FAMLI Frequently Asked Questions

April 2026

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

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

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

General Questions

1. **What is family and medical leave insurance (FAMLI)?**

   Family and medical leave insurance (FAMLI) will ensure eligible employees in Maryland can take up to 12 weeks away from work to care for themselves or a family member and still be paid up to $1000 a week. This program is often referred to as "paid family and medical leave" or simply "paid leave."

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

   Employees based in Maryland will be able to receive FAMLI benefits starting in January 2028. Self-employed Maryland residents will be able to opt into the program at a later date. More information about the rules and processes for self-employed Marylanders will be available in 2028.

3. **Will federal employees be able to opt into the FAMLI program?**

   No, federal employees will not be covered by FAMLI and will not be able to opt into the program.

4. **How will an employee qualify for benefits?**

   An employee will be eligible for benefits after working at least 680 hours in a position based in Maryland in the 4 calendar quarters reported before they

apply or their leave begins (whichever is earlier). The employee can apply for benefits within 60 days of the first date of leave needed for a qualifying event.

5. **What qualifying events could an employee use leave for?**

   An employee could use leave:

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

6. **Will all employers be required to provide paid family and medical leave?**

   Yes, all employers with at least one employee in Maryland will be required to provide paid family and medical leave. There are no exemptions under state law.

   Employers can choose between the State Plan, a commercial plan, or a self-insured option.

7. **How is FAMLI funded?**

   FAMLI is funded through contributions that employers will remit to the State on a quarterly basis. The contribution amount is based on payroll. Employers may withhold up to 50% of the total contribution rate from employees' paychecks.

8. **When will contributions begin?**

   The contribution period will begin on January 1, 2027. This means payroll deductions will begin on January 1, 2027 and employers will remit the first payment to the State in April 2027.

9. **What reporting requirements will there be?**

   Employers will be responsible for filing quarterly wage and hour reports with the FAMLI Division. These reports will be the basis for calculating the amount due each quarter and to determine employee eligibility. Employers will be required to electronically file these reports, even if they participate in a private plan.

10. **When can employees begin receiving benefits?**

    Benefits will begin in January 2028.

11. **Why will contributions begin before benefits?**

    The contributions employers remit to the State will create a trust fund. The fund will grow over time and be ready to pay out benefits to employees in Maryland starting January 2028.

12. **Were FAMLI's implementation timelines changed?**

    Yes. The Maryland General Assembly passed a bill in 2025 to extend FAMLI's implementation timeline. The dates are:

    January 1, 2027: Contributions begin
    January 2028: Benefits become available

13. **How will an employee apply for paid family and medical leave? How will employers remit payments?**

    A website that employees and employers can access is under development. This website will allow employees to file claims for benefits and employers to remit payments, among other things.

14. **How is Maryland's family and medical leave insurance (FAMLI) program different from the federal Family and Medical Leave Act (FMLA)?**

    FAMLI and FMLA are similar in many ways. The biggest difference is that FAMLI offers paid time off, while FMLA ensures employees have access to unpaid time off. Also, FAMLI's eligibility rules include more employees and the self-employed.

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

15. **Maryland's Healthy Working Families Act already gives employees access to paid sick days. How is FAMLI different?**

    Paid sick days through Maryland's Healthy Working Families Act and FAMLI serve different purposes. It's not a perfect comparison, but one way to think about it is that paid sick days are for everyday colds. FAMLI is for battling a serious illness.

16. When will employers be required to notify employees about paid family and medical leave?

Employers will be required to notify employees about paid family and medical leave:

- one pay period before payroll deductions begin,
- starting July 2027 (six months before benefits begin),
- when the employee is hired,
- once a year,
- when the employee requests leave using related terms such as "paid family and medical leave," "parental leave," "family leave," or otherwise indicates they want to take leave under FAMLI, and
- when the employer knows the employee is taking leave for a qualifying reason

17. Will the FAMLI Division create sample notices about FAMLI for employers to use for their employees?

Yes, the FAMLI Division will create sample notices for employers to use. To ensure you are notified when sample forms are posted, please sign up for our email list.

