HOUSE BILL 496

K3 (2lr0610)

ENROLLED BILL

— Economic Matters/Finance —

Introduced by Delegates Wilson, Valderrama <u>Delegates Valderrama</u>, <u>Wilson</u>, and <u>Kelly</u>

Kelly
Read and Examined by Proofreaders:
Proofreader.
Proofreader.
Sealed with the Great Seal and presented to the Governor, for his approval this
day of at o'clock,M.
Speaker.
CHAPTER
AN ACT concerning
<u>Labor and Employment - Commission on the Establishment of a Labor and Employment - Family and Medical Leave Insurance Program - Establishment - Establishment (Time to Care Act 2022)</u>
FOR the purpose of establishing the Commission on the Establishment of a Family and Medical Leave Insurance Program in the Maryland Department of Labor to provide certain benefits to individuals who take leave from employment for certain purposes; establishing the Family and Medical Leave Insurance Fund as a special, nonlapsing fund; requiring, beginning on a certain date, certain employees, employers, and self-employed individuals to contribute to the Fund in a certain manner; requiring the Secretary to establish the total rate of contribution and the percentages of the total rate of contribution to be paid by certain employees and employers; requiring the Secretary of Labor to establish a system of appeals for certain covered individuals:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

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Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



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requiring that certain judicial review be allowed after a certain aggrieved party has exhausted certain administrative remedies; requiring interest earnings of the Fund to be credited to the Fund; and generally relating to the Family and Medical Leave Insurance Program. in the Maryland Department of Labor to provide certain benefits to individuals who take leave from employment for certain purposes; establishing the Division of Family and Medical Leave Insurance in the Department to administer the Program; establishing the Family and Medical Leave Insurance Fund as a special, nonlapsing fund; requiring, beginning on a certain date, certain employees, employers, and self-employed individuals to contribute to the Fund in a certain manner; requiring the Division, under certain circumstances, to deduct and withhold a certain amount from benefits paid; authorizing certain employees to bring a certain action against certain employers for certain violations of this Act under certain circumstances; requiring the Secretary of Labor to establish a system of appeals for certain covered individuals; requiring that certain judicial review be allowed after a certain aggrieved party has exhausted certain administrative remedies: requiring interest earnings of the Fund to be credited to the Fund: to study and make recommendations for establishing a Family Medical Leave and Insurance Program in the State: providing that the intent of the General Assembly is to establish a certain statutory framework for a family medical leave and insurance program in the State that is effective not later than a certain date; and generally relating to the Family and Medical Leave Insurance Program a State family and medical leave insurance program.

23 BY adding to

24Article – Labor and Employment

> Section 8.3–101 through 8.3–1001 to be under the new title "Title 8.3. Family and Medical Leave Insurance Program"

Annotated Code of Maryland

(2016 Replacement Volume and 2021 Supplement)

29 BY repealing and reenacting, without amendments,

30 Article - State Finance and Procurement

31 Section 6-226(a)(2)(i)

32 Annotated Code of Maryland 33

(2021 Replacement Volume)

34 BY repealing and reenacting, with amendments,

Article – State Finance and Procurement 35

Section 6-226(a)(2)(ii)144, and 145.

<u>Annotated Code of Maryland</u>

38 (2021 Replacement Volume)

39 BY adding to

40 Article – State Finance and Procurement

Section 6-226(a)(2)(ii)146. 41

Annotated Code of Maryland 42

(2021 Replacement Volume) 43

1	BY adding to
2	Article - Labor and Employment
3	Section 8.3-101 through 8.3-1001 to be under the new title "Title 8.3. Family and
4	Medical Leave Insurance Program"
5	Annotated Code of Maryland
6	(2016 Replacement Volume and 2021 Supplement)
7	BY repealing and reenacting, without amendments,
8	Article - State Finance and Procurement
9	$\frac{\text{Section } 6-226(a)(2)(i)}{a}$
10	Annotated Code of Maryland
11	(2021 Replacement Volume)
12	BY repealing and reenacting, with amendments,
13	Article - State Finance and Procurement
14	Section 6-226(a)(2)(ii)144. and 145.
15	Annotated Code of Maryland
16	(2021 Replacement Volume)
17	BY adding to
18	Article - State Finance and Procurement
19	Section 6-226(a)(2)(ii)146.
20	Annotated Code of Maryland
21	(2021 Replacement Volume)
22	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
23	That <u>the Laws of Maryland read as follows</u> the Laws of Maryland read as follows:
24	<u> Article – Labor and Employment</u>
25	TITLE 8.3. FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM.
26	SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.
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27	<u>8.3–101.</u>
28	(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
29	<u>INDICATED.</u>
30	(B) "APPLICATION YEAR" MEANS THE 12-MONTH PERIOD BEGINNING ON
31	THE FIRST DAY OF THE CALENDAR WEEK IN WHICH A COVERED INDIVIDUAL FILES AN
32	APPLICATION FOR BENEFITS.
33	(C) "BENEFITS" MEANS THE MONEY PAYABLE UNDER THIS TITLE TO A
34	COVERED INDIVIDUAL.

1	<u>(D)</u>	"COVERED	EMPLOYEE	" MEANS	AN EN	<i>IPLOYEE</i>	WHO	HAS	WORKEL) <u>AT</u>
2	LEAST 680	HOURS OVE	ER THE 12-	MONTH P	ERIOD	IMMEDI A	ATELY	PRE	CEDING	THE

- 3 DATE ON WHICH LEAVE IS TO BEGIN.
- 4 <u>(E) "COVERED INDIVIDUAL" MEANS A COVERED EMPLOYEE OR A</u> 5 SELF-EMPLOYED INDIVIDUAL WHO ELECTS TO PARTICIPATE IN THE PROGRAM
- 6 *UNDER* § 8.3–201 OF THIS TITLE.
- 7 (F) "DEPARTMENT" MEANS THE MARYLAND DEPARTMENT OF LABOR.
- 8 (G) "DEPLOYMENT" MEANS A SERVICE MEMBER ACTING UNDER OFFICIAL
- 9 ORDERS WHO, ON ANY DAY, IS PERFORMING SERVICE IN A TRAINING EXERCISE OR
- 10 OPERATION AT A LOCATION OR UNDER CIRCUMSTANCES THAT MAKE IT IMPOSSIBLE
- 11 OR INFEASIBLE FOR THE SERVICE MEMBER TO SPEND OFF-DUTY TIME IN THE
- 12 HOUSING IN WHICH THE SERVICE MEMBER RESIDES WHEN ON GARRISON DUTY AT
- 13 THE SERVICE MEMBER'S PERMANENT DUTY STATION OR HOMEPORT.
- 14 (H) (1) "EMPLOYER" MEANS A PERSON OR GOVERNMENTAL ENTITY THAT
- 15 <u>EMPLOYS AT LEAST ONE INDIVIDUAL IN THE STATE.</u>
- 16 <u>(2) "EMPLOYER" DOES NOT INCLUDE AN INDIVIDUAL WHO:</u>
- 17 <u>(I)</u> <u>IS THE SOLE OWNER OF A SOLE PROPRIETORSHIP, LIMITED</u>
- 18 <u>LIABILITY COMPANY, C CORPORATION, OR S CORPORATION; AND</u>
- 19 <u>(II)</u> <u>IS THE ONLY INDIVIDUAL EMPLOYED BY THE SOLE</u>
- 20 PROPRIETORSHIP, LIMITED LIABILITY COMPANY, C CORPORATION, OR S
- 21 CORPORATION.
- 22 (I) "FAMILY MEMBER" MEANS:
- 23 (1) A BIOLOGICAL CHILD, AN ADOPTED CHILD, A FOSTER CHILD, OR A
- 24 STEPCHILD OF THE COVERED INDIVIDUAL;
- 25 (2) A CHILD FOR WHOM THE COVERED INDIVIDUAL HAS LEGAL OR
- 26 PHYSICAL CUSTODY OR GUARDIANSHIP;
- 27 (3) A CHILD FOR WHOM THE COVERED INDIVIDUAL STANDS IN LOCO
- 28 PARENTIS, REGARDLESS OF THE CHILD'S AGE:
- 29 (4) A BIOLOGICAL PARENT, AN ADOPTIVE PARENT, A FOSTER PARENT,
- 30 OR A STEPPARENT OF THE COVERED INDIVIDUAL OR OF THE COVERED INDIVIDUAL'S
- 31 **SPOUSE**;

1	<u>(5)</u>	THE LEGAL	GUARDIAN	OF THE	COVERED	INDIVIDUAL	OR	THE
2	WARD OF THE CO	VERED INDIV	IDUAL OR O	F THE CO	VERED IND	IVIDUAL'S SP	OUS	E:

- 3 (6) AN INDIVIDUAL WHO ACTED AS A PARENT OR STOOD IN LOCO
- 4 PARENTIS TO THE COVERED INDIVIDUAL OR THE COVERED INDIVIDUAL'S SPOUSE
- 5 WHEN THE COVERED INDIVIDUAL OR THE COVERED INDIVIDUAL'S SPOUSE WAS A
- 6 *MINOR*;
- 7 (7) THE SPOUSE OF THE COVERED INDIVIDUAL;
- 8 (8) A BIOLOGICAL GRANDPARENT, AN ADOPTED GRANDPARENT, A
 9 FOSTER GRANDPARENT, OR A STEPGRANDPARENT OF THE COVERED INDIVIDUAL;
- 10 <u>(9) A BIOLOGICAL GRANDCHILD, AN ADOPTED GRANDCHILD, A</u> 11 FOSTER GRANDCHILD, OR A STEPGRANDCHILD OF THE COVERED INDIVIDUAL; OR
- 12 (10) A BIOLOGICAL SIBLING, AN ADOPTED SIBLING, A FOSTER SIBLING, 13 OR A STEPSIBLING OF THE COVERED INDIVIDUAL.
- 14 (J) "FUND" MEANS THE FAMILY AND MEDICAL LEAVE INSURANCE FUND 15 ESTABLISHED UNDER § 8.3–501 OF THIS TITLE.
- 16 <u>(K) "GOVERNMENTAL ENTITY" HAS THE MEANING STATED IN § 8–101 OF</u> 17 <u>THIS ARTICLE.</u>
- 18 <u>(L) "Program" means the Family and Medical Leave Insurance</u> 19 Program established under § 8.3–301 of this title.
- 20 (M) "QUALIFYING EXIGENCY" MEANS ANY OF THE FOLLOWING REASONS FOR 21 WHICH LEAVE MAY BE NEEDED BY A FAMILY MEMBER OF A SERVICE MEMBER:
- 22 (1) BECAUSE THE SERVICE MEMBER HAS RECEIVED NOTICE OF 23 DEPLOYMENT WITHIN 7 DAYS BEFORE THE DEPLOYMENT IS TO BEGIN;
- 24 <u>(2) TO ATTEND MILITARY EVENTS AND RELATED ACTIVITIES</u> 25 <u>INCLUDING FAMILY SUPPORT PROGRAMS RELATED TO THE ACTIVE DUTY OF THE</u>
- 26 SERVICE MEMBER;
- 27 (3) TO ARRANGE, PROVIDE, OR ATTEND CHILD CARE OR SCHOOL
- 28 ACTIVITIES ONLY WHEN THE SERVICE MEMBER IS ON ACTIVE DUTY CALL OR ACTIVE
- 29 DUTY STATUS;

1	(4) TO MAKE FINANCIAL AND LEGAL ARRANGEMENTS FOR THE
2	SERVICE MEMBER'S ABSENCE OR BECAUSE OF THE ABSENCE;
3	(5) TO ATTEND COUNSELING THAT:
4	(I) IS NEEDED DUE TO THE ACTIVE DUTY OR CALL TO ACTIVE
5	DUTY STATUS OF THE SERVICE MEMBER; AND
6	(II) IS PROVIDED BY AN INDIVIDUAL WHO IS NOT A LICENSED
7	HEALTH CARE PROVIDER;
0	(C) TO COPINE UP TO 15 CALENDAD DAVIG WITH A CEDITICE MEMBER
8	(6) TO SPEND UP TO 15 CALENDAR DAYS WITH A SERVICE MEMBER
9	WHO IS ON SHORT-TERM TEMPORARY REST AND RECUPERATION LEAVE DURING THE
10	PERIOD OF DEPLOYMENT;
11	(7) TO ATTEND POSTDEPLOYMENT ACTIVITIES INCLUDING
12	REINTEGRATION SERVICES FOR A PERIOD OF 90 DAYS IMMEDIATELY FOLLOWING
13	THE TERMINATION OF ACTIVE STATUS;
10	THE TERMINATION OF ACTIVE STATUS,
14	(8) TO ATTEND TO MATTERS RELATED TO THE DEATH OF THE SERVICE
15	MEMBER WHILE ON ACTIVE DUTY STATUS;
16	(9) TO ARRANGE FOR OR PROVIDE ALTERNATIVE CARE FOR A PARENT
17	OF THE SERVICE MEMBER WHEN THE PARENT IS INCAPABLE OF SELF-CARE AND THE
18	COVERED ACTIVE DUTY OR CALL TO ACTIVE DUTY NECESSITATES A CHANGE; OR
10	(10) PROJUCE OF ANY OFFICE ROLLED ROLLED AND A PROPERTY OF A CONTROL DUTY.
19	(10) BECAUSE OF ANY OTHER ISSUES THAT ARISE OUT OF ACTIVE DUTY
20	OR A CALL TO ACTIVE DUTY THAT AN EMPLOYER AND COVERED EMPLOYEE AGREE
21	SHOULD BE COVERED.
22	(N) "SECRETARY" MEANS THE SECRETARY OF LABOR.
ຄາ	(a) (1) "CEDIQUE HEALTH CONDITION" MEANS AN ILLNESS AN INTUDY
23	(O) (1) "SERIOUS HEALTH CONDITION" MEANS AN ILLNESS, AN INJURY,
24	AN IMPAIRMENT, OR A PHYSICAL OR MENTAL CONDITION THAT INVOLVES:
25	(I) INPATIENT CARE IN A HOSPITAL, HOSPICE, OR RESIDENTIAL
26	HEALTH CARE FACILITY;
27	(II) CONTINUED TREATMENT BY A LICENSED HEALTH CARE
28	PROVIDER; OR
-	
29	(III) CONTINUED TREATMENT OR SUPERVISION AT HOME BY A
30	LICENSED HEALTH CARE PROVIDER OR OTHER COMPETENT INDIVIDUAL UNDER THE

SUPERVISION OF A LICENSED HEALTH CARE PROVIDER.

1	(2) "SERIOUS HEALTH CONDITION" INCLUDES AN ILLNESS, AN
2	INJURY, AN IMPAIRMENT, OR A PHYSICAL OR MENTAL CONDITION DESCRIBED IN
3	PARAGRAPH (1) OF THIS SUBSECTION THAT CONTINUES OVER AN EXTENDED PERIOD
4	OF TIME AND REQUIRES INTERMITTENT TREATMENT.
5	(P) "SERVICE MEMBER" MEANS AN INDIVIDUAL WHO IS AN ACTIVE DUTY OR
6	FORMER MEMBER OF:
7	(1) THE UNITED STATES ARMED FORCES;
8	(2) A RESERVE COMPONENT OF THE UNITED STATES ARMED FORCES;
9	OR
Ü	<u></u>
10	(3) THE NATIONAL GUARD OF ANY STATE.
11	(Q) "TREATMENT" INCLUDES:
12	(1) EXAMINATIONS OR TESTING TO DETERMINE THE EXTENT TO
13	WHICH A SERIOUS HEALTH CONDITION EXISTS OR PERSISTS;
	··
14	(2) ONGOING OR PERIODIC EVALUATIONS OF THE SERIOUS HEALTH
15	CONDITION; AND
10	(2) ACTUAL TEREATIMENT DV A HEALTH CARE DROWDER
16	(3) ACTUAL TREATMENT BY A HEALTH CARE PROVIDER.
17	<i>8.3–102.</i>
18	(A) (1) This subsection does not apply to the disclosure of
19	INFORMATION TO:
20	(I) A PUBLIC EMPLOYEE IN THE PERFORMANCE OF THE PUBLIC
21	EMPLOYEE'S OFFICIAL DUTIES:
41	EMI LOTEE S OFFICIAL DUTIES,
22	(II) THE INDIVIDUAL TO WHOM THE INFORMATION RELATES; OR
23	(III) IF AN AUTHORIZED REPRESENTATIVE HAS THE SIGNED
24	AUTHORIZATION OF THE INDIVIDUAL TO WHOM THE INFORMATION RELATES, THE
25	<u>AUTHORIZED REPRESENTATIVE.</u>
26	(2) An employee of the Department may not disclose
27	INFORMATION RELATING TO AN INDIVIDUAL WHO HAS APPLIED FOR OR RECEIVED
28	BENEFITS UNDER THIS TITLE.

- 1 (B) THIS TITLE PREEMPTS THE AUTHORITY OF A LOCAL JURISDICTION TO
- 2 ENACT A LAW ON OR AFTER JUNE 1, 2022, THAT ESTABLISHES A PAID FAMILY AND
- 3 <u>MEDICAL LEAVE INSURANCE PROGRAM FOR EMPLOYEES OF AN EMPLOYER OTHER</u>
- 4 THAN THE LOCAL JURISDICTION.
- 5 SUBTITLE 2. SCOPE OF TITLE.
- 6 **8.3–201.**
- 7 (A) IN THIS SECTION, "SELF-EMPLOYED INDIVIDUAL" INCLUDES AN
- 8 INDIVIDUAL THAT:
- 9 (1) IS THE SOLE OWNER OF A SOLE PROPRIETORSHIP, LIMITED
 10 LIABILITY COMPANY, C CORPORATION, OR S CORPORATION; AND
- 11 <u>(2)</u> <u>IS THE ONLY INDIVIDUAL EMPLOYED BY THE SOLE</u>
- 12 PROPRIETORSHIP, LIMITED LIABILITY COMPANY, C CORPORATION, OR S
- 13 CORPORATION.
- 14 (B) (1) A SELF-EMPLOYED INDIVIDUAL MAY ELECT TO PARTICIPATE IN
- 15 THE PROGRAM BY FILING A WRITTEN NOTICE OF ELECTION WITH THE SECRETARY IN
- 16 ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY.
- 17 (2) AN ELECTION MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION
- 18 BECOMES EFFECTIVE ON THE DATE THE WRITTEN NOTICE IS FILED.
- 19 <u>(C)</u> <u>(I)</u> <u>If a self-employed individual elects to participate in</u>
- 20 THE PROGRAM UNDER SUBSECTION (B) OF THIS SECTION, THE INDIVIDUAL SHALL
- 21 PARTICIPATE FOR AN INITIAL PERIOD OF NOT LESS THAN 3 YEARS.
- 22 (2) ONCE THE INITIAL PARTICIPATION PERIOD EXPIRES, THE
- 23 SELF-EMPLOYED INDIVIDUAL MAY RENEW PARTICIPATION IN THE PROGRAM FOR A
- 24 PERIOD OF NOT LESS THAN 1 YEAR.
- 25 (3) If the self-employed individual does not wish to renew
- 26 PARTICIPATION IN THE PROGRAM UNDER PARAGRAPH (2) OF THIS SUBSECTION,
- 27 WITHIN 30 DAYS BEFORE THE PARTICIPATION PERIOD EXPIRES, THE
- 28 SELF-EMPLOYED INDIVIDUAL SHALL NOTIFY THE SECRETARY IN WRITING OF THE
- 29 SELF-EMPLOYED INDIVIDUAL'S WITHDRAWAL FROM THE PROGRAM,
- 30 (D) DURING THE PERIOD A SELF-EMPLOYED INDIVIDUAL PARTICIPATES IN
- 31 THE PROGRAM, THE SELF-EMPLOYED INDIVIDUAL SHALL PAY THE CONTRIBUTION
- 32 REQUIRED UNDER § 8.3–601 OF THIS TITLE.

