, but does not expressly permit its use for parental purposes.

**GOALS AND OBJECTIVES:** Permit employees who are new parents, either through birth or placement for foster care or adoption, to use earned sick and safe leave for the birth or placement of a new child, and to bond with the child during the first year after the child's birth, adoption, or placement.

**COORDINATION:** Office of Human Rights

**FISCAL IMPACT:** To be requested.

**ECONOMIC IMPACT:** To be requested.

**EVALUATION:** To be requested.

**EXPERIENCE ELSEWHERE:** To be researched.

**SOURCE OF INFORMATION:** Josh Hamlin, Legislative Attorney

**APPLICATION WITHIN MUNICIPALITIES:** To be researched.

**PENALTIES:** None.