

HOUSE BILL 496

K3

(2lr0610)

ENROLLED BILL

— Economic Matters/Finance —

Introduced by ~~Delegates Wilson, Valderrama~~ Delegates Valderrama, Wilson, and 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 _____

1 AN ACT concerning

2 ~~Labor and Employment – Commission on the Establishment of a~~ Labor and
3 Employment – Family and Medical Leave Insurance Program – Establishment –
4 Establishment
5 (Time to Care Act 2022)

6 FOR the purpose of establishing ~~the Commission on~~ the ~~Establishment of a~~ Family and
7 Medical Leave Insurance Program in the Maryland Department of Labor to provide
8 certain benefits to individuals who take leave from employment for certain purposes;
9 establishing the Family and Medical Leave Insurance Fund as a special, nonlapsing
10 fund; requiring, beginning on a certain date, certain employees, employers, and
11 self-employed individuals to contribute to the Fund in a certain manner; requiring
12 the Secretary to establish the total rate of contribution and the percentages of the total
13 rate of contribution to be paid by certain employees and employers; requiring the
14 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.

Underlining indicates amendments to bill.

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

Italics indicate opposite chamber/conference committee amendments.



~~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.~~

BY adding to

Article – 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)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement

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

Annotated Code of Maryland

(2021 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement

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

Annotated Code of Maryland

(2021 Replacement Volume)

BY adding to

Article – State Finance and Procurement

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

Annotated Code of Maryland

(2021 Replacement Volume)

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 ~~Section 6–226(a)(2)(i)~~
 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 ~~the Laws of Maryland read as follows~~ the Laws of Maryland read as follows:

24 **Article – Labor and Employment**

25 **TITLE 8.3. FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM.**

26 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

27 **8.3–101.**

28 **(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
 29 **INDICATED.**

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 (D) “COVERED EMPLOYEE” MEANS AN EMPLOYEE WHO HAS WORKED AT
2 LEAST 680 HOURS OVER THE 12-MONTH PERIOD IMMEDIATELY PRECEDING THE
3 DATE ON WHICH LEAVE IS TO BEGIN.

4 (E) “COVERED INDIVIDUAL” MEANS A COVERED EMPLOYEE OR A
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 EMPLOYS AT LEAST ONE INDIVIDUAL IN THE STATE.

16 (2) “EMPLOYER” DOES NOT INCLUDE AN INDIVIDUAL WHO:

17 (I) IS THE SOLE OWNER OF A SOLE PROPRIETORSHIP, LIMITED
18 LIABILITY COMPANY, C CORPORATION, OR S CORPORATION; AND

19 (II) IS THE ONLY INDIVIDUAL EMPLOYED BY THE SOLE
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 **(5) THE LEGAL GUARDIAN OF THE COVERED INDIVIDUAL OR THE**
2 **WARD OF THE COVERED INDIVIDUAL OR OF THE COVERED INDIVIDUAL'S SPOUSE;**

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 **(9) A BIOLOGICAL GRANDCHILD, AN ADOPTED GRANDCHILD, A**
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 **(K) "GOVERNMENTAL ENTITY" HAS THE MEANING STATED IN § 8-101 OF**
17 **THIS ARTICLE.**

18 **(L) "PROGRAM" MEANS THE FAMILY AND MEDICAL LEAVE INSURANCE**
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 **(2) TO ATTEND MILITARY EVENTS AND RELATED ACTIVITIES**
25 **INCLUDING FAMILY SUPPORT PROGRAMS RELATED TO THE ACTIVE DUTY OF THE**
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;**

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;**

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**

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.**

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**
31 **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**

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**

16 **(3) ACTUAL TREATMENT BY A HEALTH CARE PROVIDER.**

17 **8.3-102.**

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;**

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 **AUTHORIZED REPRESENTATIVE.**

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 **MEDICAL LEAVE INSURANCE PROGRAM FOR EMPLOYEES OF AN EMPLOYER OTHER**
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 **(2) IS THE ONLY INDIVIDUAL EMPLOYED BY THE SOLE**
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 **(C) (1) IF A SELF-EMPLOYED INDIVIDUAL ELECTS TO PARTICIPATE IN**
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

1 **(5) BECAUSE THE COVERED INDIVIDUAL HAS A QUALIFYING EXIGENCY**
2 **ARISING OUT OF THE DEPLOYMENT OF A SERVICE MEMBER WHO IS A FAMILY MEMBER**
3 **OF THE COVERED INDIVIDUAL.**

4 **SUBTITLE 4. ADMINISTRATION.**

5 **8.3-401.**

6 **THIS TITLE SHALL BE ADMINISTERED UNDER THE SUPERVISION OF THE**
7 **SECRETARY.**

8 **8.3-402.**

9 **THE SECRETARY MAY DELEGATE TO AN EMPLOYEE OF THE DEPARTMENT ANY**
10 **POWER OR DUTY THAT IS REASONABLE AND PROPER FOR THE ADMINISTRATION OF**
11 **THIS TITLE.**

12 **8.3-403.**

13 **(A) THE SECRETARY, IN CONSULTATION WITH OTHER STATE AGENCIES AND**
14 **RELEVANT STAKEHOLDERS, SHALL:**

15 **(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, ADOPT**
16 **REGULATIONS NECESSARY TO CARRY OUT THIS TITLE;**

17 **(2) ESTABLISH PROCEDURES AND FORMS FOR FILING CLAIMS FOR**
18 **BENEFITS, INCLUDING:**

19 **(I) PROCEDURES FOR NOTIFYING AN EMPLOYER WITHIN 5**
20 **BUSINESS DAYS AFTER AN EMPLOYEE OF THE EMPLOYER FILES A CLAIM FOR**
21 **BENEFITS UNDER THIS TITLE; AND**

22 **(II) NOTICES OF ELECTIONS BY SELF-EMPLOYED INDIVIDUALS**
23 **FOR BENEFITS UNDER § 8.3-201 OF THIS TITLE;**

24 **(3) USE INFORMATION-SHARING AND INTEGRATION TECHNOLOGY TO**
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.**

29 **(B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A)(1) OF THIS**
30 **SECTION SHALL BE CONSISTENT WITH REGULATIONS ADOPTED TO IMPLEMENT THE**

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 THE FAMILY MEMBER, COVERED INDIVIDUAL, OR SERVICE MEMBER COMMENCED;

10 (II) THE PROBABLE DURATION OF THE SERIOUS HEALTH
11 CONDITION;

12 (III) THE APPROPRIATE FACTS RELATED TO THE SERIOUS
13 HEALTH CONDITION WITHIN THE KNOWLEDGE OF THE LICENSED HEALTH CARE
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) 1. 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

26 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 (II) STANDARDS FOR VERIFYING THE IDENTITY OF A FAMILY
2 MEMBER FOR A CLAIM FOR BENEFITS UNDER § 8.3-302(2) OF THIS TITLE; AND

3 (III) PROCEDURES FOR AN EMPLOYER TO PROVIDE EVIDENCE OF
4 SUSPECTED FRAUD TO THE SECRETARY.

5 (D) (1) THE SECRETARY MAY USE A PORTION OF THE FUNDS PAID UNDER
6 § 8.3-601 OF THIS TITLE OR OTHER AVAILABLE FUNDING TO PAY FOR AND CARRY
7 OUT THE REQUIREMENTS UNDER SUBSECTION (A)(4) OF THIS SECTION.

8 (2) MATERIALS USED IN THE PUBLIC EDUCATION PROGRAM
9 REQUIRED UNDER SUBSECTION (A)(4) OF THIS SECTION SHALL BE MADE AVAILABLE
10 IN ENGLISH AND SPANISH.

11 8.3-404.

12 (A) SUBJECT TO § 8.3-905 OF THIS TITLE, TO ENFORCE THIS TITLE, THE
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;

19 (5) ISSUE A SUBPOENA FOR THE ATTENDANCE OF A WITNESS TO
20 TESTIFY 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
23 ALLEGEDLY OCCURRED.

24 (B) (1) A SUBPOENA ISSUED UNDER SUBSECTION (A)(5) OF THIS SECTION
25 SHALL BE SERVED IN ANY MANNER IN WHICH A SUBPOENA OF A COURT MAY BE
26 SERVED.