18. What should employers do now to prepare?

- Sign up to receive emails from the FAMLI Division
- Keep an eye out for information about how to register for an account. After registration, all employers will automatically be enrolled in the State Plan. Employers can alternatively explore private plans.
- Include contributions in future budget planning and consider whether to cover a portion or all employees' contributions.
- Start thinking about how existing benefits may interact with FAMLI.
- Begin discussing any payroll/administrative adjustments that may be needed.
- Identify an Authorized Officer to create the employer profile.
- Evaluate whether policy and handbook changes may be needed.
- Begin talking with employees, so they understand their future FAMLI contributions and benefits.

19. When can I register as an employer?

Employers will be able to register online at paidleave.maryland.gov in Fall 2026. All employers with at least one employee in Maryland will be required to register.

20. If an employer has sub-agencies or divisions, will all of those sub-agencies and divisions need to register separately?

When an employer registers with FAMLI, they will enter their federal Employer Identification Number (EIN). All sub-agencies and divisions with that same EIN will therefore be registered. FAMLI will only allow one registration per EIN.

Contributions Questions

21. How much will employers and employees contribute?

In April 2026, MD Labor reaffirmed a total contribution rate for FAMLI of 0.9%. This rate will apply when payroll withholding begins on January 1, 2027, for wages paid between January 1, 2027 to December 31, 2027.

Each November, starting in 2027, MD Labor will announce a contribution rate for the following calendar year. Under current law, the total rate cannot go over 1.2% of wages up to the Social Security cap.

Employers may withhold up to half the contribution rate (0.45%) from their employees' pay.

Small employers (those with fewer than 15 total employees, counting employees within and outside of Maryland), will only be responsible for remitting 50% of the contribution rate. They may withhold that amount from their employees' pay.

While MD Labor sets the contribution rate for all participants in the State Plan, private plans will set their own rates. Employees can't be charged more in a private plan than they would be through the State Plan.

22. Will the contribution rate be different for exempt (salaried) and non-exempt (hourly) employees?

No.

23. Will payroll software be able to calculate the amount of money that employers and employees must contribute?

The FAMLI Division has no control over payroll software. The Division anticipates that vendors will adapt and offer solutions.

24. Can employers pay employees' share of contributions as an added benefit?

Yes, employers can choose to pay the full contribution amount. Please note, there may be tax implications for doing so. Employers should consult with a tax professional.

25. Will an employer be allowed to pay the contribution for a select group of employees?

Yes. Employers may decide to cover the cost of contributions for a select group of employees. Please note, there may be tax implications for doing so. Employers should consult with a tax professional.

26. Employers with fewer than 15 employees are only responsible for 50% of the contribution rate. How will the FAMLI Division determine whether an employer has fewer than 15 employees?

The total number of employees includes those employed both within and outside of Maryland.

Initially, the FAMLI Division will determine the total number of employees for each individual quarter. After an employer has a full calendar year of reported quarters, the Division will use the employer's average across the 4 quarters to make a determination for the subsequent calendar year.

27. My business has less than 15 employees during some parts of the year and more than 15 employees during others. How will the FAMLI Division determine the number of employees I have?

The FAMLI Division will collect wage and hour reports every quarter. Until the Division receives a full calendar year of wage and hour reports, the Division will determine employer size each quarter. After the Division receives a calendar year of reports, the Division will average the number of employees paid each quarter for the calendar year and make an annual determination that will apply for the entire year following.

28. Will independent contractors count toward employer size?

No.

29. Will employer-size be determined as a whole or for each subsidiary separately?

When an employer registers with FAMLI, they will enter their federal Employer Identification Number (EIN). All sub-agencies and divisions with that same EIN will therefore be registered. FAMLI will only allow one registration per EIN. All employees falling under the same EIN are counted toward a single employer-size.

30. Will the cost change over time?

Each November, the FAMLI Division will announce a contribution rate for the following year. It may change over time, but under current law, the total rate cannot go over 1.2% of wages up to the Social Security cap.

31. Contribution and benefit amounts depend on an employee's wages. How do you define wages?

The definition of wages is the same as that used for the purposes of unemployment insurance (Labor and Employment Article, §8.3-101(r), Annotated Code of Maryland).

32. How will contributions be collected and remitted to the State?

If an employer chooses to collect up to half of the contribution rate from employees, the employer must collect the employee's portion of the contribution through payroll deductions at the time wages are paid.

