

# Maryland Leave Laws

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## Paid Time Off (PTO) in Maryland

There are no state laws in Maryland that govern the number of vacation days and payment, except the obligation to comply with company policy or employment contract.

### Vacation Leave Quota

Maryland law requires 0 vacation days. Employers aren't required to provide vacation leave.

Maryland does not have a state law concerning vacation time, so private-sector employers are not required to provide paid or unpaid vacation. Each company can decide its vacation policies. Employers can choose to provide vacation benefits as it is one of the most desired perks for employees. So, if an employer chooses to offer vacation leave to its employees, paid or unpaid, it must comply with appropriate laws, established company policy, and employment contracts.

### Accrual

Accrual is not mandated in Maryland but is widely used by companies.

An employer may cap the amount of leave an employee may accrue to prevent an employee from accruing vacation over a certain number of hours. Employees must be informed of the cap policy in writing, and it must meet all other legal requirements.

### Roll Over (Carry Over, Brought Forward)

A Use-It-or-Lose-It policy is permitted by state law. This means that an employer is not obligated to let employees carry over unused leave into the following year.

The state of Maryland has no statute governing this policy.

A Use-It-or-Lose-It vacation policy implies that an employer doesn't have to pay employees for unused vacation leave at the end of the year. Therefore, an employee loses the remaining vacation days, unpaid. Regardless, employees must be allowed to take a vacation in due time (if the company provides vacation leave) and be aware of this policy.

## Statutory Provisions Addressing Vacation Pay

Adhere to company policy or employment contract.

Employers that make a decision to provide paid vacation must comply with their established policies or employment contract.

## Payment of Accrued, Unused Vacation on Termination

The employer is not required to make these payments under certain rules.

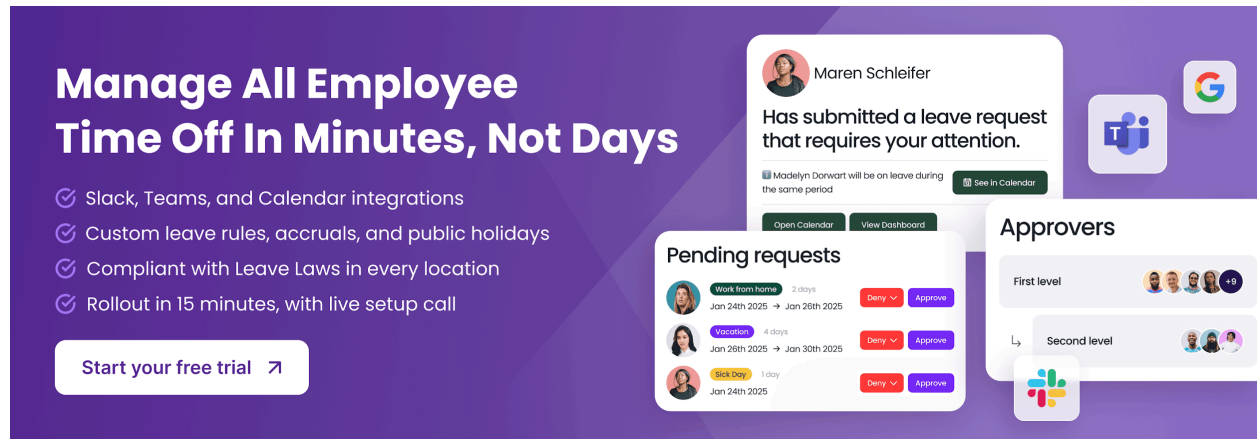
The state does not require employers to pay employees for accrued time off. However, Maryland requires employers to pay employees for unused vacation time if the employer does not have a forfeiture policy that says otherwise (if the employer's established policy or employment contract is silent on this matter).

The employer is not required to make these payments if the employer has both:

- a) Established a written policy.
- b) Notified employees in writing at the time of hire that unused vacation is forfeited.

### Payout

An employer pays for accrued, unused vacation on termination if company policy is silent on this matter.



## Sick Leave in Maryland

Federal law requires 12 weeks of unpaid sick leave. Additional Maryland state law requires 1 hour of paid sick and safe leave for every 30 hours worked.

### Federal Laws – Leave Quota

The federal Family and Medical Leave Act (FMLA) entitles qualified employees to take up to 12 weeks off for personal medical reasons, to care for a close family member suffering from a severe illness, or for maternity/paternity leave. The leave is job-protected.

Employees qualify for FMLA benefits if they:

- have been working for their employer for at least 12 months (at least 25 hours per week) or 1,250 hours in the previous year
- work in a location where at least 50 people are employed by the company (in a 75-mile radius)

Employers are free to propose additional sick leave benefits that are better than the minimum federal requirement.

For more information, please visit [vacationtracker.io](https://vacationtracker.io)

Check out our article on [FMLA](#) to learn more.