27 (2) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER
28 SUBSECTION (A)(5) OF THIS SECTION ON A COMPLAINT FILED BY THE SECRETARY,
29 THE 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 TESTIMONY REQUIRED MAY TEND TO INCRIMINATE THE PERSON OR SUBJECT THE
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 SELF-INCRIMINATION, A PERSON MAY NOT BE PROSECUTED OR SUBJECTED TO ANY
11 FORFEITURE OR PENALTY BECAUSE OF ANY MATTER, THING, OR TRANSACTION
12 ABOUT WHICH THE PERSON IS COMPELLED TO PRODUCE EVIDENCE OR TESTIFY.

13 2. IF THE PERSON COMMITS PERJURY WHILE GIVING
14 TESTIMONY, THE PERSON IS SUBJECT TO PROSECUTION FOR THAT OFFENSE.

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 **(2) CONTRIBUTION RATES;**

2 **(3) PROJECTED AND ACTUAL FUND BALANCES;**

3 **(4) PUBLIC OUTREACH AND TECHNICAL ASSISTANCE EFFORTS;**

4 **(5) ALL ENFORCEMENT EFFORTS;**

5 **(6) THE NUMBER AND STATUS OF COMPLAINTS UNDER SUBTITLE 9 OF**
6 **THIS TITLE;**

7 **(7) THE COSTS OF ADMINISTERING THE PROGRAM ATTRIBUTABLE TO**
8 **EACH OF THE FOLLOWING:**

9 **(I) EMPLOYERS;**

10 **(II) EMPLOYEES OF EMPLOYERS;**

11 **(III) SELF-EMPLOYED INDIVIDUALS; AND**

12 **(IV) THE STATE;**

13 **(8) THE STATE AGENCIES AND RELEVANT STAKEHOLDERS THAT WERE**
14 **CONSULTED AS REQUIRED UNDER THIS TITLE; AND**

15 **(9) THE CAPABILITY AND CAPACITY OF THE DEPARTMENT TO**
16 **ADMINISTER THE PROGRAM AS COMPARED TO THE FINDINGS AND**
17 **RECOMMENDATIONS OF THE CAPABILITY AND CAPACITY STUDY COMPLETED UNDER**
18 **§ 5 OF CHAPTER (H.B. 496) OF THE ACTS OF THE GENERAL ASSEMBLY OF**
19 **2022.**

20 **SUBTITLE 5. THE FAMILY AND MEDICAL LEAVE INSURANCE FUND.**

21 **8.3-501.**

22 **THERE IS A FAMILY AND MEDICAL LEAVE INSURANCE FUND.**

23 **8.3-502.**

24 **(A) THE SECRETARY SHALL ADMINISTER THE FUND.**

25 **(B) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO §**
26 **7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

1 (C) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE
2 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

3 8.3-503.

4 (A) THE FUND CONSISTS OF:

5 (1) EMPLOYEE CONTRIBUTIONS;

6 (2) SELF-EMPLOYED INDIVIDUAL CONTRIBUTIONS;

7 (3) EMPLOYER CONTRIBUTIONS;

8 (4) MONEY PAID TO THE FUND FOR THE PURPOSE OF REIMBURSING
9 THE SECRETARY 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 (B) MONEY IN THE FUND MAY BE COMMINGLED.

13 (C) THE FUND MAY BE USED ONLY FOR THE PURPOSES OF THIS TITLE.

14 8.3-504.

15 (A) (1) THE STATE TREASURER IS CUSTODIAN OF THE FUND.

16 (2) THE STATE TREASURER SHALL MANAGE THE FUND IN
17 ACCORDANCE WITH REGULATIONS THAT THE SECRETARY ADOPTS.

18 (B) UNDER THE DIRECTION OF THE SECRETARY, THE STATE TREASURER
19 SHALL ESTABLISH THE FUND ACCOUNT IN ANY FINANCIAL INSTITUTION IN WHICH
20 THE GENERAL FUND OF THE STATE MAY BE DEPOSITED.

21 (C) ON RECEIPT OF ANY MONEY PAYABLE TO THE FUND, THE SECRETARY
22 SHALL ENSURE IMMEDIATE DEPOSIT OF THE MONEY INTO THE FUND ACCOUNT AS
23 REQUIRED BY THE STATE TREASURER.

24 (D) IN ACCORDANCE WITH REGULATIONS THAT THE SECRETARY ADOPTS,
25 MONEY IN 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 **8.3-505.**

6 **A CHECK THAT THE STATE TREASURER ISSUES TO PAY BENEFITS OR REFUNDS**
7 **SHALL:**

8 **(1) BE ISSUED ONLY ON A WARRANT SIGNED BY THE SECRETARY;**

9 **(2) BEAR THE SIGNATURE OF THE STATE TREASURER; AND**

10 **(3) BE COUNTERSIGNED BY AN AUTHORIZED AGENT.**

11 **8.3-506.**

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.**

16 **(A) BEGINNING OCTOBER 1, 2023, EACH EMPLOYEE OF AN EMPLOYER, EACH**
17 **EMPLOYER WITH 15 OR MORE EMPLOYEES, AND EACH**
18 **SELF-EMPLOYED INDIVIDUAL PARTICIPATING IN THE PROGRAM SHALL**
19 **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**
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 OF:

5 1. A. 75% PAID BY EMPLOYERS; 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 2. CLAIMS ADMINISTRATION;

14 3. DATA MANAGEMENT;

15 4. FRAUD CONTROL;

16 5. MARKETING AND ADVERTISING; OR

17 6. IMPLEMENTING ANY OTHER ELEMENTS OF THE
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.

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 (2) 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 (I) 1. RECEIVED BENEFITS BECAUSE THE COVERED
14 INDIVIDUAL WAS ELIGIBLE FOR BENEFITS UNDER § 8.3-701(A)(1)(I) OF THIS
15 SUBTITLE; AND

16 2. BECOMES ELIGIBLE FOR BENEFITS UNDER §
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 8.3-701(A)(1)(I) 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 (III) IF THE COVERED INDIVIDUAL IS TAKING PARTIALLY PAID
2 LEAVE, THE LESSER OF:

3 1. THE AMOUNT REQUIRED TO MAKE UP THE
4 DIFFERENCE BETWEEN THE WAGES PAID TO THE COVERED INDIVIDUAL WHILE THE
5 COVERED INDIVIDUAL IS TAKING PARTIALLY PAID LEAVE AND THE FULL WAGES
6 NORMALLY PAID TO THE COVERED INDIVIDUAL; AND

7 2. IF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY
8 WAGE IS GREATER THAN 65% OF THE STATE AVERAGE WEEKLY WAGE, THE SUM OF:

9 A. 90% OF THE COVERED INDIVIDUAL'S AVERAGE
10 WEEKLY WAGE UP TO 65% OF THE STATE AVERAGE WEEKLY WAGE; AND

11 B. 50% OF THE COVERED INDIVIDUAL'S AVERAGE
12 WEEKLY WAGE THAT IS GREATER THAN 65% OF THE STATE AVERAGE WEEKLY WAGE.

13 (2) THE WEEKLY BENEFIT AMOUNT PAYABLE UNDER PARAGRAPH (1)
14 OF THIS SUBSECTION:

15 (I) SHALL BE AT LEAST \$50; AND

16 (II) MAY NOT EXCEED:

17 1. FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1,
18 2025, \$1,000; AND

19 2. FOR THE 12-MONTH PERIOD BEGINNING JANUARY 1,
20 2026, AND EACH SUBSEQUENT 12-MONTH PERIOD, THE AMOUNT DETERMINED AND
21 ANNOUNCED BY THE SECRETARY UNDER PARAGRAPH (3) OF THIS SUBSECTION.

22 (3) (I) IN THIS PARAGRAPH, "CONSUMER PRICE INDEX" MEANS
23 THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE
24 WASHINGTON-ARLINGTON-ALEXANDRIA, DC-VA-MD-WV METROPOLITAN AREA
25 OR A SUCCESSOR INDEX PUBLISHED BY THE FEDERAL BUREAU OF LABOR
26 STATISTICS.

