

HOUSE BILL 341

K3, L6, P4

9lr0592
CF 9lr2346

By: **Delegates Kelly, B. Barnes, Acevero, Atterbeary, Barron, Bartlett, Barve, Charkoudian, Crutchfield, Cullison, Ebersole, Fennell, Fraser-Hidalgo, Glenn, Healey, Hettleman, Jalisi, Kaiser, Korman, R. Lewis, Lierman, Lisanti, Love, Luedtke, McIntosh, Moon, Palakovich Carr, Patterson, Pena-Melnyk, Pendergrass, Queen, Reznik, Shetty, Smith, Solomon, Stewart, Terrasa, Turner, Valderrama, Washington, Wilkins, K. Young, and P. Young**

Introduced and read first time: January 28, 2019

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Family and Medical Leave Insurance Program –**
3 **Establishment**
4 **(Time to Care Act of 2019)**

5 FOR the purpose of establishing the Family and Medical Leave Insurance Program;
6 prohibiting an employee from disclosing certain information; authorizing a
7 self-employed individual to elect to participate in the Program by filing a certain
8 notice with the Secretary of Labor, Licensing, and Regulation; providing that a
9 certain election becomes effective on the date a certain notice is filed; requiring a
10 certain individual to participate in the Program for a certain initial period;
11 authorizing a certain individual to renew participation in the Program for a certain
12 period; requiring a certain individual to notify the Secretary in writing of the
13 individual's withdrawal from the Program within a certain time period; requiring a
14 certain individual to pay a certain contribution rate during a certain period;
15 providing that an employee's right to benefits under this Act may not be diminished
16 by a collective bargaining agreement entered into or renewed or by an employer
17 policy adopted or retained after a certain date; providing that a certain agreement is
18 void as against public policy; stating the purpose of the Program; providing for the
19 manner in which the Program is to be administered; providing for the powers and
20 duties of the Secretary under the Program; establishing the Family and Medical
21 Leave Insurance Fund as a special, nonlapsing fund; providing for the
22 administration of the Fund; specifying the contents of the Fund; specifying the
23 purposes for which the Fund may be used; requiring, beginning on a certain date,
24 certain employees and employers to pay the Secretary certain contributions;
25 requiring the Secretary to establish in regulation the rates of contribution; requiring

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the rates of contribution to be sufficient to fund the benefits payable under this Act;
2 requiring, beginning on a certain date, an individual to meet certain conditions to be
3 eligible for benefits; authorizing a covered employee to take certain leave on an
4 intermittent leave schedule; requiring a covered employee who is taking certain
5 leave on an intermittent leave schedule to take certain action; prohibiting an
6 employer from taking certain action if leave is taken on an intermittent leave
7 schedule; providing for the manner in which benefits are to be calculated and paid;
8 requiring the Division of Unemployment Insurance, under certain circumstances, to
9 notify certain individuals of certain information regarding the federal income tax;
10 requiring the Division, under certain circumstances, to deduct and withhold a
11 certain amount from benefits paid; providing for the manner in which certain
12 employees who receive benefits are to be treated by employers; establishing certain
13 prohibited acts; authorizing the Division to seek repayment of benefits under certain
14 circumstances; authorizing the Secretary to waive the repayment of benefits under
15 certain circumstances; requiring interest earnings of the Fund to be credited to the
16 Fund; exempting the Fund from a certain provision of law requiring interest
17 earnings on State money to accrue to the General Fund of the State; providing for
18 the construction and application of this Act; requiring the Secretary to adopt certain
19 regulations on or before a certain date; defining certain terms; stating the intent of
20 the General Assembly; and generally relating to the Family and Medical Leave
21 Insurance Program.

22 BY repealing and reenacting, with amendments,
23 Article – Labor and Employment
24 Section 8–302
25 Annotated Code of Maryland
26 (2016 Replacement Volume and 2018 Supplement)

27 BY adding to
28 Article – Labor and Employment
29 Section 8.3–101 through 8.3–901 to be under the new title “Title 8.3. Family and
30 Medical Leave Insurance Program”
31 Annotated Code of Maryland
32 (2016 Replacement Volume and 2018 Supplement)

33 BY repealing and reenacting, without amendments,
34 Article – State Finance and Procurement
35 Section 6–226(a)(1) and (2)(i)
36 Annotated Code of Maryland
37 (2015 Replacement Volume and 2018 Supplement)

38 BY repealing and reenacting, with amendments,
39 Article – State Finance and Procurement
40 Section 6–226(a)(2)(ii)112. and 113.
41 Annotated Code of Maryland
42 (2015 Replacement Volume and 2018 Supplement)

1 BY adding to
2 Article – State Finance and Procurement
3 Section 6–226(a)(2)(ii)114.
4 Annotated Code of Maryland
5 (2015 Replacement Volume and 2018 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
7 That the Laws of Maryland read as follows:

8 **Article – Labor and Employment**

9 8–302.

10 (a) There is a Division of Unemployment Insurance.

