

Maryland Legislative Round-Up

By Hayes Edwards

Written with assistance from Erin N. Schiffman, Law Clerk.

Employers should take note of several new Maryland laws taking effect this year.

Bills Effective Now:

Maryland Essential Workers Protection Act (Employment Standards During an Emergency) - Effective May 28, 2021) (HB581/SB486)

This law provides a framework for the obligations of “essential employers” during a catastrophic health emergency (such as the COVID-19 pandemic or a future declared emergency). Essential employees are those who employee “essential employees” whose duties cannot be performed remotely, must be performed at their worksite, or are deemed to be essential or critical to the employer’s operations. Many of the specifics would be filled in later when governments react to an emergency crisis. Generally, essential employers must provide essential employees with certain conditions, equipment, access to information, testing, and other benefits as established by a state or federal agency. Covered employers are also required to provide essential employees with paid “public health emergency leave,” when funded by the state or federal government.

Bills Effective October 1, 2021:

Maryland Bereavement Leave (HB56/SB473)

Maryland Employees will be able to use their accrued PTO for bereavement, following the death of a child, spouse, or parent, without limitation on the number of days. Employers should examine their handbooks to make sure their leave policies include bereavement, as well as caring for sick family members, as an allowable use for paid leave.

Extending Time to File Complaint with Maryland Commission on Civil Rights and Reporting of Claim (HB290/SB455)

Maryland Employees will have 300 days to file a civil rights complaint to the MCCR, bringing the state in line with the federal (EEOC) deadline.

Maryland Economic Stabilization Act (HB1154/SB801)

This bill modifies Maryland’s “Mini-WARN” Act, and applies to large Maryland employers with 50 or more employees. The requirements are triggered when a permanent reduction in operations occurs, meaning a relocation or closure of a workplace or department that reduces the workforce by 25% or 15 employees, whichever is greater. In such circumstances, employers must provide 60-days written notice (including specific details) to all affected employees, their representative or bargaining agent, or the chief elected official of the jurisdiction.

Workplace Violence Peace Orders (HB289/SB105)

Employers will be permitted to seek Peace Orders on behalf of specific employees, arising from qualifying conduct that takes place in the workplace.

Bills Effective January 1, 2022

Increased Wage Rate at Heightened Security Locations/Secure Maryland Wage Act (HB685/SB107)

Employers who operate heightened-security locations will be required to pay their non-exempt employees who work at least 50% of their hours in those locations a minimum wage of \$13.50 beginning on January 1, 2022; \$14.25 on January 1, 2023; \$15.00 on January 1, 2024, and \$16.00 on January 1, 2025.