



Frequently Asked Questions about Family and Medical Leave Insurance (FAMLI)

September 2024

The Maryland Department of Labor is in the process of establishing our state's Family and Medical Leave Insurance (FAMLI) system. The work of the FAMLI team is underway. Over the past year, we received a number of questions, particularly from the employer community. This document is an updated version of the FAQ's first published on our website in January 2024.

Listed below are the most frequently asked questions. It is important to note that the Department has not yet finalized regulations. Therefore, these answers are subject to change. Updated information will be posted at paidleave.maryland.gov.

If your question is not answered below, please [click here](#) to submit it!

Terms:

Employer: anyone who pays a salary or wage to at least one person who works in Maryland. No employers are excluded from FAMLI.

Worker: anyone who receives a salary or wage for work done in Maryland. Workers **do not** include independent contractors or federal government employees.

Claims Questions

1. Who will be able to receive paid family and medical leave benefits?

Any worker with a qualifying event who works at least 680 hours in a position based in Maryland in the 4 calendar quarters reported before they need to take leave.

Self-employed individuals can opt into the program and have different eligibility requirements.

2. Do federal workers who work in Maryland qualify for FAMLI benefits?

No, federal workers do not qualify for FAMLI benefits and do not contribute to the fund. Consider reviewing the [paid parental leave policy for federal workers](#).

These answers are based on the Division's current thinking. The Division's regulations have not been finalized. The information contained herein is subject to change without notification. Please visit paidleave.maryland.gov for updated information.



3. What qualifying events could a worker use leave for?

A worker could use leave:

- To welcome a child into their home, including through adoption and foster care
- To care for themselves, if they have a serious health condition
- To care for a family member with a serious health condition
- To make arrangements for a family member's military deployment

4. How long after a child is born or placed with a family can a parent take leave?

Parents can take leave during the first year after their child is born or placed with them through foster care, kinship care, or adoption. Parents of children born or placed with families before benefits become available on July 1, 2026 can take leave within the first year after birth or placement. For example, if a baby was born on March 1, 2026, the parent(s) would be eligible for 12 weeks of FAML leave between July 1, 2026 and March 1, 2027 when the baby turns 1.

5. Who is considered a "family member" of a worker?

Family members are:

- the spouse or domestic partner of the worker;
- a child (including biological, adopted, foster or stepchild) of the worker;
- a parent (including biological, adopted, foster or stepparent) of the worker or the worker's spouse;
- a grandparent (including biological, adopted, foster or step-grandparent) of the worker;
- a grandchild (including biological, adopted, foster or step-grandchild) of the worker;
- a sibling (including biological, adopted, foster or step-sibling) of the worker;
- a person for whom the worker, or the worker's spouse, has court appointed decision making authority over (financial and/or personal);
- an individual who acted as a parent or stood in loco parentis to the worker or the worker's spouse when the worker or the worker's spouse was a minor. (For example, the worker's step-parent from when the worker was a minor but who is no longer married to the worker's birth parent);

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- a child for whom the worker has court appointed decision making authority over (financial and/or personal) and/or who lives with the worker; and
- a child the worker has assumed the obligations of a parent for without formal adoption proceedings.

6. Can the next of kin for a military service member qualify to take time away to care for the member?

Yes, if the serious health condition was caused or exacerbated by the member's military service.

7. What qualifies as a serious health condition?

A serious health condition is an illness, injury, or physical or mental condition that meets one or more of the following:

- Requires inpatient care,
- Involves the donation of an organ, or
- Involves continuing treatment by a licensed health care provider including:
 - a period of disability due to pregnancy,
 - a period of disability due to a chronic condition,
 - a period of disability due to a permanent or long-term condition,
 - absences to receive multiple treatments, and
 - a period of incapacity of 3 or more days that also involves multiple treatments.

8. Will workers need to create an online account with FAMLII?

Workers will only need to create an account when they are ready to file a claim.

9. When can workers apply for benefits?

Benefits will be available starting July 1, 2026. Workers can apply for benefits up to 60 days before or after their leave starts.

10. How will employers know if a worker filed a claim with the State?

Employers may require workers to provide 30 days notice for foreseeable leave. For leave that is unexpected, employers may require workers to give notice as soon as is practicable.

Additionally, the Division will electronically notify employers when a worker files a claim and each time there is a status change to the application (determination, appeal request, appeal, etc...).

11. How is an employer involved in the claims process?

The Division will notify an employer when a worker files a claim. The employer will have 5 business days to respond. The employer can tell the Division to proceed with processing the claim or provide additional information about the claim.

12. How will employers verify whether a new hire has worked 680 hours in the last 4 calendar quarters?

Wage and hour reports will be submitted to the FAML I Division each quarter when contributions are due. The FAML I Division will use those reports to respond to inquiries from employers about worked hours.

13. Will someone who is unemployed be able to receive benefits?

Yes. Someone who is unemployed will be able to apply for benefits from the State. However, they will not be able to receive unemployment benefits and FAML I at the same time.

14. Are there any exceptions to eligibility rules based on type of worker? For example, are AmeriCorps, seasonal or temporary workers exempt?

The law does not exclude any group of workers. Self-employed individuals can choose to participate.

