

SENATE BILL 809

F5

3lr2477

By: **Senator A. Washington**

Introduced and read first time: February 6, 2023

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Public School Employees – Parental Leave**

3 FOR the purpose of providing that certain public school employees may be entitled to
4 parental leave with pay under certain circumstances; authorizing certain public
5 school employees to use certain leave for certain purposes; and generally relating to
6 parental leave for public school employees.

7 BY adding to
8 Article – Education
9 Section 6–112
10 Annotated Code of Maryland
11 (2022 Replacement Volume)

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

14 **Article – Education**

15 **6–112.**

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

18 (2) “PUBLIC SCHOOL EMPLOYEE” HAS THE MEANING STATED IN §
19 6–401 OF THIS TITLE.

20 (3) “PUBLIC SCHOOL EMPLOYER” HAS THE MEANING STATED IN §
21 6–401 OF THIS TITLE.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(B) THIS SECTION APPLIES TO ALL PUBLIC SCHOOL EMPLOYEES OF PUBLIC SCHOOL EMPLOYERS IN THE STATE.

(C) ON REQUEST, A PUBLIC SCHOOL EMPLOYEE SUBJECT TO THIS SECTION MAY BE ENTITLED TO PARENTAL LEAVE WITH PAY.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PUBLIC SCHOOL EMPLOYEE WHO IS THE PRIMARY CAREGIVER RESPONSIBLE FOR THE CARE AND NURTURING OF A CHILD MAY USE UP TO 60 DAYS OF PARENTAL LEAVE TO CARE FOR THE CHILD DURING THE PERIOD IMMEDIATELY FOLLOWING:

(I) THE BIRTH OF THE EMPLOYEE'S CHILD; OR

(II) THE PLACEMENT OF A CHILD UNDER THE AGE OF 6 YEARS WITH THE EMPLOYEE FOR ADOPTION.

(2) (I) A PUBLIC SCHOOL EMPLOYEE ENTITLED TO PARENTAL LEAVE AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY USE ACCRUED ANNUAL LEAVE AND PERSONAL LEAVE AVAILABLE TO THE EMPLOYEE.

(II) IF THE AMOUNT OF LEAVE SPECIFIED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS LESS THAN 60 DAYS, THE PUBLIC SCHOOL EMPLOYER THAT EMPLOYS THE PUBLIC SCHOOL EMPLOYEE SHALL PROVIDE THE EMPLOYEE WITH ADDITIONAL PAID LEAVE TO ATTAIN 60 DAYS OF PARENTAL LEAVE.

(E) A PUBLIC SCHOOL EMPLOYEE MAY USE PARENTAL LEAVE ONLY AFTER OBTAINING APPROVAL FROM THE EMPLOYEE'S PUBLIC SCHOOL EMPLOYER.

(F) (1) A PUBLIC SCHOOL EMPLOYEE WHO USES PARENTAL LEAVE FOLLOWING THE BIRTH OF THE EMPLOYEE'S CHILD MAY NOT RECEIVE PAYMENT UNDER THIS SECTION UNLESS THE EMPLOYEE GIVES THE EMPLOYEE'S PUBLIC SCHOOL EMPLOYER INFORMATION REQUIRED BY GUIDELINES ISSUED BY THE APPROPRIATE COUNTY SUPERINTENDENT ON THE FEDERAL FAMILY AND MEDICAL LEAVE ACT OF 1993.

(2) A PUBLIC SCHOOL EMPLOYEE WHO USES PARENTAL LEAVE FOR ADOPTION PURPOSES MAY NOT RECEIVE PAYMENT UNDER THIS SUBTITLE UNLESS THE EMPLOYEE GIVES THE EMPLOYEE'S PUBLIC SCHOOL EMPLOYER THE CERTIFICATE REQUIRED BY GUIDELINES ISSUED BY THE APPROPRIATE COUNTY SUPERINTENDENT ON THE FEDERAL FAMILY AND MEDICAL LEAVE ACT OF 1993.

1 (G) EACH PUBLIC SCHOOL EMPLOYER SHALL ADOPT POLICIES AND
2 GUIDELINES GOVERNING PARENTAL LEAVE, INCLUDING POLICIES AND GUIDELINES
3 THAT ESTABLISH CONDITIONS AND PROCEDURES FOR REQUESTING AND
4 APPROVING PARENTAL LEAVE.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
6 1, 2023.