27 (II) SUBJECT TO SUBSECTION (E) OF THIS SECTION, FOR THE
28 12-MONTH PERIOD BEGINNING JANUARY 1, 2026, AND EACH SUBSEQUENT
29 12-MONTH PERIOD, THE MAXIMUM WEEKLY BENEFIT AMOUNT SHALL BE INCREASED
30 BY THE AMOUNT, ROUNDED TO THE NEAREST CENT, THAT EQUALS THE PRODUCT OF:

1 1. THE MAXIMUM WEEKLY BENEFIT AMOUNT IN EFFECT
2 FOR THE IMMEDIATELY PRECEDING 12-MONTH PERIOD; AND

3 2. THE ANNUAL PERCENTAGE GROWTH IN THE
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 1. THE ANNUAL PERCENTAGE GROWTH, IF ANY, IN THE
10 CONSUMER PRICE INDEX BASED ON THE MOST RECENT 12-MONTH PERIOD FOR
11 WHICH DATA ARE AVAILABLE ON SEPTEMBER 1; AND

12 2. THE MAXIMUM WEEKLY BENEFIT AMOUNT EFFECTIVE
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 (1) NOTIFY THE EMPLOYER OF A COVERED INDIVIDUAL WITHIN 5
20 BUSINESS DAYS AFTER THE COVERED INDIVIDUAL FILES A CLAIM FOR BENEFITS
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) (I) 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 DETERMINED UNDER PARAGRAPH (2) OF THIS SUBSECTION THAT THE SEASONALLY
9 ADJUSTED TOTAL EMPLOYMENT IS NEGATIVE.

10 (II) IF THE SEASONALLY ADJUSTED TOTAL EMPLOYMENT IS
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 (I) THE MAXIMUM WEEKLY BENEFIT IN EFFECT FOR THE
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 TAX DEDUCTED AND WITHHELD FROM THE BENEFITS THAT THE COVERED
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 ELECTED WITHHOLDING STATUS.

9 (B) (1) IF A COVERED INDIVIDUAL ELECTS TO HAVE FEDERAL INCOME TAX
10 DEDUCTED AND WITHHELD UNDER SUBSECTION (A)(3) OF THIS SECTION, THE
11 DEPARTMENT SHALL DEDUCT AND WITHHOLD AN AMOUNT AT THE RATE SPECIFIED
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 THROUGH A PRIVATE EMPLOYER PLAN CONSISTING OF EMPLOYER-PROVIDED
21 BENEFITS, INSURANCE, OR A COMBINATION OF BOTH IF THE PRIVATE EMPLOYER
22 PLAN IS OFFERED TO ALL OF THE EMPLOYER'S ELIGIBLE EMPLOYEES AND MEETS OR
23 EXCEEDS THE RIGHTS, PROTECTIONS, AND BENEFITS PROVIDED TO A COVERED
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 EMPLOYER PLAN AND AN EMPLOYEE THAT IS COVERED BY A PRIVATE EMPLOYER
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 INDIVIDUAL WITH A DEVELOPMENTAL DISABILITY, AND WHO SELF-DIRECTS

1 SERVICES UNDER THE MARYLAND MEDICAID HOME- AND COMMUNITY-BASED
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 EMPLOYMENT UNDER SUBSECTION (B) OF THIS SECTION IF:

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 TAKING LEAVE FOR WHICH BENEFITS MAY BE 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.

33 SUBTITLE 8. NOTICE TO EMPLOYEES.

1 8.3-801.

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 (VI) A DESCRIPTION OF THE PROHIBITED 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 (A) IF AN INDIVIDUAL WILLFULLY MAKES A FALSE STATEMENT OR
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 (C) AN EMPLOYER MAY NOT WILLFULLY:

10 (1) FAIL OR REFUSE TO PAY CONTRIBUTIONS TO THE FUND; OR

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 INDIVIDUAL WHO RECEIVED BENEFITS UNDER THIS TITLE IF:

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 SECRETARY MAY, IN ACCORDANCE WITH § 8.3-404 OF THIS TITLE:

30 (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:**

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;

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.

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,
32 OR OTHER COMPENSATION DENIED OR LOST;

1 (II) PUNITIVE DAMAGES IN AN AMOUNT TO BE DETERMINED BY
 2 THE COURT;

3 (III) REASONABLE COUNSEL FEES AND OTHER COSTS;

4 (IV) INJUNCTIVE RELIEF, IF APPROPRIATE; AND

5 (V) ANY OTHER RELIEF THAT THE COURT DEEMS APPROPRIATE.

6 8.3-906.

7 (A) (1) THE SECRETARY SHALL ESTABLISH A SYSTEM FOR APPEALS BY
 8 COVERED INDIVIDUALS IN THE CASE OF DENIAL OF BENEFITS UNDER THIS TITLE.

9 (2) THE SECRETARY MAY USE THE PROCEDURES UNDER § 8-806 OF
 10 THIS ARTICLE FOR THE SYSTEM REQUIRED UNDER PARAGRAPH (1) OF THIS
 11 SUBSECTION.

12 (B) JUDICIAL REVIEW OF ANY DECISION WITH RESPECT TO BENEFITS UNDER
 13 THIS TITLE SHALL BE ALLOWED IN A COURT OF COMPETENT JURISDICTION AFTER
 14 AN AGGRIEVED PARTY HAS EXHAUSTED ALL ADMINISTRATIVE REMEDIES
 15 ESTABLISHED BY THE SECRETARY UNDER THIS TITLE.

16 (C) THE SECRETARY SHALL IMPLEMENT PROCEDURES TO ENSURE
 17 CONFIDENTIALITY OF ALL INFORMATION RELATED TO ANY CLAIMS FILED OR
 18 APPEALS TAKEN TO THE MAXIMUM EXTENT ALLOWED BY LAW.

19 SUBTITLE 10. SHORT TITLE.

20 8.3-1001.

21 THIS TITLE MAY BE CITED AS THE MARYLAND FAMILY AND MEDICAL LEAVE
 22 INSURANCE PROGRAM.

23 Article – State Finance and Procurement

24 6-226.

25 (a) (2) (i) Notwithstanding any other provision of law, and unless
 26 inconsistent with a federal law, grant agreement, or other federal requirement or with the
 27 terms of a gift or settlement agreement, net interest on all State money allocated by the State
 28 Treasurer under this section to special funds or accounts, and otherwise entitled to receive
 29 interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of
 30 the State.

1 (ii) *The provisions of subparagraph (i) of this paragraph do not apply*
2 *to the following funds:*

3 144. *the Health Equity Resource Community Reserve Fund;*
4 *[and]*

5 145. *the Access to Counsel in Evictions Special Fund; AND*

6 **146. THE FAMILY AND MEDICAL LEAVE INSURANCE FUND.**

7 ~~(a) There is a Commission on the Establishment of a Family Medical Leave and~~
8 ~~Insurance Program.~~

9 ~~(b) The purpose of the Commission is to study and make recommendations for~~
10 ~~establishing a Family Medical Leave and Insurance Program in the State.~~

11 ~~(c) The Commission consists of the following members:~~

12 ~~(1) two members of the Senate, appointed by the President of the Senate;~~

13 ~~(2) two members of the House of Delegates, appointed by the Speaker of~~
14 ~~the House of Delegates;~~

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 ~~(6) one representative of the National Federation of Independent Business,~~
19 ~~designated by the President of the National Federation of Independent Business;~~

20 ~~(7) one representative of the Maryland Chamber of Commerce, designated~~
21 ~~by the President of the Maryland Chamber of Commerce;~~

22 ~~(8) one representative of the Maryland Retailers Association, designated~~
23 ~~by the President of the Maryland Retailers Association; and~~

24 ~~(9) the following members, appointed jointly by the President of the Senate~~
25 ~~and the Speaker of the House of Delegates:~~

26 ~~(i) one representative from a national organization with expertise~~
27 ~~in the implementation of family medical and leave insurance programs in other states;~~

28 ~~(ii) one representative from a private sector labor union;~~

1 ~~(iii) one representative of a community organization that advocates~~
2 ~~for working families; and~~