11 (b) The Division of Unemployment Insurance shall perform any function that the
12 Secretary assigns to it to carry out this title **AND TITLE 8.3 OF THIS ARTICLE.**

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

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

15 **8.3–101.**

16 (A) **IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
17 **INDICATED.**

18 (B) **“ADOPTED CHILD” MEANS A CHILD ADOPTED BY OR PLACED FOR**
19 **ADOPTION WITH AN EMPLOYEE OR THE EMPLOYEE’S SPOUSE OR DOMESTIC**
20 **PARTNER.**

21 (C) **“APPLICATION YEAR” MEANS THE 12–MONTH PERIOD BEGINNING ON**
22 **THE FIRST DAY OF THE CALENDAR WEEK IN WHICH A COVERED EMPLOYEE FILES AN**
23 **APPLICATION FOR BENEFITS.**

24 (D) **“BENEFITS” MEANS THE MONEY PAYABLE UNDER THIS TITLE TO A**
25 **COVERED EMPLOYEE.**

26 (E) **“CHILD” MEANS:**

27 (1) **AN ADOPTED CHILD;**

28 (2) **A BIOLOGICAL CHILD;**

29 (3) **A FOSTER CHILD;**

1 **(4) A LEGAL WARD;**

2 **(5) A STEPCHILD; OR**

3 **(6) A CHILD WITH RESPECT TO WHOM AN INDIVIDUAL STANDS IN**
4 **LOCO PARENTIS.**

5 **(F) “CHRONIC SERIOUS HEALTH CONDITION” MEANS A CONDITION THAT**
6 **CONTINUES OVER AN EXTENDED PERIOD OF TIME AND REQUIRES INTERMITTENT**
7 **TREATMENT.**

8 **(G) “COVERED EMPLOYEE” MEANS AN EMPLOYEE WHO HAS WORKED AT**
9 **LEAST 680 HOURS OVER A 12-MONTH PERIOD.**

10 **(H) “DEPARTMENT” MEANS THE DEPARTMENT OF LABOR, LICENSING, AND**
11 **REGULATION.**

12 **(I) “EMPLOYER” MEANS A PERSON OR GOVERNMENTAL ENTITY THAT**
13 **EMPLOYS AT LEAST ONE INDIVIDUAL IN THE STATE.**

14 **(J) “FAMILY MEMBER” MEANS:**

15 **(1) A CHILD;**

16 **(2) A PARENT;**

17 **(3) A PARENT-IN-LAW;**

18 **(4) A SON- OR DAUGHTER-IN-LAW;**

19 **(5) A GRANDPARENT OR STEPGRANDPARENT OF AN EMPLOYEE OR**
20 **THE EMPLOYEE’S SPOUSE OR DOMESTIC PARTNER;**

21 **(6) A GRANDCHILD OR STEPGRANDCHILD OF AN EMPLOYEE OR THE**
22 **EMPLOYEE’S SPOUSE OR DOMESTIC PARTNER;**

23 **(7) A SPOUSE;**

24 **(8) A DOMESTIC PARTNER;**

25 **(9) A SIBLING;**

1 **(10) THE SPOUSE OR DOMESTIC PARTNER OF A SIBLING; OR**

2 **(11) ANY OTHER INDIVIDUAL RELATED BY BLOOD OR AFFINITY WHOSE**
3 **CLOSE ASSOCIATION WITH THE EMPLOYEE IS EQUIVALENT TO A FAMILY**
4 **RELATIONSHIP.**

5 **(K) “FUND” MEANS THE FAMILY AND MEDICAL LEAVE INSURANCE FUND**
6 **ESTABLISHED UNDER § 8.3–501 OF THIS TITLE.**

7 **(L) “GOVERNMENTAL ENTITY” HAS THE MEANING STATED IN § 8–101 OF**
8 **THIS ARTICLE.**

9 **(M) “INDIVIDUAL WHO STANDS IN LOCO PARENTIS” MEANS, WHETHER OR**
10 **NOT A BIOLOGICAL OR LEGAL RELATIONSHIP EXISTS, AN INDIVIDUAL:**

11 **(1) WHO HAS DAY–TO–DAY RESPONSIBILITIES TO CARE FOR AND**
12 **FINANCIALLY SUPPORT A CHILD; OR**

13 **(2) IN THE CASE OF AN EMPLOYEE OR THE EMPLOYEE’S SPOUSE OR**
14 **DOMESTIC PARTNER, WHO HAD RESPONSIBILITY FOR THE EMPLOYEE OR THE**
15 **SPOUSE OR DOMESTIC PARTNER WHEN THE EMPLOYEE OR THE SPOUSE OR**
16 **DOMESTIC PARTNER WAS A CHILD.**

17 **(N) “NEWBORN CHILD” MEANS A CHILD UNDER THE AGE OF 1 YEAR.**

18 **(O) “NEXT OF KIN” MEANS THE NEAREST BLOOD RELATIVE.**

19 **(P) “PARENT” MEANS:**

20 **(1) AN ADOPTIVE PARENT;**

21 **(2) A BIOLOGICAL PARENT;**

22 **(3) A FOSTER PARENT;**

23 **(4) A LEGAL GUARDIAN;**

24 **(5) A STEPPARENT; OR**

25 **(6) AN INDIVIDUAL WHO STANDS IN LOCO PARENTIS TO AN**
26 **EMPLOYEE.**

27 **(Q) “PARENT–IN–LAW” MEANS:**

1 (1) THE PARENT OF AN EMPLOYEE’S SPOUSE OR DOMESTIC PARTNER;
2 **OR**

3 (2) AN INDIVIDUAL WHO STANDS IN LOCO PARENTIS TO AN
4 EMPLOYEE’S SPOUSE OR DOMESTIC PARTNER.

5 (R) “PROGRAM” MEANS THE FAMILY AND MEDICAL LEAVE INSURANCE
6 PROGRAM.