- 1 *8.3–202*.
- 2 This title may not be construed to diminish an employer's
- 3 OBLIGATION TO COMPLY WITH A COLLECTIVE BARGAINING AGREEMENT OR AN
- 4 EMPLOYER POLICY THAT ALLOWS AN EMPLOYEE TO TAKE LEAVE FOR A LONGER
- 5 PERIOD OF TIME THAN THE EMPLOYEE WOULD BE ABLE TO RECEIVE BENEFITS
- 6 UNDER THIS TITLE.
- 7 *8.3–203*.
- 8 (A) AN EMPLOYEE'S RIGHT TO BENEFITS UNDER THIS TITLE MAY NOT BE
- 9 DIMINISHED BY A COLLECTIVE BARGAINING AGREEMENT OR BY AN EMPLOYER
- 10 *POLICY*.
- 11 (B) AN AGREEMENT TO WAIVE THE EMPLOYEE'S RIGHTS UNDER THIS TITLE
- 12 IS VOID AS AGAINST PUBLIC POLICY.
- 13 Subtitle 3. Establishment of Program.
- 14 **8.3–301.**
- 15 There is a Family and Medical Leave Insurance Program in the
- 16 **DEPARTMENT.**
- 17 *8.3–302*.
- 18 THE PURPOSE OF THE PROGRAM IS TO PROVIDE TEMPORARY BENEFITS TO A
- 19 COVERED INDIVIDUAL WHO IS TAKING LEAVE FROM EMPLOYMENT:
- 20 (1) TO CARE FOR A CHILD DURING THE FIRST YEAR AFTER THE
- 21 CHILD'S BIRTH OR AFTER THE PLACEMENT OF THE CHILD THROUGH FOSTER CARE,
- 22 KINSHIP CARE, OR ADOPTION;
- 23 (2) TO CARE FOR A FAMILY MEMBER WITH A SERIOUS HEALTH
- 24 **CONDITION**;
- 25 (3) BECAUSE THE COVERED INDIVIDUAL HAS A SERIOUS HEALTH
- 26 CONDITION THAT RESULTS IN THE COVERED INDIVIDUAL BEING UNABLE TO
- 27 PERFORM THE FUNCTIONS OF THE COVERED INDIVIDUAL'S POSITION:
- 28 (4) TO CARE FOR A SERVICE MEMBER WHO IS THE COVERED
- 29 INDIVIDUAL'S NEXT OF KIN; OR

	10 HOUSE BILL 496
1 2 3	(5) BECAUSE THE COVERED INDIVIDUAL HAS A QUALIFYING EXIGENCY ARISING OUT OF THE DEPLOYMENT OF A SERVICE MEMBER WHO IS A FAMILY MEMBER OF THE COVERED INDIVIDUAL.
4	SUBTITLE 4. ADMINISTRATION.
5	<u>8.3–401.</u>
6 7	This title shall be administered under the supervision of the Secretary.
8	<u>8.3–402.</u>
9 10 11	THE SECRETARY MAY DELEGATE TO AN EMPLOYEE OF THE DEPARTMENT ANY POWER OR DUTY THAT IS REASONABLE AND PROPER FOR THE ADMINISTRATION OF THIS TITLE.
12	<u>8.3–403.</u>
13 14	(A) THE SECRETARY, IN CONSULTATION WITH OTHER STATE AGENCIES AND RELEVANT STAKEHOLDERS, SHALL:
15 16	(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, ADOPT REGULATIONS NECESSARY TO CARRY OUT THIS TITLE;
17 18	(2) ESTABLISH PROCEDURES AND FORMS FOR FILING CLAIMS FOR BENEFITS, INCLUDING:
19 20 21	(I) PROCEDURES FOR NOTIFYING AN EMPLOYER WITHIN 5 BUSINESS DAYS AFTER AN EMPLOYEE OF THE EMPLOYER FILES A CLAIM FOR BENEFITS UNDER THIS TITLE; AND
22 23	(II) NOTICES OF ELECTIONS BY SELF-EMPLOYED INDIVIDUALS FOR BENEFITS UNDER § 8.3–201 OF THIS TITLE;

- (3) USE INFORMATION—SHARING AND INTEGRATION TECHNOLOGY TO 24
- 25 FACILITATE THE DISCLOSURE OF RELEVANT INFORMATION OR RECORDS NEEDED
- 26 FOR THE ADMINISTRATION OF THIS TITLE; AND
- 27 *(4)* SUBJECT TO SUBSECTION (D) OF THIS SECTION, CARRY OUT A 28**PUBLIC EDUCATION PROGRAM.**
- (B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A)(1) OF THIS 29 SECTION SHALL BE CONSISTENT WITH REGULATIONS ADOPTED TO IMPLEMENT THE 30

- 1 FEDERAL FAMILY AND MEDICAL LEAVE ACT AND ANY RELEVANT STATE LAWS TO
- 2 THE EXTENT THAT THE ADOPTED REGULATIONS DO NOT CONFLICT WITH THIS TITLE.
- 3 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COVERED
- 4 INDIVIDUAL UNDER § 8.3-302(2), (3), (4), OR (5) OF THIS TITLE SHALL PROVIDE
- 5 CERTIFICATION FOR A CLAIM FOR BENEFITS UNDER THIS TITLE.
- 6 (2) A CERTIFICATION FOR A CLAIM FOR BENEFITS FOR A COVERED
- 7 INDIVIDUAL UNDER § 8.3–302(2), (3), OR (4) OF THIS TITLE SHALL INCLUDE:
- 8 (I) THE DATE ON WHICH THE SERIOUS HEALTH CONDITION OF
- 9 <u>THE FAMILY MEMBER, COVERED INDIVIDUAL, OR SERVICE MEMBER COMMENCED;</u>
- 10 (II) THE PROBABLE DURATION OF THE SERIOUS HEALTH
- 11 *CONDITION*;
- 12 <u>(III)</u> THE APPROPRIATE FACTS RELATED TO THE SERIOUS
- 13 <u>HEALTH CONDITION WITHIN THE KNOWLEDGE OF THE LICENSED HEALTH CARE</u>
- 14 **PROVIDER**;
- 15 (IV) 1. FOR A CLAIM FOR BENEFITS UNDER § 8.3-302(2) OF
- 16 THIS TITLE, A STATEMENT THAT THE COVERED INDIVIDUAL NEEDS TO CARE FOR A
- 17 FAMILY MEMBER AND AN ESTIMATE OF THE AMOUNT OF TIME REQUIRED TO PROVIDE
- 18 *THE CARE*; *OR*
- 19 2. FOR A CLAIM FOR BENEFITS UNDER § 8.3–302(3) OF
- 20 THIS TITLE, A STATEMENT THAT THE COVERED INDIVIDUAL IS UNABLE TO PERFORM
- 21 THE FUNCTIONS OF THE COVERED INDIVIDUAL'S POSITION; AND
- 22 (V) <u>1.</u> FOR A CERTIFICATION FOR INTERMITTENT LEAVE
- 23 UNDER § 8.3–302(2) OR (4) OF THIS TITLE, A STATEMENT THAT THE COVERED
- 24 INDIVIDUAL NEEDS TO CARE FOR A FAMILY MEMBER OR SERVICE MEMBER AND THE
- 25 EXPECTED DURATION OF THE INTERMITTENT LEAVE; OR
- 2. FOR A CERTIFICATION OF INTERMITTENT LEAVE
- 27 UNDER § 8.3–302(3) OF THIS TITLE, A STATEMENT THAT THE COVERED INDIVIDUAL
- 28 IS UNABLE TO PERFORM THE FUNCTIONS OF THE COVERED INDIVIDUAL'S POSITION
- 29 AND THE EXPECTED DURATION OF THE INTERMITTENT LEAVE.
- 30 (3) THE SECRETARY SHALL ESTABLISH:
- 31 (I) STANDARDS IN REGULATION FOR THE CERTIFICATION OF
- 32 CLAIMS FOR BENEFITS UNDER § 8.3–302(5) OF THIS TITLE;

1 2	(II) STANDARDS FOR VERIFYING THE IDENTITY OF A FAMILY MEMBER FOR A CLAIM FOR BENEFITS UNDER § 8.3–302(2) OF THIS TITLE; AND
3 4	(III) PROCEDURES FOR AN EMPLOYER TO PROVIDE EVIDENCE OF SUSPECTED FRAUD TO THE SECRETARY.

- 5 (D) (1) THE SECRETARY MAY USE A PORTION OF THE FUNDS PAID UNDER § 8.3–601 of this title or other available funding to pay for and carry 6 OUT THE REQUIREMENTS UNDER SUBSECTION (A)(4) OF THIS SECTION.
- 8 MATERIALS USED IN THE PUBLIC EDUCATION PROGRAM REQUIRED UNDER SUBSECTION (A)(4) OF THIS SECTION SHALL BE MADE AVAILABLE 9 IN ENGLISH AND SPANISH. 10
- *8.3–404*. 11
- Subject to § 8.3-905 of this title, to enforce this title, the 12 13 SECRETARY MAY:
- 14 (1) CONDUCT AN INVESTIGATION UNDER THIS TITLE, ON THE 15 SECRETARY'S OWN INITIATIVE OR ON RECEIPT OF A WRITTEN COMPLAINT;
- 16 (2) ADMINISTER AN OATH;
- 17 *(3)* CERTIFY TO AN OFFICIAL ACT;
- 18 (4) TAKE A DEPOSITION;
- (5) ISSUE A SUBPOENA FOR THE ATTENDANCE OF A WITNESS TO 19 20TESTIFY OR THE PRODUCTION OF BOOKS, CORRESPONDENCE, MEMORANDA,
- 21 PAPERS, OR OTHER RECORDS; AND
- 22*(6)* BRING A CIVIL ACTION IN THE COUNTY WHERE THE VIOLATION 23ALLEGEDLY OCCURRED.
- 24(B) (1) A SUBPOENA ISSUED UNDER SUBSECTION (A)(5) OF THIS SECTION 25SHALL BE SERVED IN ANY MANNER IN WHICH A SUBPOENA OF A COURT MAY BE 26SERVED.
- 27(2) If a person fails to comply with a subpoena issued under 28SUBSECTION (A)(5) OF THIS SECTION ON A COMPLAINT FILED BY THE SECRETARY, 29THE CIRCUIT COURT FOR THE COUNTY WHERE THE INVESTIGATION IS BEING 30 CONDUCTED OR WHERE THE PERSON RESIDES, IS PRESENT, OR TRANSACTS

- 1 BUSINESS MAY ISSUE AN ORDER DIRECTING COMPLIANCE WITH THE SUBPOENA OR
- 2 COMPELLING TESTIMONY.
- 3 (3) (I) Subject to subparagraph (II) of this paragraph, A
- 4 PERSON MAY NOT BE EXCUSED FROM COMPLYING WITH A SUBPOENA ISSUED UNDER
- 5 SUBSECTION (A)(5) OF THIS SECTION ON THE GROUND THAT THE EVIDENCE OR
- 6 <u>TESTIMONY REQUIRED MAY TEND TO INCRIMINATE THE PERSON OR SUBJECT THE</u>
- 7 PERSON TO A FORFEITURE OR PENALTY.
- 8 (II) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF
- 9 THIS SUBPARAGRAPH, AFTER CLAIMING THE PRIVILEGE AGAINST
- 10 <u>SELF-INCRIMINATION, A PERSON MAY NOT BE PROSECUTED OR SUBJECTED TO ANY</u>
- 11 FORFEITURE OR PENALTY BECAUSE OF ANY MATTER, THING, OR TRANSACTION
- 12 ABOUT WHICH THE PERSON IS COMPELLED TO PRODUCE EVIDENCE OR TESTIFY.
- 2. If the person commits perjury while giving
- 14 <u>TESTIMONY, THE PERSON IS SUBJECT TO PROSECUTION FOR THAT OFFENSE.</u>
- 15 **8.3–405.**
- 16 Subject to § 8.3–905 of this title, in a civil action to enforce this
- 17 TITLE, THE SECRETARY AND THE STATE MAY BE REPRESENTED BY:
- 18 (1) THE ATTORNEY GENERAL; OR
- 19 (2) ANY QUALIFIED ATTORNEY WHO:
- 20 (I) IS A SALARIED EMPLOYEE OF THE SECRETARY; AND
- 21 (II) ON RECOMMENDATION OF THE ATTORNEY GENERAL, IS
- 22 DESIGNATED TO REPRESENT THE SECRETARY OR THE BOARD OF APPEALS AND THE
- 23 **STATE.**
- 24 **8.3–406.**
- 25 (A) ON OR BEFORE SEPTEMBER 1 EACH YEAR, THE SECRETARY SHALL
- 26 SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE
- 27 GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY AN ANNUAL REPORT ON THE
- 28 ADMINISTRATION AND OPERATION OF THIS TITLE DURING THE IMMEDIATELY
- 29 PRECEDING FISCAL YEAR.
- 30 (B) THE ANNUAL REPORT SHALL INCLUDE INFORMATION REGARDING:
- 31 (1) PROJECTED AND ACTUAL PROGRAM PARTICIPATION RATES;

1	<u>(2)</u>	CONTRIBUTION RATES;
2	<u>(3)</u>	PROJECTED AND ACTUAL FUND BALANCES;
3	<u>(4)</u>	PUBLIC OUTREACH AND TECHNICAL ASSISTANCE EFFORTS;
4	<u>(5)</u>	ALL ENFORCEMENT EFFORTS;
5	(6)	THE NUMBER AND STATUS OF COMPLAINTS UNDER SUBTITLE 9 OF
6 7 8	THIS TITLE; (7) EACH OF THE FO	THE COSTS OF ADMINISTERING THE PROGRAM ATTRIBUTABLE TO
9		(I) EMPLOYERS;
10		(II) EMPLOYEES OF EMPLOYERS;
11		(III) SELF-EMPLOYED INDIVIDUALS; AND
12		(IV) THE STATE;
13 14	(8) CONSULTED AS R	THE STATE AGENCIES AND RELEVANT STAKEHOLDERS THAT WERE REQUIRED UNDER THIS TITLE; AND
15 16 17 18 19		THE CAPABILITY AND CAPACITY OF THE DEPARTMENT TO HE PROGRAM AS COMPARED TO THE FINDINGS AND ONS OF THE CAPABILITY AND CAPACITY STUDY COMPLETED UNDER (H.B. 496) OF THE ACTS OF THE GENERAL ASSEMBLY OF
20	<u>SUBTITI</u>	LE 5. THE FAMILY AND MEDICAL LEAVE INSURANCE FUND.
21	<u>8.3–501.</u>	
22	THERE IS A	A FAMILY AND MEDICAL LEAVE INSURANCE FUND.
23	<u>8.3–502.</u>	
24	<u>(A)</u> <u>THE</u>	SECRETARY SHALL ADMINISTER THE FUND.
25 26	` '	FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § TATE FINANCE AND PROCUREMENT ARTICLE.

1 2	(C) COMPTRO	THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE LLER SHALL ACCOUNT FOR THE FUND.
3	<u>8.3–503.</u>	
4	<u>(A)</u>	THE FUND CONSISTS OF:
5		(1) EMPLOYEE CONTRIBUTIONS;
6		(2) SELF-EMPLOYED INDIVIDUAL CONTRIBUTIONS;
7		(3) EMPLOYER CONTRIBUTIONS;
8	THE SECRE	(4) MONEY PAID TO THE FUND FOR THE PURPOSE OF REIMBURSING ETARY UNDER § 8.3–902 OF THIS TITLE FOR BENEFITS PAID IN ERROR;
10		(5) INTEREST EARNED ON MONEY IN THE FUND; AND
11		(6) MONEY RECEIVED FOR THE FUND FROM ANY OTHER SOURCE.
12	<u>(B)</u>	MONEY IN THE FUND MAY BE COMMINGLED.
13	<u>(C)</u>	THE FUND MAY BE USED ONLY FOR THE PURPOSES OF THIS TITLE.
14	<u>8.3–504.</u>	
15	<u>(A)</u>	(1) THE STATE TREASURER IS CUSTODIAN OF THE FUND.
16 17	ACCORDAN	(2) THE STATE TREASURER SHALL MANAGE THE FUND IN ICE WITH REGULATIONS THAT THE SECRETARY ADOPTS.
18 19 20		UNDER THE DIRECTION OF THE SECRETARY, THE STATE TREASURER CABLISH THE FUND ACCOUNT IN ANY FINANCIAL INSTITUTION IN WHICH RAL FUND OF THE STATE MAY BE DEPOSITED.
21 22 23		ON RECEIPT OF ANY MONEY PAYABLE TO THE FUND, THE SECRETARY SURE IMMEDIATE DEPOSIT OF THE MONEY INTO THE FUND ACCOUNT AS BY THE STATE TREASURER.
24 25	(D) MONEY IN	IN ACCORDANCE WITH REGULATIONS THAT THE SECRETARY ADOPTS, THE FUND ACCOUNT:
26		(1) SHALL BE USED TO PAY BENEFITS UNDER THIS TITLE; AND

1	(2) MAY BE USED TO PAY FOR:
2	(I) THE PUBLIC EDUCATION PROGRAM; AND
3	(II) ANY COSTS ASSOCIATED WITH THE INITIAL
4	IMPLEMENTATION AND ONGOING ADMINISTRATION OF THIS TITLE.
5	<u>8.3–505.</u>
0	A CHECK THAT THE COLOR OF THE TOTAL CHECK TO DAY DEVENTED ON DEPLYING
$\frac{6}{7}$	A CHECK THAT THE STATE TREASURER ISSUES TO PAY BENEFITS OR REFUNDS SHALL:
8	(1) BE ISSUED ONLY ON A WARRANT SIGNED BY THE SECRETARY;
	(2)
9	(2) BEAR THE SIGNATURE OF THE STATE TREASURER; AND
10	(3) BE COUNTERSIGNED BY AN AUTHORIZED AGENT.
11	<u>8.3–506.</u>
12	This title does not grant an employee any prior claim or right to
13	MONEY THE EMPLOYEE PAYS INTO THE FUND.
14	SUBTITLE 6. CONTRIBUTIONS.
15	8.3–601.
4.0	(·) P
16 17	(A) BEGINNING OCTOBER 1, 2023, EACH EMPLOYEE OF AN EMPLOYER, EACH EMPLOYER WITH 15 OR MORE EMPLOYEES, AND EACH
	SELF-EMPLOYED INDIVIDUAL PARTICIPATING IN THE PROGRAM SHALL
	CONTRIBUTE TO THE FUND.
20	(B) ON OR BEFORE DECEMBER 1 EVERY 2 YEARS, BEGINNING IN 2025, THE
21	SECRETARY, IN CONSULTATION WITH STATE AGENCIES AND RELEVANT
22	STAKEHOLDERS, SHALL CONDUCT A COST ANALYSIS OF THE PROGRAM THAT IS
23	FOCUSED ON THE COST OF MAINTAINING SOLVENCY AND PAYING BENEFITS TO
24	COVERED INDIVIDUALS.
25	(C) (1) Once every 2 years, beginning in 2025, the Secretary, in
26	CONSULTATION WITH STATE AGENCIES AND RELEVANT STAKEHOLDERS, SHALL
$\frac{1}{27}$	STUDY AND MAKE RECOMMENDATIONS REGARDING THE FOLLOWING:
28	(I) THE APPROPRIATE TOTAL RATE OF CONTRIBUTION;

1	(II) THE APPROPRIATE COST-SHARING FORMULA BETWEEN
2	EMPLOYERS AND EMPLOYEES FOR MAKING CONTRIBUTIONS TO FUND THE
3	PROGRAM, INCLUDING VARIOUS FORMULAS THAT RANGE BETWEEN A COST SHARE
4	<u>OF:</u>
5	1. A. 75% PAID BY EMPLOYERS; AND
J	1. 11. 1070 I AID DI EMI EOTERS, AND
6	B. 25% PAID BY EMPLOYEES; AND
7	2. A. 25% PAID BY EMPLOYERS; AND
8	B. 75% PAID BY EMPLOYEES;
9	(III) THE COST EFFICIENCY AND BENEFITS OF THE DEPARTMENT
10	ISSUING A REQUEST FOR PROPOSALS SEEKING THE SERVICES OF AN OUTSIDE
11	CONTRACTOR FOR THE FOLLOWING:
12	1. PREMIUM COLLECTION;
13	<u>2.</u> <u>CLAIMS ADMINISTRATION;</u>
14	3. DATA MANAGEMENT;
15	$\underline{4.}$ $\underline{FRAUD\ CONTROL}$;
	*
16	<u>5.</u> <u>MARKETING AND ADVERTISING; OR</u>
1.7	C INDICATING ANY OFFICE PLENTING OF THE
17	6. <u>IMPLEMENTING ANY OTHER ELEMENTS OF THE</u>
18	PROGRAM.
19	(2) On or before April 1 each year a study is conducted
20	UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE SECRETARY SHALL REPORT THE
21	FINDINGS AND RECOMMENDATIONS TO THE SENATE FINANCE COMMITTEE, THE
22	HOUSE ECONOMIC MATTERS COMMITTEE, AND THE JOINT COMMITTEE ON
23	ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW IN ACCORDANCE WITH §
24	2–1257 OF THE STATE GOVERNMENT ARTICLE.
0.5	(D) (1) Cup incomes paragraph (9) or with current of the control o
25	(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE
26	JUNE 1 EVERY 2 YEARS, BEGINNING IN 2025, THE SECRETARY SHALL SET THE TOTAL
27	RATE OF CONTRIBUTION AND THE PERCENTAGE OF THE TOTAL RATE OF
28	CONTRIBUTION TO BE PAID BY EMPLOYEES OF EMPLOYERS AND EMPLOYERS WITH
29	15 OR MORE EMPLOYEES THAT WILL BE IN EFFECT FOR THE 24-MONTH PERIOD
30	BEGINNING ON THE IMMEDIATELY FOLLOWING JANUARY 1.