3 ~~(iv) one economist.~~

4 ~~(d) The President of the Senate and the Speaker of the House of Delegates shall~~
5 ~~appoint cochairs of the Commission from among its members as follows:~~

6 ~~(i) one cochair from the Senate, appointed by the President of the Senate;~~
7 ~~and~~

8 ~~(ii) one cochair from the House of Delegates, appointed by the Speaker of~~
9 ~~the House of Delegates.~~

10 ~~(e) The Maryland Department of Labor and the Department of Legislative~~
11 ~~Services jointly shall provide staff for the Commission.~~

12 ~~(f) A member of the Commission:~~

13 ~~(1) may not receive compensation as a member of the Commission; but~~

14 ~~(2) is entitled to reimbursement of expenses under the Standard State~~
15 ~~Travel Regulations, as provided in the State budget.~~

16 ~~(g) The Commission shall study and make recommendations on establishing a~~
17 ~~Family Medical Leave and Insurance Program in the State, including recommendations~~
18 ~~regarding:~~

19 ~~(1) when employers and employees should begin making contributions to~~
20 ~~fund the Program so that benefits under the Program are able to begin being paid not later~~
21 ~~than January 1, 2024;~~

22 ~~(2) the appropriate cost sharing formula between employers and employees~~
23 ~~for making contributions to fund the Program, including various formulas that range~~
24 ~~between a cost share of:~~

25 ~~(i) 1. 75% paid by employers; and~~

26 ~~2. 25% paid by employees; and~~

27 ~~(ii) 1. 25% paid by employers; and~~

28 ~~2. 75% paid by employees;~~

29 ~~(3) to what extent, if any, the cost shared between employers and~~
30 ~~employees should affect or determine the leave benefits provided to employees under the~~

~~Program, including whether the proportion of the cost shared should impact who approves employees to take leave under the Program;~~

~~(4) any oversight mechanisms for the Program;~~

~~(5) the appropriate eligibility criteria for an individual to qualify for leave benefits under the Program;~~

~~(6) the appropriate duration for which an individual may receive leave benefits under the Program;~~

~~(7) the cost, efficiency, and benefits of the Maryland Department of Labor issuing a request for proposals seeking the services of an outside contractor for the following:~~

~~(i) premium collection;~~

~~(ii) claims administration;~~

~~(iii) data management;~~

~~(iv) fraud control;~~

~~(v) marketing and advertising; or~~

~~(vi) implementing any other elements of the Program;~~

~~(8) the minimum time an individual should be employed with the individual's employer before qualifying for leave benefits under the Program; and~~

~~(9) any other relevant aspects of family medical and leave insurance programs as determined by the Commission.~~

~~(h) In conducting the study and making recommendations under subsection (g) of this section, the Commission shall consider:~~

~~(1) how other states have established family medical leave and insurance programs; and~~

~~(2) the results from an actuarial analysis regarding sustainable funding levels.~~

~~(i) The Commission shall contract with any consultants necessary to carry out this section.~~

~~(j) On or before December 1, 2022, the Commission shall report its findings and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.~~

~~Article Labor and Employment~~

~~TITLE 8.3. FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM.~~

~~SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.~~

~~§.3-101.~~

~~(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) "APPLICATION YEAR" MEANS THE 12-MONTH PERIOD BEGINNING ON THE FIRST DAY OF THE CALENDAR WEEK IN WHICH A COVERED INDIVIDUAL FILES AN APPLICATION FOR BENEFITS.~~

~~(C) "BENEFITS" MEANS THE MONEY PAYABLE UNDER THIS TITLE TO A COVERED INDIVIDUAL.~~

~~(D) "COVERED EMPLOYEE" MEANS AN EMPLOYEE WHO HAS WORKED AT LEAST 680 HOURS OVER THE 12-MONTH PERIOD IMMEDIATELY PRECEDING THE DATE ON WHICH LEAVE IS TO BEGIN.~~

~~(E) "COVERED INDIVIDUAL" MEANS A COVERED EMPLOYEE OR A SELF-EMPLOYED INDIVIDUAL WHO ELECTS TO PARTICIPATE IN THE PROGRAM UNDER § 8.3-201 OF THIS TITLE.~~

~~(F) "DEPARTMENT" MEANS THE MARYLAND DEPARTMENT OF LABOR.~~

~~(G) "DIVISION" MEANS THE DIVISION OF FAMILY AND MEDICAL LEAVE INSURANCE.~~

~~(H) "EMPLOYER" MEANS A PERSON OR GOVERNMENTAL ENTITY THAT EMPLOYS AT LEAST ONE INDIVIDUAL IN THE STATE.~~

~~(I) "FAMILY MEMBER" MEANS:~~

~~(1) A BIOLOGICAL CHILD, AN ADOPTED CHILD, A FOSTER CHILD, OR A STEPCHILD OF THE COVERED INDIVIDUAL;~~

~~(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;~~

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.~~

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:~~

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 MEMBER;~~

4 ~~(3) TO ARRANGE, PROVIDE, OR ATTEND CHILD CARE OR SCHOOL~~
5 ~~ACTIVITIES ONLY WHEN THE SERVICE MEMBER IS ON ACTIVE DUTY CALL OR ACTIVE~~
6 ~~DUTY STATUS;~~

7 ~~(4) TO MAKE FINANCIAL AND LEGAL ARRANGEMENTS FOR THE~~
8 ~~SERVICE MEMBER'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 STATUS OF THE SERVICE MEMBER; AND~~

12 ~~(II) IS PROVIDED BY AN INDIVIDUAL WHO IS NOT A LICENSED~~
13 ~~HEALTH CARE 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 PERIOD OF DEPLOYMENT;~~

17 ~~(7) TO ATTEND POSTDEPLOYMENT ACTIVITIES INCLUDING~~
18 ~~REINTEGRATION SERVICES FOR A PERIOD OF 90 DAYS IMMEDIATELY FOLLOWING~~
19 ~~THE TERMINATION OF ACTIVE STATUS;~~

20 ~~(8) TO ATTEND TO MATTERS RELATED TO THE DEATH OF THE~~
21 ~~SERVICE MEMBER WHILE ON ACTIVE DUTY STATUS;~~

22 ~~(9) TO ARRANGE FOR OR PROVIDE ALTERNATIVE CARE FOR A PARENT~~
23 ~~OF THE SERVICE MEMBER WHEN THE PARENT IS INCAPABLE OF SELF CARE AND THE~~
24 ~~COVERED ACTIVE DUTY OR CALL TO ACTIVE DUTY NECESSITATES A CHANGE; OR~~

25 ~~(10) BECAUSE OF ANY OTHER ISSUES THAT ARISE OUT OF ACTIVE DUTY~~
26 ~~OR A CALL TO ACTIVE DUTY THAT AN EMPLOYER AND COVERED EMPLOYEE AGREE~~
27 ~~SHOULD BE COVERED.~~

28 ~~(O) "SECRETARY" MEANS THE SECRETARY OF LABOR.~~

29 ~~(P) (1) "SERIOUS HEALTH CONDITION" MEANS AN ILLNESS, AN INJURY,~~
30 ~~AN IMPAIRMENT, OR A PHYSICAL OR MENTAL CONDITION THAT INVOLVES:~~

~~(I) INPATIENT CARE IN A HOSPITAL, HOSPICE, OR RESIDENTIAL HEALTH CARE FACILITY;~~

~~(H) CONTINUED TREATMENT BY A LICENSED HEALTH CARE PROVIDER; OR~~

~~(HH) CONTINUED TREATMENT OR SUPERVISION AT HOME BY A LICENSED HEALTH CARE PROVIDER OR OTHER COMPETENT INDIVIDUAL UNDER THE SUPERVISION OF A LICENSED HEALTH CARE PROVIDER.~~

~~(2) "SERIOUS HEALTH CONDITION" INCLUDES AN ILLNESS, AN INJURY, AN IMPAIRMENT, OR A PHYSICAL OR MENTAL CONDITION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION THAT CONTINUES OVER AN EXTENDED PERIOD OF TIME AND REQUIRES INTERMITTENT TREATMENT.~~

