

# EMPLOYMENT LAW SUMMARY

## Maryland Employee Leave Laws - Overview



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Employers generally have some flexibility when it comes to establishing or negotiating employee leave policies. However, Maryland employers must provide their employees with certain types of paid and unpaid leave required by state law, in addition to complying with federal leave laws such as the Family and Medical Leave Act.

Maryland state law includes the following employee leave mandates:

- Sick and safe leave;
- Paid family and medical leave;
- Parental leave;
- Flexible leave;
- Adoption leave;
- Organ donor leave;
- Public health emergency leave for essential workers;
- Day of rest for retail employees.
- Jury duty and court attendance leave;
- Voting leave;
- Deployment leave; and
- Civil air patrol leave.

The chart below provides a high-level overview of Maryland's employee leave laws.

**Type of  
Leave**

**Requirements**

Type of Leave	Requirements
<p><b>Sick and Safe Leave</b></p>	<p>The Healthy Working Families Act requires employers with <b>15 or more employees</b> to provide paid sick and safe leave, while employers with <b>fewer than 15 employees</b> may provide unpaid leave. Employees who regularly work 12 or more hours per week are eligible to accrue sick and safe leave, with some exceptions.</p> <p>Employees accrue <b>one hour of leave for every 30 hours worked</b>. Employers may cap accrual at <b>40 hours per year</b>, which is any regular, consecutive 12-month period determined by the employer. Employees must be allowed to use earned sick and safe leave, starting on the <b>106th day</b> after hire, for any of the following reasons:</p> <ul style="list-style-type: none"> <li>•To care for or treat the employee’s own mental or physical illness, injury or condition;</li> <li>•To obtain preventive medical care for the employee or the employee’s family member;</li> <li>•To care for a family member with a mental or physical illness, injury or condition;</li> <li>•For maternity or paternity leave; or</li> <li>•For certain reasons related to domestic violence, sexual assault, or stalking committed against the employee or the employee’s family member.</li> </ul> <p>“Family member” is defined broadly, including individuals such as grandparents, grandchildren, siblings and certain legal guardians and wards.</p> <p>Rather than tracking accruals, employers may frontload the entire amount of sick and safe leave at the beginning of each year. Employers that do not frontload leave must allow employees to <b>carry over up to 40 hours</b> of accrued but unused sick and safe leave into the next year. Employers are not required to allow employees to accrue more than <b>64 hours</b> of sick and safe leave at any time. Employers have <b>no obligation to pay out</b> any accrued but unused sick and safe leave upon separation from employment. If an employer maintains a paid leave policy that allows employees to access and accrue paid leave at an equivalent (or greater) rate than that provided under the Act, and allows employees to use paid leave for the same purposes as the Act, the employer is <b>not</b> required to modify its paid leave policy. Employer notice and recordkeeping requirements apply.</p>