1 <u>(2)</u>	THE RATE AND PERCENTAGES SET UNDER PARAGRAPH	(1)	OF THIS

- 2 SUBSECTION SHALL BE BASED ON THE STUDY REQUIRED UNDER SUBSECTION (C) OF
- 3 THIS SECTION.
- 4 (3) THE TOTAL RATE OF CONTRIBUTION SHALL BE APPLIED TO ALL
- 5 WAGES UP TO AND INCLUDING THE SOCIAL SECURITY WAGE BASE.
- 6 (4) The percentages set under paragraph (1) of this
- 7 SUBSECTION MAY NOT VARY BETWEEN EMPLOYEES OR EMPLOYERS.
- 8 (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
- 9 THE EMPLOYER OF THE EMPLOYEE SHALL DEDUCT THE EMPLOYEE'S REQUIRED
- 10 CONTRIBUTION FROM THE WAGES OF THE EMPLOYEE.
- 11 (2) If the employer of an employee elects to pay a portion of
- 12 THE EMPLOYEE'S REQUIRED CONTRIBUTION, THE EMPLOYER MAY DEDUCT AN
- 13 AMOUNT THAT IS LESS THAN 75% OF THE RATE OF CONTRIBUTION REQUIRED FROM
- 14 THE WAGES OF THE EMPLOYEE.
- 15 (F) EACH SELF-EMPLOYED INDIVIDUAL PARTICIPATING IN THE PROGRAM
- 16 **SHALL:**
- 17 (1) PAY CONTRIBUTIONS DURING EACH YEAR THAT THE
- 18 SELF-EMPLOYED INDIVIDUAL PARTICIPATES IN THE PROGRAM; AND
- 19 (2) CONTRIBUTE AN AMOUNT EQUAL TO THE TOTAL RATE OF
- 20 CONTRIBUTION SET UNDER SUBSECTION (D) OF THIS SECTION.
- 21 Subtitle 7. Benefits.
- 22 **8.3–701.**
- 23 (A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, BEGINNING
- 24 JANUARY 1, 2025, A COVERED INDIVIDUAL TAKING LEAVE FROM EMPLOYMENT MAY
- 25 SUBMIT A CLAIM FOR BENEFITS TO:
- 26 (I) CARE FOR A NEWBORN CHILD OR A CHILD NEWLY PLACED
- 27 FOR ADOPTION, FOSTER CARE, OR KINSHIP CARE WITH THE COVERED INDIVIDUAL
- 28 DURING THE FIRST YEAR AFTER THE BIRTH, ADOPTION, OR PLACEMENT;
- 29 (II) CARE FOR A FAMILY MEMBER WITH A SERIOUS HEALTH
- 30 CONDITION;

- 1 (III) ATTEND TO A SERIOUS HEALTH CONDITION THAT RESULTS
- 2 IN THE COVERED INDIVIDUAL BEING UNABLE TO PERFORM THE FUNCTIONS OF THE
- 3 COVERED INDIVIDUAL'S POSITION;
- 4 (IV) CARE FOR A SERVICE MEMBER WITH A SERIOUS HEALTH
- 5 CONDITION RESULTING FROM MILITARY SERVICE WHO IS THE COVERED
- 6 INDIVIDUAL'S NEXT OF KIN; OR
- 7 (V) ATTEND TO A QUALIFYING EXIGENCY ARISING OUT OF THE
- 8 DEPLOYMENT OF A SERVICE MEMBER WHO IS A FAMILY MEMBER OF THE COVERED
- 9 *INDIVIDUAL*.
- 10 (2) (I) EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II) OF THIS
- 11 PARAGRAPH, IF THE NEED TO USE LEAVE IS FORESEEABLE, AN EMPLOYER MAY
- 12 REQUIRE A COVERED EMPLOYEE TAKING LEAVE UNDER THIS TITLE TO PROVIDE THE
- 13 EMPLOYER WITH WRITTEN NOTICE OF THE COVERED EMPLOYEE'S INTENTION TO
- 14 TAKE LEAVE AT LEAST 30 DAYS BEFORE COMMENCING THE LEAVE.
- 15 (II) IF THE NEED TO USE LEAVE IS NOT FORESEEABLE, THE
- 16 COVERED EMPLOYEE SHALL:
- 17 1. PROVIDE NOTICE TO THE EMPLOYER AS SOON AS
- 18 PRACTICABLE; AND
- 19 **2.** GENERALLY COMPLY WITH THE EMPLOYER'S NOTICE
- 20 OR PROCEDURAL REQUIREMENTS FOR REQUESTING OR REPORTING OTHER LEAVE,
- 21 IF THOSE REQUIREMENTS DO NOT INTERFERE WITH THE COVERED EMPLOYEE'S
- 22 ABILITY TO USE LEAVE FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE,
- 23 (B) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A
- 24 COVERED INDIVIDUAL MAY TAKE THE LEAVE FOR WHICH THE INDIVIDUAL IS
- 25 ELIGIBLE FOR BENEFITS UNDER SUBSECTION (A) OF THIS SECTION ON AN
- 26 INTERMITTENT LEAVE SCHEDULE.
- 27 (2) If Leave is taken on an intermittent leave schedule, the
- 28 COVERED INDIVIDUAL SHALL:
- 29 (I) MAKE A REASONABLE EFFORT TO SCHEDULE THE
- 30 INTERMITTENT LEAVE IN A MANNER THAT DOES NOT UNDULY DISRUPT THE
- 31 OPERATIONS OF THE EMPLOYER; AND
- 32 (II) PROVIDE THE EMPLOYER WITH REASONABLE AND
- 33 PRACTICABLE PRIOR NOTICE OF THE REASON FOR WHICH THE INTERMITTENT LEAVE
- 34 IS NECESSARY.

- 1 (3) A COVERED EMPLOYEE MAY NOT TAKE INTERMITTENT LEAVE IN 2 AN INCREMENT OF LESS THAN 4 HOURS.
- 3 (4) If Leave is taken on an intermittent leave schedule, an
- 4 EMPLOYER MAY NOT REDUCE THE TOTAL AMOUNT OF LEAVE TO WHICH THE
- 5 COVERED INDIVIDUAL IS ENTITLED BEYOND THE AMOUNT OF LEAVE ACTUALLY
- 6 TAKEN.
- 7 *8.3*–*702*.
- 8 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
- 9 COVERED INDIVIDUAL MAY NOT RECEIVE MORE THAN 12 WEEKS OF BENEFITS IN AN
- 10 APPLICATION YEAR.
- 11 (2) A COVERED INDIVIDUAL MAY RECEIVE AN ADDITIONAL 12 WEEKS
- 12 OF BENEFITS IF THE COVERED INDIVIDUAL DURING THE SAME APPLICATION YEAR:
- 13 <u>(I) 1. RECEIVED BENEFITS BECAUSE THE COVERED</u>
- 14 INDIVIDUAL WAS ELIGIBLE FOR BENEFITS UNDER § 8.3–701(A)(1)(I) OF THIS
- 15 SUBTITLE; AND
- 2. <u>BECOMES ELIGIBLE FOR BENEFITS UNDER §</u>
- 17 8.3–701(A)(1)(III) OF THIS SUBTITLE; OR
- 18 (II) 1. RECEIVED BENEFITS BECAUSE THE COVERED
- 19 INDIVIDUAL WAS ELIGIBLE FOR BENEFITS UNDER § 8.3–701(A)(1)(III) OF THIS
- 20 SUBTITLE; AND
- 21 2. BECOMES ELIGIBLE FOR BENEFITS UNDER §
- $22 \quad 8.3-701(A)(1)(I) \text{ of this subtitle.}$
- 23 (B) If a covered individual takes leave for which the covered
- 24 INDIVIDUAL IS RECEIVING BENEFITS UNDER THIS TITLE, THE LEAVE SHALL RUN
- 25 CONCURRENTLY WITH ELIGIBLE LEAVE THAT MAY BE TAKEN BY THE COVERED
- 26 INDIVIDUAL UNDER THE FEDERAL FAMILY AND MEDICAL LEAVE ACT.
- 27 (C) (1) A COVERED INDIVIDUAL SHALL EXHAUST ALL
- 28 EMPLOYER-PROVIDED LEAVE THAT IS NOT REQUIRED TO BE PROVIDED UNDER LAW
- 29 BEFORE RECEIVING BENEFITS UNDER THIS TITLE.
- 30 (2) FOR THE PURPOSES OF §§ 8.3-706 AND 8.3-707 OF THIS SUBTITLE
- 31 AND §§ 8.3–904 AND 8.3–905 OF THIS TITLE, EMPLOYER-PROVIDED LEAVE THAT IS
- 32 BEING EXHAUSTED AS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION

- 1 SHALL BE TREATED THE SAME AS LEAVE FROM WORK FOR WHICH BENEFITS MAY BE
- 2 PAID UNDER THIS TITLE.
- 3 (3) This subsection may not be construed to reduce any 4 weeks of leave for which benefits may be paid under this title.
- 5 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
- 6 AN INDIVIDUAL RECEIVING BENEFITS UNDER TITLE 8 OF THIS ARTICLE OR WAGE
- 7 REPLACEMENT BENEFITS UNDER TITLE 9 OF THIS ARTICLE IS NOT ELIGIBLE TO
- 8 RECEIVE BENEFITS UNDER THIS TITLE.
- 9 (2) AN INDIVIDUAL RECEIVING COMPENSATION FOR A PERMANENT
- 10 PARTIAL DISABILITY UNDER TITLE 9 OF THIS ARTICLE MAY BE ELIGIBLE FOR
- 11 BENEFITS UNDER THIS TITLE.
- 12 **8.3–703.**
- 13 (A) FOR THE PURPOSES OF THIS SECTION:
- 14 (1) THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE SHALL BE
- 15 CALCULATED AS THE TOTAL WAGES RECEIVED BY THE COVERED INDIVIDUAL OVER
- 16 THE LAST 680 HOURS FOR WHICH THE COVERED INDIVIDUAL WAS PAID DIVIDED BY
- 17 THE NUMBER OF WEEKS WORKED; AND
- 18 (2) THE STATE AVERAGE WEEKLY WAGE SHALL BE THE WAGE
- 19 CALCULATED UNDER § 9–603 OF THIS ARTICLE.
- 20 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE WEEKLY
- 21 BENEFIT AMOUNT PAYABLE TO A COVERED INDIVIDUAL UNDER THIS TITLE SHALL
- 22 **BE:**
- 23 (I) IF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE IS
- 24 65% OR LESS OF THE STATE AVERAGE WEEKLY WAGE, 90% OF THE COVERED
- 25 INDIVIDUAL'S AVERAGE WEEKLY WAGE;
- 26 (II) IF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE IS
- 27 GREATER THAN 65% OF THE STATE AVERAGE WEEKLY WAGE, THE SUM OF:
- 28 1. 90% OF THE COVERED INDIVIDUAL'S AVERAGE
- 29 WEEKLY WAGE UP TO 65% OF THE STATE AVERAGE WEEKLY WAGE; AND
- 30 **2.** 50% OF THE COVERED INDIVIDUAL'S AVERAGE
- 31 WEEKLY WAGE THAT IS GREATER THAN 65% OF THE STATE AVERAGE WEEKLY WAGE;
- 32 **OR**

1 2	(III) IF THE COVERED INDIVIDUAL IS TAKING PARTIALLY PAID LEAVE, THE LESSER OF:
3 4 5 6	1. THE AMOUNT REQUIRED TO MAKE UP THE DIFFERENCE BETWEEN THE WAGES PAID TO THE COVERED INDIVIDUAL WHILE THE COVERED INDIVIDUAL IS TAKING PARTIALLY PAID LEAVE AND THE FULL WAGES NORMALLY PAID TO THE COVERED INDIVIDUAL; AND
7 8	2. IF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE IS GREATER THAN 65% OF THE STATE AVERAGE WEEKLY WAGE, THE SUM OF:
9	A. 90% OF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE UP TO 65% OF THE STATE AVERAGE WEEKLY WAGE; AND
$\frac{1}{2}$	<u>B.</u> <u>50% OF THE COVERED INDIVIDUAL'S AVERAGE</u> WEEKLY WAGE THAT IS GREATER THAN 65% OF THE STATE AVERAGE WEEKLY WAGE.
13 14	(2) The weekly benefit amount payable under paragraph (1) OF This subsection:
15	(I) SHALL BE AT LEAST \$50; AND
6	(II) MAY NOT EXCEED:
17 18	1. <u>FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1,</u> 2025, \$1,000; AND
19 20 21	2. FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2026, AND EACH SUBSEQUENT 12-MONTH PERIOD, THE AMOUNT DETERMINED AND ANNOUNCED BY THE SECRETARY UNDER PARAGRAPH (3) OF THIS SUBSECTION.
22 23 24 25 26	(3) (I) IN THIS PARAGRAPH, "CONSUMER PRICE INDEX" MEANS THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE WASHINGTON-ARLINGTON-ALEXANDRIA, DC-VA-MD-WV METROPOLITAN AREA OR A SUCCESSOR INDEX PUBLISHED BY THE FEDERAL BUREAU OF LABOR STATISTICS.
27 28 29 30	(II) SUBJECT TO SUBSECTION (E) OF THIS SECTION, FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1, 2026, AND EACH SUBSEQUENT 12-MONTH PERIOD, THE MAXIMUM WEEKLY BENEFIT AMOUNT SHALL BE INCREASED BY THE AMOUNT, ROUNDED TO THE NEAREST CENT, THAT EQUALS THE PRODUCT OF:

1	<u>1.</u>	THE MAXIMUM WEEKLY BENEFIT AMOUNT IN EFFECT
2	FOR THE IMMEDIATELY PRECE	EDING 12-MONTH PERIOD: AND

- 3 <u>The annual percentage growth in the</u>
- 4 Consumer Price Index for the immediately preceding 12-month period,
- 5 AS DETERMINED BY THE SECRETARY UNDER SUBPARAGRAPH (III) 1 OF THIS
- 6 PARAGRAPH.
- 7 (III) BEGINNING SEPTEMBER 1, 2025, AND ON EACH
- 8 SUBSEQUENT SEPTEMBER 1, THE SECRETARY SHALL DETERMINE AND ANNOUNCE:
- 9 <u>THE ANNUAL PERCENTAGE GROWTH, IF ANY, IN THE</u>
- 10 Consumer Price Index based on the most recent 12-month period for
- 11 WHICH DATA ARE AVAILABLE ON SEPTEMBER 1; AND
- 12 <u>THE MAXIMUM WEEKLY BENEFIT AMOUNT EFFECTIVE</u>
- 13 FOR THE 12-MONTH PERIOD BEGINNING THE IMMEDIATELY FOLLOWING JANUARY
- 14 *1*.
- 15 (C) AN INCREASE IN THE WEEKLY BENEFIT AMOUNT UNDER SUBSECTION
- 16 (B)(3) OF THIS SECTION APPLIES ONLY TO A CLAIM FOR BENEFITS FILED AFTER THE
- 17 DATE THE INCREASE BECOMES EFFECTIVE.
- 18 (D) THE DEPARTMENT SHALL:
- 19 <u>(1) NOTIFY THE EMPLOYER OF A COVERED INDIVIDUAL WITHIN 5</u>
- 20 <u>BUSINESS DAYS AFTER THE COVERED INDIVIDUAL FILES A CLAIM FOR BENEFITS</u>
- 21 **UNDER THIS TITLE**;
- 22 (2) APPROVE OR DENY THE CLAIM AND NOTIFY THE COVERED
- 23 INDIVIDUAL AND THE COVERED INDIVIDUAL'S EMPLOYER WITHIN 10 BUSINESS DAYS
- 24 AFTER THE COVERED INDIVIDUAL FILES THE CLAIM;
- 25 (3) MAKE THE FIRST PAYMENT OF BENEFITS TO A COVERED
- 26 INDIVIDUAL WITHIN 5 BUSINESS DAYS AFTER THE CLAIM IS APPROVED; AND
- 27 (4) MAKE SUBSEQUENT PAYMENTS EVERY 2 WEEKS UNTIL THE
- 28 BENEFIT PERIOD ENDS.
- 29 (E) (1) In this subsection, "Board" means the Board of Public
- 30 **WORKS.**
- 31 (2) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ON OR BEFORE
- 32 SEPTEMBER 1 EACH YEAR, BEGINNING IN 2025, THE BOARD SHALL DETERMINE

- 1 WHETHER THE SEASONALLY ADJUSTED TOTAL EMPLOYMENT FROM THE CURRENT
- 2 EMPLOYMENT STATISTICS SERIES AS REPORTED BY THE U.S. BUREAU OF LABOR
- 3 STATISTICS FOR THE MOST RECENT 6-MONTH PERIOD IS NEGATIVE AS COMPARED
- 4 WITH THE IMMEDIATELY PRECEDING 6-MONTH PERIOD.
- 5 (3) (1) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE
- 6 BOARD MAY TEMPORARILY SUSPEND AN INCREASE IN THE MAXIMUM WEEKLY
- 7 BENEFIT SPECIFIED UNDER SUBSECTION (B)(2)(II) OF THIS SECTION IF THE BOARD
- 8 <u>DETERMINED UNDER PARAGRAPH (2) OF THIS SUBSECTION THAT THE SEASONALLY</u>
- 9 ADJUSTED TOTAL EMPLOYMENT IS NEGATIVE.
- 10 <u>(II) If the seasonally adjusted total employment is</u>
- 11 NEGATIVE, THE BOARD MAY CONSIDER THE PERFORMANCE OF STATE REVENUES IN
- 12 THE IMMEDIATELY PRECEDING 6 MONTHS, AS REPORTED BY THE OFFICE OF THE
- 13 COMPTROLLER, IN DETERMINING WHETHER TO TEMPORARILY SUSPEND AN
- 14 INCREASE TO THE MAXIMUM WEEKLY BENEFIT SPECIFIED UNDER SUBSECTION
- 15 (B)(2)(II) OF THIS SECTION.
- 16 (4) If the Board temporarily suspends an increase to the
- 17 MAXIMUM WEEKLY BENEFIT SPECIFIED UNDER SUBSECTION (B)(2)(II)2 OF THIS
- 18 **SECTION:**
- 19 <u>(I)</u> <u>The maximum weekly benefit in effect for the</u>
- 20 PERIOD BEGINNING THE FOLLOWING JANUARY 1 SHALL REMAIN THE SAME AS THE
- 21 RATE THAT WAS IN EFFECT FOR THE IMMEDIATELY PRECEDING 12-MONTH PERIOD;
- 22 *AND*
- 23 (II) THE BOARD SHALL NOTIFY THE SECRETARY THAT THE
- 24 MAXIMUM WEEKLY BENEFIT INCREASE FOR THE PERIOD BEGINNING THE
- 25 FOLLOWING JANUARY 1 IS SUSPENDED FOR 1 YEAR.
- 26 (F) THE DEPARTMENT SHALL NOTIFY EACH EMPLOYER OF THE INCREASE
- 27 TO THE MAXIMUM WEEKLY BENEFIT SPECIFIED UNDER SUBSECTION (B)(2)(II) OF
- 28 THIS SECTION.
- 29 **8.3–704.**
- 30 (A) IF THE INTERNAL REVENUE SERVICE DETERMINES THAT BENEFITS
- 31 PAID UNDER THIS SUBTITLE ARE SUBJECT TO FEDERAL INCOME TAX, AT THE TIME A
- 32 COVERED INDIVIDUAL FILES A NEW CLAIM FOR BENEFITS, THE DEPARTMENT SHALL
- 33 NOTIFY THE COVERED INDIVIDUAL THAT:
- 34 (1) THE INTERNAL REVENUE SERVICE HAS DETERMINED THAT THE
- 35 BENEFITS ARE SUBJECT TO FEDERAL INCOME TAX;