Employers will be responsible for electronically remitting contributions to the State through the FAMLI Division's website (the website is currently under construction).

33. Will employers use Maryland's Unemployment Insurance website (BEACON) to remit payments to FAMLI?

No. Employers will remit FAMLI contributions via the FAMLI website. This website is separate from Maryland's Unemployment Insurance program.

34. How often will employers remit contributions to the State?

Employers will remit contributions to the State every three months (on a quarterly basis).

35. What is the schedule for remitting contributions?

Payroll deductions begin on January 1, 2027 for wages paid after this date, and the first quarterly payment is due April 30, 2027.

Moving forward, this is the schedule for quarterly contributions:

For the quarter beginning January 1 and ending March 31: contribution due April 30

For the quarter beginning April 1 and ending June 30: contribution due July 31

For the quarter beginning July 1 and ending September 30: contribution due October 31

For the quarter beginning October 1 and ending December 31: contribution due January 31

36. How will the FAMLI Division determine what an employer should contribute each quarter?

Employers will submit wage and hour reports each quarter. Those reports will determine how much an employer contributes.

37. Will employers report gross wages or net pay on the quarterly wage and hour reports?

Employers will report gross wages on quarterly wage and hour reports.

38. What is the Social Security cap for this year?

More information about the Social Security cap can be found here.

39. I understand that contributions will be made on an employee's wages up to the Social Security cap. How is this calculated when an employee has multiple jobs?

The cap on wages is determined separately for each job.

40. If an employer does not collect money from an employee's paycheck to cover contributions, can the employer collect the money from a future paycheck?

No, employers are not allowed to collect contributions from employees after the pay cycle ends.

There is one exception. If an employee does not earn enough in a pay cycle to cover their contribution (for example, a tipped employee), the employer has up to 6 pay periods to collect the money.

41. I am an employer with waitstaff. How can I collect contributions, if the waitstaff does not earn enough in hourly wages to cover the cost?

If an employee does not earn enough on a paycheck to cover their contribution amount, their employer has up to 6 pay periods to collect the money. This is the only reason an employer can collect contributions from employees after they are due.

The employer could also pay the difference.

42. There may be times when an employee is not receiving wages from their employer. For example, an employee may receive Workers' Compensation or take unpaid time off. How does this impact contributions and reporting?

When an employee earns zero wages, no contributions are due but the employer's reporting responsibility remains unchanged. Employers are still required to submit quarterly reports indicating the employee earned zero wages.

43. Will employers need to make and collect contributions for all employees?

Employers will need to make and collect contributions for employees working in a position localized in Maryland. Employees cannot opt out of participating.

44. Will business owners who are also employees need to cover the employee contribution for themselves? Will they be eligible for benefits?

It depends on the structure of the company. If the owner is an employee of the company (i.e. receives wages) they will need to contribute to FAMLI and will be eligible for benefits. If the owner is not considered an employee, they will be able to opt-in under the self-employed option.

45. Will self-employed individuals be required to contribute?

No, self-employed individuals are not required to pay contributions.

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

46. Will employers be required to collect and make contributions for all Maryland-based employees, even if those employees may not be eligible to receive benefits? For example, will seasonal or part time employees need to contribute?

Yes, the law does not exclude any group of employees.

47. Will employers be required to make and collect contributions for employees who live in Maryland but work in another state?

No, eligibility and contributions are dependent on working in Maryland.

48. Will employers be required to make and collect contributions for employees who work in Maryland but live in another state?

Yes, anyone working in a position located in Maryland will contribute.

49. I work from my home or office in Maryland, but my employer is located in a different state. Will I make contributions and be eligible for benefits?

If you work in Maryland, you will contribute and be eligible for benefits. It does not matter where your employer is located.

If you work in more than one state for the same job, your eligibility will depend on localization rules.

50. My company's office is located in Maryland, but some people work remotely from another state. Will out-of-state employees contribute and be eligible for benefits?

No, only employees in Maryland will contribute and be eligible for benefits.

51. My company is based in Maryland but some employees work in multiple states (e.g. truck drivers). Will they contribute and be eligible for benefits?

