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It's Here! Veto Override Vote Makes Maryland's Healthy Working Families Act a New Maryland Law

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After much angst and a few political gyrations, Maryland's House (88-52) and Senate (30-17) voted last week to override Governor Larry Hogan's 2017 veto of the Maryland Health Working Families Act (the "Act"). Unless the Senate and House pass emergency legislation to delay the effective date of the Act, currently being discussed by certain Maryland Senators, the Act will become law on February 11, 2018, 30 days after the January 12, 2018 Senate vote.

Importantly, the Act prohibits local Maryland jurisdictions (the city and the counties) from enacting a sick leave law on or after January 1, 2017. The Act further provides that it does not preempt local jurisdictions from amending a law that was enacted before January 1, 2017. This brings two questions to mind: (1) what, if anything, will Montgomery County do with its sick leave law, which requires employers to provide up to 56 hours of leave to employees working nine or more hours in the County, and (2) Prince George's County's safe (but not sick) leave law is set to take effect 45 days after the 2018 legislative session adjourns on April 9, 2018, so will Prince George's County modify, rescind, or allow its sick leave law to take effect, or will it become law at all as it was enacted on December 12, 2017? That law requires employers to provide up to 40 hours of leave for any employee working in Prince George's County. Maryland employers will have to watch and wait for these Counties to react to the new Maryland Act.

Notably, Governor Hogan, who opposed the Act and who proposed alternative legislation as a compromise, which was rejected by the legislators, has encouraged Maryland legislators to "fix" the flaws in the law before it becomes effective. Maryland employers, however, must get ready now to implement the Act by developing, reviewing, and/or updating their paid time off policies to comply with the new law.