- 1 (2) THERE ARE REQUIREMENTS REGARDING ESTIMATED TAX
- 2 PAYMENTS;
- 3 (3) THE COVERED INDIVIDUAL MAY ELECT TO HAVE FEDERAL INCOME
- 4 <u>TAX DEDUCTED AND WITHHELD FROM THE BENEFITS THAT THE COVERED</u>
- 5 INDIVIDUAL RECEIVES UNDER THIS TITLE AT THE RATE SPECIFIED IN THE INTERNAL
- 6 REVENUE CODE; AND
- 7 (4) THE COVERED INDIVIDUAL IS ALLOWED TO CHANGE A PREVIOUSLY
- 8 <u>ELECTED WITHHOLDING STATUS.</u>
- 9 (B) (1) IF A COVERED INDIVIDUAL ELECTS TO HAVE FEDERAL INCOME TAX
- 10 <u>DEDUCTED AND WITHHELD UNDER SUBSECTION</u> (A)(3) OF THIS SECTION, THE
- 11 <u>DEPARTMENT SHALL DEDUCT AND WITHHOLD AN AMOUNT AT THE RATE SPECIFIED</u>
- 12 IN THE INTERNAL REVENUE CODE IN A MANNER REQUIRED BY THE INTERNAL
- 13 REVENUE SERVICE.
- 14 (2) If the Department deducts and withholds federal
- 15 INCOME TAX UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE AMOUNT DEDUCTED
- 16 AND WITHHELD SHALL REMAIN IN THE FUND UNTIL IT IS TRANSFERRED TO THE
- 17 INTERNAL REVENUE SERVICE AS A PAYMENT OF INCOME TAX.
- 18 **8.3–705.**
- 19 (A) AN EMPLOYER MAY SATISFY THE REQUIREMENTS OF THIS TITLE
- 20 <u>THROUGH A PRIVATE EMPLOYER PLAN CONSISTING OF EMPLOYER-PROVIDED</u>
- 21 <u>BENEFITS, INSURANCE, OR A COMBINATION OF BOTH IF THE PRIVATE EMPLOYER</u>
- 22 PLAN IS OFFERED TO ALL OF THE EMPLOYER'S ELIGIBLE EMPLOYEES AND MEETS OR
- 23 <u>Exceeds the rights, protections, and benefits provided to a covered</u>
- 24 EMPLOYEE UNDER THIS TITLE.
- 25 (B) A PRIVATE EMPLOYER PLAN SHALL BE FILED WITH THE DEPARTMENT
- 26 FOR APPROVAL.
- 27 (C) AN EMPLOYER THAT PROVIDES COVERED EMPLOYEES WITH A PRIVATE
- 28 <u>EMPLOYER PLAN AND AN EMPLOYEE THAT IS COVERED BY A PRIVATE EMPLOYER</u>
- 29 PLAN ARE EXEMPT FROM THE CONTRIBUTIONS REQUIRED UNDER SUBTITLE 6 OF
- 30 THIS TITLE.
- 31 **8.3–706.**
- 32 (A) This section does not apply to an employer who is an
- 33 <u>Individual with a developmental disability, and who self-directs</u>

- 1 <u>SERVICES UNDER THE MARYLAND MEDICAID HOME- AND COMMUNITY-BASED</u>
- 2 Services Waiver Program.
- 3 (B) EXCEPT AS PROVIDED IN SUBSECTION (C)(2) OF THIS SECTION, IF A
- 4 COVERED INDIVIDUAL RECEIVES BENEFITS UNDER THIS TITLE OR TAKES LEAVE
- 5 FROM WORK FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE, THE EMPLOYER
- 6 OF THE COVERED INDIVIDUAL SHALL, ON THE EXPIRATION OF THE LEAVE, RESTORE
- 7 THE COVERED INDIVIDUAL TO AN EQUIVALENT POSITION OF EMPLOYMENT.
- 8 (C) AN EMPLOYER MAY:
- 9 (1) DURING A PERIOD OF LEAVE FROM WORK FOR WHICH BENEFITS
- 10 MAY BE PAID UNDER THIS TITLE, TERMINATE EMPLOYMENT OF THE COVERED
- 11 INDIVIDUAL TAKING THE LEAVE ONLY FOR CAUSE; AND
- 12 (2) DENY RESTORATION OF A COVERED INDIVIDUAL'S POSITION OF
- 13 <u>EMPLOYMENT UNDER SUBSECTION (B) OF THIS SECTION IF:</u>
- 14 (I) THE DENIAL IS NECESSARY TO PREVENT SUBSTANTIAL AND
- 15 GRIEVOUS ECONOMIC INJURY TO THE OPERATIONS OF THE EMPLOYER;
- 16 (II) THE EMPLOYER NOTIFIES THE COVERED INDIVIDUAL OF
- 17 THE INTENT OF THE EMPLOYER TO DENY RESTORATION OF THE COVERED
- 18 INDIVIDUAL'S POSITION OF EMPLOYMENT AT THE TIME THE EMPLOYER DETERMINES
- 19 THE ECONOMIC INJURY WOULD OCCUR; AND
- 20 (III) IF THE LEAVE HAS ALREADY BEGUN IN A CASE OF LEAVE
- 21 FROM WORK FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE, THE COVERED
- 22 INDIVIDUAL ELECTS NOT TO RETURN TO EMPLOYMENT AFTER RECEIVING NOTICE OF
- 23 THE EMPLOYER'S INTENTION TO DENY RESTORATION OF THE COVERED
- 24 INDIVIDUAL'S POSITION OF EMPLOYMENT.
- 25 **8.3–707.**
- 26 If a covered individual is receiving benefits under this title or is
- 27 <u>TAKING LEAVE FOR WHICH BENEFITS MAY BE</u> PAID UNDER THIS TITLE, THE
- 28 EMPLOYER OF THE COVERED INDIVIDUAL SHALL CONTINUE ANY EMPLOYMENT
- 29 HEALTH BENEFITS IN THE SAME MANNER AS REQUIRED UNDER MAINTENANCE OF
- 30 HEALTH BENEFITS IN THE FEDERAL FAMILY AND MEDICAL LEAVE ACT FOR THE
- 31 TIME PERIOD THAT THE COVERED INDIVIDUAL IS ABSENT FROM WORK OR RECEIVING
- 32 BENEFITS UNDER THIS TITLE.

1	<u>8.</u>	<u>3-</u>	<u>8</u>	<u>0</u>	1	•

- 2 (A) AN EMPLOYER SHALL PROVIDE WRITTEN NOTICE TO EACH EMPLOYEE OF
- 3 THE RIGHTS AND DUTIES OF AN EMPLOYEE UNDER THIS TITLE AT THE TIME OF HIRE
- 4 AND ANNUALLY THEREAFTER.
- 5 (B) (1) WHEN AN EMPLOYEE REQUESTS LEAVE UNDER THIS TITLE, OR
- 6 WHEN AN EMPLOYER KNOWS THAT AN EMPLOYEE'S LEAVE MAY BE FOR A REASON
- 7 UNDER § 8.3–302 OF THIS TITLE. THE EMPLOYER SHALL NOTIFY THE EMPLOYEE OF
- 8 THE EMPLOYEE'S ELIGIBILITY TO TAKE LEAVE FOR WHICH BENEFITS MAY BE PAID
- 9 UNDER THIS TITLE WITHIN 5 BUSINESS DAYS.
- 10 (2) THE NOTICE PROVIDED UNDER PARAGRAPH (1) OF THIS
- 11 SUBSECTION SHALL INCLUDE:
- 12 (I) THE RIGHT OF AN ELIGIBLE EMPLOYEE TO RECEIVE
- 13 **PROGRAM BENEFITS UNDER THIS TITLE**;
- 14 (II) THE PROCEDURE FOR FILING A CLAIM FOR BENEFITS;
- 15 (III) AN ELIGIBLE EMPLOYEE'S RESPONSIBILITIES WITH
- 16 RESPECT TO PROVIDING NOTIFICATION PRIOR TO THE COMMENCEMENT OF LEAVE
- 17 AND ANY PENALTIES FOR FAILING TO DO SO;
- 18 (IV) THE RIGHT OF AN EMPLOYEE TO FILE A COMPLAINT FOR
- 19 ALLEGED VIOLATIONS OF THIS TITLE;
- 20 (V) THE RIGHT OF AN ELIGIBLE EMPLOYEE TO JOB
- 21 **PROTECTION**; AND
- 22 <u>(VI) A DESCRIPTION OF THE PR</u>OHIBITED ACTS, PENALTIES, AND
- 23 COMPLAINT PROCEDURES UNDER SUBTITLE 9 OF THIS TITLE.
- 24 (C) (1) THE DEPARTMENT SHALL DEVELOP STANDARD NOTICES FOR AN
- 25 EMPLOYER TO USE UNDER THIS SUBTITLE.
- 26 (2) The notices required under this subtitle shall be
- 27 PROVIDED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY.
- 28 Subtitle 9. Prohibited Acts: Penalties.
- 29 **8.3–901.**

1	<u>(A)</u>	<u>IF</u>	AN	INDIVIDUAL	WILLFULLY	MAKES	\boldsymbol{A}	FALSE	STATEMENT	<u>Ok</u>
1	(Λ)	Tr	1 N7	INDIVIDITAL	WILLEITLY	MAKES	1	EAICE	STATEMENT	OI

- 2 MISREPRESENTATION REGARDING A MATERIAL FACT OR WILLFULLY FAILS TO
- 3 REPORT A MATERIAL FACT TO OBTAIN BENEFITS UNDER THIS TITLE, THE
- 4 INDIVIDUAL IS DISQUALIFIED FROM RECEIVING BENEFITS FOR 1 YEAR.
- 5 (B) IF AN EMPLOYER WILLFULLY MAKES OR CAUSES TO BE MADE A FALSE
- 6 STATEMENT OR WILLFULLY FAILS TO REPORT A MATERIAL FACT REGARDING A CLAIM
- 7 FOR BENEFITS BY AN EMPLOYEE, THE EMPLOYER IS SUBJECT TO A CIVIL PENALTY OF
- 8 UP TO \$1,000 FOR EACH OCCURRENCE.
- 9 <u>(C)</u> <u>AN EMPLOYER MAY NOT WILLFULLY:</u>
- 10 <u>(1)</u> <u>FAIL OR REFUSE TO PAY CONTRIBUTIONS TO THE FUND; OR</u>
- 11 (2) TAKE DEDUCTIONS FROM THE WAGES OF AN EMPLOYEE TO PAY
- 12 ANY PORTION OF THE EMPLOYER CONTRIBUTIONS DUE FROM THE EMPLOYER.
- 13 **8.3–902.**
- 14 (A) THE DEPARTMENT MAY SEEK REPAYMENT OF BENEFITS FROM AN
- 15 <u>INDIVIDUAL WHO RECEIVED BENEFITS UNDER THIS TITLE IF:</u>
- 16 (1) THE BENEFITS WERE PAID ERRONEOUSLY OR AS A RESULT OF
- 17 WILLFUL MISREPRESENTATION BY THE INDIVIDUAL; OR
- 18 (2) A CLAIM FOR BENEFITS UNDER THIS TITLE IS REJECTED AFTER
- 19 THE BENEFITS WERE PAID.
- 20 (B) THE SECRETARY MAY WAIVE IN WHOLE OR IN PART THE REPAYMENT OF
- 21 BENEFITS UNDER SUBSECTION (A) OF THIS SECTION IF:
- 22 (1) THE ERROR IN PAYMENT WAS NOT DUE TO ANY FALSE STATEMENT,
- 23 NONDISCLOSURE OF MATERIAL FACT, OR MISREPRESENTATION BY A COVERED
- 24 INDIVIDUAL; OR
- 25 (2) THE REPAYMENT WOULD BE AGAINST EQUITY AND GOOD
- 26 CONSCIENCE OR ADMINISTRATIVE EFFICIENCY.
- 27 **8.3–903.**

- 28 IF AN EMPLOYER FAILS TO PAY THE CONTRIBUTIONS DUE TO THE FUND, THE
- 29 <u>SECRETARY MAY, IN ACCORDANCE WITH § 8.3–404 OF THIS TITLE:</u>
 - (1) ASSESS THE AMOUNT OF CONTRIBUTIONS AND INTEREST DUE;

- 1 (2) MAKE AN ADDITIONAL ASSESSMENT IN AN AMOUNT NOT TO
- 2 EXCEED TWO TIMES THE CONTRIBUTIONS WITHHELD, AS A PENALTY FOR FAILURE
- 3 TO PAY THE CONTRIBUTIONS DUE; AND
- 4 (3) ORDER AN AUDIT OF THE EMPLOYER FOR THE IMMEDIATELY
- 5 FOLLOWING FISCAL YEAR TO INVESTIGATE AND DETERMINE COMPLIANCE WITH THIS
- 6 TITLE AND TITLES 3, 8, AND 9 OF THIS ARTICLE.
- 7 *8.3–904*.
- 8 A PERSON MAY NOT DISCHARGE, DEMOTE, OR OTHERWISE DISCRIMINATE OR
- 9 TAKE ADVERSE ACTION AGAINST A COVERED INDIVIDUAL BECAUSE THE COVERED
- 10 INDIVIDUAL HAS:
- 11 (1) FILED FOR, APPLIED FOR, OR RECEIVED BENEFITS, OR TAKEN
- 12 FAMILY OR MEDICAL LEAVE FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE;
- 13 (2) INQUIRED ABOUT THE RIGHTS AND RESPONSIBILITIES UNDER
- 14 THIS TITLE;
- 15 (3) COMMUNICATED TO THE PERSON AN INTENT TO FILE A CLAIM, A
- 16 COMPLAINT, OR AN APPEAL UNDER THIS TITLE; OR
- 17 (4) TESTIFIED OR INTENDS TO TESTIFY OR OTHERWISE HAS ASSISTED
- 18 IN A PROCEEDING UNDER THIS TITLE.
- 19 **8.3–905.**
- 20 (A) If an employee believes that an employer has violated this
- 21 TITLE, THE EMPLOYEE MAY FILE A WRITTEN COMPLAINT WITH THE SECRETARY.
- 22 (B) (1) WITHIN 90 DAYS AFTER THE RECEIPT OF A WRITTEN COMPLAINT,
- 23 THE SECRETARY SHALL CONDUCT AN INVESTIGATION AND ATTEMPT TO RESOLVE
- 24 THE ISSUE INFORMALLY THROUGH MEDIATION.
- 25 (2) (I) IF THE SECRETARY IS UNABLE TO RESOLVE AN ISSUE
- 26 THROUGH MEDIATION DURING THE PERIOD STATED IN PARAGRAPH (1) OF THIS
- 27 SUBSECTION AND THE SECRETARY DETERMINES THAT AN EMPLOYER HAS VIOLATED
- 28 THIS SUBTITLE, THE SECRETARY SHALL ISSUE AN ORDER.
- 29 (II) AN ORDER ISSUED UNDER SUBPARAGRAPH (I) OF THIS
- 30 PARAGRAPH:

OR OTHER COMPENSATION DENIED OR LOST;

1	1. SHALL DESCRIBE THE VIOLATION;
2	2. SHALL DIRECT, IF APPROPRIATE, THE RECOVERY OF
3	LOST WAGES AND DAMAGES EQUAL TO THE AMOUNT OF WAGES, SALARY,
4	EMPLOYMENT BENEFITS, OR OTHER COMPENSATION DENIED OR LOST, AND ANY
5	ACTUAL ECONOMIC DAMAGES;
0	TICLOTE ECONOMIC DIMITICES,
6	3. MAY, IN THE SECRETARY'S DISCRETION, SEEK
7	REINSTATEMENT OR THE HIRING OF EMPLOYEES WITH OR WITHOUT BACK PAY; AND
•	
8	4. MAY, IN THE COMMISSIONER'S DISCRETION, ASSESS A
9	CIVIL PENALTY OF UP TO \$1,000 FOR EACH EMPLOYEE FOR WHOM THE EMPLOYER IS
10	NOT IN COMPLIANCE WITH THIS TITLE.
11	(3) The actions taken under paragraphs (1) and (2) of this
12	SUBSECTION ARE SUBJECT TO THE HEARING AND NOTICE REQUIREMENTS OF TITLE
13	10, Subtitle 2 of the State Government Article.
14	(C) (1) WITHIN 30 DAYS AFTER THE SECRETARY ISSUES AN ORDER, AN
15	EMPLOYER SHALL COMPLY WITH THE ORDER.
16	(2) IF AN EMPLOYER DOES NOT COMPLY WITH AN ORDER WITHIN THE
17	TIME PERIOD STATED IN PARAGRAPH (1) OF THIS SUBSECTION:
18	(I) THE SECRETARY MAY:
19	1. WITH THE WRITTEN CONSENT OF THE EMPLOYEE, ASK
20	THE ATTORNEY GENERAL TO BRING AN ACTION ON BEHALF OF THE EMPLOYEE IN
21	THE COUNTY WHERE THE EMPLOYER IS LOCATED; OR
22	2. BRING AN ACTION TO ENFORCE THE ORDER FOR THE
23	CIVIL PENALTY IN THE COUNTY WHERE THE EMPLOYER IS LOCATED; AND
24	(II) WITHIN 3 YEARS AFTER THE DATE OF THE ORDER, AN
25	EMPLOYEE MAY BRING A CIVIL ACTION TO ENFORCE THE ORDER IN THE COUNTY
26	WHERE THE EMPLOYER IS LOCATED.
07	(9) IT AN EMPLOYEE PREVAILS IN AN ACTION PROJECTION INDER
27	(3) IF AN EMPLOYEE PREVAILS IN AN ACTION BROUGHT UNDER
28	PARAGRAPH (2)(II) OF THIS SUBSECTION TO ENFORCE AN ORDER, THE COURT MAY
29	AWARD:
30	(I) THREE TIMES THE VALUE OF THE EMPLOYEE'S LOST WAGES
31	AND DAMAGES EQUAL TO THE AMOUNT OF WAGES, SALARY, EMPLOYMENT BENEFITS,
o_{T}	THE DIMINISHS EQUID IN THE IMPOULT OF WANDS, SAUARL, EMI DOTMENT DENERTING

$\frac{1}{2}$	(II) THE COURT;	PUNITIVE DAMAGES IN AN AMOUNT TO BE DETERMINED BY
3	<u>(III)</u>	REASONABLE COUNSEL FEES AND OTHER COSTS;
4	<u>(IV)</u>	INJUNCTIVE RELIEF, IF APPROPRIATE; AND
5	<u>(V)</u>	ANY OTHER RELIEF THAT THE COURT DEEMS APPROPRIATE.
6	<u>8.3–906.</u>	
7	(A) (1) THE	SECRETARY SHALL ESTABLISH A SYSTEM FOR APPEALS BY
8		S IN THE CASE OF DENIAL OF BENEFITS UNDER THIS TITLE.
Ü	00 (22022 21 (22) (22)	
9	(2) THE	SECRETARY MAY USE THE PROCEDURES UNDER § 8-806 OF
10	THIS ARTICLE FOR T	HE SYSTEM REQUIRED UNDER PARAGRAPH (1) OF THIS
11	SUBSECTION.	
	, , <u> </u>	
12		REVIEW OF ANY DECISION WITH RESPECT TO BENEFITS UNDER
13		ALLOWED IN A COURT OF COMPETENT JURISDICTION AFTER
14		TY HAS EXHAUSTED ALL ADMINISTRATIVE REMEDIES
15	ESTABLISHED BY THE S	SECRETARY UNDER THIS TITLE.
16	(C) THE SEC	RETARY SHALL IMPLEMENT PROCEDURES TO ENSURE
17		RETARY SHALL IMPLEMENT PROCEDURES TO ENSURE ALL INFORMATION RELATED TO ANY CLAIMS FILED OR
18		E MAXIMUM EXTENT ALLOWED BY LAW.
10	ATTEALS TAKEN TO THE	E MAMMOM EXTENT ALLOWED DT LAW.
19		Subtitle 10. Short Title.
20	<u>8.3–1001.</u>	
21	Tilic Title MAY	BE CITED AS THE MARYLAND FAMILY AND MEDICAL LEAVE
22	INSURANCE PROGRAM	
44	INSURANCE I ROGRAM.	<u>.</u>
23	<u>Ar</u>	rticle - State Finance and Procurement
24	<u>6–226.</u>	
25	(a) (2) (i)	Notwithstanding any other provision of law, and unless
26		al law, grant agreement, or other federal requirement or with the
27	•	nt agreement, net interest on all State money allocated by the State
28	\(\frac{1}{2}\)	tion to special funds or accounts, and otherwise entitled to receive
29	interest earnings, as acco	ounted for by the Comptroller, shall accrue to the General Fund of
30	the State.	

