



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

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 8 months, we received a number of questions, particularly from the employer community.

Listed below are the most frequently asked questions from employers about claims. It is important to note that the General Assembly is considering legislation related to FAMLI and that the Department has not 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 from Employers

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

Any employee with a qualifying event who works at least 680 hours in a position based in Maryland in the 12 months before they need to take leave.

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

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

- 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's serious health condition
- To make arrangements for a family member's military deployment

3. 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

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- 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.

4. 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.

5. How will I know if an employee filed a claim with the State?

You may require your employees to provide 30 days notice for foreseeable leave. For leave that is unexpected, you may require your employees to notify you as soon as is practicable.

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

6. How will I verify whether a new employee has worked 680 hours in the last 12 months?

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 verify worked hours.

7. 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 FAMLI at the same time.

8. 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 can choose to participate.

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

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

10. 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 2026, 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. An employee may be eligible to take up to 24 weeks off in a single year if they need to take care of their own serious health condition and welcome a new child in the same year.

11. 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. When an employee takes intermittent leave, you and the employee should agree on the schedule.

12. 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 12 months before they take leave. Eligibility is not dependent on time spent at a specific or single job.

- 13. Some employees are eligible to take time off through the Federal Medical Leave Act (FMLA). Will employees 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.

- 14. Will employees need to use their regular paid time off before they can use FAMILI?**

You can not require employees to use other types of paid time off before using paid family and medical leave.

- 15. What if I offer parental leave?**

If you provide 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 you offer AFPL, you will be able to require that your employee take their AFPL concurrently with FAMILI leave.

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

An employee will earn up to 90% of their wages up to \$1000 per week through paid family and medical leave insurance. You may choose to use your STD policy to increase the wage replacement percentage.

- 17. Who will certify that the claimant has a Serious Health Condition?**

A licensed health care provider will complete the medical form.

- 18. How will the system protect against fraud?**

Preventing fraud is a top priority for the FAMILI Division. The Division will notify you when your employee submits a claim and again after a decision. You will have the opportunity to share pertinent information with the Division. For example, you may submit proof that an employee is not eligible for leave.

- 19. 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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