If an employee is localized in Maryland, they are covered under FAMLI. There are detailed localization rules, but a shorthand rule is that if they are covered under Maryland's Unemployment Insurance program, they are also covered under FAMLI.

52. My company's home office is not in Maryland, but we occasionally do work in Maryland. Will the company be responsible for contributions for the time employees are in Maryland?

It depends on whether the position is localized in Maryland. Only positions localized in Maryland will be responsible for contributions and eligible for benefits. There are detailed localization rules, but a shorthand rule is that if a position is covered by Maryland's Unemployment Insurance program, it is also covered under FAMLI.

53. If an employee works remotely from their home in Maryland on some days and in person out-of-state on other days, are they covered under FAMLI?

It depends. Work must be "localized" in Maryland for a worker to be eligible. Localization refers to where the work is physically performed, not where a worker lives.

The simplest way to know: If an employer contributes to Maryland's Unemployment Insurance program on behalf of an employee, that employee's work is localized in Maryland, and they are covered under FAMLI.

Common Scenarios:

- An employee works full-time in Maryland but lives in another state → Covered under FAMLI
- An employee lives in Maryland but works full-time in another state → Not covered under FAMLI
- An employee works remotely from another state for a Maryland-based employer → Not covered under FAMLI
- An employee works remotely from Maryland for an employer based in another state → Covered under FAMLI
- An employee works in multiple states for the same job → Localization rules determine coverage (see "Employer's Liability for Unemployment Insurance Taxes", pages 9-11)

54. If employees sometimes work from their home which is not in Maryland, but also sometimes work in-office in Maryland, will they be subject to contributions/eligible for leave?

It depends. Work must be "localized" in Maryland for a worker to be eligible. Localization refers to where the work is physically performed, not where a worker lives.

The simplest way to know: If an employer contributes to Maryland's Unemployment Insurance program on behalf of an employee, that employee's work is localized in Maryland, and they are covered under FAMLI.

Common Scenarios:

- An employee works full-time in Maryland but lives in another state → Covered under FAMLI
- An employee lives in Maryland but works full-time in another state → Not covered under FAMLI
- An employee works remotely from another state for a Maryland-based employer → Not covered under FAMLI
- An employee works remotely from Maryland for an employer based in another state → Covered under FAMLI
- An employee works in multiple states for the same job → Localization rules determine coverage (see "Employer's Liability for Unemployment Insurance Taxes", pages 9-11)

55. My family employs a nanny. Am I considered an employer?

Yes, an employer is anyone who pays a salary or wage to at least one person. All employers will have to comply by offering FAMLI and by submitting wage and hour reports and remitting contributions to the FAMLI Division.

56. Maryland's Unemployment Insurance program exempts a number of employment categories from participating. Will FAMLI also exempt those categories?

No. All employment categories are covered by FAMLI. There are no exemptions.

57. For unemployment insurance purposes, I'm a reimbursable employer and only pay based on employees' usage. Am I able to do something similar with FAMLI?

No, there is not a reimbursable option similar to the one offered under the unemployment insurance program.

58. How will Medicaid providers be reimbursed?

Please contact the Maryland Department of Health.

59. Will employers' costs change depending on employees' usage of the program?

Employers in the State Plan will not be individually charged more depending on their employees' usage. Private plans may be structured differently.

60. Will an employee be reimbursed for their contributions if they leave a job but never filed a claim?

No. Like other insurance programs, FAMLI contributions go into a shared fund that is used to pay benefits.

61. Will I continue to pay into the program after I retire? Will I be eligible for benefits after I retire?

No. Contributions will only be due and benefits will only be available during employment.

62. Will third-party administrators be able to interact with the FAMLI system?

The FAMLI Division understands that many employers will rely on third party administrators to interact with our system. Our website is being built with that in mind.

63. Can the State use the FAMLI Trust Fund for any purpose outside of FAMLI?

No, by law the FAMLI Trust Fund may only be used for the purposes of FAMLI.

Claims Questions

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

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

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

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

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

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

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

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

No. FAMLI does not have age restrictions.