~~(Q) "SERVICE MEMBER" MEANS AN INDIVIDUAL WHO IS AN ACTIVE DUTY OR FORMER MEMBER OF:~~

~~(1) THE UNITED STATES ARMED FORCES;~~

~~(2) A RESERVE COMPONENT OF THE UNITED STATES ARMED FORCES;~~

~~OR~~

~~(3) THE NATIONAL GUARD OF ANY STATE.~~

~~(R) "TREATMENT" INCLUDES:~~

~~(1) EXAMINATIONS OR TESTING TO DETERMINE THE EXTENT TO WHICH A SERIOUS HEALTH CONDITION EXISTS OR PERSISTS;~~

~~(2) ONGOING OR PERIODIC EVALUATIONS OF THE SERIOUS HEALTH CONDITION; AND~~

~~(3) ACTUAL TREATMENT BY A HEALTH CARE PROVIDER.~~

~~§ 3-102.~~

~~(A) THIS SECTION DOES NOT APPLY TO THE DISCLOSURE OF INFORMATION TO:~~

~~(1) A PUBLIC EMPLOYEE IN THE PERFORMANCE OF THE PUBLIC EMPLOYEE'S OFFICIAL DUTIES;~~

~~(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.~~

7 ~~SUBTITLE 2. SCOPE OF TITLE.~~

8 ~~§ 3-201.~~

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 § 3-601 OF THIS TITLE.~~

28 ~~§ 3-202.~~

29 ~~THIS TITLE MAY NOT BE CONSTRUED TO DIMINISH AN EMPLOYER'S~~
30 ~~OBLIGATION TO COMPLY WITH A COLLECTIVE BARGAINING AGREEMENT OR AN~~
31 ~~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~~
2 ~~UNDER THIS TITLE.~~

3 ~~8.3 203.~~

4 ~~(A) AN EMPLOYEE'S RIGHT TO BENEFITS UNDER THIS TITLE MAY NOT BE~~
5 ~~DIMINISHED BY A COLLECTIVE BARGAINING AGREEMENT ENTERED INTO OR~~
6 ~~RENEWED OR BY AN EMPLOYER POLICY ADOPTED OR RETAINED ON OR AFTER JUNE~~
7 ~~1, 2021.~~

8 ~~(B) AN AGREEMENT TO WAIVE THE EMPLOYEE'S RIGHTS UNDER THIS TITLE~~
9 ~~IS VOID AS AGAINST PUBLIC POLICY.~~

10 ~~SUBTITLE 3. ESTABLISHMENT OF THE DIVISION AND PROGRAM.~~

11 ~~8.3 301.~~

12 ~~(A) THERE IS A DIVISION OF FAMILY AND MEDICAL LEAVE INSURANCE IN~~
13 ~~THE DEPARTMENT.~~

14 ~~(B) THE DIVISION OF FAMILY AND MEDICAL LEAVE INSURANCE SHALL~~
15 ~~PERFORM ANY FUNCTIONS THAT THE SECRETARY ASSIGNS TO IT TO CARRY OUT~~
16 ~~THIS TITLE.~~

17 ~~(C) (1) (i) IN ACCORDANCE WITH THE PROVISIONS OF THE STATE~~
18 ~~PERSONNEL AND PENSIONS ARTICLE, THE SECRETARY MAY EMPLOY THE STAFF~~
19 ~~NECESSARY TO CARRY OUT THIS TITLE.~~

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 ~~3. DOES NOT REQUIRE THE EMPLOYEE TO PERFORM~~
27 ~~FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS~~
28 ~~OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.~~

29 ~~(iii) 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 (H) 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.~~

9 ~~(3) (I) THE SECRETARY SHALL PRINT:~~

10 ~~1. THIS TITLE;~~

11 ~~2. EACH ANNUAL REPORT THAT THE SECRETARY~~
12 ~~SUBMITS TO THE GOVERNOR; AND~~

13 ~~3. ANY OTHER MATERIAL THAT THE SECRETARY~~
14 ~~CONSIDERS RELEVANT AND SUITABLE.~~

15 ~~(II) 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 ~~§.3-302.~~

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:~~

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.~~

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.~~

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) 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:~~

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 ~~(H) 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~~
10 ~~TITLE.~~

11 ~~(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COVERED~~
12 ~~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.~~

14 ~~(2) A CERTIFICATION FOR A CLAIM FOR BENEFITS FOR A COVERED~~
15 ~~INDIVIDUAL UNDER § 8.3 302(B)(2), (3), OR (4) OF THIS TITLE SHALL INCLUDE:~~

16 ~~(I) THE DATE ON WHICH THE SERIOUS HEALTH CONDITION OF~~
17 ~~THE FAMILY MEMBER, COVERED INDIVIDUAL, OR SERVICE MEMBER COMMENCED;~~

18 ~~(II) THE PROBABLE DURATION OF THE SERIOUS HEALTH~~
19 ~~CONDITION;~~

20 ~~(III) THE APPROPRIATE FACTS RELATED TO THE SERIOUS~~
21 ~~HEALTH CONDITION WITHIN THE KNOWLEDGE OF THE LICENSED HEALTH CARE~~
22 ~~PROVIDER;~~

23 ~~(IV) 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)~~
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 CERTIFICATION 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 THIS TITLE OR OTHER AVAILABLE FUNDING TO PAY FOR AND CARRY~~
6 ~~OUT THE REQUIREMENTS UNDER SUBSECTION (A)(4) OF THIS SECTION.~~

7 ~~(2) MATERIALS USED IN THE PUBLIC EDUCATION PROGRAM~~
8 ~~REQUIRED UNDER SUBSECTION (A)(4) OF THIS SECTION SHALL BE MADE AVAILABLE~~
9 ~~IN ENGLISH AND SPANISH.~~

10 ~~§ 8.3 404.~~

11 ~~(A) TO ENFORCE THIS TITLE, THE SECRETARY MAY:~~

12 ~~(1) CONDUCT AN INVESTIGATION UNDER THIS TITLE, ON THE~~
13 ~~SECRETARY'S OWN INITIATIVE OR ON RECEIPT OF A WRITTEN COMPLAINT;~~

14 ~~(2) ADMINISTER AN OATH;~~

15 ~~(3) CERTIFY TO AN OFFICIAL ACT;~~

16 ~~(4) TAKE A DEPOSITION;~~

17 ~~(5) ISSUE A SUBPOENA FOR THE ATTENDANCE OF A WITNESS TO~~
18 ~~TESTIFY OR THE PRODUCTION OF BOOKS, CORRESPONDENCE, MEMORANDA,~~
19 ~~PAPERS, OR OTHER RECORDS; AND~~

20 ~~(6) BRING A CIVIL ACTION IN THE COUNTY WHERE THE VIOLATION~~
21 ~~ALLEGEDLY OCCURRED.~~

22 ~~(B) (1) A SUBPOENA ISSUED UNDER SUBSECTION (A)(5) OF THIS SECTION~~
23 ~~SHALL BE SERVED 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 (A)(5) OF THIS SECTION ON A COMPLAINT FILED BY THE SECRETARY,~~
27 ~~THE CIRCUIT COURT FOR THE COUNTY WHERE THE INVESTIGATION IS BEING~~
28 ~~CONDUCTED OR WHERE THE PERSON RESIDES, IS PRESENT, OR TRANSACTS~~
29 ~~BUSINESS MAY ISSUE AN ORDER DIRECTING COMPLIANCE WITH THE SUBPOENA OR~~
30 ~~COMPELLING TESTIMONY.~~

~~(3) (i) SUBJECT TO SUBPARAGRAPH (H) OF THIS PARAGRAPH, A PERSON MAY NOT BE EXCUSED FROM COMPLYING WITH A SUBPOENA ISSUED UNDER SUBSECTION (A)(5) OF THIS SECTION ON THE GROUND THAT THE EVIDENCE OR TESTIMONY REQUIRED MAY TEND TO INCRIMINATE THE PERSON OR SUBJECT THE PERSON TO A FORFEITURE OR PENALTY.~~

~~(H) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, AFTER CLAIMING THE PRIVILEGE AGAINST SELF INCRIMINATION, A PERSON MAY NOT BE PROSECUTED OR SUBJECTED TO ANY FORFEITURE OR PENALTY BECAUSE OF ANY MATTER, THING, OR TRANSACTION ABOUT WHICH THE PERSON IS COMPELLED TO PRODUCE EVIDENCE OR TESTIFY.~~

