

FAMLI Frequently Asked Questions

April 2026

The Maryland Department of Labor (MD Labor) is in the process of establishing our state's Family and Medical Leave Insurance (FAMLI) program. [Chapters 1-5 of the FAMLI regulations](#) are now in effect and published in the Code of Maryland Regulations.

Listed below are the most frequently asked claims questions, particularly from the employer community, with answers from the FAMLI Division of MD Labor.

If your question has not been answered, please reach out to our Customer Care Contact Center at (410) 525-4010 or paid.leave@maryland.gov.

Claims Questions

1. What are the requirements before an employee will be eligible to receive benefits?

An employee will be eligible for benefits after they work at least 680 hours in a position based in Maryland in the 4 calendar quarters reported before they apply or their leave begins (whichever is earlier). The total number of hours can come from more than one employer.

Self-employed individuals will be able to opt into the program and have different eligibility requirements.

2. Will self-employed individuals be eligible for benefits?

Once the option is launched, self-employed individuals may choose to register themselves in order to contribute and be eligible for benefits. Details will become available at a later date.

3. Do federal employees who work in Maryland qualify for FAMLI benefits?

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

4. Is there a minimum age requirement to be eligible for FAMLI?

No. FAMLI does not have age restrictions.

5. Is there a minimum income requirement to qualify for FAMLI?

No, there is no minimum income requirement to qualify for FAMLI. All employees will be eligible after working 680 hours in Maryland during the 4 reported quarters before the claim was complete or leave began, whichever was earlier.

6. What qualifying events could an employee use leave for?

An employee could use leave:

- To welcome a child, 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 deployment

7. Does Maryland's paid family and medical leave program include domestic violence as a qualifying event?

No. Maryland's paid family and medical leave law does not include domestic violence as a qualifying event.

8. 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 in January 2028 can take leave within the first year after birth or placement, as long as the leave is taken after benefits begin. For example, if a baby was born on November 1, 2027, the parent(s) would be eligible for 12 weeks of FAMLI leave between January 2028 and November 1, 2028 when the baby turns 1.

9. Can both parents welcoming a child take FAMLI leave at the same time?

Yes.

10. Will spouses who work for the same employer be able to take FAMLI leave at the same time?

Yes.

11. Will a grandparent be able to take leave after the birth or placement of a grandchild?

A grandparent will be able to take leave after the birth of a child only if the grandparent is the child's legal guardian or if the child is being placed with the grandparent through adoption, foster care, or kinship care.

12. How does the FAMLI Division define "kinship care?"

The FAMLI Division's definition of "kinship care" includes both informal and formal kinship care.

Informal kinship care is a living arrangement where a relative provides care for a minor due to serious family hardship, such as a parent's death, serious illness, incarceration, or addiction. This relative is not a formal guardian, and the minor is not in the care of the local department of social services.

Formal kinship care is continuous 24 hour care and supportive services provided for a minor placed by social services in the home of a kinship parent or kinship caregiver.

13. Who is considered a "family member" of an employee?

Family members are:

- the spouse or domestic partner of the employee;
- a child (including biological, adopted, foster or stepchild) of the employee;
- a parent (including biological, adopted, foster or stepparent) of the employee or the employee's spouse;
- a grandparent (including biological, adopted, foster or step-grandparent) of the employee;
- a grandchild (including biological, adopted, foster or step-grandchild) of the employee;
- a sibling (including biological, adopted, foster or step-sibling) of the employee;
- a person for whom the employee or the employee'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 employee or the employee's spouse when the employee or the employee's spouse was a minor. (For example, the employee's step-parent from when the employee was a minor but who is no longer married to the employee's birth parent);

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

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

Yes, a service member's next of kin may qualify, if the serious health condition was caused or exacerbated by the member's uniformed service. For the definition of "next of kin" please see COMAR 09.42.01.01 B(41).

15. 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 incapacity due to pregnancy,
 - a period of incapacity due to a chronic condition,
 - a period of incapacity 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.

16. How is "incapacity" defined?

"Incapacity" means the inability to perform at least one essential job function, attend school, or perform regular daily activities.

17. Who will certify that the claimant has a serious health condition?

A licensed health care provider will be required to certify.

18. Is the death of a family member considered a qualifying event?

No, the death of a family member is not a qualifying event.

However, if an employee is already receiving FAMLI benefits to care for a family member and they pass away, the employee must provide notice within 72

hours of the family member's passing. The employee's benefits will continue for up to 7 days after the death, or until their originally approved leave ends—whichever comes first.

