
Maryland Flexible Leave Act Effective October 1

2008-09-30

In April 2008, the Maryland General Assembly approved the Flexible Leave Act (the Act), a new family leave law that will become effective October 1, 2008. The Act requires Maryland employers with 15 or more employees, which already provide employees with paid leave of any type, to allow their employees to use such paid leave to take time off to care for an immediate family member who is ill. Immediate family members include a child, spouse or parent. Employees may only take leave that they have accrued, but if they have accrued more than one type of leave (such as vacation and sick time), they may elect the type and amount of paid leave to be used.

The Maryland Attorney's General Office has clarified that the Act applies to any leave taken after its effective date for purposes of the Act, regardless of when such leave accrued. If the terms of a collective bargaining agreement or an employment policy provide a paid leave benefit that is equal to or greater than what the Act provides, that collective bargaining agreement or employment policy shall prevail. The Act does not require employers to provide paid leave.

Employers should review their leave policies or collective bargaining agreements and confer with their employment counsel to ensure that their policies or agreements comply with the Act. If rules are promulgated to

implement provisions of the Act or the Maryland Attorney General issues additional opinion letters, employers may need to make additional modifications to their leave policies.

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