

**POLICY****Maryland Sick and Safe Leave****EFFECTIVE****January 31, 2021****PURPOSE**

This policy is designed to ensure that the organization's existing paid leave policies and attendance policies are administered consistent with the Maryland Healthy Working Families Act, which went into effect on February 11, 2018. In the event of a conflict between this policy and another personnel policy, this policy shall control.

SCOPE

This policy applies to all employees of UMMS or any of its affiliates (each referred to herein as an employer).

POLICY

Sick and Safe Leave ("SSL") is provided in addition to, the employer's applicable Paid Time Off (PTO) program. Accrual and use of paid leave for SSL purposes will be subject to the provisions below.

1. Eligibility and Accrual of SSL

Eligible employees are those who regularly work 12 or more hours a week.

Current employees are eligible to begin accruing and using SSL as of the effective date of this policy. Employees hired on or after February 11, 2018 earn SSL under this policy from the date of hire, but SSL may not be used until the start of the pay period following 90 calendar days of employment.

SSL is earned on a calendar year basis based on the payroll calendar. Employees earn one hour of paid SSL for each 30 hours worked, to a maximum of 40 hours per year (the annual earning cap).

Exempt employees accrue SSL based on 40 hours per week or their FTE, whichever is less. Non-exempt employees earn leave based on all hours worked, including overtime hours. SSL will not be earned during a 2-week pay period in which the employee worked less than 24 hours.

Hours for Paid Time Off (PTO) or other paid leave will not be subject to accrual of SSL.

Earned but unused SSL carries over at the end of each year, up to a maximum of 40 hours. The total amount of SSL that may be accrued each year, including the yearly earned amount and any carryover, is 64 hours (the annual accrual cap). Once an employee hits the 64 hour annual accrual cap, SSL stops being earned. If the employee drops below the 64 hour annual accrual cap, he/she will resume earning SSL, until the 64-hour annual accrual cap is reached again or the employee reaches the 40 hour annual earning cap.

Sick and Safe Leave is in addition to our PTO program. SSL accrues concurrently with PTO. SSL is not paid out upon termination of employment.



Some, but not all, SSL also may be covered by the federal Family and Medical Leave Act (FMLA) and other laws that address paid or unpaid leave, as well as other employer leave policies. SSL that also qualifies under other laws and policies will run concurrently with leave under those laws and policies, and will be subject to the requirements of any other applicable leave policies.

In addition, short term disability (STD) benefits may apply to certain leave situations, in which case once STD benefits begin, available SSL (if any) may be used to supplement STD benefits to make up the difference between STD benefits and full pay.

2. Purposes of SSL

SSL can be used for the following reasons:

- ⦿ To care for or treat the employee's own mental or physical illness, injury, or condition.
- ⦿ To care for a family member's mental or physical illness, injury, or condition.
- ⦿ To obtain preventive medical care for the employee or family member.
- ⦿ For maternity or paternity leave.
- ⦿ For absences due to domestic violence, sexual assault, or stalking against the employee or family member:
 - ⦿ During the employee's temporary relocation; or
 - ⦿ To obtain for the employee or family member:
 - ⦿ Medical or mental health attention;
 - ⦿ Services from a victim services organization; or
 - ⦿ Legal services or proceedings.

For purposes of this policy, a "family member" means:

- ⦿ Spouse.
- ⦿ Child, including biological, foster, adopted, or step, as well as one for whom the employee has legal or physical custody or guardianship, or stands in loco parentis (i.e. acts as the parent, regardless of the legal relationship).
- ⦿ Parent, including biological, foster, adopted, or step for the employee or the employee's spouse, as well as one who was the legal guardian of or stood in loco parentis to the employee or employee's spouse.
- ⦿ Grandparent, including biological, foster, adopted, or step, of the employee.
- ⦿ Grandchild, including biological, foster, adopted, or step, of the employee.
- ⦿ Sibling, including biological, foster, adopted, or step, of the employee.

If an employee is absent from work for an SSL qualifying reason, any available accrued but unused SSL must be used to cover that that absence.



3. Employee Notice and Use of SSL

If the need for SSL is foreseeable, the employee must provide seven (7) days' advance notice. If the need for SSL is unforeseeable, the employee must provide notice as soon as practicable, and should comply with the employer's notice requirements for absences, unless it is not possible due to the circumstances giving rise to the need for leave. The request to use SSL may be denied if the employee fails to provide the required notice and the absence will cause or has caused a disruption to business operations.

4. Verification of SSL

Employees who take SSL for more than two consecutively scheduled shifts or workdays may be required to provide reasonable verification of the need for leave. Such verification may include, for example, a signed document from a health care provider (without disclosing details of the illness, injury or condition), a police report, a court order, or a signed statement from a victim or witness advocate or domestic violence counselor. This verification must be provided upon the employee's return to work. Failure to provide verification may result in the denial of future requests for SSL for the same purpose and may be grounds for discipline.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers from requesting or requiring genetic information of an individual or a family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information in response to any medical information requested pursuant to this policy. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

5. Improper Use of SSL

SSL may only be used for the purposes set forth above. The improper use of SSL or a pattern of abuse of SSL is strictly prohibited, and may be subject to corrective action, up to and including termination of employment.

6. Questions About SSL

Questions about an SSL issue, including the accuracy of a reported balance or a consequence associated with the use of SSL (such as a denial of the leave), should be directed to your Human Resources Business Partner so that the matter can be reviewed.

RELATED POLICIES

- ⦿ Standards of Attendance
- ⦿ Family and Medical Leave