19. When will an employee be able to take uniformed service deployment leave?

An employee will be able to take leave if their family member is a service member and the employee needs to:

- prepare for the service member's deployment 7 days before it begins;
- attend uniformed service events;
- arrange childcare;
- make financial and legal arrangements;
- attend counseling;
- care for the service member on rest and recuperation leave;
- attend post-deployment activities;
- deal with the death of the service member;
- arrange care for the service member's parent; or
- address any other active duty issue that their employer agrees should be covered.

20. Will an employee be eligible to take FAMLI leave for a qualifying event that occurs before benefits start in January 2028?

Yes. If the employee still meets the criteria to take FAMLI leave in 2028, they will be eligible for FAMLI benefits.

21. Will employees need to create an online account with FAMLI?

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

22. When can employees apply for benefits?

Benefits will be available in January 2028. Employees can apply for benefits up to 60 days before or after their leave starts.

23. Who will review an employee's claim?

An employee will submit a claim when they need to take leave for a qualifying event. If their employer is enrolled in the State Plan, the FAMLI Division within MD Labor will review the claim. Otherwise, the employer's private plan will review the claim.

The FAMLI Division will handle all appeals, regardless of the employer's plan.

24. How will employers know if an employee filed a claim with the State?

The FAMLI Division will electronically notify employers when an employee files a claim and each time there is a status change to the application (determination, appeal request, appeal, etc.). Employers will be able to view their employees' claims status online.

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

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

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

26. Can someone who is unemployed or retired receive FAMLI benefits?

No. FAMLI will provide benefits to employees who are taking leave from a job. If an employee is unemployed they will not be eligible for FAMLI benefits.

27. Are there any exceptions to eligibility rules based on type of employee? For example, are AmeriCorps, seasonal, or temporary employees exempt?

The law does not exclude any group of employees. Self-employed individuals will be able to choose to participate.

28. What is the turnaround time on claims?

The FAMLI 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.

29. How much will an employee be paid while out on paid family and medical leave?

Employees 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.

30. How will benefit amounts be calculated? How much could someone earning minimum wage expect to receive while out on leave?

The benefit amount will be calculated by first calculating the employee's Average Weekly Wage by dividing the employee's total wages received in the highest of the previous 4 quarters by 13 (the number of weeks in a quarter). That number is then compared to Maryland's State Average Weekly Wage (SAWW).

If the employee's Average Weekly Wage is 65% or less of the SAWW, the benefit amount will be 90% of the employee's Average Weekly Wage.

If the employee's Average Weekly Wage is more than 65% of the SAWW, the benefit amount will be 90% of 65% of the SAWW, plus 50% of the employee's Average Weekly Wage greater than 65% of the SAWW.

The maximum benefit amount, regardless of wages, is \$1,000/week.

Someone making minimum wage (\$15/hour) working 40 hours/week earns \$600 per week. Their benefit amount would be 90% of \$600, which is \$540.

31. Where can I find the State Average Weekly Wage?

You can find the State Average Weekly Wage on the [Workers' Compensation Commission's website](#).

The Maryland Department of Labor calculates the State Average Weekly Wage by December 15 each year.

32. How long will it take for an employee to receive benefits? Is there a waiting period for benefits?

Employees will receive their first benefit payment within 5 business days after their claim is approved or the leave has started, whichever is later. Employees will receive subsequent payments at least every two weeks until the benefit period ends. If an employee has provided incorrect payment information, additional time will be required for payment to be issued or reissued. Unlike many other insurance programs, there is no waiting or elimination period. Employees are eligible for benefits starting their first day of leave.

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

When benefits become available in 2028, employees 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 employee 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.

34. FMLA provides 26 weeks of job protection and unpaid leave to care for a service member suffering from a service-related condition. Does FAMLI provide the same benefit period?

No. FAMLI provides up to 12 weeks of benefits to care for a service member suffering from a service-related condition.

35. Will employees have to take all 12 weeks of leave at once?

No. Employees 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 employees should agree on the intermittent schedule.

36. How will intermittent leave scheduling work?

Under the State Plan, intermittent leave cannot be taken for less than 4 hours at a time unless the employee's scheduled shift was fewer than 4 hours. Private plans may allow employees to take time off for periods less than 4 hours.

Employees and employers should agree on the employee's intermittent leave schedule. Employees need to make a reasonable effort to schedule intermittent leave in a manner that does not significantly burden the employer. Employers will be notified when their employee applies for leave and when their employee submits time off taken.

Employees also need to give prior notice to their employer of the intermittent leave. If the employee does not provide prior notice, the employer must notify the FAMLI Division before taking any disciplinary action against the employee.

If the employee's use of intermittent leave is inconsistent with their leave approval, it may not be considered retaliation for an employer to request additional information related to the use of FAMLI leave.

