

Montgomery County Office of Human Rights Statement

Montgomery County Earn Sick and Safe Leave Law and COVID-19

The Montgomery County employment community is experiencing an unprecedented difficult time. We are aware there may be a number of questions concerning the Earned Sick and Safe Leave Law (ESSL) and its application to the current COVID-19 pandemic. We wanted to provide this reminder to both employers and employees concerning the ESSL. This statement is written to hopefully bring some clarity to this important matter.

On October 1, 2016, the Earned Sick and Safe Leave Law (ESSL) went into effect. An employer must provide paid and unpaid leave to its employees on a calendar year basis and must be allowed to accrue such leave at a rate of at least 1 hour for every 30 hours an employee works in the County.

Employers fewer than 5 employees must allow both paid and unpaid leave. The employee can earn up to 32 hours of paid leave and 24 hours of unpaid leave in a calendar year for a total of up to 56 hours.

Employers with 5 or more employees must allow paid leave. The employee can earn up to 56 hours of paid leave in a calendar year.

The law contains a list of permitted uses of paid ESSL. Permitted uses relevant to the current COVID-19 include:

If the employer's place of business has closed or if the school or childcare for the employee's family member is closed by order of a public official due to a public emergency.

To care for a family member if a health official or health care provider has determined that the family member's presence in the community would jeopardize the health of others because of the family member's exposure to a communicable disease.

Some employers and businesses may be struggling with these requirements; however, it is important that both employees and employers are aware of the law. Various initiatives are being rolled out to help small business and others to deal with financial challenges; and your business may be eligible. Specific information is not available yet but when it is available such information will be posted on the county's website and through various media outlets.

Additional information and employer and employee guidance concerning the County's ESSL is available and can be found on the Office of Human Rights website:

www.montgomerycountymd.gov/humanrights or email HumanRightsAdministration@montgomerycountymd.gov for assistance.

Information concerning resources provided by the state of Maryland can be found at the link referenced here...<https://govststatus.egov.com/md-coronavirus-business>