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

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

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

An employee could use leave:

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

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

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

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

Parents can take leave during the first year after their child is born or placed with them through foster care, kinship care, or adoption. Parents of children born or placed with families before benefits become available in January 2028 can take leave within the first year after birth or placement, as long as the leave is taken after benefits begin. For example, if a baby was born on November 1, 2027, the parent(s) would be eligible for 12 weeks of FAMLI leave between January 2028 and November 1, 2028 when the baby turns 1.

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

Yes.

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

Yes.

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

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

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

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

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

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

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

Family members are:

- the spouse or domestic partner of the employee;
- a child (including biological, adopted, foster or stepchild) of the employee;
- a parent (including biological, adopted, foster or stepparent) of the employee or the employee's spouse;
- a grandparent (including biological, adopted, foster or step-grandparent) of the employee;
- a grandchild (including biological, adopted, foster or step-grandchild) of the employee;

- a sibling (including biological, adopted, foster or step-sibling) of the employee;
- a person for whom the employee or the employee's spouse, has court appointed decision making authority over (financial and/or personal);
- an individual who acted as a parent or stood in loco parentis to the employee or the employee's spouse when the employee or the employee's spouse was a minor. (For example, the employee's step-parent from when the employee was a minor but who is no longer married to the employee's birth parent);
- a child for whom the employee has court appointed decision making authority over (financial and/or personal) and/or who lives with the employee; and
- a child the employee has assumed the obligations of a parent for without formal adoption proceedings.

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

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

78. What qualifies as a serious health condition?

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

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

79. How is "incapacity" defined?

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

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

A licensed health care provider will be required to certify.

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

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

However, if an employee is already receiving FAMLI benefits to care for a family member and they pass away, the employee must provide notice within 72 hours of the family member's passing. The employee's benefits will continue for up to 7 days after the death, or until their originally approved leave ends—whichever comes first.

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

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

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

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

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

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

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

85. When can employees apply for benefits?

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

86. Who will review an employee's claim?

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

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

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

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

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

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

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

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

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

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

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

91. What is the turnaround time on claims?

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

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

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

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

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

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

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

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

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

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

You can find the State Average Weekly Wage on the Workers' Compensation Commission's website.

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

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

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

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

When benefits become available in 2028, employees will be able to request up to 12 weeks within a 12 month period. The exact time off approved will depend on the person and their situation.

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

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

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

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

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

99. How will intermittent leave scheduling work?

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

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

Employees also need to give prior notice to their employer of the intermittent leave. If the employee does not provide prior notice, the employer must notify the FAMLI Division before taking any disciplinary action against the employee. If the employee's use of intermittent leave is inconsistent with their leave approval, it may not be considered retaliation for an employer to request additional information related to the use of FAMLI leave.

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

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

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

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

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

102. How will leave length be determined?

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

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

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

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

The "benefit year" is the 12-month period that starts on the Sunday before the employee's first day of FAMLI leave. During a benefit year, an employee is limited to 12 weeks of FAMLI leave (unless they qualify for an additional 12 weeks).

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

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

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

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

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

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

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

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

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

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

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

110. An employee may take leave from more than one employer at the same time. How will their benefit amount be calculated?

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

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

Yes, they will be eligible for benefits in the State Plan, as long as they have worked 680 hours in Maryland. All work localized in Maryland counts toward an employee's eligibility. It does not matter whether the employer participates in a private plan or the State Plan, and they will immediately be covered under their new employer's plan, as long as the new job is localized in Maryland.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

119. What if an employer offers parental leave?

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

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

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

Yes.

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

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

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

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

123. How will the system protect against fraud?

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

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

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

Private Plans Questions

125. Will employers have the option to apply for a private plan?

All employers with at least one Maryland employee will be required to electronically register with the FAMLI Division. After registering, employers will automatically be enrolled into the State Plan run by the Maryland Department of Labor. The State Plan provides an easy way to be in compliance. Employers do have other options. Employers could seek approval for a commercial or self-insured plan. Commercial and self-insured plans must offer benefits and protections that are the same as or better than the State Plan.

126. When can employers begin to apply for a private plan?

Employers who intend to apply for a private plan in 2027 may submit a Declaration of Intent (DOI) to the FAMLI Division by November 15, 2026. DOI submissions open September 1, 2026.

Once private plans are on the market in 2027, the Division will begin accepting applications to offer a private plan.