37. How much total intermittent leave will an employee be able to take in a week?

A worker will not be able to take more hours of intermittent leave per week than the average hours they work in a week.

To determine the average hours an employee works, the Division will use the quarterly report with the highest earnings of the previous 4 reports.

38. How long will approved intermittent leave claims be valid?

Intermittent leave claims will only be approved for as long as they are certified and will expire after one year. If an employee needs additional FAMLI leave for the qualifying event, the employee will need to submit a new claim.

39. How will leave length be determined?

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

40. If an employee's need for leave changes after approval, will they have to report that to their employer and/or their plan provider? For example, if an employee was approved for 10 weeks of leave but they recover more quickly, will they need to tell anyone?

Yes. Employees will be required to update their claims within 10 days of any changes to the reason for needing leave, the start or end date of leave, or the length of leave. Either the State or the employer's private plan provider will notify the employer of any updates to claims.

41. Employees will qualify for benefits on a yearly basis. How is the "benefit year" measured?

The "benefit year" is the 12-month period that starts on the Sunday before the employee's first day of FAMLI leave. During a benefit year, an employee is

limited to 12 weeks of FAMLI leave (unless they qualify for an additional 12 weeks).

For example, if an employee begins FAMLI leave on Wednesday, March 15, 2028 and exhausts their FAMLI leave, that employee will not be eligible for more FAMLI leave until Sunday, March 11, 2029.

42. Do employees receive job protection while out on FAMLI leave?

Yes, an employer must hold an employee's position while the employee is on FAMLI leave. The employee should return to the same or an equivalent position.

43. Will an employer need to maintain employees' health benefits while they are out on FAMLI leave?

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

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

An employee 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.

45. An employee will be able to take leave from multiple employers at the same time. Is there a limit to how many employers?

No. There is no limit to how many positions an employee can file for leave from at the same time, as long as the positions are localized in Maryland and the employee is currently employed at each employer when requesting leave.

46. An employee will be able to take leave from more than one employer at the same time. If this happens, will the employee need to file a claim from each employer, even if they have the same plan?

Yes. An employee will file a claim for leave from each employer, even if they have the same plan. Benefits will be paid per employer.

47. An employee 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. An employee can earn up to 90% of their weekly wages per employer.

48. If an employee 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 an employee's eligibility. It does not matter whether the employer participates in a private plan or the State Plan, and they will immediately be covered under their new employer's plan, as long as the new job is localized in Maryland.

49. If an employee has a break between jobs, does that impact their eligibility?

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

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

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

51. Can an employee receive Workers' Compensation and FAMLI leave benefits at the same time?

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

52. If I receive other kinds of assistance (ex: SNAP, WIC, Section 8, etc.) will I still be eligible to receive FAMLI benefits?

Yes. The only benefits programs that impact a worker's eligibility for FAMLI benefits are Workers' Compensation (other than permanent partial disability) and unemployment benefits.

While other benefits programs will not affect your eligibility for FAMLI, receiving FAMLI benefits may affect your eligibility for other assistance programs.

53. Will employees need to use their regular paid time off before they can use FAMLI?

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

54. Will an employer be able to require employees to use unpaid leave at the same time as FAMLI leave?

Yes. The statute only prohibits employers from requiring employees to use paid time off (PTO, sick days, vacation time, etc.).

55. Will employees be able to choose to not file a FAMLI claim for a qualifying event and use their own leave or another employer leave program? Or will employees be required to file a claim with FAMLI?

Employees can decide which leave they would like to use. They will not be required to file a claim with FAMLI.

56. What if an employer offers parental leave?

If an employer offers leave specifically designed to cover a FAMLI qualifying event, such as parental leave, the FAMLI Division is referring to that as Alternative FAMLI Purpose Leave (AFPL).

An employee may be required to use their AFPL at the same time as their FAMLI leave.

57. An employee takes 6 weeks of leave through their employer's AFPL plan and another 6 weeks through FAMLI. Does that exhaust the total 12 weeks available through FAMLI?

Yes.

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

The weekly benefit amount through FAMLI will not be reduced or offset to take into account short term disability (STD) benefits. When FAMLI is used for an employee's own serious health condition, there may be some overlap with an employee's eligibility for an employer's short term disability policy.

Employers may choose to amend their STD policy to take into account FAMLI benefits. For example, employers may "top off" the FAMLI wage replacement

percentage up to 100% of the employee's regular pay or increase the duration of leave related to the health event beyond the 12 weeks provided by FAMLI.

59. Can an employee use regularly accrued time along with the FAMLI benefit?

Employers may allow employees to use accrued leave to top off their FAMLI benefit up to 100% of their wage. Employees must agree to using their accrued leave in this way.

60. How will the system protect against fraud?

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

61. 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.