Type of Leave	Requirements
<p><b>Paid Family and Medical Leave</b></p>	<p>When benefits become available <b>July 1, 2026</b>, the Maryland paid family and medical leave (PFML) program will provide <b>job-protected</b> leave to employees who have worked at least <b>680 hours</b> in Maryland during the four most recent quarters before the leave is to begin. Virtually all employers are covered, and people who are self-employed may opt in. The state department of labor administers the program.</p> <p>PFML is permitted for the following reasons:</p> <ul style="list-style-type: none"> <li>•For the care of a child during the first year after the child’s birth or placement through foster care, kinship care or adoption;</li> <li>•For the care of a family member with a serious health condition;</li> <li>•For a serious health condition of the employee that prevents the employee from performing the functions of their position;</li> <li>•For the care of a service member who is the employee’s next of kin; or</li> <li>•For a qualifying exigency arising from the deployment of a service member who is the employee’s family member.</li> </ul> <p><b>“Family member”</b> is defined broadly, and includes:</p> <ul style="list-style-type: none"> <li>•A biological, adopted, step- or foster child of the covered individual; a child for whom the covered individual has legal or physical custody or guardianship; or a child for whom the covered individual stands in loco parentis, regardless of the child’s age;</li> <li>•A biological, adoptive, foster or stepparent of the covered individual or their spouse; the legal guardian or ward of the covered individual or their spouse; an individual who acted as a parent or stood in loco parentis to the covered individual or their spouse when the covered individual or the spouse was a minor;</li> <li>•The spouse or domestic partner of the covered individual;</li> <li>•A biological, adopted, step-, or foster grandparent of the covered individual;</li> <li>•A biological, adopted, step- or foster grandchild of the covered individual; or</li> <li>•A biological, adopted, step- or foster sibling of the covered individual.</li> </ul> <p>The law allows <b>12 weeks</b> of leave per year, plus an <b>additional 12 weeks</b> if an employee needs leave in a year for both their own serious health condition and for child bonding. Leave may be taken intermittently, and specific certifications are required.</p> <p><b>The PFML program is funded equally by employer and employee contributions, beginning July 1, 2025.</b> Compensation depends on the employee’s income and can be up to 90% of their average weekly wage. Employers with <b>fewer than 15 employees are not required to contribute to the program.</b></p> <p>Employer and employee notice obligations apply. Private plans submitted to and approved by the state department of labor may meet the law’s requirements.</p> <p>PFML runs concurrently with federal Family and Medical Leave Act (FMLA) leave. Employees may not be required to use employer-provided leave before receiving PFML benefits.</p>
<p><b>Parental Leave</b></p>	<p>Employers with 15-49 employees must provide up to <b>six workweeks of unpaid</b> parental leave to eligible employees for the birth of the employee’s child or the placement of a child with the employee for adoption or foster care. To be eligible, an employee must:</p> <ul style="list-style-type: none"> <li>•Have worked for the employer for at least a 12-month period;</li> <li>•Have worked at least 1,250 hours during the 12-month period prior to the start of the parental leave; and</li> <li>•Be employed at a worksite with at least 15 employees within 75 miles of the worksite.</li> </ul> <p>Employers must maintain the employee’s benefits during leave, including health insurance, disability insurance, sick leave, annual leave, group life insurance, educational benefits and pensions. Upon return, the employee must be restored to his or her original position or one equivalent to it in benefits, pay and other terms and conditions of employment, with some exceptions. An employee may elect, or an employer may require an employee, to substitute available paid leave for any part or all of the otherwise unpaid parental leave. An employer may require written notice 30 days in advance of an employee’s intended leave. No notice is required in the event of a premature birth or unexpected adoption or foster placement. An employer may deny leave if the leave would cause substantial and grievous economic injury to the employer’s operations.</p>

Type of Leave	Requirements
<b>Flexible Leave</b>	Employers with paid leave policies that have <b>15 or more employees</b> in 20 or more calendar weeks in the current or preceding calendar year are covered under the <b>Maryland Flexible Leave Act (MFLA)</b> . The MFLA provides <b>paid leave</b> to employees due to the <b>illness of an immediate family member</b> (defined as a child, spouse or parent), or for <b>bereavement</b> of the death of a spouse, parent or child of any age. Paid leave includes the paid time away from work that the employee has earned and is available to them, including sick leave, vacation time, paid time off and compensatory time. Employees with multiple types of paid leave available may choose the leave they wish to use. Paid leave does not include any employee welfare benefits regulated by the Employee Retirement Income Security Act (ERISA), such as workers' compensation or disability benefits. An employer may enforce the same notice and certification requirements as outlined in its leave policies, if any. If the terms of the paid leave (as outlined in a collective bargaining agreement (CBA) or employment policy) provide equal or greater benefits than those provided by the MFLA, the CBA or employment policy applies. The MFLA does not extend or limit an employee's rights under the federal Family and Medical Leave Act (FMLA).
<b>Adoption Leave</b>	Any employer that employs individuals who are not subject to Title 9, Subtitle 5 of the State Personnel and Pensions Article <b>and</b> provides paid leave to employees following the birth of their child must provide equal paid leave to an employee after a child is placed with the employee for adoption.
<b>Organ Donor Leave</b>	Employers with at least <b>15 employees</b> in the state must provide: <ul style="list-style-type: none"> <li>•Up to 60 business days in any 12-month period to serve as an organ donor; and</li> <li>•Up to 30 business days in any 12-month period to serve as a bone marrow donor.</li> </ul> <p>Leave is <b>unpaid</b>. To be eligible for the leave, employees must have been employed by the employer for at least a 12-month period and for 1,250 hours during the last 12 months. They must also provide written physician verification of both their donor status and the medical necessity for the donation. The leave is job protected, and group health insurance must be maintained during the leave. Organ donation leave may not be taken concurrently with FMLA leave.</p>
<b>Public Health Emergency Leave for Essential Workers</b>	The Essential Workers Protection Act provides for employee leave during a catastrophic health emergency that is subject to an executive proclamation and related to a communicable disease. The Act requires up to 112 hours of paid public health emergency leave per essential worker, in addition to any existing paid leave, but only if there is federal or state funding for that leave. Leave is required for the following reasons related to the communicable disease: <ul style="list-style-type: none"> <li>•To isolate due to a diagnosis or symptoms;</li> <li>•To obtain a diagnosis, preventive care or treatment;</li> <li>•To care for a family member diagnosed with the disease;</li> <li>•By order of a public health official or health care professional because of the worker's exposure to or symptoms of the disease, or to care for a family member who has been so ordered; or</li> <li>•To care for a family member whose care provider is unavailable or whose school/place of care has been closed because of the emergency.</li> </ul> <p>To be an essential worker, an individual must work in an industry or sector identified by the governor or a federal or state agency as critical to remain in operation during the emergency. The worker also must: <ul style="list-style-type: none"> <li>•Perform a duty or work responsibility during an emergency that cannot be performed remotely or is required to be completed at the work site; and</li> <li>•Provide services that the essential employer determines to be essential or critical to its operations. Essential workers include contractors and subcontractors.</li> </ul> </p>
<b>Day of Rest for Retail Employees</b>	All Maryland retail establishments must allow employees to choose <b>a day of rest per workweek</b> , unless the employee is a: <ul style="list-style-type: none"> <li>•Managerial employee;</li> <li>•Professional employee; or</li> <li>•Part-time employee working fewer than 25 hours per week (this does not apply to retail employees in Wicomico County).</li> </ul> <p>Eligible employees may choose Sunday or their sabbath as their day of rest and must provide their employers with written notice of their intended day of rest. However, employees are not eligible for leave during a federal, state or local government-declared emergency. An employee may change his or her day of rest by providing at least 30 days' written notice to his or her employer prior to the intended effective date of the change. Employers cannot ask job applicants which day they will choose as their day of rest.</p>