## Paid Sick Leave in Maryland

The “Maryland Healthy Working Families Act” became effective on Feb. 11, 2018.

### Employers Who are Covered

Employers with 15 or more employees must offer paid sick leave for certain employees.

Employers with fewer than 15 employees have to provide unpaid sick leave for certain employees.

### Eligible Employees

Employees who have offered 106 days (15 weeks) of service to the company or who have worked more than 12 hours per week are entitled to sick leave.

Maryland’s sick leave law doesn’t apply:

- to employees who work fewer than 12 hours per week on a regular basis;
- are under 18 years old;
- are independent contractors;
- work in the agricultural sector on an agricultural operation;
- work as needed in the health or human services industries;
- to those who are subject to a collective bargaining agreement.

### Accrual Rate

Employees will accrue leave at the minimum rate of 1 hour of paid sick and safe leave for every 30 hours worked, up to a maximum of 40 hours of paid leave a year. Employers may also

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front-load the requirement, and award employees the entire 40 hours at the beginning of the year.

Maryland law permits employees to carry over 40 hours of paid sick leave from one year to the next. Again, keep in mind that total accrued time cannot be more than 64 hours.

The law provides minimum standards. An employer can provide more earned sick and safe leave than is required by state law.

## Leave Usage

Employees can take sick leave:

- For the physical or mental health of the employee, injury, or condition
- To care for a family member with an injury or condition, whether mental or physical
- To obtain preventative medical care for themselves or a family member
- For parental leave for the birth or adoption of a child (maternity or paternity leave)
- For obtaining relief as a result of a domestic or sexual assault on an employee or a family member

A family member includes a spouse, child, parent, grandparent, grandchild, or sibling.

NOTE: Enacted April 9, Maryland's Time to Care Act (TTCA) establishes a paid family and medical leave (PFML) insurance program, with contributions starting Oct. 1, 2023. Contribution rates are to be determined. Starting in 2025, covered employees may take up to 12 weeks of leave in a rolling 12 months, with an additional 12 weeks possible if the employee experiences a serious health condition and needs to bond with a new child.

To read more about this new law, [click here](#).

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## Paid Sick Leave in Montgomery County

Montgomery County's "Earned Sick and Safe Leave Law" became effective on Oct. 1, 2016.

### Eligible Employees

Employees who regularly work in the county for more than eight hours each week qualify for coverage.

### Accrual Rate

An employee must earn 1 hour for every 30 hours worked, up to a maximum of 56 hours in a year.

### Covered Employers

For employers with 5 or more employees: employees may earn up to 56 hours per year of paid sick leave and may not use more than 80 hours of earned leave a year.

For employers with fewer than 5 employees: employees may accrue up to 32 hours of paid leave and 24 hours of unpaid leave, and may not use more than 80 hours of earned leave a year.

### Leave Usage

Leave usage is the same as in Maryland state (look above).

## Rollover

Up to 56 hours of leave can be carried over unless an employer awards the full amount of leave that the employee would earn over the year at the beginning of the year.

## The Maryland Flexible Leave Act (MFLA)

Employers with paid leave policies that have 15+ employees in 20 or more calendar weeks in the current or preceding calendar year are covered under the Maryland Flexible Leave Act (MFLA). The MFLA provides paid leave to employees due to the illness of an immediate family member (defined as a child, spouse, or parent). Effective Oct. 1, 2021, leave is also allowed under the MFLA for bereavement of the death of a spouse, parent, or child of any age.

Paid leave is time away from work that an employee has earned and is available to them, such as sick leave, vacation time, paid time off, and compensatory time.

The MFLA does not extend or limit an employee's rights under the federal Family and Medical Leave Act (FMLA).

## Maternity, Paternity, FMLA in Maryland

### Federal Law

12 weeks of unpaid maternity/paternity leave is provided by FMLA.

The Family and Medical Leave Act (FMLA) is a federal law that mandates employers to provide at least 12 weeks of unpaid family leave following the birth or adoption of a child. Unless otherwise authorized by the employer, an employee must take this leave continuously.

In general, employees are qualified to take FMLA leave if they have worked for their employer for at least 12 months and at a location where they employ at least 50 employees within 75 miles.

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The Pregnancy Discrimination Act (PDA) is yet another federal law that protects pregnant women. According to the PDA, discrimination against pregnant people is prohibited in all areas of employment: hiring, firing, pay, job assignments, promotions, fringe benefits, training, leave, and health insurance.

## Additional State Laws in Maryland

### Maryland's Parental Leave Act and The Adoption Leave Law.

#### Maryland's Parental Leave Act

Employers with 15 to 49 employees are required to provide up to 6 weeks of unpaid parental leave for the birth of the employee's child or the placement of a child with the employee for adoption or foster care.

Eligible employees have to meet the same requirements as under the FMLA, but there's one difference: they must work at a job site where their employer has at least 15 (not 50 as in the FMLA) employees within 75 miles.