15. What is the turnaround time on claims?

The Division has 10 days to make a determination on a completed claim. An employer has a chance to respond before a claim is considered complete.

16. How much will a worker be paid while out on paid family and medical leave?

Maryland workers will earn up to 90% of their wages up to a maximum of \$1000 per week. Employers have the option of “topping off” the benefit through their own plans and policies.

17. A worker may take leave from more than one employer at the same time. How will their benefit amount be calculated?

FAMLI benefits will be calculated per employer. A worker can earn up to 90% of their weekly wages per employer.

18. How long will it take for a worker to receive benefits? Is there a waiting period for benefits?

Workers will receive their first benefit payment within 5 business days after their claim is approved or the leave has started, whichever is later. There is no waiting period for benefits.

19. How much time off will a worker be able to request each year through paid family and medical leave? Are there any special circumstances that would give a worker more time off?

When benefits become available in 2026, workers will be able to request up to 12 weeks within a 12 month period. The exact time off approved will depend on the person and their situation.

If the worker experiences both their own serious health condition and welcomes a child in the same year, they could be eligible for up to 12 weeks per event for a total of up to 24 weeks. While the two events could be related, they do not have to be.

20. Will workers have to take all 12 weeks of leave at once?

No. Workers will be able to take up to 12 weeks of leave on a continuous or an intermittent basis. Intermittent means not all at once. Employers and workers should agree on the intermittent schedule.

21. How will leave length be determined?

To determine how much leave to approve, the Division will review three things: 1) the number of weeks the worker requested; 2) the amount of leave supported by the medical professional signing the leave certification (if required); and 3) how much of the worker's FMLI leave is still available for the year. The Division will approve leave for the lowest amount of time.

22. Do workers receive job protection while out on FMLI leave?

Yes, an employer must hold a worker's position while they are on FMLI leave. The worker should return to the same or an equivalent position.

23. Will an employer need to maintain workers' health benefits while they are out on FMLI leave?

Yes, employers must maintain workers' health benefits while they are out on leave.

24. Will workers be eligible for paid family and medical leave if they changed jobs recently? What if they have more than one job?

A worker is eligible if they worked 680 hours in Maryland in the 4 calendar quarters reported before they take leave. Eligibility is not dependent on time spent at a specific job.

25. If a worker changes jobs, will they still be eligible for benefits? Does it matter if the new employer has a different plan?

Yes, they will be eligible for benefits in the State plan, as long as they have worked 680 hours in Maryland. All work localized in Maryland counts toward a worker's eligibility. It does not matter whether the employer participates in a private plan or the State plan.

26. If a worker has a break between jobs, does that impact their eligibility?

The Division will look at the last 4 quarters for which reports were due. If they worked 680 hours total, they will qualify.

27. Some workers are eligible to take time off through the federal Family and Medical Leave Act (FMLA). Will workers be able to take time off through both FMLA and Maryland's FAMILI?

When an event qualifies for leave through both FMLA and FAMILI, the leaves should run at the same time. There will be cases when an event only qualifies for FAMILI. In that case, an individual does not use any FMLA time while taking FAMILI.

28. Can a worker receive Workers' Compensation and FAMILI leave benefits at the same time?

No, a worker may not receive FAMILI benefits at the same time as most types of Workers' Compensation. There is an exception for permanent partial disability payments.

29. Will workers need to use their regular paid time off before they can use FAMILI?

No. Employers cannot require workers to use other types of paid time off before using paid family and medical leave.

30. What if an employer offers parental leave?

If an employer offers leave specifically designed to cover a FAMILI qualifying event, such as parental leave, the Division is referring to that as **Alternative FAMILI Purpose Leave (AFPL)**. If an employer offers AFPL, they will be able to require that workers take their AFPL concurrently with FAMILI leave.

31. A worker takes 6 weeks of leave through their employer's AFPL plan and another 6 weeks through FAMILI. Does that exhaust the total 12 weeks available through FAMILI?

Yes.

32. My company already offers short term disability insurance (STD). How will paid family and medical leave interact with STD?

The weekly benefit amount through FAMILI will not be reduced or offset to take into account STD benefits. When FAMILI is used for a worker's own serious health condition, there may be some overlap with a worker's eligibility for an employer's short term disability policy. Employers may choose to amend their STD policy to take into account FAMILI benefits. For example, employers may "top off" the FAMILI wage replacement percentage to 100% of the worker's regular pay or increase the duration of leave related to the health event beyond the 12 weeks provided by FAMILI.

33. Can a worker use regularly accrued time along with the FAMILI benefit?

Employers may allow workers to use accrued leave to top off their FAMILI benefit up to 100% of their wage. Workers must agree to using their accrued leave in this way.

34. Who will certify that the claimant has a Serious Health Condition?

A licensed health care provider will be required to certify.

35. How will the system protect against fraud?

Preventing fraud is a top priority for the FAMILI Division and the Maryland Department of Labor, and we are building the system accordingly. In addition, the Division will notify employers when a worker submits a claim and again after a decision. Employers will have the opportunity to share pertinent information with the Division, including proof that a worker is not eligible for leave.

36. Will the claims process for private plans be the same as the claims process for the State Plan?

In general, private plans are required to follow the same process as the State.