7 (S) “QUALIFYING EXIGENCY” MEANS ANY OF THE FOLLOWING REASONS
8 FOR WHICH LEAVE MAY BE NEEDED BY A FAMILY MEMBER OF A SERVICE MEMBER:

9 (1) BECAUSE THE SERVICE MEMBER HAS RECEIVED NOTICE OF
10 DEPLOYMENT WITHIN 7 DAYS BEFORE THE DEPLOYMENT IS TO BEGIN;

11 (2) TO ATTEND MILITARY EVENTS AND RELATED ACTIVITIES;

12 (3) TO ATTEND CHILD CARE OR SCHOOL ACTIVITIES ONLY WHEN THE
13 SERVICE MEMBER IS ON ACTIVE DUTY CALL OR ACTIVE DUTY STATUS;

14 (4) TO MAKE FINANCIAL AND LEGAL ARRANGEMENTS FOR THE
15 SERVICE MEMBER’S ABSENCE OR BECAUSE OF THE ABSENCE;

16 (5) TO ATTEND COUNSELING THAT:

17 (I) IS NEEDED DUE TO THE ACTIVE DUTY OR CALL TO ACTIVE
18 DUTY STATUS OF THE SERVICE MEMBER; AND

19 (II) IS PROVIDED BY AN INDIVIDUAL WHO IS NOT A LICENSED
20 HEALTH CARE PROVIDER;

21 (6) TO SPEND NOT MORE THAN 5 DAYS WITH A SERVICE MEMBER WHO
22 IS ON SHORT-TERM TEMPORARY REST AND RECUPERATION LEAVE DURING THE
23 PERIOD OF DEPLOYMENT;

24 (7) TO ATTEND POSTDEPLOYMENT ACTIVITIES; OR

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

28 (T) “SECRETARY” MEANS THE SECRETARY OF LABOR, LICENSING, AND

1 **REGULATION.**

2 (U) "SERIOUS HEALTH CONDITION" MEANS A PHYSICAL OR MENTAL
3 ILLNESS OR IMPAIRMENT THAT INVOLVES:

4 (1) INPATIENT CARE IN A HOSPITAL, HOSPICE, OR RESIDENTIAL
5 HEALTH CARE FACILITY;

6 (2) CONTINUED TREATMENT BY A LICENSED HEALTH CARE
7 PROVIDER;

8 (3) CONTINUED TREATMENT OR SUPERVISION AT HOME BY A
9 LICENSED HEALTHCARE PROVIDER OR OTHER COMPETENT INDIVIDUAL; OR

10 (4) A CHRONIC SERIOUS HEALTH CONDITION.

11 (V) "SERVICE MEMBER" MEANS AN INDIVIDUAL WHO IS AN ACTIVE DUTY
12 MEMBER OF:

13 (1) THE UNITED STATES ARMED FORCES;

14 (2) A RESERVE COMPONENT OF THE UNITED STATES ARMED FORCES;
15 OR

16 (3) THE NATIONAL GUARD OF ANY STATE.

17 (W) "TREATMENT" INCLUDES EXAMINATIONS TO DETERMINE THE EXTENT
18 OF A SERIOUS HEALTH CONDITION AND EVALUATIONS OF THE CONDITION.

19 **8.3-102.**

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

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

24 (2) THE INDIVIDUAL TO WHOM THE INFORMATION PERTAINS; OR

25 (3) IF AN AUTHORIZED REPRESENTATIVE HAS THE SIGNED
26 AUTHORIZATION OF THE INDIVIDUAL TO WHOM THE INFORMATION PERTAINS, THE
27 AUTHORIZED REPRESENTATIVE.

1 **(B) AN EMPLOYEE OF THE DEPARTMENT MAY NOT DISCLOSE INFORMATION**
2 **PERTAINING TO AN INDIVIDUAL WHO HAS APPLIED FOR OR RECEIVED BENEFITS**
3 **UNDER THIS TITLE.**

4 **SUBTITLE 2. SCOPE OF TITLE.**

5 **8.3-201.**

6 **(A) (1) A SELF-EMPLOYED INDIVIDUAL MAY ELECT TO PARTICIPATE IN**
7 **THE PROGRAM BY FILING A WRITTEN NOTICE OF ELECTION WITH THE SECRETARY.**

8 **(2) AN ELECTION MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION**
9 **BECOMES EFFECTIVE ON THE DATE THE WRITTEN NOTICE IS FILED.**

10 **(B) (1) IF A SELF-EMPLOYED INDIVIDUAL ELECTS TO PARTICIPATE IN**
11 **THE PROGRAM UNDER SUBSECTION (A) OF THIS SECTION, THE INDIVIDUAL SHALL**
12 **PARTICIPATE FOR AN INITIAL PERIOD OF NOT LESS THAN 3 YEARS.**

13 **(2) ONCE THE INITIAL PARTICIPATION PERIOD EXPIRES, THE**
14 **SELF-EMPLOYED INDIVIDUAL MAY RENEW PARTICIPATION IN THE PROGRAM FOR A**
15 **PERIOD OF NOT LESS THAN 1 YEAR.**

16 **(3) IF THE SELF-EMPLOYED INDIVIDUAL DOES NOT WISH TO RENEW**
17 **PARTICIPATION IN THE PROGRAM UNDER PARAGRAPH (2) OF THIS SUBSECTION,**
18 **WITHIN 30 DAYS BEFORE THE PARTICIPATION PERIOD EXPIRES, THE**
19 **SELF-EMPLOYED INDIVIDUAL SHALL NOTIFY THE SECRETARY IN WRITING OF THE**
20 **SELF-EMPLOYED INDIVIDUAL'S WITHDRAWAL FROM THE PROGRAM.**