The Act ensures that employees continue to receive their benefits while absent, including health insurance, disability insurance, sick leave, annual leave, group life insurance, educational benefits, and pensions. It also provides job protection and reinstatement.

Employees may be required to provide written notice 30 days in advance.

#### The Adoption Leave Law

This law states that employers who provide paid leave to an employee following the birth of the employee's child must provide the same paid leave to an employee when a child is placed with the employee for adoption.

## Payout

Maternity leave in Maryland is unpaid.

## Bereavement Leave in Maryland (Funeral Leave)

Certain employers are obligated to provide paid bereavement leave if an employee decides to use any earned paid leave for this occasion.

No federal or state law requires an employer to provide the employee with paid or unpaid bereavement leave or with any time off to organize or attend a close family member's funeral.

However, the Maryland Flexible Leave Act (MFLA) has been amended to allow employees to use paid leave for bereavement leave following the death of an immediate family member, effective October 1, 2021.

This MFLA's requirements are only applicable to employers with 15 or more employees (for each working a day in each of 20 or more calendar weeks in the current or preceding year).

The MFLA does not require employers to provide paid leave; it requires only that employees be permitted to use any paid leave they have already earned under their employers' policies.

Therefore, the MFLA enables employees to use any earned paid leave, such as PTO, sick or personal leave, to care for an injured or ill spouse, parent, or child under the age of 18 or incapable of self-care because of a disability. This amendment now permits employees to use this accrued paid leave for bereavement. To the extent that an employee has more than one form of paid leave available, the employee has the right to choose the type and amount of accrued, unused leave to be used.

Read more about MFLA in the section above: *Sick Leave in Maryland => The Maryland Flexible Leave Act (MFLA)*.

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## Payout

An employer pays for bereavement leave if an employee decides to use any earned paid leave for this occasion.

## Jury Duty Leave in Maryland

Employers are required to provide employees with unpaid time off to perform their jury duties.

Employees are entitled to job-protected, unpaid time off for jury duty, serving as a witness in court, responding to a subpoena, or representing themselves as a party in a legal proceeding. Notice requirements apply; employees may have to show their employer their jury summons to be given the necessary leave.

An employee cannot be forced to use their annual, sick, or vacation time to attend jury duty.

The law protects employees who serve 4 or more hours of jury duty on any given day, including travel time. Employees may not be required to go back to work if their jury duty finishes after 5 p.m. on the day of duty or before 3 a.m. on the following day.

An employer may not fire, threaten to fire, penalize, or punish the employee in any way due to their jury service.

## Payout

The court pays:

Employees who serve as jurors in Maryland are paid \$15.00 a day (juror pay is a token amount).

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The employer pays:

Employers in Maryland are not required to pay employees for jury duty leave.

## Military Leave in Maryland

An employer must allow eligible employees to take unpaid military leave.

### Federal Law

The Uniformed Services Employment and Reemployment Rights Act (USERRA) is a federal law, that applies to all employers in the U.S. USERRA protects Army and Air National Guard members, provides reinstatement rights, protection from discrimination, and unlimited leave for active duty.

All employers in the US must comply with USERRA.

### Maryland State Law

Members of the National Guard, Maryland Defense Force, and militia who are called to active duty or training by the Governor have the same leave and reinstatement rights and benefits as other members of the armed forces under USERRA.

### Maryland Family Military Leave

Employers with 50 or more employees are required to give eligible workers leave on the day a member of their immediate family is leaving for or returning from active duty in the U.S. armed forces outside of the country. A spouse, parent, stepparent, child, stepchild, or sibling of the employee is considered an immediate family member. To be eligible, an employee must have

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been employed for 12 months before the leave and worked at least 1,250 hours during those 12 months (same as eligibility for FMLA benefits). Employers may require employee leave verification, but they may not require the employee to use compensatory, sick, or vacation leave when taking leave.

## Civil Air Patrol Leave

Employers with 15 or more employees must provide up to 15 days of unpaid leave per calendar year for Civil Air Patrol volunteers responding to authorized emergency missions. Employers are not allowed to demand that eligible employees use up all of their other leave time before taking a leave for civil air patrol. Employees must provide as much notice of their need for this leave as possible. Employees must also give their employers updated information about their leave and expected return to work after arriving at an emergency location. Employees are entitled to reinstatement upon return from civil air patrol leave.

## Payout

Military leave for private sector employees is unpaid.

## Voting Leave in Maryland

Up to two hours of paid leave to vote.

Employers must allow all employees registered to vote for up to two hours of paid leave to vote. However, if an employee has two continuous hours of off-duty time while the polls are open, the employer is not required to provide voting leave.

Advance notice is required, with no specific time frame.

Employees are required to show proof that they voted. This also includes attempting to vote. Employees must use the state board of elections form.

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## **Payout**

The employer must compensate the employee for the absence.