

SURVIVOR STATE EMPLOYMENT GUIDE

MARYLAND

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

At the time of publication, Maryland has not enacted a state law regarding anti-discrimination employment protections for domestic violence, sexual assault, or stalking. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, Maryland has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

Under Maryland law, an individual can seek time off related to domestic violence, sexual assault, or stalking under Maryland's paid sick day law or as a witness to certain crimes.

- **Paid Sick Days:** Under Maryland's paid sick day law ([Md. Code Ann. Lab. and Emp. 3-1305](#)), an employee may use leave for an absence related to domestic violence, sexual assault, or stalking committed against the employee or the employee's family member. To qualify, the leave must be used by the employee for themselves or their family member to obtain one of the following:
 - Medical or mental health attention related to domestic violence, sexual assault, or stalking;
 - Services from a victim services organization related to domestic violence, sexual assault or stalking;
 - Legal services or proceedings related to domestic violence, sexual assault or stalking; or
 - During the time that employee has temporarily relocated due to domestic violence, sexual assault, or stalking.

Under Maryland law ([Md. Lab. and Emp. Code Ann. 3-1304](#)) this law applies to employers with 15 or more employees and only applies to certain employees. However, employers with 14 or under employees are required to provide unpaid sick and safe leave to certain employees. An employee accrues earned sick and safe leave at a rate of at least one hour for every 30 hours the employee works. However, an employee is not entitled to earn more than 40 hours of earned sick and safe leave in a year or accrue more than 64 hours of earned sick and safe leave at any time.

- **Time Off for Witnesses:** Under Maryland law (**Md. Code Ann. Cts. and Jud. Proc. 9-205**), an employer cannot terminate an employee solely because they were absent from work for responding to a subpoena to appear as a witness in a civil or criminal legal proceeding or the employee had a right to attend the legal proceeding under Maryland law.

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, and personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Maryland law (**Md. Code Ann. Lab. and Emp. 8-1001(3)**), the Maryland Secretary of Labor may find that voluntarily leaving employment because of circumstances directly related to domestic violence against the employee, his/her spouse, minor child, or parent is "good cause" for leaving employment meaning the individual could still be eligible for unemployment insurance. In order to qualify, the individual must reasonably believe that continued employment would jeopardize his/her safety and they are required to provide documentation to the Maryland Secretary of Labor.

For this section, "victim of domestic violence" is defined as "an individual who has received deliberate, severe, and demonstrable physical injury, or is in fear of imminent deliberate, severe, and demonstrable physical injury from a current or former spouse, or a current or former cohabitant." See **Md. Code Ann., Fam. Law Sec. 4-513**.

- *Do I have to show proof of domestic violence:* Under Maryland law (**Md. Code Ann., Lab. and Emp. 8-1001(3)**), an individual must provide either a protective order or a court order documenting domestic violence or a police record documenting domestic violence.

OTHER RESOURCES

Maryland Department of Labor – Healthy Working Families Act FAQ