21 **(C) DURING THE PERIOD A SELF-EMPLOYED INDIVIDUAL PARTICIPATES IN**
22 **THE PROGRAM, THE SELF-EMPLOYED INDIVIDUAL SHALL PAY THE EMPLOYEE**
23 **CONTRIBUTION REQUIRED UNDER § 8.3-601 OF THIS TITLE.**

24 **8.3-202.**

25 **THIS TITLE MAY NOT BE CONSTRUED TO DIMINISH AN EMPLOYER'S**
26 **OBLIGATION TO COMPLY WITH A COLLECTIVE BARGAINING AGREEMENT OR AN**
27 **EMPLOYER POLICY THAT ALLOWS AN EMPLOYEE TO TAKE LEAVE FOR A LONGER**
28 **PERIOD OF TIME THAN THE EMPLOYEE WOULD BE ABLE TO RECEIVE BENEFITS**
29 **UNDER THIS TITLE.**

30 **8.3-203.**

31 **(A) AN EMPLOYEE'S RIGHT TO BENEFITS UNDER THIS TITLE MAY NOT BE**

1 DIMINISHED BY A COLLECTIVE BARGAINING AGREEMENT ENTERED INTO OR
2 RENEWED OR BY AN EMPLOYER POLICY ADOPTED OR RETAINED ON OR AFTER JUNE
3 1, 2019.

4 (B) AN AGREEMENT BY AN EMPLOYEE TO WAIVE THE EMPLOYEE'S RIGHTS
5 UNDER THIS TITLE IS VOID AS AGAINST PUBLIC POLICY.

6 SUBTITLE 3. ESTABLISHMENT OF PROGRAM.

7 8.3-301.

8 THERE IS A FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM.

9 8.3-302.

10 THE PURPOSE OF THE PROGRAM IS TO PROVIDE TEMPORARY BENEFITS TO AN
11 EMPLOYEE WHO IS TAKING PARTIALLY PAID OR UNPAID LEAVE FROM EMPLOYMENT:

12 (1) TO CARE FOR A NEWBORN CHILD, A CHILD ENTERING INTO A NEW
13 KINSHIP CARE ARRANGEMENT, OR A CHILD NEWLY PLACED FOR ADOPTION OR
14 FOSTER CARE WITH THE EMPLOYEE DURING THE FIRST YEAR AFTER THE BIRTH,
15 ADOPTION, OR PLACEMENT;

16 (2) TO CARE FOR A FAMILY MEMBER WITH A SERIOUS HEALTH
17 CONDITION;

18 (3) BECAUSE THE EMPLOYEE HAS A SERIOUS HEALTH CONDITION
19 THAT RESULTS IN THE EMPLOYEE BEING UNABLE TO PERFORM THE FUNCTIONS OF
20 THE POSITION OF THE EMPLOYEE;

21 (4) TO CARE FOR A SERVICE MEMBER WHO IS THE EMPLOYEE'S NEXT
22 OF KIN; OR

23 (5) BECAUSE THE EMPLOYEE HAS A QUALIFYING EXIGENCY ARISING
24 OUT OF THE DEPLOYMENT OF A FAMILY MEMBER OF THE EMPLOYEE.

25 SUBTITLE 4. ADMINISTRATION.

26 8.3-401.

27 THIS TITLE SHALL BE ADMINISTERED UNDER THE SUPERVISION OF THE
28 SECRETARY BY THE DIVISION OF UNEMPLOYMENT INSURANCE ESTABLISHED
29 UNDER § 8-302 OF THIS ARTICLE.

1 **8.3-402.**

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

5 **8.3-403.**

6 **(A) THE SECRETARY SHALL:**

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

9 **(2) ESTABLISH PROCEDURES AND FORMS FOR FILING CLAIMS FOR**
10 **BENEFITS, INCLUDING PROCEDURES FOR NOTIFYING AN EMPLOYER WITHIN 5**
11 **BUSINESS DAYS AFTER AN EMPLOYEE OF THE EMPLOYER FILES A CLAIM FOR**
12 **BENEFITS UNDER THIS TITLE;**

13 **(3) USE INFORMATION-SHARING AND INTEGRATION TECHNOLOGY**
14 **TO FACILITATE THE DISCLOSURE OF RELEVANT INFORMATION OR RECORDS**
15 **NEEDED FOR THE ADMINISTRATION OF THIS TITLE; AND**

16 **(4) SUBJECT TO SUBSECTION (C) OF THIS SECTION:**

17 **(I) CARRY OUT A PUBLIC EDUCATION PROGRAM FOR THE**
18 **PURPOSE OF EDUCATING THE PUBLIC ABOUT BENEFITS AVAILABLE TO EMPLOYEES**
19 **UNDER THIS TITLE; AND**

20 **(II) DEVELOP INCENTIVES OR PROVIDE ASSISTANCE TO SMALL**
21 **BUSINESSES TO HELP SMALL BUSINESSES COMPLY WITH PROGRAM REQUIREMENTS.**