$\frac{1}{2}$	(ii) to the following funds:	The provisions of subparagraph (i) of this paragraph do not apply
3 4	[and]	144. the Health Equity Resource Community Reserve Fund;
5		145. the Access to Counsel in Evictions Special Fund; AND
6		146. THE FAMILY AND MEDICAL LEAVE INSURANCE FUND.
7 8	(a) There is a Insurance Program.	Commission on the Establishment of a Family Medical Leave and
9 10		ose of the Commission is to study and make recommendations for Medical Leave and Insurance Program in the State.
11	(e) The Comm	nission consists of the following members:
12	(1) two	members of the Senate, appointed by the President of the Senate;
13 14	(2) two	members of the House of Delegates, appointed by the Speaker of
15	(3) the	Secretary of Labor, or the Secretary's designee;
16	(4) the	State Treasurer, or the State Treasurer's designee;
17	(5) the	Comptroller, or the Comptroller's designee;
18 19		representative of the National Federation of Independent Business, ident of the National Federation of Independent Business;
20 21		representative of the Maryland Chamber of Commerce, designated Maryland Chamber of Commerce;
22 23		representative of the Maryland Retailers Association, designated Maryland Retailers Association; and
24 25	(9) the and the Speaker of the	following members, appointed jointly by the President of the Senate House of Delegates:
26 27	(i) in the implementation	one representative from a national organization with expertise of family medical and leave insurance programs in other states;
00	(;;)	ana vanvagantativa from a neivrata gastar labar unian

$\frac{1}{2}$	for working	-famili	(iii) es; anc		representative of a community organization that advocates
3			(iv)	one €	economist.
$\frac{4}{5}$	(d) appoint coel				the Senate and the Speaker of the House of Delegates shall ssion from among its members as follows:
6 7	and	<u>(i)</u>	one c	ochair	from the Senate, appointed by the President of the Senate;
8	the House o	(ii) of Deleg		ochair	refrom the House of Delegates, appointed by the Speaker of
10	(e) Services joi				Department of Labor and the Department of Legislative taff for the Commission.
12	(1)	A me	mber (of the (Commission:
13		(1)	may	not rec	ceive compensation as a member of the Commission; but
14 15	Travel Regu	(2) ulation			to reimbursement of expenses under the Standard State d in the State budget.
16 17 18	(g) Family Med regarding:				shall study and make recommendations on establishing a surance Program in the State, including recommendations
19 20 21	fund the Pr		so that		oyers and employees should begin making contributions to fits under the Program are able to begin being paid not later
22 23 24	for making		bution		riate cost sharing formula between employers and employees fund the Program, including various formulas that range
25			<u>(i)</u>	1.	75% paid by employers; and
26				<u>2</u>	25% paid by employees; and
27			(ii)	1.	25% paid by employers; and
28				<u>9</u>	75% paid by employees:
29 30	emnlovees ((3)			xtent, if any, the cost shared between employers and ermine the leave benefits provided to employees under the

1	Program, including	whether the proportion of the cost shared should impact who approves
2	employees to take le	ave under the Program;
3	(4) <u>€</u>	any oversight mechanisms for the Program;
$\frac{4}{5}$	(5) <u>t</u> benefits under the P	he appropriate eligibility criteria for an individual to qualify for leave rogram;
6 7	(6) <u>‡</u> benefits under the P	he appropriate duration for which an individual may receive leave rogram;
8 9 10	 -	he cost, efficiency, and benefits of the Maryland Department of Labor or proposals seeking the services of an outside contractor for the
11	€	i) premium collection;
12	€	ii) <u>claims administration;</u>
13	€	iii) data management;
14	€	iv) <u>fraud control;</u>
15	€	v) marketing and advertising; or
16	€	vi) implementing any other elements of the Program;
17 18	 -	he minimum time an individual should be employed with the refere qualifying for leave benefits under the Program; and
19 20		any other relevant aspects of family medical and leave insurance ined by the Commission.
21 22		ucting the study and making recommendations under subsection (g) of mission shall consider:
23 24	(1) <u>ł</u> programs; and	now other states have established family medical leave and insurance
25 26	(2) <u>€</u> levels.	he results from an actuarial analysis regarding sustainable funding
27 28	(i) The Co	mmission shall contract with any consultants necessary to carry out

1	(i) On or before December 1, 2022, the Commission shall report its findings and
$\overline{2}$	recommendations to the Governor and, in accordance with § 2-1257 of the State
3	Government Article, the General Assembly.
4	Article - Labor and Employment
5	TITLE 8.3. FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM.
0	Crypmymy v 1 Dynayymyovg Cryymy v Dynayygyovg
6	SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.
7	8.3-101.
'	0.0-101.
8	(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
9	INDICATED.
U	TABLETTED.
10	(B) "APPLICATION YEAR" MEANS THE 12-MONTH PERIOD BEGINNING ON
11	THE FIRST DAY OF THE CALENDAR WEEK IN WHICH A COVERED INDIVIDUAL FILES
$\frac{12}{12}$	AN APPLICATION FOR BENEFITS.
13	(C) "BENEFITS" MEANS THE MONEY PAYABLE UNDER THIS TITLE TO A
14	COVERED INDIVIDUAL.
15	(D) "COVERED EMPLOYEE" MEANS AN EMPLOYEE WHO HAS WORKED AT
16	LEAST 680 HOURS OVER THE 12 MONTH PERIOD IMMEDIATELY PRECEDING THE
17	DATE ON WHICH LEAVE IS TO BEGIN.
18	(E) "COVERED INDIVIDUAL" MEANS A COVERED EMPLOYEE OR A
19	SELF-EMPLOYED INDIVIDUAL WHO ELECTS TO PARTICIPATE IN THE PROGRAM
20	UNDER § 8.3-201 OF THIS TITLE.
21	(F) "DEPARTMENT" MEANS THE MARYLAND DEPARTMENT OF LABOR.
22	(G) "DIVISION" MEANS THE DIVISION OF FAMILY AND MEDICAL LEAVE
23	Insurance.
0.4	(II) "TEMPLOYER" MEANS A DEDGON OF GOVERNMENT PARTIES WHAT
24	(H) "EMPLOYER" MEANS A PERSON OR GOVERNMENTAL ENTITY THAT
25	EMPLOYS AT LEAST ONE INDIVIDUAL IN THE STATE.
96	(I) "FAMILY MEMBER" MEANS:
26	(I) "FAMILY MEMBER" MEANS:
27	(1) A BIOLOGICAL CHILD, AN ADOPTED CHILD, A FOSTER CHILD, OR A
28	STEPCHILD OF THE COVERED INDIVIDUAL;
40	STEI CHIED OF THE COVERED INDIVIDORES
29	(2) A CHILD FOR WHOM THE COVERED INDIVIDUAL HAS LEGAL OR

PHYSICAL CUSTODY OR GUARDIANSHIP;

1	(3) A CHILD FOR WHOM THE COVERED INDIVIDUAL STANDS IN LOCO
2	PARENTIS, REGARDLESS OF THE CHILD'S AGE;
3	(4) A BIOLOGICAL PARENT, AN ADOPTIVE PARENT, A FOSTER PARENT,
4	OR A STEPPARENT OF THE COVERED INDIVIDUAL OR OF THE COVERED INDIVIDUAL'S
5	SPOUSE;
6	(5) THE LEGAL GUARDIAN OF THE COVERED INDIVIDUAL OR THE
7	WARD OF THE COVERED INDIVIDUAL OR OF THE COVERED INDIVIDUAL'S SPOUSE;
·	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
8	(6) AN INDIVIDUAL WHO ACTED AS A PARENT OR STOOD IN LOCO
9	PARENTIS TO THE COVERED INDIVIDUAL OR THE COVERED INDIVIDUAL'S SPOUSE
10	WHEN THE COVERED INDIVIDUAL OR THE COVERED INDIVIDUAL'S SPOUSE WAS A
11	MINOR;
12	(7) THE SPOUSE OF THE COVERED INDIVIDUAL;
13	(8) A BIOLOGICAL GRANDPARENT, AN ADOPTED GRANDPARENT, A
14	FOSTER GRANDPARENT, OR A STEPGRANDPARENT OF THE COVERED INDIVIDUAL;
1 F	(0) A DIOLOGICAL CRANDCHILD AN ADODED CRANDCHILD A
15	(9) A BIOLOGICAL GRANDCHILD, AN ADOPTED GRANDCHILD, A
16	FOSTER GRANDCHILD, OR A STEPGRANDCHILD OF THE COVERED INDIVIDUAL; OR
17	(10) A BIOLOGICAL SIBLING, AN ADOPTED SIBLING, A FOSTER SIBLING,
18	OR A STEPSIBLING OF THE COVERED INDIVIDUAL.
19	(J) "Fund" means the Family and Medical Leave Insurance Fund
20	ESTABLISHED UNDER § 8.3-501 OF THIS TITLE.
21	(K) "GOVERNMENTAL ENTITY" HAS THE MEANING STATED IN § 8-101 OF
22	THIS ARTICLE.
23	(L) "NEXT OF KIN" MEANS THE NEAREST BLOOD RELATIVE.
0.4	(25) (Drogram) spans man Farry and Medical Leave Incompany
24	(M) "PROGRAM" MEANS THE FAMILY AND MEDICAL LEAVE INSURANCE
25	Program established under § 8.3–301 of this title.
26	(N) "QUALIFYING EXIGENCY" MEANS ANY OF THE FOLLOWING REASONS
27	FOR WHICH LEAVE MAY BE NEEDED BY A FAMILY MEMBER OF A SERVICE MEMBER:
	1 OW THIS I MALL DE HEEDED DITTIMENT MEMBER OF THE PROPERTIES
28	(1) BECAUSE THE SERVICE MEMBER HAS RECEIVED NOTICE OF
29	DEPLOYMENT WITHIN 7 DAYS BEFORE THE DEPLOYMENT IS TO BEGIN;

1		(2) TO ATTEND MILITARY EVENTS AND RELATED ACTIVITIES			
2	INCLUDING FAMILY SUPPORT PROGRAMS RELATED TO THE ACTIVE DUTY OF THE				
3	SERVICE N	EMBER;			
4		(3) TO ARRANGE, PROVIDE, OR ATTEND CHILD CARE OR SCHOOL			
5	ACTIVITIE	SONLY WHEN THE SERVICE MEMBER IS ON ACTIVE DUTY CALL OR ACTIVE			
6	DUTY STAT	US;			
7		(4) TO MAKE FINANCIAL AND LEGAL ARRANGEMENTS FOR THE			
8	SERVICE N	EMBER'S ABSENCE OR BECAUSE OF THE ABSENCE;			
9		(5) TO ATTEND COUNSELING THAT:			
10		(I) IS NEEDED DUE TO THE ACTIVE DUTY OR CALL TO ACTIVE			
11	DUTY STAT	US OF THE SERVICE MEMBER; AND			
12		(H) IS PROVIDED BY AN INDIVIDUAL WHO IS NOT A LICENSED			
13	HEALTH C	ARE PROVIDER;			
14		(6) TO SPEND UP TO 15 CALENDAR DAYS WITH A SERVICE MEMBER			
15	WHO IS ON SHORT-TERM TEMPORARY REST AND RECUPERATION LEAVE DURING				
16	THE PERIC	D OF DEPLOYMENT;			
17		(7) TO ATTEND POSTDEPLOYMENT ACTIVITIES INCLUDING			
18		ATION SERVICES FOR A PERIOD OF 90 DAYS IMMEDIATELY FOLLOWING			
19	THE TERM	NATION OF ACTIVE STATUS;			
00		(0) TO ATTEND TO MATTEND TO THE DEATH OF THE			
20		(8) TO ATTEND TO MATTERS RELATED TO THE DEATH OF THE			
21	SERVICE N	EMBER WHILE ON ACTIVE DUTY STATUS;			
99		(0) TO ADDANGE FOR OR DROVIDE ALTERNATIVE CARE FOR A DARRING			
22 23	OF THE SE	(9) TO ARRANGE FOR OR PROVIDE ALTERNATIVE CARE FOR A PARENT RVICE MEMBER WHEN THE PARENT IS INCAPABLE OF SELF—CARE AND THE			
24	CUVERED.	ACTIVE DUTY OR CALL TO ACTIVE DUTY NECESSITATES A CHANGE; OR			
25		(10) BECAUSE OF ANY OTHER ISSUES THAT ARISE OUT OF ACTIVE DUTY			
$\frac{25}{26}$	OR A CALL				
$\frac{20}{27}$	01011 01111	COVERED.			
41	SHOULD D	TOOVERED.			
28	(0)	"SECRETARY" MEANS THE SECRETARY OF LABOR.			
20	(0)	Shoullimi Means life Shoullimi of Labou.			
29	(P)	(1) "SERIOUS HEALTH CONDITION" MEANS AN ILLNESS, AN INJURY,			
30	AN IMPAIR	MENT, OR A PHYSICAL OR MENTAL CONDITION THAT INVOLVES:			

1	(I) INPATIENT CARE IN A HOSPITAL, HOSPICE, OR RESIDENTIAL
2	HEALTH CARE FACILITY;
3	(H) CONTINUED TREATMENT BY A LICENSED HEALTH CARE
4	PROVIDER; OR
_	
5	(HI) CONTINUED TREATMENT OR SUPERVISION AT HOME BY A
6	LICENSED HEALTH CARE PROVIDER OR OTHER COMPETENT INDIVIDUAL UNDER
7	THE SUPERVISION OF A LICENSED HEALTH CARE PROVIDER.
8	(2) "SERIOUS HEALTH CONDITION" INCLUDES AN ILLNESS, AN
9	INJURY, AN IMPAIRMENT, OR A PHYSICAL OR MENTAL CONDITION DESCRIBED IN
10	PARAGRAPH (1) OF THIS SUBSECTION THAT CONTINUES OVER AN EXTENDED
11	PERIOD OF TIME AND REQUIRES INTERMITTENT TREATMENT.
12	(Q) "SERVICE MEMBER" MEANS AN INDIVIDUAL WHO IS AN ACTIVE DUTY OR
13	FORMER MEMBER OF:
14	(1) THE UNITED STATES ARMED FORCES;
15	(2) A RESERVE COMPONENT OF THE UNITED STATES ARMED FORCES
16	$\frac{OR}{C}$
17	(3) THE NATIONAL GUARD OF ANY STATE.
17	(3) THE NATIONAL GUARD OF ANY STATE.
18	(R) "TREATMENT" INCLUDES:
10	(IV) TREITMENT INCESES.
19	(1) EXAMINATIONS OR TESTING TO DETERMINE THE EXTENT TO
20	WHICH A SERIOUS HEALTH CONDITION EXISTS OR PERSISTS;
21	(2) ONGOING OR PERIODIC EVALUATIONS OF THE SERIOUS HEALTH
22	CONDITION; AND
0.0	(0)
23	(3) ACTUAL TREATMENT BY A HEALTH CARE PROVIDER.
24	8.3-102.
<i>2</i> 4	0.0-104.
25	(A) This section does not apply to the disclosure of information
26	TO:
_0	
27	(1) A PUBLIC EMPLOYEE IN THE PERFORMANCE OF THE PUBLIC
28	EMPLOYEE'S OFFICIAL DUTIES;
	•
29	(2) THE INDIVIDUAL TO WHOM THE INFORMATION RELATES; OR

- 1 (3) IF AN AUTHORIZED REPRESENTATIVE HAS THE SIGNED
 2 AUTHORIZATION OF THE INDIVIDUAL TO WHOM THE INFORMATION RELATES, THE
 3 AUTHORIZED REPRESENTATIVE.
- 4 (B) AN EMPLOYEE OF THE DEPARTMENT MAY NOT DISCLOSE INFORMATION
 5 RELATING TO AN INDIVIDUAL WHO HAS APPLIED FOR OR RECEIVED BENEFITS
 6 UNDER THIS TITLE.

SUPTITIE 2. SCOPE OF TITLE.

8 **8.3-201**.