Type of Leave	Requirements
<b>Jury Duty and Court Attendance Leave</b>	<p>An employer may not terminate or threaten to terminate an employee for missing work because he or she:</p> <ul style="list-style-type: none"> <li>• Responded to a <b>summons for jury duty or subpoena to appear as a witness</b> in any civil or criminal proceeding (including discovery proceedings); or</li> <li>• Attended a proceeding he or she has a right to attend.</li> </ul> <p>Employers cannot require an employee to use any sick or vacation leave to attend jury duty. Leave is not required to be paid. In addition, employers cannot require an employee who appears for jury duty for four or more hours (including travel time) to work his or her scheduled shift if it begins:</p> <ul style="list-style-type: none"> <li>• On or after 5 p.m. on the day of the employee's appearance for jury duty; or</li> <li>• Before 3 a.m. on the day after the employee's appearance for jury duty.</li> </ul>
<b>Voting Leave</b>	<p>Employers must allow employees who are registered voters up to <b>two hours of paid leave</b> to vote. Employees must provide proof that they voted or attempted to vote. Leave is not required for employees who have at least two consecutive hours off work when the polls are open.</p>
<b>Family Military Leave</b>	<p>Employers with <b>50 or more employees</b> must allow leave for eligible employees <b>on the day</b> an immediate family member is leaving for or returning from active duty outside of the U.S. as a member of the U.S. armed forces. An immediate family member is defined as a spouse, parent, stepparent, child, stepchild or sibling of the employee. To be eligible, an employee must have been employed for the 12 months prior to leave and worked at least 1,250 hours during those 12 months. Employers may require verification for the employee's leave, but may not require the employee to use compensatory, sick or vacation leave when taking leave.</p>
<b>Civil Air Patrol Leave</b>	<p>Employers with <b>15 or more employees</b> must allow up to <b>15 days of unpaid</b> leave per calendar year for volunteer members of the Civil Air Patrol who are responding to authorized emergency missions. Employers may not require eligible employees to exhaust other available leave before taking civil air patrol leave. While not required, an employer and employee may negotiate for the employer to pay for continued benefits for the employee while on leave. Employees must provide as much notice to their employer as possible of the start date and estimated amount of leave needed. In addition, after arriving at an emergency location, employees must provide updated information to their employers regarding their leave and anticipated return to work. The employer can require verification for the employee's civil air patrol leave. Upon return from civil air patrol leave, an employee must be restored to the position held prior to leave (or to a position with equal status, benefits, pay and conditions of employment).</p>

NOTE: The laws discussed in the chart above are statewide laws. Across the country, cities, towns and counties (such as Montgomery County) have also enacted employee leave laws. Employers must comply with both state and local law when it applies.

## More Information

Contact Heffernan Insurance Brokers for more information on employee leave laws in Maryland.

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