22 **(B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A)(1) OF THIS**
23 **SECTION SHALL BE CONSISTENT WITH REGULATIONS ADOPTED TO IMPLEMENT THE**
24 **FEDERAL FAMILY AND MEDICAL LEAVE ACT AND ANY RELEVANT STATE LAWS TO**
25 **THE EXTENT THAT THE ADOPTED REGULATIONS DO NOT CONFLICT WITH THIS**
26 **TITLE.**

27 **(C) (1) THE SECRETARY MAY USE A PORTION OF THE FUNDS PAID UNDER**
28 **§ 8.3-601 OF THIS TITLE OR OTHER AVAILABLE FUNDING TO PAY FOR AND CARRY**
29 **OUT THE REQUIREMENTS UNDER SUBSECTION (A)(4) OF THIS SECTION.**

30 **(2) MATERIALS USED IN THE PUBLIC EDUCATION PROGRAM**

1 REQUIRED UNDER SUBSECTION (A)(4)(I) OF THIS SECTION SHALL BE MADE
2 AVAILABLE IN ENGLISH AND SPANISH.

3 8.3-404.

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

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

7 (2) ADMINISTER AN OATH;

8 (3) CERTIFY TO AN OFFICIAL ACT;

9 (4) TAKE A DEPOSITION;

10 (5) ISSUE A SUBPOENA FOR THE ATTENDANCE OF A WITNESS TO
11 TESTIFY OR THE PRODUCTION OF BOOKS, CORRESPONDENCE, MEMORANDA,
12 PAPERS, OR OTHER RECORDS; AND

13 (6) BRING A CIVIL ACTION IN THE COUNTY WHERE THE VIOLATION
14 ALLEGEDLY OCCURRED.

15 (B) (1) A SUBPOENA ISSUED UNDER SUBSECTION (A)(5) OF THIS SECTION
16 SHALL BE SERVED IN ANY MANNER IN WHICH A SUBPOENA OF A COURT MAY BE
17 SERVED.

18 (2) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER
19 SUBSECTION (A)(5) OF THIS SECTION ON A COMPLAINT FILED BY THE SECRETARY,
20 THE CIRCUIT COURT FOR THE COUNTY WHERE THE INVESTIGATION IS BEING
21 CONDUCTED OR WHERE THE PERSON RESIDES, IS PRESENT, OR TRANSACTS
22 BUSINESS MAY ISSUE AN ORDER DIRECTING COMPLIANCE WITH THE SUBPOENA OR
23 COMPELLING TESTIMONY.

24 (3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A
25 PERSON MAY NOT BE EXCUSED FROM COMPLYING WITH A SUBPOENA ISSUED UNDER
26 SUBSECTION (A)(5) OF THIS SECTION ON THE GROUND THAT THE EVIDENCE OR
27 TESTIMONY REQUIRED MAY TEND TO INCRIMINATE THE PERSON OR SUBJECT THE
28 PERSON TO A FORFEITURE OR PENALTY.

29 (II) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF
30 THIS SUBPARAGRAPH, AFTER CLAIMING THE PRIVILEGE AGAINST
31 SELF-INCRIMINATION, A PERSON MAY NOT BE PROSECUTED OR SUBJECTED TO ANY

1 FORFEITURE OR PENALTY BECAUSE OF ANY MATTER, THING, OR TRANSACTION
2 ABOUT WHICH THE PERSON IS COMPELLED TO PRODUCE EVIDENCE OR TESTIFY.

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

5 **8.3-405.**

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

8 (1) THE ATTORNEY GENERAL; OR

9 (2) ANY QUALIFIED ATTORNEY WHO:

10 (I) IS A SALARIED EMPLOYEE OF THE SECRETARY; AND

11 (II) ON RECOMMENDATION OF THE ATTORNEY GENERAL, IS
12 DESIGNATED TO REPRESENT THE SECRETARY OR THE BOARD OF APPEALS AND THE
13 STATE.

14 **8.3-406.**

15 (A) ON OR BEFORE SEPTEMBER 1 EACH YEAR, THE SECRETARY SHALL
16 SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE
17 GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY AN ANNUAL REPORT ON THE
18 ADMINISTRATION AND OPERATION OF THIS TITLE DURING THE PREVIOUS FISCAL
19 YEAR.

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

21 (1) PROJECTED AND ACTUAL PROGRAM PARTICIPATION RATES;

22 (2) CONTRIBUTION RATES;

23 (3) FUND BALANCES; AND

24 (4) PUBLIC OUTREACH EFFORTS.

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

26 **8.3-501.**

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

2 **8.3-502.**

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

4 **(B) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO**
5 **§ 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

6 **(C) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE**
7 **COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

8 **8.3-503.**

9 **(A) THE FUND CONSISTS OF:**

10 **(1) EMPLOYEE CONTRIBUTIONS;**

11 **(2) EMPLOYER CONTRIBUTIONS;**

12 **(3) MONEY PAID TO THE FUND FOR THE PURPOSE OF REIMBURSING**
13 **THE SECRETARY UNDER § 8.3-802 OF THIS TITLE FOR BENEFITS PAID IN ERROR;**

14 **(4) INTEREST EARNED ON MONEY IN THE FUND; AND**

15 **(5) MONEY RECEIVED FOR THE FUND FROM ANY OTHER SOURCE.**

16 **(B) MONEY IN THE FUND MAY BE COMMINGLED.**

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

18 **8.3-504.**

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

20 **(2) THE STATE TREASURER SHALL MANAGE THE FUND IN**
21 **ACCORDANCE WITH REGULATIONS THAT THE SECRETARY ADOPTS.**

22 **(B) UNDER THE DIRECTION OF THE SECRETARY, THE STATE TREASURER**
23 **SHALL ESTABLISH THE FUND ACCOUNT IN ANY FINANCIAL INSTITUTION IN WHICH**
24 **THE GENERAL FUND OF THE STATE MAY BE DEPOSITED.**