~~2. IF THE PERSON COMMITS PERJURY WHILE GIVING TESTIMONY, THE PERSON IS SUBJECT TO PROSECUTION FOR THAT OFFENSE.~~

~~§.3 405.~~

~~IN A CIVIL ACTION TO ENFORCE THIS TITLE, THE SECRETARY AND THE STATE MAY BE REPRESENTED BY:~~

~~(1) THE ATTORNEY GENERAL; OR~~

~~(2) ANY QUALIFIED ATTORNEY WHO:~~

~~(i) IS A SALARIED EMPLOYEE OF THE SECRETARY; AND~~

~~(ii) ON RECOMMENDATION OF THE ATTORNEY GENERAL, IS DESIGNATED TO REPRESENT THE SECRETARY OR THE BOARD OF APPEALS AND THE STATE.~~

~~§.3 406.~~

~~(A) ON OR BEFORE SEPTEMBER 1 EACH YEAR, THE SECRETARY SHALL SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY AN ANNUAL REPORT ON THE ADMINISTRATION AND OPERATION OF THIS TITLE DURING THE IMMEDIATELY PRECEDING FISCAL YEAR.~~

~~(B) THE ANNUAL REPORT SHALL INCLUDE INFORMATION REGARDING:~~

~~(1) PROJECTED AND ACTUAL PROGRAM PARTICIPATION RATES;~~

~~(2) CONTRIBUTION RATES;~~

- 1 ~~(3) PROJECTED AND ACTUAL FUND BALANCES;~~
- 2 ~~(4) PUBLIC OUTREACH AND TECHNICAL ASSISTANCE EFFORTS;~~
- 3 ~~(5) ALL ENFORCEMENT EFFORTS;~~
- 4 ~~(6) THE NUMBER AND STATUS OF COMPLAINTS UNDER SUBTITLE 9 OF~~
5 ~~THIS TITLE; AND~~
- 6 ~~(7) THE COST OF ADMINISTERING THE PROGRAM.~~

7 ~~SUBTITLE 5. THE FAMILY AND MEDICAL LEAVE INSURANCE FUND.~~

8 ~~§ 3-501.~~

9 ~~THERE IS A FAMILY AND MEDICAL LEAVE INSURANCE FUND.~~

10 ~~§ 3-502.~~

11 ~~(A) THE SECRETARY SHALL ADMINISTER THE FUND.~~

12 ~~(B) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO~~
13 ~~§ 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

14 ~~(C) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE~~
15 ~~COMPTROLLER SHALL ACCOUNT FOR THE FUND.~~

16 ~~§ 3-503.~~

17 ~~(A) THE FUND CONSISTS OF:~~

18 ~~(1) EMPLOYEE CONTRIBUTIONS REQUIRED UNDER § 8.3-601 OF THIS~~
19 ~~TITLE;~~

20 ~~(2) SELF-EMPLOYED INDIVIDUAL CONTRIBUTIONS REQUIRED UNDER~~
21 ~~§ 8.3-601 OF THIS TITLE;~~

22 ~~(3) EMPLOYER CONTRIBUTIONS REQUIRED UNDER § 8.3-601 OF THIS~~
23 ~~TITLE;~~

24 ~~(4) MONEY PAID TO THE FUND FOR THE PURPOSE OF REIMBURSING~~
25 ~~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 ~~§.3-504.~~

5 ~~(A) (1) THE STATE TREASURER IS CUSTODIAN OF THE FUND.~~

6 ~~(2) THE STATE TREASURER SHALL MANAGE THE FUND IN~~
7 ~~ACCORDANCE WITH REGULATIONS THAT THE SECRETARY ADOPTS.~~

8 ~~(B) UNDER THE DIRECTION OF THE SECRETARY, THE STATE TREASURER~~
9 ~~SHALL ESTABLISH THE FUND ACCOUNT IN ANY FINANCIAL INSTITUTION IN WHICH~~
10 ~~THE GENERAL FUND OF THE STATE MAY BE DEPOSITED.~~

11 ~~(C) ON RECEIPT OF ANY MONEY PAYABLE TO THE FUND, THE SECRETARY~~
12 ~~SHALL ENSURE IMMEDIATE DEPOSIT OF THE MONEY INTO THE FUND ACCOUNT AS~~
13 ~~REQUIRED BY THE STATE TREASURER.~~

14 ~~(D) IN ACCORDANCE WITH REGULATIONS THAT THE SECRETARY ADOPTS,~~
15 ~~MONEY IN THE 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 ~~(H) ANY COSTS ASSOCIATED WITH THE INITIAL~~
20 ~~IMPLEMENTATION AND ONGOING ADMINISTRATION OF THIS TITLE.~~

21 ~~§.3-505.~~

22 ~~A CHECK THAT THE STATE TREASURER ISSUES TO PAY BENEFITS OR~~
23 ~~REFUNDS SHALL:~~

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 1. MAY NOT EXCEED 1.0% OF AN EMPLOYEE'S WAGES;~~

~~15 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 (2) (i) 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 (ii) 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 2. EACH EMPLOYEE OF AN EMPLOYER SHALL BE
31 INCLUDED IN THE CALCULATION MADE UNDER SUBSUBPARAGRAPH 1 OF THIS~~

~~SUBPARAGRAPH WITHOUT REGARD TO WHETHER THE EMPLOYEE IS A FULL-TIME,
PART-TIME, TEMPORARY, OR SEASONAL EMPLOYEE OR WOULD BE ELIGIBLE FOR
BENEFITS UNDER THIS TITLE.~~

~~(3) (i) 1. EACH EMPLOYEE OF AN EMPLOYER WITH 15 OR MORE
EMPLOYEES SHALL CONTRIBUTE AN AMOUNT EQUAL TO 50% OF THE TOTAL RATE
OF CONTRIBUTION.~~

~~2. EACH EMPLOYEE OF AN EMPLOYER WITH LESS THAN
15 EMPLOYEES SHALL CONTRIBUTE AN AMOUNT PROPORTIONALLY EQUAL TO THE
AMOUNT CONTRIBUTED BY AN EMPLOYEE UNDER SUBSUBPARAGRAPH 1 OF THIS
SUBPARAGRAPH.~~

~~(ii) THE EMPLOYER OF THE EMPLOYEE SHALL DEDUCT THE
CONTRIBUTION REQUIRED UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH FROM
THE WAGES OF THE EMPLOYEE.~~

~~(4) EACH SELF-EMPLOYED INDIVIDUAL PARTICIPATING IN THE
PROGRAM SHALL:~~

~~(i) PAY CONTRIBUTIONS DURING EACH YEAR THAT THE
SELF-EMPLOYED INDIVIDUAL PARTICIPATES IN THE PROGRAM; AND~~

~~(ii) CONTRIBUTE AN AMOUNT EQUAL TO THE TOTAL RATE OF
CONTRIBUTION ESTABLISHED UNDER PARAGRAPH (1)(i) OF THIS SUBSECTION.~~

~~SUBTITLE 7. BENEFITS.~~

~~§.3-701.~~

~~(A) BEGINNING JULY 1, 2024, A COVERED INDIVIDUAL TAKING LEAVE FROM
EMPLOYMENT MAY SUBMIT A CLAIM FOR BENEFITS TO:~~

~~(1) CARE FOR A NEWBORN CHILD OR A CHILD NEWLY PLACED FOR
ADOPTION, FOSTER CARE, OR KINSHIP CARE WITH THE COVERED INDIVIDUAL
DURING THE FIRST YEAR AFTER THE BIRTH, ADOPTION, OR PLACEMENT;~~

~~(2) CARE FOR A FAMILY MEMBER WITH A SERIOUS HEALTH
CONDITION;~~

~~(3) ATTEND TO A SERIOUS HEALTH CONDITION THAT RESULTS IN THE
COVERED INDIVIDUAL BEING UNABLE TO PERFORM THE FUNCTIONS OF THE
COVERED INDIVIDUAL'S POSITION;~~