127. What if an employer already offers paid family and medical leave through existing leave policies?

Employers with 50 or more employees that provide benefits equal to or better than the State Plan will be able to apply to be self-insured. The leave package will need to be approved by the FAMLI Division and meet every element of the FAMLI program. The employer will need to demonstrate the plan is financially solvent.

Employers with fewer than 50 employees may apply for a self-insured plan, if they have a FAMLI-compliant plan in place by July 31, 2026.

128. What is the difference between a commercial plan and a self-insured plan?

Commercial plans will be sold by a third party insurance company. The insurance company will review and pay employees' claims. Any employer will be able to purchase a commercial plan.

Self-insured plans will be financed directly by employers. Employers who self-insure will review and pay employees' claims. Employers will only be able to apply for a self-insured plan if they have at least 50 employees **or** they have

fewer than 50 employees but their FAMLI-compliant plan was in place by July 31, 2026.

Commercial and self-insured plans must be approved by FAMLI and must provide benefits equivalent to or better than the State Plan.

129. Employers with 50 or more employees can apply for a self-insured private plan. How are employees counted in this situation?

In this case, employers with 50 or more employees localized in Maryland can apply for a self-insured private plan. There is one exception: employers with fewer than 50 employees can apply to use a self-insured plan, if they have their own FAMLI-compliant plan in place before July 1, 2026.

130. What criteria will an employer need to meet in order to be self-insured?

An employer will need to submit:

- an application;
- their family and medical leave insurance policy that meets or exceeds the benefits of the State Plan; and
- proof of solvency (ie a surety bond).

An employer must also establish a separate account to be used solely for FAMLI contributions and benefits.

Employers who submit a Declaration of Intent to be self-insured before the application becomes available must meet with an insurance provider about available commercial private plans and obtain their signature.

131. Are there any requirements regarding how self-insured private plans are funded or accounted for?

An employer with an approved self-insured plan can withhold contributions from employees, but it is not a requirement. The amount withheld from employees cannot be more than the employees' contribution rate under the State Plan. If an employer withholds contributions from employees, the employer must maintain FAMLI-related funds in a separate account used solely for FAMLI benefits.

132. Will an employer with an approved self-insured plan be able to collect contributions from employees?

Yes. If the employer plans to collect contributions from employees, they will not be able to withhold more than they would in the State Plan. The employer must maintain a separate account used only for FAMLI benefits.

133. How much will an employer using a private plan be able to withhold from their employees?

Employers will not be able to withhold more than 50% of the State Plan contribution rate from employees. For example, if the State Plan contribution rate is 0.9%, employers with a private plan would not be able to withhold more than 0.45% of an employee's wages.

134. If an employer submits a Declaration of Intent (DOI) to provide a private plan, will they still need to submit wage and hour reports starting April 2027?

Yes. All employers, regardless of plan type, will need to start submitting quarterly wage and hour reports in April 2027.

135. Employers with an accepted Declaration of Intent must keep contributions due in an escrow account. What will happen to that money when their private plan application is approved or denied?

During the seeding period (January 1, 2027-December 31, 2027) employers with an accepted Declaration of Intent must hold all contributions due in an escrow account. The employer is able to collect contributions from their employees or can self-fund the escrow account. There is a statutory exception to this requirement for certain governmental employers.

If an employer is approved to use a self-insured private plan, they will be able to use those contributions collected to fund a separate account used solely for FAMLI benefits.

If an employer is approved to use a commercial private plan, they must return any contributions collected from employees back to the employees.

If an employer's application to use a private plan is denied or the employer decides to use the State Plan, the contributions held in escrow will be owed to the State.

136. Is there a fee to apply for a private plan?

Yes. The fee varies depending on whether an employer applies for a commercial or self-insured plan. The application fee for a commercial plan ranges from $100-$1,000. The exact cost depends on payroll size. The size is determined by the number of employees localized in Maryland at the time the application is submitted.

The fee scale is:

$100.00 for an employer with 1-14 employees

$250.00 for an employer with 15-49 employees

$500.00 for an employer with 50-199 employees

$600.00 for an employer with 200-499 employees

$750.00 for an employer with 500-999 employees

$1,000.00 for an employer with 1000 or more employees

The application fee for a self-insured plan is $1,000 regardless of employer size. Application fees are paid annually.