25 **(C) ON RECEIPT OF ANY MONEY PAYABLE TO THE FUND, THE SECRETARY**

1 SHALL ENSURE IMMEDIATE DEPOSIT OF THE MONEY INTO THE FUND ACCOUNT AS
2 REQUIRED BY THE STATE TREASURER.

3 (D) IN ACCORDANCE WITH REGULATIONS THAT THE SECRETARY ADOPTS,
4 MONEY IN THE FUND ACCOUNT:

5 (1) SHALL BE USED TO PAY BENEFITS UNDER THIS TITLE; AND

6 (2) MAY BE USED TO PAY FOR:

7 (I) THE PUBLIC EDUCATION PROGRAM AND SMALL BUSINESS
8 INCENTIVES REQUIRED UNDER § 8.3-403(A)(4) OF THIS TITLE; AND

9 (II) ANY COSTS ASSOCIATED WITH THE INITIAL
10 IMPLEMENTATION OF THIS TITLE.

11 **8.3-505.**

12 A CHECK THAT THE STATE TREASURER ISSUES TO PAY BENEFITS OR
13 REFUNDS SHALL:

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

15 (2) BEAR THE SIGNATURE OF THE STATE TREASURER; AND

16 (3) BE COUNTERSIGNED BY AN AUTHORIZED AGENT.

17 **8.3-506.**

18 THIS TITLE DOES NOT GRANT AN EMPLOYEE ANY PRIOR CLAIM OR RIGHT TO
19 MONEY THE EMPLOYEE PAYS INTO THE FUND.

20 **SUBTITLE 6. CONTRIBUTIONS.**

21 **8.3-601.**

22 (A) BEGINNING ON JANUARY 1, 2020, EACH EMPLOYEE AND EMPLOYER
23 SHALL PAY TO THE SECRETARY CONTRIBUTIONS FOR THE FUND ON WAGES FOR
24 EMPLOYMENT THAT IS PERFORMED FOR AN EMPLOYER.

25 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
26 SECRETARY SHALL ESTABLISH IN REGULATION THE RATES OF CONTRIBUTION AN
27 EMPLOYEE AND AN EMPLOYER ARE REQUIRED TO PAY UNDER SUBSECTION (A) OF

1 THIS SECTION.

2 (2) THE RATES OF CONTRIBUTION ESTABLISHED UNDER PARAGRAPH
3 (1) OF THIS SUBSECTION SHALL BE SUFFICIENT TO FUND THE BENEFITS PAYABLE
4 UNDER THIS TITLE.

5 SUBTITLE 7. BENEFITS.

6 8.3-701.

7 (A) BEGINNING ON JULY 1, 2021, TO BE ELIGIBLE FOR BENEFITS, A
8 COVERED EMPLOYEE MUST BE TAKING PARTIALLY PAID OR UNPAID LEAVE FROM
9 EMPLOYMENT BECAUSE THE COVERED EMPLOYEE:

10 (1) IS CARING FOR A NEWBORN CHILD OR A CHILD NEWLY PLACED
11 FOR ADOPTION OR FOSTER CARE WITH THE COVERED EMPLOYEE DURING THE FIRST
12 YEAR AFTER THE BIRTH, ADOPTION, OR PLACEMENT;

13 (2) IS CARING FOR A FAMILY MEMBER WITH A SERIOUS HEALTH
14 CONDITION;

15 (3) HAS A SERIOUS HEALTH CONDITION THAT RESULTS IN THE
16 COVERED EMPLOYEE BEING UNABLE TO PERFORM THE FUNCTIONS OF THE
17 POSITION OF THE COVERED EMPLOYEE;

18 (4) IS CARING FOR A SERVICE MEMBER WHO IS THE COVERED
19 EMPLOYEE'S NEXT OF KIN; OR

20 (5) HAS A QUALIFYING EXIGENCY ARISING OUT OF THE DEPLOYMENT
21 OF A FAMILY MEMBER OF THE COVERED EMPLOYEE.

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

26 (2) IF LEAVE IS TAKEN ON AN INTERMITTENT LEAVE SCHEDULE, THE
27 COVERED EMPLOYEE SHALL:

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

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

4 (3) IF LEAVE IS TAKEN ON AN INTERMITTENT LEAVE SCHEDULE, AN
5 EMPLOYER MAY NOT:

6 (I) UNLESS THE INTERMITTENT LEAVE SCHEDULE IS
7 MEDICALLY NECESSARY, BE REQUIRED TO ALLOW AN INTERMITTENT LEAVE
8 SCHEDULE FOR MORE THAN 24 CONSECUTIVE WEEKS; OR

9 (II) REDUCE THE TOTAL AMOUNT OF LEAVE TO WHICH THE
10 COVERED EMPLOYEE IS ENTITLED.

11 **8.3-702.**

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

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

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

19 (II) BECOMES ELIGIBLE FOR BENEFITS UNDER §
20 8.3-701(A)(1), (2), (4), OR (5) OF THIS SUBTITLE.

21 (B) A COVERED EMPLOYEE MAY NOT BE PAID BENEFITS FOR LESS THAN 1
22 DAY OR 8 CONSECUTIVE HOURS OF LEAVE TAKEN IN 1 WORKWEEK.