7

- 9 (A) (1) A SELF-EMPLOYED INDIVIDUAL MAY ELECT TO PARTICIPATE IN
 10 THE PROGRAM BY FILING A WRITTEN NOTICE OF ELECTION WITH THE SECRETARY
 11 IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY.
- 12 **(2)** AN ELECTION MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION
 13 BECOMES EFFECTIVE ON THE DATE THE WRITTEN NOTICE IS FILED.
- 14 (B) (1) IF A SELF-EMPLOYED INDIVIDUAL ELECTS TO PARTICIPATE IN
 15 THE PROGRAM UNDER SUBSECTION (A) OF THIS SECTION, THE INDIVIDUAL SHALL
 16 PARTICIPATE FOR AN INITIAL PERIOD OF NOT LESS THAN 3 YEARS.
- 17 (2) ONCE THE INITIAL PARTICIPATION PERIOD EXPIRES, THE
 18 SELF-EMPLOYED INDIVIDUAL MAY RENEW PARTICIPATION IN THE PROGRAM FOR A
 19 PERIOD OF NOT LESS THAN 1 YEAR.
- 20 (3) IF THE SELF-EMPLOYED INDIVIDUAL DOES NOT WISH TO RENEW
 21 PARTICIPATION IN THE PROGRAM UNDER PARAGRAPH (2) OF THIS SUBSECTION,
 22 WITHIN 30 DAYS BEFORE THE PARTICIPATION PERIOD EXPIRES, THE
 23 SELF-EMPLOYED INDIVIDUAL SHALL NOTIFY THE SECRETARY IN WRITING OF THE
 24 SELF-EMPLOYED INDIVIDUAL'S WITHDRAWAL FROM THE PROGRAM.
- 25 (C) DURING THE PERIOD A SELF-EMPLOYED INDIVIDUAL PARTICIPATES IN
 26 THE PROGRAM, THE SELF-EMPLOYED INDIVIDUAL SHALL PAY THE CONTRIBUTION
 27 REQUIRED UNDER § 8.3–601 OF THIS TITLE.
- 28 **8.3-202**
- THIS TITLE MAY NOT BE CONSTRUED TO DIMINISH AN EMPLOYER'S

 OBLIGATION TO COMPLY WITH A COLLECTIVE BARGAINING AGREEMENT OR AN

 EMPLOYER POLICY THAT ALLOWS AN EMPLOYEE TO TAKE LEAVE FOR A LONGER

- 1 PERIOD OF TIME THAN THE EMPLOYEE WOULD BE ABLE TO RECEIVE BENEFITS UNDER THIS TITLE. 3 **8.3-203**
- 4 (A) AN EMPLOYEE'S RIGHT TO BENEFITS UNDER THIS TITLE MAY NOT BE DIMINISHED BY A COLLECTIVE BARGAINING AGREEMENT ENTERED INTO OR RENEWED OR BY AN EMPLOYER POLICY ADOPTED OR RETAINED ON OR AFTER JUNE 1.2021.
- 8 AN AGREEMENT TO WAIVE THE EMPLOYEE'S RIGHTS UNDER THIS TITLE (B) IS VOID AS AGAINST PUBLIC POLICY. 9
- 10 SUBTITLE 3. ESTABLISHMENT OF THE DIVISION AND PROGRAM.
- 11 8.3 301.
- THERE IS A DIVISION OF FAMILY AND MEDICAL LEAVE INSURANCE IN 12 13 THE DEPARTMENT.
- (B) THE DIVISION OF FAMILY AND MEDICAL LEAVE INSURANCE SHALL 14 PERFORM ANY FUNCTIONS THAT THE SECRETARY ASSIGNS TO IT TO CARRY OUT 15 16 THIS TITLE.
- (c) (1) IN ACCORDANCE WITH THE PROVISIONS OF THE STATE 17 18 PERSONNEL AND PENSIONS ARTICLE. THE SECRETARY MAY EMPLOY THE STAFF NECESSARY TO CARRY OUT THIS TITLE. 19
- 20 (II) IN ACCORDANCE WITH THE STATE BUDGET. THE 21 SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE UNDER THIS 22 SUBSECTION IN A POSITION THAT:
- 23 1. IS UNIQUE TO THE DEPARTMENT:
- 24 2 REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO 25 PERFORM THE DUTIES OF THE POSITION: AND
- 26 2 DOES NOT REQUIRE THE EMPLOYEE TO PERFORM 27 FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS OF THE EXECUTIVE BRANCH OF STATE COVERNMENT. 28
- 29 (HI) THE SECRETARY OF BUDGET AND MANAGEMENT, IN 30 CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR

1	WHICH THE SECRETARY MAY SET COMPENSATION UNDER SUBPARAGRAPH (II) OF
2	THIS PARAGRAPH.
3	(IV) SUBJECT TO OTHER APPLICABLE PROVISIONS OF THIS
4	TITLE, THE SECRETARY MAY APPOINT EMPLOYEES AND SET THEIR POWERS AND
5	DUTIES AS NECESSARY TO CARRY OUT THIS TITLE.
6	(2) THE SECRETARY SHALL DETERMINE WHETHER AN EMPLOYEE
7	WHO HANDLES MONEY FOR THE DEPARTMENT UNDER THIS TITLE SHOULD BE
8	COVERED UNDER A BOND.
O	COVERED CHIER IT BOND.
9	(3) (1) THE SECRETARY SHALL PRINT:
10	1. THIS TITLE;
11	2. EACH ANNUAL REPORT THAT THE SECRETARY
$\frac{12}{12}$	SUBMITS TO THE GOVERNOR; AND
13	3. ANY OTHER MATERIAL THAT THE SECRETARY
14	CONSIDERS RELEVANT AND SUITABLE.
15	(H) ON REQUEST BY ANY PERSON, THE SECRETARY SHALL GIVE
16	THE PERSON A COPY OF:
17	1. ANY MATERIAL THAT THE SECRETARY PRINTS UNDER
18	THIS SUBSECTION; AND
19	2. THE CURRENT REGULATIONS ADOPTED TO CARRY
20	OUT THIS TITLE.
21	8.3-202.
22	(A) THERE IS A FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM.
23	(B) THE PURPOSE OF THE PROGRAM IS TO PROVIDE TEMPORARY BENEFITS
24	TO A COVERED INDIVIDUAL WHO IS TAKING LEAVE FROM EMPLOYMENT:
	TO IT COVERED INDIVIDUAL WITO IS THAT IN BEING LETTER TWO IN EAST LOT INDIVI-
25	(1) TO CARE FOR A CHILD DURING THE FIRST YEAR AFTER THE
26	CHILD'S BIRTH OR AFTER THE PLACEMENT OF THE CHILD THROUGH FOSTER CARE,
27	KINSHIP CARE, OR ADOPTION;
28	(2) TO CARE FOR A FAMILY MEMBER WITH A SERIOUS HEALTH

29

CONDITION;

1	(3) BECAUSE THE COVERED INDIVIDUAL HAS A SERIOUS HEALTH
2	CONDITION THAT RESULTS IN THE COVERED INDIVIDUAL BEING UNABLE TO
3	PERFORM THE FUNCTIONS OF THE COVERED INDIVIDUAL'S POSITION;
4	(4) TO CARE FOR A SERVICE MEMBER WHO IS THE COVERED
5	INDIVIDUAL'S NEXT OF KIN; OR
6	(5) BECAUSE THE COVERED INDIVIDUAL HAS A QUALIFYING
7	EXIGENCY ARISING OUT OF THE DEPLOYMENT OF A SERVICE MEMBER WHO IS A
8	FAMILY MEMBER OF THE COVERED INDIVIDUAL.
9	Subtitle 4. Administration.
Ü	
10	8.3-401.
11	THIS TITLE SHALL BE ADMINISTERED UNDER THE SUPERVISION OF THE
12	SECRETARY BY THE DIVISION OF FAMILY AND MEDICAL LEAVE INSURANCE
13	ESTABLISHED UNDER § 8.3–301 OF THIS TITLE.
1.1	0.9.409
14	8.3–402.
15	THE SECRETARY MAY DELEGATE TO AN EMPLOYEE OF THE DEPARTMENT ANY
16	POWER OR DUTY THAT IS REASONABLE AND PROPER FOR THE ADMINISTRATION OF
17	THIS TITLE.
18	8.3-403.
19	(A) THE SECRETARY SHALL:
20	(1) GUD IDGE TO GUDGEGERON (D) OF THIS GEGENON ADODE
20	(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, ADOPT
21	REGULATIONS NECESSARY TO CARRY OUT THIS TITLE;
22	(2) ESTABLISH PROCEDURES AND FORMS FOR FILING CLAIMS FOR
23	BENEFITS, INCLUDING:
20	BEIGE 118, INCESTING.
24	(I) PROCEDURES FOR NOTIFYING AN EMPLOYER WITHIN 5
25	BUSINESS DAYS AFTER AN EMPLOYEE OF THE EMPLOYER FILES A CLAIM FOR
26	BENEFITS UNDER THIS TITLE; AND
27	(II) NOTICES OF ELECTIONS BY SELF-EMPLOYED INDIVIDUALS
28	for benefits under § 8.3-201 of this title;

1	(3) USE INFORMATION-SHARING AND INTEGRATION TECHNOLOGY TO
2	FACILITATE THE DISCLOSURE OF RELEVANT INFORMATION OR RECORDS NEEDED
3	FOR THE ADMINISTRATION OF THIS TITLE; AND
4	(4) SUBJECT TO SUBSECTION (D) OF THIS SECTION, CARRY OUT A
5	PUBLIC EDUCATION PROGRAM.
6	(B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A)(1) OF THIS
7	SECTION SHALL BE CONSISTENT WITH REGULATIONS ADOPTED TO IMPLEMENT THE
8	FEDERAL FAMILY AND MEDICAL LEAVE ACT AND ANY RELEVANT STATE LAWS TO
9	THE EXTENT THAT THE ADOPTED REGULATIONS DO NOT CONFLICT WITH THIS
0	TITLE
LU	
1	(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COVERED
2	INDIVIDUAL UNDER § 8.3—302(B)(2), (3), (4), OR (5) OF THIS TITLE SHALL PROVIDE
13	CERTIFICATION FOR A CLAIM FOR BENEFITS UNDER THIS TITLE.
IJ	CENTIFICATION FOR A CERTAIN FOR DENDIFIED CADER THIS TITLE.
4	(2) A CERTIFICATION FOR A CLAIM FOR BENEFITS FOR A COVERED
5	INDIVIDUAL UNDER § 8.3–302(B)(2), (3), OR (4) OF THIS TITLE SHALL INCLUDE:
	11.21, 12 et a et
6	(I) THE DATE ON WHICH THE SERIOUS HEALTH CONDITION OF
17	THE FAMILY MEMBER, COVERED INDIVIDUAL, OR SERVICE MEMBER COMMENCED;
18	(H) THE PROBABLE DURATION OF THE SERIOUS HEALTH
9	CONDITION;
20	(HI) THE APPROPRIATE FACTS RELATED TO THE SERIOUS
21	HEALTH CONDITION WITHIN THE KNOWLEDGE OF THE LICENSED HEALTH CARE
22	PROVIDER;
23	$\frac{\text{(IV)}}{\text{1}}$ 1. FOR A CLAIM FOR BENEFITS UNDER § 8.3–302(B)(2)
24	OF THIS TITLE, A STATEMENT THAT THE COVERED INDIVIDUAL NEEDS TO CARE FOR
25	A FAMILY MEMBER AND AN ESTIMATE OF THE AMOUNT OF TIME REQUIRED TO
26	PROVIDE THE CARE; OR
27	2. FOR A CLAIM FOR BENEFITS UNDER § 8.3-302(B)(3)
	2. 101.11 01.11 101.11 3 01.11 3 00.00 (2)(0)
28	OF THIS TITLE, A STATEMENT THAT THE COVERED INDIVIDUAL IS UNABLE TO
29	PERFORM THE FUNCTIONS OF THE COVERED INDIVIDUAL'S POSITION; AND

30 (V) FOR A CERTIFICATION FOR INTERMITTENT LEAVE, THE 31 EXPECTED DATES AND DURATION OF THE LEAVE.

1		(3)	THE SECRETARY SHALL ESTABLISH STANDARDS IN REGULATION
2	FOR THE C	ERTH	FICATION OF CLAIMS FOR BENEFITS UNDER § 8.3-302(B)(5) OF THIS
3	TITLE.		
4	(D)	(1)	THE SECRETARY MAY USE A PORTION OF THE FUNDS PAID UNDER
5	§ 8.3 601	OF TI	HS TITLE OR OTHER AVAILABLE FUNDING TO PAY FOR AND CARRY
6	OUT THE R	EQUI	REMENTS UNDER SUBSECTION (A)(4) OF THIS SECTION.
7		(2)	MATERIALS USED IN THE PUBLIC EDUCATION PROGRAM
8	REQUIRED	UND	er subsection (a)(4) of this section shall be made available
9	IN ENGLIS	H AN I	D SPANISH.
10	8.3-404.		
11	(A)	To	ENFORCE THIS TITLE, THE SECRETARY MAY:
		(-1)	
12	~	(1)	CONDUCT AN INVESTIGATION UNDER THIS TITLE, ON THE
13	SECRETAR	Y'S O	WN INITIATIVE OR ON RECEIPT OF A WRITTEN COMPLAINT;
1.1		(0)	A DATE TO THE TAX OF T
14		(2)	ADMINISTER AN OATH;
15		(2)	CERTIFY TO AN OFFICIAL ACT;
10		(9)	CERTIFITO AN OFFICIAL ACT,
16		<u>(4)</u>	TAKE A DEPOSITION;
10		(-)	
17		(5)	ISSUE A SUBPOENA FOR THE ATTENDANCE OF A WITNESS TO
18	TESTIFY ((-)	HE PRODUCTION OF BOOKS, CORRESPONDENCE, MEMORANDA,
19			HER RECORDS; AND
	,		
20		(6)	BRING A CIVIL ACTION IN THE COUNTY WHERE THE VIOLATION
21	ALLEGEDL	Y OC (CURRED.
22	(B)	(1)	A SUBPOENA ISSUED UNDER SUBSECTION (A)(5) OF THIS SECTION
23	SHALL BE	SERV	'ED IN ANY MANNER IN WHICH A SUBPOENA OF A COURT MAY BE
24	SERVED.		
25		(2)	IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER
26	SUBSECTION)N (A)) (5) of this section on a complaint filed by the Secretary,
27	THE CIRC	UIT (COURT FOR THE COUNTY WHERE THE INVESTIGATION IS BEING
28	CONDUCTI	D O	R WHERE THE PERSON RESIDES, IS PRESENT, OR TRANSACTS
29	BUSINESS :	MAY 1	ISSUE AN ORDER DIRECTING COMPLIANCE WITH THE SUBPOENA OR
30	COMPELLI	NG TI	ESTIMONY.

1	(3) (1) Subject to subparagraph (11) of this paragraph, a
2	PERSON MAY NOT BE EXCUSED FROM COMPLYING WITH A SUBPOENA ISSUED UNDER
3	SUBSECTION (A)(5) OF THIS SECTION ON THE GROUND THAT THE EVIDENCE OR
4	TESTIMONY REQUIRED MAY TEND TO INCRIMINATE THE PERSON OR SUBJECT THE
5	PERSON TO A FORFEITURE OR PENALTY.
6	(II) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF
7	THIS SUBPARAGRAPH, AFTER CLAIMING THE PRIVILEGE AGAINST
8	SELF-INCRIMINATION, A PERSON MAY NOT BE PROSECUTED OR SUBJECTED TO ANY
9	FORFEITURE OR PENALTY BECAUSE OF ANY MATTER, THING, OR TRANSACTION
10	ABOUT WHICH THE PERSON IS COMPELLED TO PRODUCE EVIDENCE OR TESTIFY.
11	9 In this property commune our high white character
11	2. IF THE PERSON COMMITS PERJURY WHILE GIVING
12	TESTIMONY, THE PERSON IS SUBJECT TO PROSECUTION FOR THAT OFFENSE.
13	8.3–405.
10	0.0 100.
14	In a civil action to enforce this title, the Secretary and the State
15	MAY BE REPRESENTED BY:
16	(1) THE ATTORNEY GENERAL; OR
17	(2) ANY QUALIFIED ATTORNEY WHO:
	(a)
18	(I) IS A SALARIED EMPLOYEE OF THE SECRETARY; AND
19	(II) ON RECOMMENDATION OF THE ATTORNEY GENERAL, IS
20	DESIGNATED TO REPRESENT THE SECRETARY OR THE BOARD OF APPEALS AND THE
21	STATE.
21	
22	8.3-406.
23	(A) ON OR BEFORE SEPTEMBER 1 EACH YEAR, THE SECRETARY SHALL
24	SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE
25	GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY AN ANNUAL REPORT ON THE
26	ADMINISTRATION AND OPERATION OF THIS TITLE DURING THE IMMEDIATELY
27	PRECEDING FISCAL YEAR.
28	(B) THE ANNUAL REPORT SHALL INCLUDE INFORMATION REGARDING:
0 -	
29	(1) PROJECTED AND ACTUAL PROGRAM PARTICIPATION RATES;
9.0	(9) COMBRIDITION DATES.
30	(2) CONTRIBUTION RATES;

1	(3) PROJECTED AND ACTUAL FUND BALANCES;
2	(4) PUBLIC OUTREACH AND TECHNICAL ASSISTANCE EFFORTS;
3	(5) ALL ENFORCEMENT EFFORTS;
4 5	(6) THE NUMBER AND STATUS OF COMPLAINTS UNDER SUBTITLE 9 OF THIS TITLE; AND
6	(7) THE COST OF ADMINISTERING THE PROGRAM.
7	SUBTITLE 5. THE FAMILY AND MEDICAL LEAVE INSURANCE FUND.
8	8.3-501.
9	THERE IS A FAMILY AND MEDICAL LEAVE INSURANCE FUND.
10	8.3-502.
11	(A) THE SECRETARY SHALL ADMINISTER THE FUND.
12 13	(B) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.
14 15	(c) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.
16	8.3–503.
17	(A) THE FUND CONSISTS OF:
18 19	(1) EMPLOYEE CONTRIBUTIONS REQUIRED UNDER § 8.3-601 OF THIS TITLE;
20 21	(2) SELF-EMPLOYED INDIVIDUAL CONTRIBUTIONS REQUIRED UNDER § 8.3-601 OF THIS TITLE;
22 23	(3) EMPLOYER CONTRIBUTIONS REQUIRED UNDER § 8.3–601 OF THIS TITLE;
24 25	(4) MONEY PAID TO THE FUND FOR THE PURPOSE OF REIMBURSING THE SECRETARY UNDER § 8.3–902 OF THIS TITLE FOR BENEFITS PAID IN ERROR;
26	(5) INTEREST EARNED ON MONEY IN THE FUND; AND

1		(6) MONEY RECEIVED FOR THE FUND FROM ANY OTHER SOURCE.
2	(B)	MONEY IN THE FUND MAY BE COMMINGLED.
3	(C)	THE FUND MAY BE USED ONLY FOR THE PURPOSES OF THIS TITLE.
4	8.3-504.	
5	(A)	(1) THE STATE TREASURER IS CUSTODIAN OF THE FUND.
6		(2) THE STATE TREASURER SHALL MANAGE THE FUND IN
7	ACCORDAN	EE WITH REGULATIONS THAT THE SECRETARY ADOPTS.
8	(B) SHALL EST/	UNDER THE DIRECTION OF THE SECRETARY, THE STATE TREASURER BLISH THE FUND ACCOUNT IN ANY FINANCIAL INSTITUTION IN WHICH
10	,	AL FUND OF THE STATE MAY BE DEPOSITED.
11	(C)	On receipt of any money payable to the Fund, the Secretary
12		JRE IMMEDIATE DEPOSIT OF THE MONEY INTO THE FUND ACCOUNT AS
13	REQUIRED 1	BY THE STATE TREASURER.
14	(D)	IN ACCORDANCE WITH REGULATIONS THAT THE SECRETARY ADOPTS,
15	MONEY IN T	HE FUND ACCOUNT:
16		(1) SHALL BE USED TO PAY BENEFITS UNDER THIS TITLE; AND
17		(2) MAY BE USED TO PAY FOR:
18		(I) THE PUBLIC EDUCATION PROGRAM; AND
19		(II) ANY COSTS ASSOCIATED WITH THE INITIAL
20	IMPLEMEN	'ATION AND ONGOING ADMINISTRATION OF THIS TITLE.
21	8.3–505.	
22	A CH	ECK THAT THE STATE TREASURER ISSUES TO PAY BENEFITS OR
23	REFUNDS S	IALL:
24		(1) BE ISSUED ONLY ON A WARRANT SIGNED BY THE SECRETARY;
25		(2) BEAR THE SIGNATURE OF THE STATE TREASURER; AND
26		(3) BE COUNTERSIGNED BY AN AUTHORIZED AGENT.

1	8.3-506.		