~~(4) CARE FOR A SERVICE MEMBER WITH A SERIOUS HEALTH CONDITION RESULTING FROM MILITARY SERVICE WHO IS THE COVERED INDIVIDUAL'S NEXT OF KIN; OR~~

~~(5) ATTEND TO A QUALIFYING EXIGENCY ARISING OUT OF THE DEPLOYMENT OF A SERVICE MEMBER WHO IS A FAMILY MEMBER OF THE COVERED INDIVIDUAL.~~

~~(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COVERED INDIVIDUAL MAY TAKE THE LEAVE FOR WHICH THE INDIVIDUAL IS ELIGIBLE FOR BENEFITS UNDER SUBSECTION (A) OF THIS SECTION ON AN INTERMITTENT LEAVE SCHEDULE.~~

~~(2) IF LEAVE IS TAKEN ON AN INTERMITTENT LEAVE SCHEDULE, THE COVERED INDIVIDUAL SHALL:~~

~~(I) MAKE A REASONABLE EFFORT TO SCHEDULE THE INTERMITTENT LEAVE IN A MANNER THAT DOES NOT UNDULY DISRUPT THE OPERATIONS OF THE EMPLOYER; AND~~

~~(II) PROVIDE THE EMPLOYER WITH REASONABLE AND PRACTICABLE PRIOR NOTICE OF THE REASON FOR WHICH THE INTERMITTENT LEAVE IS NECESSARY.~~

~~(3) IF LEAVE IS TAKEN ON AN INTERMITTENT LEAVE SCHEDULE, AN EMPLOYER MAY NOT REDUCE THE TOTAL AMOUNT OF LEAVE TO WHICH THE COVERED INDIVIDUAL IS ENTITLED BEYOND THE AMOUNT OF LEAVE ACTUALLY TAKEN.~~

~~§.3-702.~~

~~(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A COVERED INDIVIDUAL MAY NOT RECEIVE MORE THAN 12 WEEKS OF BENEFITS IN AN APPLICATION YEAR.~~

~~(2) A COVERED INDIVIDUAL MAY RECEIVE AN ADDITIONAL 12 WEEKS OF BENEFITS IF THE COVERED INDIVIDUAL DURING THE SAME APPLICATION YEAR:~~

~~(I) RECEIVED BENEFITS BECAUSE THE COVERED INDIVIDUAL WAS ELIGIBLE FOR BENEFITS UNDER § 8.3-701(A)(3) OF THIS SUBTITLE; AND~~

~~(II) BECOMES ELIGIBLE FOR BENEFITS UNDER § 8.3-701(A)(1), (2), (4), OR (5) OF THIS SUBTITLE.~~

~~(B) IF A COVERED INDIVIDUAL TAKES LEAVE FOR WHICH THE COVERED INDIVIDUAL IS RECEIVING BENEFITS UNDER THIS TITLE, THE LEAVE SHALL RUN CONCURRENTLY WITH ELIGIBLE LEAVE THAT MAY BE TAKEN BY THE COVERED INDIVIDUAL UNDER THE FEDERAL FAMILY AND MEDICAL LEAVE ACT.~~

~~(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL RECEIVING BENEFITS UNDER TITLE 8 OF THIS ARTICLE OR WAGE REPLACEMENT BENEFITS UNDER TITLE 9 OF THIS ARTICLE IS NOT ELIGIBLE TO RECEIVE BENEFITS UNDER THIS TITLE.~~

~~(2) AN INDIVIDUAL RECEIVING COMPENSATION FOR A PERMANENT PARTIAL DISABILITY UNDER TITLE 9 OF THIS ARTICLE MAY BE ELIGIBLE FOR BENEFITS UNDER THIS TITLE.~~

~~8.3 703.~~

~~(A) AN EMPLOYER MAY ALLOW A COVERED INDIVIDUAL TO USE PAID VACATION, PAID SICK LEAVE, OR OTHER PAID TIME OFF UNDER AN EMPLOYER POLICY IN ADDITION TO THE BENEFITS AVAILABLE UNDER THIS TITLE TO REPLACE THE COVERED INDIVIDUAL'S WAGES UP TO 100% OF THE COVERED INDIVIDUAL'S WEEKLY WAGE DURING THE PERIOD OF LEAVE FOR WHICH BENEFITS ARE RECEIVED UNDER THIS TITLE.~~

~~(B) AN EMPLOYER CONTRIBUTING TO THE FUND MAY REQUIRE A COVERED INDIVIDUAL WHO RECEIVES BENEFITS UNDER THIS TITLE TO USE THOSE BENEFITS CONCURRENTLY WITH FAMILY OR MEDICAL LEAVE BENEFITS PROVIDED UNDER AN EMPLOYER POLICY.~~

~~8.3 704.~~

~~(A) FOR THE PURPOSES OF THIS SECTION:~~

~~(1) THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE SHALL BE CALCULATED AS THE TOTAL WAGES RECEIVED BY THE COVERED INDIVIDUAL OVER THE LAST 680 HOURS FOR WHICH THE COVERED INDIVIDUAL WAS PAID DIVIDED BY THE NUMBER OF WEEKS WORKED; AND~~

~~(2) THE STATE AVERAGE WEEKLY WAGE SHALL BE THE WAGE CALCULATED UNDER § 9 603 OF THIS ARTICLE.~~

~~(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE WEEKLY BENEFIT AMOUNT PAYABLE TO A COVERED INDIVIDUAL UNDER THIS TITLE SHALL 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 ~~(II) 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~~

8 ~~2. 50% OF THE COVERED INDIVIDUAL'S AVERAGE~~
9 ~~WEEKLY WAGE THAT IS GREATER THAN 65% OF THE STATE AVERAGE WEEKLY WAGE;~~
10 ~~OR~~

11 ~~(III) IF THE COVERED INDIVIDUAL IS TAKING PARTIALLY PAID~~
12 ~~LEAVE, THE LESSER OF:~~

13 ~~1. THE AMOUNT REQUIRED TO MAKE UP THE~~
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:~~

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 ~~(II) MAY 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.~~

~~(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.~~

~~(ii) EXCEPT AS PROVIDED IN SUBPARAGRAPH (iv) OF THIS PARAGRAPH, FOR THE 12 MONTH PERIOD BEGINNING JULY 1, 2025, 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. THE MAXIMUM WEEKLY BENEFIT AMOUNT IN EFFECT FOR THE IMMEDIATELY PRECEDING 12 MONTH PERIOD; AND~~

~~2. THE ANNUAL PERCENTAGE GROWTH IN THE CONSUMER PRICE INDEX FOR THE IMMEDIATELY PRECEDING 12 MONTH PERIOD, AS DETERMINED BY THE SECRETARY UNDER SUBPARAGRAPH (ii)1 OF THIS PARAGRAPH.~~

~~(iii) BEGINNING MARCH 1, 2025, AND ON EACH SUBSEQUENT SEPTEMBER 1, THE SECRETARY SHALL DETERMINE AND ANNOUNCE:~~

~~1. THE ANNUAL PERCENTAGE GROWTH, IF ANY, IN THE CONSUMER PRICE INDEX BASED ON THE MOST RECENT 12 MONTH PERIOD FOR WHICH DATA ARE AVAILABLE ON SEPTEMBER 1; AND~~

~~2. THE MAXIMUM WEEKLY BENEFIT AMOUNT EFFECTIVE FOR THE 12 MONTH PERIOD BEGINNING THE IMMEDIATELY FOLLOWING JULY 1.~~

~~(iv) IF THERE IS A DECLINE OR NO GROWTH IN THE CONSUMER PRICE INDEX, THE MAXIMUM WEEKLY BENEFIT AMOUNT SHALL REMAIN THE SAME AS THE AMOUNT THAT WAS IN EFFECT FOR THE PRECEDING 12 MONTH PERIOD.~~

~~(c) AN INCREASE IN THE WEEKLY BENEFIT AMOUNT UNDER SUBSECTION (b)(3) OF THIS SECTION APPLIES ONLY TO A CLAIM FOR BENEFITS FILED AFTER THE DATE THE INCREASE BECOMES EFFECTIVE.~~