23 **8.3-703.**

24 IF AN EMPLOYER PROVIDES A COVERED EMPLOYEE WITH WRITTEN NOTICE,
25 THE EMPLOYER MAY REQUIRE THAT BENEFITS PAID UNDER THIS TITLE TO THE
26 COVERED EMPLOYEE BE COORDINATED WITH PAYMENT MADE OR LEAVE ALLOWED
27 UNDER THE TERMS OF DISABILITY OR FAMILY CARE LEAVE UNDER A COLLECTIVE
28 BARGAINING AGREEMENT OR EMPLOYER POLICY.

29 **8.3-704.**

30 (A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE WEEKLY

1 **BENEFIT AMOUNT PAYABLE TO A COVERED EMPLOYEE UNDER THIS TITLE SHALL BE:**

2 **(I) IF THE EMPLOYEE'S AVERAGE WEEKLY WAGE IS 50% OR**
3 **LESS OF THE STATE AVERAGE WEEKLY WAGE, 90% OF THE EMPLOYEE'S AVERAGE**
4 **WEEKLY WAGE;**

5 **(II) IF THE EMPLOYEE'S AVERAGE WEEKLY WAGE IS GREATER**
6 **THAN 50% OF THE STATE AVERAGE WEEKLY WAGE, THE SUM OF:**

7 **1. 90% OF THE EMPLOYEE'S AVERAGE WEEKLY WAGE UP**
8 **TO 50% OF THE STATE AVERAGE WEEKLY WAGE; AND**

9 **2. 50% OF THE EMPLOYEE'S AVERAGE WEEKLY WAGE**
10 **THAT IS GREATER THAN 50% OF THE STATE AVERAGE WEEKLY WAGE; OR**

11 **(III) IF THE EMPLOYEE IS TAKING PARTIALLY PAID LEAVE, THE**
12 **LESSER OF:**

13 **1. THE AMOUNT REQUIRED TO MAKE UP THE**
14 **DIFFERENCE BETWEEN THE WAGES PAID TO THE EMPLOYEE WHILE THE EMPLOYEE**
15 **IS TAKING PARTIALLY PAID LEAVE AND THE FULL WAGES NORMALLY PAID TO THE**
16 **EMPLOYEE; AND**

17 **2. IF THE EMPLOYEE'S AVERAGE WEEKLY WAGE IS**
18 **GREATER THAN 50% OF THE STATE AVERAGE WEEKLY WAGE, THE SUM OF:**

19 **A. 90% OF THE EMPLOYEE'S AVERAGE WEEKLY WAGE UP**
20 **TO 50% OF THE STATE AVERAGE WEEKLY WAGE; AND**

21 **B. 50% OF THE EMPLOYEE'S AVERAGE WEEKLY WAGE**
22 **THAT IS GREATER THAN 50% 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 **2021, \$1,000; AND**

29 **2. FOR THE 12-MONTH PERIOD BEGINNING JULY 1,**

1 **2022, AND EACH SUBSEQUENT 12-MONTH PERIOD, THE AMOUNT DETERMINED AND**
2 **ANNOUNCED BY THE SECRETARY UNDER PARAGRAPH (3) OF THIS SUBSECTION.**

3 **(3) (I) IN THIS PARAGRAPH, "CONSUMER PRICE INDEX" MEANS**
4 **THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE**
5 **WASHINGTON-ARLINGTON-ALEXANDRIA, DC-VA-MD-WV METROPOLITAN AREA**
6 **OR A SUCCESSOR INDEX PUBLISHED BY THE FEDERAL BUREAU OF LABOR**
7 **STATISTICS.**

8 **(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS**
9 **PARAGRAPH, FOR THE 12-MONTH PERIOD BEGINNING JULY 1, 2022, AND EACH**
10 **SUBSEQUENT 12-MONTH PERIOD, THE MAXIMUM WEEKLY BENEFIT AMOUNT SHALL**
11 **BE INCREASED BY THE AMOUNT, ROUNDED TO THE NEAREST CENT, THAT EQUALS**
12 **THE PRODUCT OF:**

13 **1. THE MAXIMUM WEEKLY BENEFIT AMOUNT IN EFFECT**
14 **FOR THE PRECEDING 12-MONTH PERIOD; AND**

15 **2. THE ANNUAL PERCENT GROWTH IN THE CONSUMER**
16 **PRICE INDEX FOR THE IMMEDIATELY PRECEDING 12-MONTH PERIOD, AS**
17 **DETERMINED BY THE SECRETARY UNDER ITEM 1 OF THIS SUBPARAGRAPH.**

18 **(III) BEGINNING MARCH 1, 2022, AND ON EACH SUBSEQUENT**
19 **SEPTEMBER 1, THE SECRETARY SHALL DETERMINE AND ANNOUNCE:**

20 **1. THE ANNUAL PERCENT GROWTH, IF ANY, IN THE**
21 **CONSUMER PRICE INDEX BASED ON THE MOST RECENT 12-MONTH PERIOD FOR**
22 **WHICH DATA ARE AVAILABLE ON SEPTEMBER 1; AND**

23 **2. THE MAXIMUM WEEKLY BENEFIT AMOUNT EFFECTIVE**
24 **FOR THE 12-MONTH PERIOD BEGINNING THE FOLLOWING JULY 1.**

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

28 **(B) AN INCREASE IN THE WEEKLY BENEFIT AMOUNT UNDER SUBSECTION**
29 **(A)(3) OF THIS SECTION APPLIES ONLY TO A CLAIM FOR BENEFITS FILED AFTER THE**
30 **DATE THE INCREASE BECOMES EFFECTIVE.**

31 **(C) THE DIVISION SHALL:**

32 **(1) MAKE THE FIRST PAYMENT OF BENEFITS TO A COVERED**

1 EMPLOYEE WITHIN 2 WEEKS AFTER THE CLAIM IS FILED; AND

2 (2) MAKE SUBSEQUENT PAYMENTS EVERY 2 WEEKS UNTIL THE
3 BENEFIT PERIOD ENDS.