2 THIS TITLE DOES NOT GRANT AN EMPLOYEE ANY PRIOR CLAIM OR RIGHT TO
3 MONEY THE EMPLOYEE PAYS INTO THE FUND.

4 Subtitle 6. Contributions.

- 5 8.3 601.
- 6 (A) BEGINNING JANUARY 1, 2023, EACH EMPLOYEE OF AN EMPLOYER,
 7 EACH EMPLOYER WITH 15 OR MORE EMPLOYEES, AND EACH SELF EMPLOYED
 8 INDIVIDUAL PARTICIPATING IN THE PROGRAM SHALL CONTRIBUTE TO THE FUND.
- 9 (B) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE
 10 SECRETARY SHALL SET A TOTAL RATE OF CONTRIBUTION TO BE PAID IN
 11 ACCORDANCE WITH THIS SUBSECTION.
- 12 (II) THE TOTAL RATE OF CONTRIBUTION ESTABLISHED UNDER 13 SUBPARAGRAPH (I) OF THIS PARAGRAPH:
- 14 HAY NOT EXCEED 1.0% OF AN EMPLOYEE'S WAGES:
- 2. SHALL BE APPLIED TO ALL WAGES UP TO AND 16 INCLUDING THE SOCIAL SECURITY WAGE BASE:
- 17 **3.** EXCEPT AS PROVIDED UNDER PARAGRAPH (3)(I)2 OF
 18 THIS SUBSECTION, SHALL BE SHARED EQUALLY BY EMPLOYERS AND EMPLOYEES;
 19 AND
- 20 4. SHALL BE SUFFICIENT TO FUND THE BENEFITS
 21 PAYABLE UNDER THIS TITLE.
- 22 (1) EACH EMPLOYER WITH 15 OR MORE EMPLOYEES SHALL
 23 CONTRIBUTE AN AMOUNT EQUAL TO 50% OF THE TOTAL RATE OF CONTRIBUTION
 24 FOR EACH EMPLOYEE EMPLOYED BY THE EMPLOYER.
- 25 (H) 1. FOR THE PURPOSE OF DETERMINING WHETHER AN
 26 EMPLOYER IS REQUIRED TO CONTRIBUTE, THE NUMBER OF EMPLOYEES OF AN
 27 EMPLOYER SHALL BE DETERMINED BY CALCULATING THE AVERAGE MONTHLY
 28 NUMBER OF EMPLOYEES EMPLOYED BY THE EMPLOYER DURING THE IMMEDIATELY
 29 PRECEDING 12-MONTH PERIOD.
- 30 **EACH EMPLOYEE OF AN EMPLOYER SHALL BE** 31 INCLUDED IN THE CALCULATION MADE UNDER SUBSUBPARAGRAPH 1 OF THIS

1	SUBPARAGRAPH WITHOUT REGARD TO WHETHER THE EMPLOYEE IS A FULL-TIME,
2	PART-TIME, TEMPORARY, OR SEASONAL EMPLOYEE OR WOULD BE ELIGIBLE FOR
3	BENEFITS UNDER THIS TITLE.
4	(3) (1) 1. EACH EMPLOYEE OF AN EMPLOYER WITH 15 OR MORE
5	EMPLOYEES SHALL CONTRIBUTE AN AMOUNT EQUAL TO 50% OF THE TOTAL RATE
6	OF CONTRIBUTION.
7	2. EACH EMPLOYEE OF AN EMPLOYER WITH LESS THAN
8	15 EMPLOYEES SHALL CONTRIBUTE AN AMOUNT PROPORTIONALLY EQUAL TO THE
9	AMOUNT CONTRIBUTED BY AN EMPLOYEE UNDER SUBSUBPARAGRAPH 1 OF THIS
0	SUBPARAGRAPH.
1	(II) THE EMPLOYER OF THE EMPLOYEE SHALL DEDUCT THE
2	CONTRIBUTION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH FROM
13	THE WAGES OF THE EMPLOYEE.
$\lfloor 4$	(4) EACH SELF-EMPLOYED INDIVIDUAL PARTICIPATING IN THE
15	Program Shall:
6	(I) PAY CONTRIBUTIONS DURING EACH YEAR THAT THE
7	SELF-EMPLOYED INDIVIDUAL PARTICIPATES IN THE PROGRAM; AND
18	(II) CONTRIBUTE AN AMOUNT EQUAL TO THE TOTAL RATE OF
9	CONTRIBUTION ESTABLISHED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION.
20	Subtitle 7. Benefits.
21	8.3-701.
22	(A) BEGINNING JULY 1, 2024, A COVERED INDIVIDUAL TAKING LEAVE FROM
23	EMPLOYMENT MAY SUBMIT A CLAIM FOR BENEFITS TO:
24	(1) CARE FOR A NEWBORN CHILD OR A CHILD NEWLY PLACED FOR
25	ADOPTION, FOSTER CARE, OR KINSHIP CARE WITH THE COVERED INDIVIDUAL
26	DURING THE FIRST YEAR AFTER THE BIRTH, ADOPTION, OR PLACEMENT;
27	(2) CARE FOR A FAMILY MEMBER WITH A SERIOUS HEALTH
28	CONDITION;

(3) ATTEND TO A SERIOUS HEALTH CONDITION THAT RESULTS IN THE

30 COVERED INDIVIDUAL BEING UNABLE TO PERFORM THE FUNCTIONS OF THE

29

31 COVERED INDIVIDUAL'S POSITION;

32

1	(4) CARE FOR A SERVICE MEMBER WITH A SERIOUS HEALTH
2	CONDITION RESULTING FROM MILITARY SERVICE WHO IS THE COVERED
3	INDIVIDUAL'S NEXT OF KIN; OR
4	(5) ATTEND TO A QUALIFYING EXIGENCY ARISING OUT OF THE
5	DEPLOYMENT OF A SERVICE MEMBER WHO IS A FAMILY MEMBER OF THE COVERED
6	INDIVIDUAL.
7	(B) (1) Subject to paragraph (2) of this subsection, a covered
8	INDIVIDUAL MAY TAKE THE LEAVE FOR WHICH THE INDIVIDUAL IS ELIGIBLE FOR
9	BENEFITS UNDER SUBSECTION (A) OF THIS SECTION ON AN INTERMITTENT LEAVE
10	SCHEDULE.
11	(2) IF LEAVE IS TAKEN ON AN INTERMITTENT LEAVE SCHEDULE, THE
12	COVERED INDIVIDUAL SHALL:
13	(I) MAKE A REASONABLE EFFORT TO SCHEDULE THE
14	INTERMITTENT LEAVE IN A MANNER THAT DOES NOT UNDULY DISRUPT THE
15	OPERATIONS OF THE EMPLOYER; AND
16	(H) PROVIDE THE EMPLOYER WITH REASONABLE AND
17	PRACTICABLE PRIOR NOTICE OF THE REASON FOR WHICH THE INTERMITTENT
18	LEAVE IS NECESSARY.
19	(3) If leave is taken on an intermittent leave schedule, an
20	EMPLOYER MAY NOT REDUCE THE TOTAL AMOUNT OF LEAVE TO WHICH THE
21	COVERED INDIVIDUAL IS ENTITLED BEYOND THE AMOUNT OF LEAVE ACTUALLY
22	TAKEN.
23	8.3-702.
24	(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
25	COVERED INDIVIDUAL MAY NOT RECEIVE MORE THAN 12 WEEKS OF BENEFITS IN AN
26	APPLICATION YEAR.
27	(2) A COVERED INDIVIDUAL MAY RECEIVE AN ADDITIONAL 12 WEEKS
28	OF BENEFITS IF THE COVERED INDIVIDUAL DURING THE SAME APPLICATION YEAR:
2.5	
29	(I) RECEIVED BENEFITS BECAUSE THE COVERED INDIVIDUAL
30	WAS ELIGIBLE FOR BENEFITS UNDER § 8.3–701(A)(3) OF THIS SUBTITLE; AND
0.1	(T) PRODUCE TO THE TOTAL TOTAL TO THE TOTAL THE TOTAL TO THE TOTAL TOT
31	(II) BECOMES ELIGIBLE FOR BENEFITS UNDER §

8.3-701(A)(1), (2), (4), OR (5) OF THIS SUBTITLE.

- 1 (B) IF A COVERED INDIVIDUAL TAKES LEAVE FOR WHICH THE COVERED
 2 INDIVIDUAL IS RECEIVING BENEFITS UNDER THIS TITLE, THE LEAVE SHALL RUN
 3 CONCURRENTLY WITH ELIGIBLE LEAVE THAT MAY BE TAKEN BY THE COVERED
 4 INDIVIDUAL UNDER THE FEDERAL FAMILY AND MEDICAL LEAVE ACT.
- 5 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
 6 AN INDIVIDUAL RECEIVING BENEFITS UNDER TITLE 8 OF THIS ARTICLE OR WAGE
 7 REPLACEMENT BENEFITS UNDER THIS TITLE.
 8 RECEIVE BENEFITS UNDER THIS TITLE.
- 9 **(2)** AN INDIVIDUAL RECEIVING COMPENSATION FOR A PERMANENT
 10 PARTIAL DISABILITY UNDER TITLE 9 OF THIS ARTICLE MAY BE ELIGIBLE FOR
 11 BENEFITS UNDER THIS TITLE.
- 12 **8.3 703.**
- 13 (A) AN EMPLOYER MAY ALLOW A COVERED INDIVIDUAL TO USE PAID
 14 VACATION, PAID SICK LEAVE, OR OTHER PAID TIME OFF UNDER AN EMPLOYER
 15 POLICY IN ADDITION TO THE BENEFITS AVAILABLE UNDER THIS TITLE TO REPLACE
 16 THE COVERED INDIVIDUAL'S WAGES UP TO 100% OF THE COVERED INDIVIDUAL'S
 17 WEEKLY WAGE DURING THE PERIOD OF LEAVE FOR WHICH BENEFITS ARE RECEIVED
 18 UNDER THIS TITLE.
- 19 (B) AN EMPLOYER CONTRIBUTING TO THE FUND MAY REQUIRE A COVERED
 20 INDIVIDUAL WHO RECEIVES BENEFITS UNDER THIS TITLE TO USE THOSE BENEFITS
 21 CONCURRENTLY WITH FAMILY OR MEDICAL LEAVE BENEFITS PROVIDED UNDER AN
 22 EMPLOYER POLICY.
- 23 **8.3-704**.
- 24 (A) FOR THE PURPOSES OF THIS SECTION:
- 25 (1) THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE SHALL BE
 26 CALCULATED AS THE TOTAL WAGES RECEIVED BY THE COVERED INDIVIDUAL OVER
 27 THE LAST 680 HOURS FOR WHICH THE COVERED INDIVIDUAL WAS PAID DIVIDED BY
 28 THE NUMBER OF WEEKS WORKED: AND
- 29 (2) THE STATE AVERAGE WEEKLY WAGE SHALL BE THE WAGE 30 CALCULATED UNDER § 9-603 OF THIS ARTICLE.
- 31 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE WEEKLY
 32 BENEFIT AMOUNT PAYABLE TO A COVERED INDIVIDUAL UNDER THIS TITLE SHALL
 33 BE:

1	(I) IF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE IS
2	65% OR LESS OF THE STATE AVERAGE WEEKLY WAGE, 90% OF THE COVERED
3	INDIVIDUAL'S AVERAGE WEEKLY WAGE;
4	(H) IF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE IS
5	GREATER THAN 65% OF THE STATE AVERAGE WEEKLY WAGE, THE SUM OF:
6	1. 90% of the covered individual's average
7	WEEKLY WAGE UP TO 65% OF THE STATE AVERAGE WEEKLY WAGE; AND
•	WEDIET WIND OF TO 00 /0 OF THE STITE TWENTED WEDIET WINDS
8	2. 50% OF THE COVERED INDIVIDUAL'S AVERAGE
9	WEEKLY WAGE THAT IS GREATER THAN 65% OF THE STATE AVERAGE WEEKLY WAGE;
10	Θ R
11	(HI) IF THE COVERED INDIVIDUAL IS TAKING PARTIALLY PAID
12	LEAVE, THE LESSER OF:
13	1. THE AMOUNT REQUIRED TO MAKE UP THE
$\frac{13}{14}$	DIFFERENCE BETWEEN THE WAGES PAID TO THE COVERED INDIVIDUAL WHILE THE
15	COVERED INDIVIDUAL IS TAKING PARTIALLY PAID LEAVE AND THE FULL WAGES
16	NORMALLY PAID TO THE COVERED INDIVIDUAL; AND
17	2. IF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY
18	WAGE IS GREATER THAN 65% OF THE STATE AVERAGE WEEKLY WAGE, THE SUM OF:
10	
19	A. 90% OF THE COVERED INDIVIDUAL'S AVERAGE
20	WEEKLY WAGE UP TO 65% OF THE STATE AVERAGE WEEKLY WAGE; AND
21	B. 50% OF THE COVERED INDIVIDUAL'S AVERAGE
22	WEEKLY WAGE THAT IS GREATER THAN 65% OF THE STATE AVERAGE WEEKLY WAGE.
23	(2) THE WEEKLY BENEFIT AMOUNT PAYABLE UNDER PARAGRAPH (1)
24	OF THIS SUBSECTION:
	(-)
25	(I) SHALL BE AT LEAST \$50; AND
26	(H) MAY NOT EXCEED:
20	(II) MAT NOT EXCEED.
27	1. FOR THE 12-MONTH PERIOD BEGINNING JULY 1,
28	2024, \$1,000; AND
29	2. FOR THE 12-MONTH PERIOD BEGINNING JULY 1,
30	2025, AND EACH SUBSEQUENT 12-MONTH PERIOD, THE AMOUNT DETERMINED AND
31	ANNOUNCED BY THE SECRETARY UNDER PARAGRAPH (3) OF THIS SUBSECTION.

1	(3) (1) IN THIS PARAGRAPH, "CONSUMER PRICE INDEX" MEANS
$\frac{1}{2}$	THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE
3	WASHINGTON-ARLINGTON-ALEXANDRIA, DC-VA-MD-WV METROPOLITAN AREA
3 4	OR A SUCCESSOR INDEX PUBLISHED BY THE FEDERAL BUREAU OF LABOR
4 5	STATISTICS.
3	DIATIDITOS
6	(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (IV) OF THIS
7	PARAGRAPH, FOR THE 12 MONTH PERIOD BEGINNING JULY 1, 2025, AND EACH
8	SUBSEQUENT 12 MONTH PERIOD, THE MAXIMUM WEEKLY BENEFIT AMOUNT SHALL
9	BE INCREASED BY THE AMOUNT, ROUNDED TO THE NEAREST CENT, THAT EQUALS
10	THE PRODUCT OF:
10	THE TROPULT OF
11	1. THE MAXIMUM WEEKLY BENEFIT AMOUNT IN EFFECT
12	FOR THE IMMEDIATELY PRECEDING 12 MONTH PERIOD; AND
14	TOW THE IMMEDITION THE MONTH I BRIDD, THE
13	2. THE ANNUAL PERCENTAGE GROWTH IN THE
14	Consumer Price Index for the immediately preceding 12-month period,
15	AS DETERMINED BY THE SECRETARY UNDER SUBPARAGRAPH (III)1 OF THIS
16	PARAGRAPH.
10	
17	(III) BEGINNING MARCH 1, 2025, AND ON EACH SUBSEQUENT
18	SEPTEMBER 1, THE SECRETARY SHALL DETERMINE AND ANNOUNCE:
19	1. THE ANNUAL PERCENTAGE GROWTH, IF ANY, IN THE
20	CONSUMER PRICE INDEX BASED ON THE MOST RECENT 12-MONTH PERIOD FOR
21	WHICH DATA ARE AVAILABLE ON SEPTEMBER 1; AND
22	2. THE MAXIMUM WEEKLY BENEFIT AMOUNT EFFECTIVE
23	FOR THE 12-MONTH PERIOD BEGINNING THE IMMEDIATELY FOLLOWING JULY 1.
24	(IV) IF THERE IS A DECLINE OR NO GROWTH IN THE CONSUMER
25	PRICE INDEX, THE MAXIMUM WEEKLY BENEFIT AMOUNT SHALL REMAIN THE SAME
26	AS THE AMOUNT THAT WAS IN EFFECT FOR THE PRECEDING 12-MONTH PERIOD.
27	(C) AN INCREASE IN THE WEEKLY BENEFIT AMOUNT UNDER SUBSECTION
28	(B)(3) OF THIS SECTION APPLIES ONLY TO A CLAIM FOR BENEFITS FILED AFTER THE
29	DATE THE INCREASE BECOMES EFFECTIVE.
30	(D) THE DIVISION SHALL:
0.1	(1)
31	(1) NOTIFY THE EMPLOYER OF A COVERED INDIVIDUAL WITHIN 5
32	BUSINESS DAYS AFTER THE COVERED INDIVIDUAL FILES A CLAIM FOR BENEFITS
33	UNDER THIS TITLE;

1	(2) APPROVE OR DENY THE CLAIM AND NOTIFY THE COVERED
2	INDIVIDUAL WITHIN 10 BUSINESS DAYS AFTER THE COVERED INDIVIDUAL FILES THE
2	CI AIM.

- 4 (3) MAKE THE FIRST PAYMENT OF BENEFITS TO A COVERED 5 INDIVIDUAL WITHIN 5 BUSINESS DAYS AFTER THE CLAIM IS APPROVED; AND
- 6 (4) MAKE SUBSEQUENT PAYMENTS EVERY 2 WEEKS UNTIL THE 7 BENEFIT PERIOD ENDS.
- 8 8.3-705.
- 9 (A) IF THE INTERNAL REVENUE SERVICE DETERMINES THAT BENEFITS
 10 PAID UNDER THIS SUBTITLE ARE SUBJECT TO FEDERAL INCOME TAX, AT THE TIME
 11 A COVERED INDIVIDUAL FILES A NEW CLAIM FOR BENEFITS, THE DIVISION SHALL
 12 NOTHEY THE COVERED INDIVIDUAL THAT:
- 13 (1) THE INTERNAL REVENUE SERVICE HAS DETERMINED THAT THE
 14 BENEFITS ARE SUBJECT TO FEDERAL INCOME TAX;
- 15 (2) THERE ARE REQUIREMENTS REGARDING ESTIMATED TAX
 16 PAYMENTS;
- 17 (3) THE COVERED INDIVIDUAL MAY ELECT TO HAVE FEDERAL
 18 INCOME TAX DEDUCTED AND WITHHELD FROM THE BENEFITS THAT THE COVERED
 19 INDIVIDUAL RECEIVES UNDER THIS TITLE AT THE RATE SPECIFIED IN THE
 20 INTERNAL REVENUE CODE: AND
- 21 (4) THE COVERED INDIVIDUAL IS ALLOWED TO CHANGE A
 22 PREVIOUSLY ELECTED WITHHOLDING STATUS.
- 23 (B) (1) IF A COVERED INDIVIDUAL ELECTS TO HAVE FEDERAL INCOME
 24 TAX DEDUCTED AND WITHHELD UNDER SUBSECTION (A)(3) OF THIS SECTION, THE
 25 DIVISION SHALL DEDUCT AND WITHHOLD AN AMOUNT AT THE RATE SPECIFIED IN
 26 THE INTERNAL REVENUE CODE IN A MANNER REQUIRED BY THE INTERNAL
 27 REVENUE SERVICE.
- 28 (2) IF THE DIVISION DEDUCTS AND WITHHOLDS FEDERAL INCOME
 29 TAX UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE AMOUNT DEDUCTED AND
 30 WITHHELD SHALL REMAIN IN THE FUND UNTIL IT IS TRANSFERRED TO THE
 31 INTERNAL REVENUE SERVICE AS A PAYMENT OF INCOME TAX.