~~(d) THE DIVISION SHALL:~~

~~(1) NOTIFY THE EMPLOYER OF A COVERED INDIVIDUAL WITHIN 5 BUSINESS DAYS AFTER THE COVERED INDIVIDUAL FILES A CLAIM FOR BENEFITS 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~~
3 ~~CLAIM;~~

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 ~~NOTIFY 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.~~

32 ~~8.3 706.~~

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 ~~§.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 ~~§.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 ~~§.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 EMPLOYER SHALL NOTIFY THE EMPLOYEE OF~~

~~1 THE EMPLOYEE'S ELIGIBILITY TO TAKE LEAVE FOR WHICH BENEFITS MAY BE PAID
2 UNDER THIS TITLE WITHIN 5 BUSINESS DAYS.~~

~~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 (III) 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 (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~~

~~15 (VI) A DESCRIPTION OF THE PROHIBITED ACTS, PENALTIES, AND
16 COMPLAINT PROCEDURES UNDER SUBTITLE 9 OF THIS TITLE.~~

~~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.~~

~~21 (A) IF AN INDIVIDUAL WILLFULLY MAKES A FALSE STATEMENT OR
22 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
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 WILLFULLY:~~

~~30 (1) 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 ~~§.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.~~

10 ~~(B) THE SECRETARY MAY WAIVE IN WHOLE OR IN PART THE REPAYMENT OF~~
11 ~~BENEFITS UNDER SUBSECTION (A) OF THIS SECTION IF:~~

12 ~~(1) THE ERROR IN PAYMENT WAS NOT DUE TO ANY FALSE STATEMENT,~~
13 ~~NONDISCLOSURE OF MATERIAL FACT, OR MISREPRESENTATION BY A COVERED~~
14 ~~INDIVIDUAL; OR~~

15 ~~(2) THE REPAYMENT WOULD BE AGAINST EQUITY AND GOOD~~
16 ~~CONSCIENCE OR ADMINISTRATIVE EFFICIENCY.~~

17 ~~§.3-903.~~

18 ~~IF AN EMPLOYER FAILS TO PAY THE CONTRIBUTIONS DUE TO THE FUND, THE~~
19 ~~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.~~

27 ~~§.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.~~

~~(B) ON A FINDING THAT AN EMPLOYEE IS ENTITLED TO JUDGMENT IN AN ACTION UNDER SUBSECTION (A) OF THIS SECTION, THE COURT SHALL ALLOW AGAINST THE EMPLOYER REASONABLE ATTORNEY'S FEES AND OTHER COSTS.~~

~~§.3-907.~~

~~(A) (1) THE SECRETARY SHALL ESTABLISH A SYSTEM FOR APPEALS BY COVERED INDIVIDUALS IN THE CASE OF DENIAL OF BENEFITS UNDER THIS TITLE.~~

~~(2) THE SECRETARY MAY USE THE PROCEDURES UNDER § 8-806 OF THIS ARTICLE FOR THE SYSTEM REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(B) JUDICIAL REVIEW OF ANY DECISION WITH RESPECT TO BENEFITS UNDER THIS TITLE SHALL BE ALLOWED IN A COURT OF COMPETENT JURISDICTION AFTER AN AGGRIEVED PARTY HAS EXHAUSTED ALL ADMINISTRATIVE REMEDIES ESTABLISHED BY THE SECRETARY UNDER THIS TITLE.~~

~~(C) THE SECRETARY SHALL IMPLEMENT PROCEDURES TO ENSURE CONFIDENTIALITY OF ALL INFORMATION RELATED TO ANY CLAIMS FILED OR APPEALS TAKEN TO THE MAXIMUM EXTENT ALLOWED BY LAW.~~

~~SUBTITLE 10. SHORT TITLE.~~

~~§.3-1001.~~

~~THIS TITLE MAY BE CITED AS THE MARYLAND FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM.~~

~~Article State Finance and Procurement~~

~~§-226.~~

~~(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 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:~~

~~144. the Health Equity Resource Community Reserve Fund;~~

~~and~~

1 ~~145. the Access to Counsel in Evictions Special Fund; AND~~

2 ~~146. THE FAMILY AND MEDICAL LEAVE INSURANCE~~
 3 ~~FUND.~~

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.~~

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~~
 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~~

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;~~

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. 4. 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.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any collective bargaining agreement entered into before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) On or before June 1, 2023, the Secretary of Labor shall set the total rate of contribution and percentage of the total rate of contribution to be paid by employees of employers and employers with 15 or more employees under § 8.3-601(a) of the Labor and Employment Article, as enacted by Section 1 of this Act, effective October 1, 2023.

(b) The rate and percentages set under subsection (a) of this section shall be:

(1) based on the study required under Section 11(2) of this Act; and

(2) in effect from October 1, 2023, through December 31, 2025, both inclusive.

SECTION 4. AND BE IT FURTHER ENACTED, That, on or before January 1, 2023, the Maryland Department of Labor shall report to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2-1257 of the State Government Article, on whether a covered employee using benefits under the Maryland Family and Medical Leave Insurance Program established under § 8.3-301 of the Labor and Employment Article, as enacted by Section 1 of this Act, is also eligible for Unemployment Insurance Benefits under Title 8 of the Labor and Employment Article and the effect that dual eligibility has on employer ratings.

SECTION 5. AND BE IT FURTHER ENACTED, That the Maryland Department of Labor shall:

(1) conduct an actuarial study on the cost to the State for paying the required contribution for community providers, as described in Section 7 of this Act, under § 8.3-601 of the Labor and Employment Article, as enacted by Section 1 of this Act; and

(2) on or before October 1, 2022, report the actuary's findings and recommendations to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2-1257 of the State Government Article.

SECTION 6. AND BE IT FURTHER ENACTED, That the Department of Legislative 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.

11 SECTION 7. AND BE IT FURTHER ENACTED, That it is the intent of the General
12 Assembly that the State pay the required contribution under § 8.3-601 of the Labor and
13 Employment Article, as enacted by Section 1 of this Act, to the Family and Medical Leave
14 Insurance Fund established under § 8.3-501 of the Labor and Employment Article, as
15 enacted by Section 1 of this Act, for employers that are community providers that are
16 community-based agencies or programs funded by the Behavioral Health Administration,
17 the Developmental Disabilities Administration, or the Medical Care Programs
18 Administration to serve individuals with mental disorders, substance-related disorders, or
19 a combination of those disorders or developmental disabilities.

20 SECTION 8. AND BE IT FURTHER ENACTED, That, if a covered employee makes
21 an hourly wage that is less than \$15.00 an hour, it is the intent of the General Assembly that
22 the State pay the covered employee's required contribution under § 8.3-601 of the Labor and
23 Employment Article, as enacted by Section 1 of this Act, to the Family and Medical Leave
24 Insurance Fund established under § 8.3-501 of the Labor and Employment Article, as
25 enacted by Section 1 of this Act.

26 SECTION 9. AND BE IT FURTHER ENACTED, That Section 8 of this Act shall
27 remain effective for a period of 3 years and 6 months and, at the end of June 30, 2026,
28 Section 8 of this Act, with no further action required by the General Assembly, shall be
29 abrogated and of no further force and effect.

30 SECTION 10. AND BE IT FURTHER ENACTED, That, on or before June 1, 2023,
31 the Secretary of Labor shall adopt regulations as required under §
32 8.3-403 of the Labor and Employment Article, as enacted by Section 1 of this Act.

33 SECTION 11. AND BE IT FURTHER ENACTED, That, on or before December 1,
34 2022, the Secretary of Labor shall:

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) conduct the study and make recommendations as described in §
38 8.3-601(c) of the Labor and Employment Article, as enacted by Section 1 of this Act; and

1 (3) report the findings and recommendations to the Senate Finance
2 Committee, the House Economic Matters Committee, and the Joint Committee on
3 Administrative, Executive, and Legislative Review in accordance with § 2-1257 of the State
4 Government Article.

5 SECTION 12. AND BE IT FURTHER ENACTED, That Sections 1, 7, 8, and 10 of
6 this Act shall take effect January 1, 2023.

7 SECTION 13. AND BE IT FURTHER ENACTED, That, except as provided in
8 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.