



What is SAFE LEAVE? Maryland Healthy Working Families Act (2018)

When can an employee use safe leave?

Safe leave is time off used to address issues involving domestic violence, sexual assault or stalking committed against the worker or their family member. The leave can be used for the following:

- To obtain medical or mental health needs;
- To obtain services from a victim services organization;
- To obtain legal services or attend proceedings related to or resulting from domestic violence, sexual assault or stalking; OR
- To temporarily relocate as a result of the domestic violence, sexual assault or stalking.

What does this law do?

HWFA allows employees in Maryland to earn paid or unpaid sick and safe leave. HWFA is not a general paid-time off policy but instead a law that allows employees to take care of their health and safety, and that of their family members, while ensuring job stability.

What is the difference between sick leave and safe leave?

Sick leave is time used to care for an illness and/or preventive care. Safe leave is time available for victims of domestic violence, sexual assault, or stalking. Employees can choose to take either type of leave depending on the circumstances.

When did the Healthy Working Families Act (HWFA) go into effect?

The HWFA became law on February 11, 2018. On that day, covered employees began earning leave. (See General FAQ for coverage)

Can an employee use safe leave to move or relocate because of domestic violence, sexual assault or stalking?

Yes, safe leave can be used during the time that the employee has temporarily relocated due to the domestic violence, sexual assault, or stalking.

Who is eligible for Safe Leave?

All employees whose primary work location is in Maryland are entitled to accrue safe leave unless they are exempt from coverage under the law. The law requires employers with 15 or more employees to provide employees with up to 40 hours (5 days) of unpaid sick and safe leave per year.



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How does my leave accrue?

Sick and safe leave accrues at a rate of at least one hour for every 30 hours an employee works. The HWFA permits an employer to cap the total number hours of leave earned to no more than 40 hours per year. But, an employer can allow an employee to earn more hours or provide a more generous leave policy.

Who is exempt under the HWFA?

The following types of employees are not covered by this law:

- Employees who regularly work less than 12 hours a week;
- Certain independent contractors and real estate brokers and salespersons;
- Individuals who are younger than 18 years of age before the beginning of the year;
- Individuals employed in the agricultural sector in certain agricultural operation; AND, Certain construction workers, employees working on an as-needed basis in a health or human service industry, and employees of a temporary service agency.

Can my employer ask for proof that I was sick or that I took leave related to domestic violence or stalking?

Employers *may* request verification only: after an employee has taken leave for two consecutive shifts; *or* if the employee agreed to provide verification at the time of hire and uses leave between the 107th and 120th days of employment. Employers are not required to ask for verification, nor are they required to seek written proof.

What type of proof do I need to provide my employer?

Verification requirements can vary depending on an employer. Typical forms of verification include a doctor's note, a court summons, or a letter from your attorney or victims services organization.

Can an employer deny my safe leave?

Employers may deny a request for leave if the employee failed to provide a notice as soon as practicable and/or failed to comply with the employer's notice requirements. Private employers licensed under Title 7 or Title 10 of the Health – General Article that provide services to developmentally disabled or mentally ill individuals may deny a request for leave if the employee's request would cause a disruption in services to the individual receiving care.

What are my rights against my employer?

An employer is prohibited under the law from taking adverse action against an employee who exercises a right under the Maryland Healthy Working Families Act. If you feel your rights have been violated, you may contact the Commissioner of Labor and Industry—1100 North Eutaw Street, Room 600 | Baltimore, MD 21201
ssl.assistance@maryland.gov