- 1 (A) AN EMPLOYER MAY SATISFY THE REQUIREMENTS OF THIS TITLE
 2 THROUGH A PRIVATE EMPLOYER PLAN CONSISTING OF EMPLOYER-PROVIDED
 3 BENEFITS, INSURANCE, OR A COMBINATION OF BOTH IF THE PRIVATE EMPLOYER
 4 PLAN IS OFFERED TO ALL OF THE EMPLOYER'S ELIGIBLE EMPLOYEES AND MEETS
 5 OR EXCEEDS THE RIGHTS, PROTECTIONS, AND BENEFITS PROVIDED TO A COVERED
 6 EMPLOYEE UNDER THIS TITLE.
- 7 (B) A PRIVATE EMPLOYER PLAN SHALL BE FILED WITH THE DIVISION FOR 8 APPROVAL.
- 9 (C) AN EMPLOYER THAT PROVIDES COVERED EMPLOYEES WITH A PRIVATE
 10 EMPLOYER PLAN AND AN EMPLOYEE THAT IS COVERED BY A PRIVATE EMPLOYER
 11 PLAN ARE EXEMPT FROM THE CONTRIBUTIONS REQUIRED UNDER SUBTITLE 6 OF
 12 THIS TITLE.
- 13 **8.3-707.**
- 14 IF A COVERED INDIVIDUAL RECEIVES BENEFITS UNDER THIS TITLE OR TAKES
 15 LEAVE FROM WORK FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE, THE
 16 EMPLOYER OF THE COVERED INDIVIDUAL SHALL, ON THE EXPIRATION OF THE
 17 LEAVE, RESTORE THE COVERED INDIVIDUAL TO AN EQUIVALENT POSITION OF
 18 EMPLOYMENT.
- 19 **8.3-708.**
- 20 IF A COVERED INDIVIDUAL IS RECEIVING BENEFITS UNDER THIS TITLE OR IS
 21 TAKING LEAVE FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE, THE
 22 EMPLOYER OF THE COVERED INDIVIDUAL SHALL CONTINUE ANY EMPLOYMENT
 23 BENEFITS IN THE SAME MANNER AS REQUIRED UNDER TITLE 3, SUBTITLE 12 OF
 24 THIS ARTICLE FOR THE TIME PERIOD THAT THE COVERED INDIVIDUAL IS ABSENT
 25 FROM WORK OR RECEIVING BENEFITS UNDER THIS TITLE.
- 26 SUBTITLE 8. NOTICE TO EMPLOYEES.
- 27 **8.3-801.**
- 28 (A) AN EMPLOYER SHALL PROVIDE WRITTEN NOTICE TO EACH EMPLOYEE
 29 OF THE RIGHTS AND DUTIES OF AN EMPLOYEE UNDER THIS TITLE AT THE TIME OF
 30 HIRE AND ANNUALLY THEREAFTER.
- 31 (B) (1) WHEN AN EMPLOYEE REQUESTS LEAVE UNDER THIS TITLE, OR
 32 WHEN AN EMPLOYER KNOWS THAT AN EMPLOYEE'S LEAVE MAY BE FOR A REASON
 33 UNDER § 8.3–302 OF THIS TITLE, THE EMPLOYEE SHALL NOTIFY THE EMPLOYEE OF

30

(1)

1	THE EMPLOYEE'S ELIGIBILITY TO TAKE LEAVE FOR WHICH BENEFITS MAY BE PAID
2	UNDER THIS TITLE WITHIN 5 BUSINESS DAYS.
0	(2)
3	(2) THE NOTICE PROVIDED UNDER PARAGRAPH (1) OF THIS
4	SUBSECTION SHALL INCLUDE:
5	(I) THE RIGHT OF AN ELIGIBLE EMPLOYEE TO RECEIVE
6	Program benefits under this title;
7	(II) THE PROCEDURE FOR FILING A CLAIM FOR BENEFITS;
8	(HH) AN ELIGIBLE EMPLOYEE'S RESPONSIBILITIES WITH
9	RESPECT TO PROVIDING NOTIFICATION PRIOR TO THE COMMENCEMENT OF LEAVE
10	AND ANY PENALTIES FOR FAILING TO DO SO;
11	(TV) WHE DIGHT OF AN EMPLOYEE TO FILE A COMPLAINT FOR
11	(IV) THE RIGHT OF AN EMPLOYEE TO FILE A COMPLAINT FOR
12	ALLEGED VIOLATIONS OF THIS TITLE;
13	(V) THE RIGHT OF AN ELIGIBLE EMPLOYEE TO JOB
14	PROTECTION: AND
14	THOTEOTION, MID
15	(VI) A DESCRIPTION OF THE PROHIBITED ACTS, PENALTIES, AND
16	COMPLAINT PROCEDURES UNDER SUBTITLE 9 OF THIS TITLE.
	00111 = 110 0 = 2 0112 0112 0112 0 01 1112 0 01 1112 0 01
17	(C) THE NOTICES REQUIRED UNDER THIS SUBTITLE SHALL BE PROVIDED IN
18	ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY.
19	SUBTITLE 9. PROHIBITED ACTS; PENALTIES.
20	8.3-901.
01	(A) TO AN INDIVIDUAL WHITEHIAN MAKES A DATE COMMENSOR OF
21 22	(A) IF AN INDIVIDUAL WILLFULLY MAKES A FALSE STATEMENT OR
	MISREPRESENTATION REGARDING A MATERIAL FACT OR WILLFULLY FAILS TO
23	REPORT A MATERIAL FACT TO OBTAIN BENEFITS UNDER THIS TITLE, THE
24	INDIVIDUAL IS DISQUALIFIED FROM RECEIVING BENEFITS FOR 1 YEAR.
25	(B) IF AN EMPLOYER WILLFULLY MAKES OR CAUSES TO BE MADE A FALSE
26	STATEMENT OR WILLFULLY FAILS TO REPORT A MATERIAL FACT REGARDING A
$\frac{27}{27}$	CLAIM FOR BENEFITS BY AN EMPLOYEE, THE EMPLOYER IS SUBJECT TO A CIVIL
28	PENALTY OF UP TO \$1,000 FOR EACH OCCURRENCE.
	
29	(C) AN EMPLOYER MAY NOT WILLELL LY.

FAIL OR REFUSE TO PAY CONTRIBUTIONS TO THE FUND; OR

1	(2) TAKE DEDUCTIONS FROM THE WAGES OF AN EMPLOYEE TO PAY
2	ANY PORTION OF THE EMPLOYER CONTRIBUTIONS DUE FROM THE EMPLOYER.
3	8.3-902.
4	(A) THE DIVISION MAY SEEK REPAYMENT OF BENEFITS FROM AN
5	INDIVIDUAL WHO RECEIVED BENEFITS UNDER THIS TITLE IF:
6	(1) THE BENEFITS WERE PAID ERRONEOUSLY OR AS A RESULT OF
7	WILLFUL MISREPRESENTATION BY THE INDIVIDUAL; OR
8	(2) A CLAIM FOR BENEFITS UNDER THIS TITLE IS REJECTED AFTER
9	THE BENEFITS WERE PAID.
0	(B) THE SECRETARY MAY WAIVE IN WHOLE OR IN PART THE REPAYMENT OF
1	BENEFITS UNDER SUBSECTION (A) OF THIS SECTION IF:
2	(1) THE ERROR IN PAYMENT WAS NOT DUE TO ANY FALSE STATEMENT,
13	NONDISCLOSURE OF MATERIAL FACT, OR MISREPRESENTATION BY A COVERED
L 4	INDIVIDUAL; OR
15	(2) THE REPAYMENT WOULD BE AGAINST EQUITY AND GOOD
6	CONSCIENCE OR ADMINISTRATIVE EFFICIENCY.
17	8.3-903.
18	IF AN EMPLOYER FAILS TO PAY THE CONTRIBUTIONS DUE TO THE FUND, THE
9	SECRETARY MAY, IN ACCORDANCE WITH § 8.3–404 OF THIS TITLE:
20	(1) ASSESS THE AMOUNT OF CONTRIBUTIONS AND INTEREST DUE;
21	(2) MAKE AN ADDITIONAL ASSESSMENT IN AN AMOUNT NOT TO
22	EXCEED TWO TIMES THE CONTRIBUTIONS WITHHELD, AS A PENALTY FOR FAILURE
23	TO PAY THE CONTRIBUTIONS DUE; AND
24	(3) ORDER AN AUDIT OF THE EMPLOYER FOR THE IMMEDIATELY
25	FOLLOWING FISCAL YEAR TO INVESTIGATE AND DETERMINE COMPLIANCE WITH
26	THIS TITLE AND TITLES 3, 8, AND 9 OF THIS ARTICLE.

8.3-904.

1	A PERSON MAY NOT DISCHARGE, DEMOTE, OR OTHERWISE DISCRIMINATE OR
2	TAKE ADVERSE ACTION AGAINST A COVERED INDIVIDUAL BECAUSE THE COVERED
3	INDIVIDUAL HAS:

- 4 (1) FILED FOR, APPLIED FOR, OR RECEIVED BENEFITS, OR TAKEN
 5 FAMILY OR MEDICAL LEAVE FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE:
- 6 (2) INQUIRED ABOUT THE RIGHTS AND RESPONSIBILITIES UNDER 7 THIS TITLE:
- 8 (3) COMMUNICATED TO THE PERSON AN INTENT TO FILE A CLAIM, A
 9 COMPLAINT, OR AN APPEAL UNDER THIS TITLE; OR
- 10 (4) TESTIFIED OR INTENDS TO TESTIFY OR OTHERWISE HAS ASSISTED
 11 IN A PROCEEDING UNDER THIS TITLE.
- 12 **8.3-905.**
- 13 (A) (1) AN EMPLOYEE ALLEGING A VIOLATION OF THIS SUBTITLE MAY
 14 FILE A COMPLAINT WITH THE SECRETARY TO RECOVER LOST WAGES AND DAMAGES
 15 EQUAL TO THE AMOUNT OF WAGES, SALARY, EMPLOYMENT BENEFITS, OR OTHER
 16 COMPENSATION DENIED OR LOST, AND APPROPRIATE PUNITIVE DAMAGES.
- 17 **(2)** A COMPLAINT UNDER THIS SUBSECTION MAY ALSO SEEK
 18 APPROPRIATE RELIEF INCLUDING REINSTATEMENT OR THE HIRING OF EMPLOYEES
 19 WITH OR WITHOUT BACK PAY:
- 20 (B) THIS SECTION DOES NOT DEPRIVE A PRIVATE RIGHT OR CAUSE OF 21 ACTION TO ANY EMPLOYEE FOR VIOLATIONS OF § 8.3–904 OF THIS SUBTITLE OR § 22 8.3–707 OF THIS TITLE.
- 23 **8.3 906.**
- 24 (A) (1) NOTWITHSTANDING ANY ADMINISTRATIVE REMEDY AVAILABLE
 25 UNDER § 8.3-905 OF THIS SUBTITLE, AN EMPLOYEE MAY BRING AN ACTION AGAINST
 26 AN EMPLOYER FOR VIOLATIONS OF § 8.3-904 OF THIS SUBTITLE OR § 8.3-707 OR §
 27 8.3-708 OF THIS TITLE TO RECOVER LOST WAGES AND DAMAGES EQUAL TO THE
 28 AMOUNT OF WAGES, SALARY, EMPLOYMENT BENEFITS, OR OTHER COMPENSATION
 29 DENIED OR LOST, AND APPROPRIATE PUNITIVE DAMAGES.
- 30 (2) AN ACTION UNDER THIS SUBSECTION MAY SEEK INJUNCTIVE AND
 31 OTHER APPROPRIATE EQUITABLE RELIEF INCLUDING REINSTATEMENT OR THE
 32 HIRING OF EMPLOYEES WITH OR WITHOUT BACK PAY.

1	(B) On a finding that an employee is entitled to judgment in an
2	ACTION UNDER SUBSECTION (A) OF THIS SECTION, THE COURT SHALL ALLOW
	,
3	AGAINST THE EMPLOYER REASONABLE ATTORNEY'S FEES AND OTHER COSTS.
4	8.3-907.
5	(A) (1) THE SECRETARY SHALL ESTABLISH A SYSTEM FOR APPEALS BY
6	COVERED INDIVIDUALS IN THE CASE OF DENIAL OF BENEFITS UNDER THIS TITLE.
7	(2) THE SECRETARY MAY USE THE PROCEDURES UNDER § 8–806 OF
8	THIS ARTICLE FOR THE SYSTEM REQUIRED UNDER PARAGRAPH (1) OF THIS
9	SUBSECTION.
10	(B) JUDICIAL REVIEW OF ANY DECISION WITH RESPECT TO BENEFITS
11	UNDER THIS TITLE SHALL BE ALLOWED IN A COURT OF COMPETENT JURISDICTION
12	AFTER AN AGGRIEVED PARTY HAS EXHAUSTED ALL ADMINISTRATIVE REMEDIES
	ESTABLISHED BY THE SECRETARY UNDER THIS TITLE.
13	ESTABLISHED BY THE SECRETARY UNDER THIS TITLE.
14	(C) THE SECRETARY SHALL IMPLEMENT PROCEDURES TO ENSURE
15	CONFIDENTIALITY OF ALL INFORMATION RELATED TO ANY CLAIMS FILED OR
16	APPEALS TAKEN TO THE MAXIMUM EXTENT ALLOWED BY LAW
10	THE THE THE TO THE MEANICH EXTENT MEETING BY LAW.
17	SUBTITLE 10. SHORT TITLE.
18	8.3–1001.
19	THIS TITLE MAY BE CITED AS THE MARYLAND FAMILY AND MEDICAL LEAVE
_	
20	INSURANCE PROGRAM.
21	Article - State Finance and Procurement
22	6-226.
23	
	(a) (2) (i) Notwithstanding any other provision of law and unless
24	(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law grant agreement or other federal requirement or with the
24 25	inconsistent with a federal law, grant agreement, or other federal requirement or with the
25	inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the
$\frac{25}{26}$	inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to
252627	inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
2526	inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to
252627	inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.
25 26 27 28	inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
25 26 27 28 29 30	inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State. (ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:
25 26 27 28 29	inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State. (ii) The provisions of subparagraph (i) of this paragraph do not apply

1	145. the Access to Counsel in Evictions Special Fund; AND
2	146. THE FAMILY AND MEDICAL LEAVE INSURANCE
3	Fund.
J	TOND:
4	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
5	apply only prospectively and may not be applied or interpreted to have any effect on or
6	application to any collective bargaining agreement entered into before the effective date of
7	this Act.
8	SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1, 2022,
9	the Secretary of Labor shall adopt regulations as required under § 8.3–403 of the Labor and
10	Employment Article, as enacted by Section 1 of this Act it is the intent of the General
11	Assembly that \$25,000,000 be set aside in the fiscal year 2023 budget to support the work
12	of the Commission on the Establishment of a Family Medical Leave and Insurance
13	Program, as enacted by Section 1 of this Act, and any other changes necessary for the
14	Maryland Department of Labor to prepare for the implementation of a Family Medical
15	Leave and Insurance Program.
1.0	CECONION 4 9 AND DE IM DIJDMILED ENACORDO MI 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
16	SECTION 4. 3. AND BE IT FURTHER ENACTED, That it is the intent of the
17	General Assembly that the statutory framework establishing a Family Medical Leave and
18	Insurance Program in the State shall:
19	(1) general funds be loaned to the Family and Medical Leave Insurance
$\frac{10}{20}$	Fund by July 1, 2023, in an amount sufficient to supplement contributions and provide
21	funding for costs to administer the Family and Medical Leave Insurance Program; and
	randing for costs to daminister the raining and incurred Ecave insurance riogram, and
22	(2) any funds loaned to the Family and Medical Leave Insurance Fund be
23	repaid to the General Fund by the Secretary of Labor as soon as the Fund receives enough
24	contributions to become self-sustaining be effective not later than June 1, 2023;
	<u> </u>
25	(2) include, to the extent practicable, the findings and recommendations of
26	the Commission on the Family Medical Leave and Insurance Program, as enacted by
27	Section 1 of this Act;
28	(3) enable individuals to receive benefits under the Program by June 1,
29	2024;
30	(4) require employers and employees to share in the cost of contributions
31	to fund the Program; and
32	(5) generally provide temporary benefits to certain individuals who take
33	leave from employment for family— and medical—related reasons.

- SECTION 5. <u>4.</u> AND BE IT FURTHER ENACTED, That this Act shall take effect
 June 1, 2022. Section 2 of this Act shall remain effective for a period of 1 year and 1 month
 and, at the end of June 30, 2023, this Act, with no further action required by the General
 Assembly, shall be abrogated and of no further force and effect.
- 5 <u>SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to</u> 6 <u>apply only prospectively and may not be applied or interpreted to have any effect on or</u> 7 <u>application to any collective bargaining agreement entered into before the effective date of</u> 8 <u>this Act.</u>

SECTION 3. AND BE IT FURTHER ENACTED, That:

- 10 (a) On or before June 1, 2023, the Secretary of Labor shall set the total rate of
 11 contribution and percentage of the total rate of contribution to be paid by employees of
 12 employers and employers with 15 or more employees under § 8.3–601(a) of the Labor and
 13 Employment Article, as enacted by Section 1 of this Act, effective October 1, 2023.
- 14 <u>(b)</u> The rate and percentages set under subsection (a) of this section shall be:
- 15 <u>(1) based on the study required under Section 11(2) of this Act; and</u>
- 16 (2) <u>in effect from October 1, 2023, through December 31, 2025, both</u>
 17 inclusive.
- 18 SECTION 4. AND BE IT FURTHER ENACTED, That, on or before January 1, 2023,
- 19 the Maryland Department of Labor shall report to the Senate Finance Committee and the
- 20 House Economic Matters Committee, in accordance with § 2–1257 of the State Government
- 21 Article, on whether a covered employee using benefits under the Maryland Family and
- 22 <u>Medical Leave Insurance Program established under § 8.3–301 of the Labor and</u>
- 23 Employment Article, as enacted by Section 1 of this Act, is also eligible for Unemployment
- 24 Insurance Benefits under Title 8 of the Labor and Employment Article and the effect that
- 25 <u>dual eligibility has on employer ratings.</u>

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- 26 <u>SECTION 5. AND BE IT FURTHER ENACTED, That the Maryland Department of</u> 27 <u>Labor shall:</u>
- 28 (1) conduct an actuarial study on the cost to the State for paying the
 29 required contribution for community providers, as described in Section 7 of this Act, under
 30 § 8.3–601 of the Labor and Employment Article, as enacted by Section 1 of this Act; and
- 31 (2) on or before October 1, 2022, report the actuary's findings and 32 recommendations to the Senate Finance Committee and the House Economic Matters 33 Committee, in accordance with § 2–1257 of the State Government Article.
- 34 <u>SECTION 6. AND BE IT FURTHER ENACTED, That the Department of Legislative</u> 35 Services shall:

- 1 (1) contract with a consultant to study and make recommendations
 2 regarding the capability and capacity of the Maryland Department of Labor to implement
 3 and administer the Family and Medical Leave Insurance Program under Title 8.3 of the
 4 Labor and Employment Article, as enacted by Section 1 of this Act, including
 5 recommendations regarding any additional resources needed by the Department to meet
 6 future demands of the Program, such as operating budget appropriations, staff, contracting
 7 authority, and pay increases; and
- 8 (2) on or before October 1, 2022, report the consultant's findings and
 9 recommendations to the Governor and, in accordance with § 2–1257 of the State Government
 10 Article, the General Assembly.
- SECTION 7. AND BE IT FURTHER ENACTED, That it is the intent of the General 11 Assembly that the State pay the required contribution under § 8.3–601 of the Labor and 12 13 Employment Article, as enacted by Section 1 of this Act, to the Family and Medical Leave Insurance Fund established under § 8.3–501 of the Labor and Employment Article, as 14 15 enacted by Section 1 of this Act, for employers that are community providers that are community-based agencies or programs funded by the Behavioral Health Administration, 16 the Developmental Disabilities Administration, or the Medical Care Programs 17 Administration to serve individuals with mental disorders, substance-related disorders, or 18 19 a combination of those disorders or developmental disabilities.
- SECTION 8. AND BE IT FURTHER ENACTED, That, if a covered employee makes
 an hourly wage that is less than \$15.00 an hour, it is the intent of the General Assembly that
 the State pay the covered employee's required contribution under § 8.3–601 of the Labor and
 Employment Article, as enacted by Section 1 of this Act, to the Family and Medical Leave
 Insurance Fund established under § 8.3–501 of the Labor and Employment Article, as
 enacted by Section 1 of this Act.
- 26 <u>SECTION 9. AND BE IT FURTHER ENACTED, That Section 8 of this Act shall</u> 27 <u>remain effective for a period of 3 years and 6 months and, at the end of June 30, 2026,</u> 28 <u>Section 8 of this Act, with no further action required by the General Assembly, shall be</u> 29 <u>abrogated and of no further force and effect.</u>
- 30 <u>SECTION 10. AND BE IT FURTHER ENACTED, That, on or before June 1, 2023,</u>
 31 <u>the Secretary of Labor shall adopt regulations as required under §</u>
 32 <u>8.3–403 of the Labor and Employment Article, as enacted by Section 1 of this Act.</u>
- 33 <u>SECTION 11. AND BE IT FURTHER ENACTED, That, on or before December 1,</u> 34 <u>2022, the Secretary of Labor shall:</u>
- 35 (1) conduct the cost analysis described in § 8.3–601(b) of the Labor and 36 Employment Article, as enacted by Section 1 of this Act;
- 37 (2) <u>conduct the study and make recommendations as described in §</u> 38 <u>8.3–601(c) of the Labor and Employment Article, as enacted by Section 1 of this Act; and</u>

(3) report the findings and recommendations to the Senate Finance Committee, the House Economic Matters Committee, and the Joint Committee on
Administrative, Executive, and Legislative Review in accordance with § 2–1257 of the State
Government Article.
CECTION 19 AND DE IT EUDTHED ENACTED That Cartians 1 7 9 and 10 a
<u>SECTION 12. AND BE IT FURTHER ENACTED, That Sections 1, 7, 8, and 10 of this Act shall take effect January 1, 2023.</u>
interior on artifact of artical, 1, 2025.
SECTION 13. AND BE IT FURTHER ENACTED, That, except as provided in
Section 12 of this Act, this Act shall take effect June 1, 2022.
Approved:
Governor.
Speaker of the House of Delegates.
President of the Senate.
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