137. Will sub-agencies or various divisions of an employer all need to use the same plan?

When employers register with FAMLI, they will enter their federal Employer Identification Number (EIN). FAMLI will only allow one registration per EIN. All employees reported under the EIN must be enrolled in the same plan.

138. Will an employer be able to have different plans for different groups of employees? For example, can an employer's leadership team be in the State Plan, while their managers are in a private plan?

No. Whichever plan an employer chooses must cover all employees.

139. Will employers approved to offer a private plan still need to make contributions and file wage and hour reports to the State?

Once an employer's private plan is approved they will not need to make contributions to the State Plan, but the employer will still be required to provide quarterly wage and hour reports.

140. Will employees have a role in deciding which plan is offered?

Employers can seek input from employees when making a plan selection but it is not required by law.

141. Who will review employees' claims, benefits, and appeals for employers with a private plan?

The administrator of the plan, either the insurance company or the self-insured employer, will handle claims and benefits. Regardless of what plan employers participate in, the State will handle appeals.

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

Wage and hour reports will be submitted to the FAMLI Division each quarter when contributions are due. The FAMLI Division will use those reports to respond to inquiries from employers and insurers administering private plans about the eligibility of an employee with a pending claim.

143. The State Plan requires employees to take time off for at least 4 hours. Can private plans allow employees to take time off for periods of time less than 4 hours?

Yes, private plans may allow employees to take time off for periods less than 4 hours.

144. Will employers with private plans still have to submit quarterly wage and hour reports?

Yes, all employers are required to electronically submit wage and hour reports every quarter.

145. What information will employers with private plans be required to send to the State and how often?

Employers with private plans will be required to send claims data each quarter.

146. What records will employers with private plans be required to keep?

Employers with approved private plans are required to keep the following records for at least 5 years:

- applications submitted and outcomes (approved/denied);

- benefits paid;
- reconsideration requests and outcomes;
- wage and hour reports; and
- employee contributions received.

147. Does the Department set the cost for private insurance plans?

While the Department of Labor sets the contribution rate for the State Plan, private plans will set their own rates. The Maryland Insurance Administration (MIA) regulates insurance products. Employees cannot be charged more in a private plan than they would be through the State Plan.

148. Can private plans charge employers a higher contribution rate than the State Plan?

Yes, private plans can charge employers a higher contribution rate than the State Plan. However, employers participating in a private plan cannot, in turn, charge their employees a higher rate than the State Plan.

149. If a new employee applies to take leave, will they apply through their new employer's plan or through their former employer?

Employees will apply for benefits through their current employer's plan.

150. Will the FAMLI Division be able to cancel an employer's private plan?

Yes. The FAMLI Division will be able to cancel an employer's private plan if it determines the plan is not meeting the requirements. This is called involuntary termination. Involuntary terminations can result in fees and penalties.

151. Will employers be able to leave a private plan and join either a different private plan or the State Plan?

Yes, but the timing of a decision to change plans is important. Employers with a private plan are expected to remain in that plan for at least a year. After a year, the employer may apply to change private plans or join the State Plan. After review by the Department, approved changes will take effect at the beginning of the next quarter. There can be no gap in coverage and employees will immediately be able to file claims through the new plan.

If an employer leaves their private plan to join the State Plan between January 1, 2028 and December 31, 2028: they will owe contributions dating

back to January 1, 2027, plus interest and will need to start collecting contributions moving forward. There may be additional financial penalties.

If an employer leaves a private plan to join the State Plan between January 1, 2029 and December 31, 2029: they will owe half the contributions due since January 1, 2027, plus interest and will need to start collecting contributions moving forward. There may be additional financial penalties.

152. If an employer switches from a private plan to the State Plan, is there a waiting period before employees will be able to access benefits?

No. If an employer switches from a private plan to the State Plan, there is no waiting period before employees will be able to access benefits.

153. Will an employer be able to leave the State Plan and join a private plan at a later date?

Yes.

154. Will employers with a private plan be able to access FAMLI's customer care contact center?

Yes. Anyone can access FAMLI's Customer Care Contact Center with questions by calling (410) 525-4010 or emailing paid.leave@maryland.gov.