

# MARYLAND

## Maryland Public Health Emergency and Bereavement Leave Laws

On April 12, 2021, the Maryland legislature passed a number of new bills affecting employers, including those addressing bereavement leave and protections for essential workers in a catastrophic public health emergency. These bills are expected to be signed into law shortly.

### The Essential Workers Protection Act

Effective upon enactment, the Essential Workers Protection Act (EWPA) generally provides protections for essential workers related to the COVID-19 pandemic. Most notably, the EWPA provides 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.

The worker would be able to take this leave for the following reasons related to the communicable disease:

- To isolate due to a diagnosis or symptoms;
- To obtain a diagnosis, preventive care or treatment;
- To care for a family member diagnosed with the disease;
- 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
- To care for a family member whose care provider is unavailable or whose school/place of care has been closed because of the emergency.

### Bereavement Leave

Effective Oct. 1, 2021, the Maryland legislature amended its existing bereavement leave law to require employers with **15 or more employees** to allow the use of **any existing accrued paid leave for bereavement purposes**. This allows employees to take accrued paid leave in the case of the death of a spouse, parent or child of any age. The employer cannot take any adverse action against an employee who has used or requested this leave, opposed an unlawful practice, reported a violation or participated in a proceeding under this law.

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### Highlights

#### Public Health Emergency

Leave under the EWPA must be provided on the date that federal or state funding is made available.

Essential employers covered by the voluntary extension to the Families First Coronavirus Response Act may be required to provide this leave immediately once the law is enacted.

#### Bereavement

Employees may take accrued paid leave, in the order of their choosing, for the death of a family member.

*The Maryland legislature passed bills addressing bereavement leave and protections for essential workers.*



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