

FAMLI Frequently Asked Questions

Version 2 - October 2025

The Maryland Department of Labor (MD Labor) is in the process of establishing our state's Family and Medical Leave Insurance (FAMLI) system. Listed below are the most frequently asked questions about claims, particularly from the employer community, with answers from the FAMLI Division of MD Labor.

This document is an updated version of the FAQ's first published on our website in January 2024. 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!

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 independent contractors be eligible for benefits?

Once the self-employed option is launched, independent contractors may choose to register as a self-employed individual in order to contribute and be eligible for benefits.

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. 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

5. 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 by January 3, 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 3, 2028 and November 1, 2028 when the baby turns 1.

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

Yes.

7. 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.

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

Family members are:

- the spouse or domestic partner of the employee;

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- 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.

9. 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).

10. 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

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- a period of incapacity of 3 or more days that also involves multiple treatments.

11. 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.

12. When can employees apply for benefits?

Benefits will be available by January 3, 2028. Employees can apply for benefits up to 60 days before or after their leave starts.

13. Who will process 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 process the claim. Otherwise, the employer's private plan will process the claim.

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

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

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.

Additionally, 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.).

15. 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 processing the claim or provide additional information about the claim.

16. 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.

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17. 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.

18. 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.

19. 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.

20. 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.

21. 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.

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22. 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.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. 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.

29. 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.

30. 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.

31. 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.

32. 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.

33. 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.

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34. 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.

35. 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.

36. 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.

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

A licensed health care provider will be required to certify.

38. 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.

39. 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.

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