4 8.3-705.

5 (A) IF THE INTERNAL REVENUE SERVICE DETERMINES THAT BENEFITS
6 PAID UNDER THIS SUBTITLE ARE SUBJECT TO FEDERAL INCOME TAX, AT THE TIME
7 AN INDIVIDUAL FILES A NEW CLAIM FOR BENEFITS THE DIVISION SHALL NOTIFY THE
8 INDIVIDUAL THAT:

9 (1) THE INTERNAL REVENUE SERVICE HAS DETERMINED THAT THE
10 BENEFITS ARE SUBJECT TO FEDERAL INCOME TAX;

11 (2) THERE ARE REQUIREMENTS REGARDING ESTIMATED TAX
12 PAYMENTS;

13 (3) THE INDIVIDUAL MAY ELECT TO HAVE FEDERAL INCOME TAX
14 DEDUCTED AND WITHHELD FROM THE BENEFITS THAT THE INDIVIDUAL RECEIVES
15 UNDER THIS TITLE AT THE AMOUNT SPECIFIED IN THE INTERNAL REVENUE CODE;
16 AND

17 (4) THE INDIVIDUAL IS PERMITTED TO CHANGE A PREVIOUSLY
18 ELECTED WITHHOLDING STATUS.

19 (B) (1) IF AN INDIVIDUAL ELECTS TO HAVE FEDERAL INCOME TAX
20 DEDUCTED AND WITHHELD UNDER SUBSECTION (A)(3) OF THIS SECTION, THE
21 DIVISION SHALL DEDUCT AND WITHHOLD THE AMOUNT SPECIFIED IN THE
22 INTERNAL REVENUE CODE IN A MANNER REQUIRED BY THE INTERNAL REVENUE
23 SERVICE.

24 (2) IF THE DIVISION DEDUCTS AND WITHHOLDS FEDERAL INCOME
25 TAX UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE AMOUNT DEDUCTED AND
26 WITHHELD SHALL REMAIN IN THE FUND UNTIL IT IS TRANSFERRED TO THE
27 INTERNAL REVENUE SERVICE AS A PAYMENT OF INCOME TAX.

28 8.3-706.

29 IF A COVERED EMPLOYEE RECEIVES BENEFITS UNDER THIS TITLE OR TAKES
30 LEAVE FROM WORK, THE EMPLOYER OF THE COVERED EMPLOYEE SHALL, ON THE
31 EXPIRATION OF THE LEAVE, RESTORE THE EMPLOYEE TO AN EQUIVALENT POSITION
32 OF EMPLOYMENT IN THE SAME MANNER AS AN EMPLOYEE ENTITLED TO LEAVE

1 UNDER TITLE 3, SUBTITLE 12 OF THIS ARTICLE IS REQUIRED TO BE RESTORED.

2 8.3-707.

3 IF A COVERED EMPLOYEE IS RECEIVING BENEFITS UNDER THIS TITLE OR IS
4 TAKING LEAVE, THE EMPLOYER OF THE COVERED EMPLOYEE SHALL CONTINUE ANY
5 EMPLOYMENT BENEFITS IN THE SAME MANNER AS REQUIRED UNDER TITLE 3,
6 SUBTITLE 12 OF THIS ARTICLE FOR THE TIME PERIOD THAT THE COVERED
7 EMPLOYEE IS ABSENT FROM WORK AND RECEIVING BENEFITS UNDER THIS TITLE.

8 SUBTITLE 8. PROHIBITED ACTS; PENALTIES.

9 8.3-801.

10 IF AN INDIVIDUAL WILLFULLY MAKES A FALSE STATEMENT OR
11 MISREPRESENTATION REGARDING A MATERIAL FACT OR WILLFULLY FAILS TO
12 REPORT A MATERIAL FACT TO OBTAIN BENEFITS UNDER THIS TITLE, THE
13 INDIVIDUAL IS DISQUALIFIED FROM RECEIVING BENEFITS FOR 1 YEAR.

14 8.3-802.

15 (A) THE DIVISION MAY SEEK REPAYMENT OF BENEFITS FROM AN
16 INDIVIDUAL WHO RECEIVED BENEFITS UNDER THIS TITLE IF:

17 (1) THE BENEFITS WERE PAID ERRONEOUSLY OR AS A RESULT OF
18 WILLFUL MISREPRESENTATION; OR

19 (2) A CLAIM FOR BENEFITS UNDER THIS TITLE IS REJECTED AFTER
20 THE BENEFITS WERE PAID.

21 (B) THE SECRETARY MAY WAIVE THE REPAYMENT OF BENEFITS UNDER
22 SUBSECTION (A) OF THIS SECTION IF THE REPAYMENT WOULD BE AGAINST EQUITY
23 AND GOOD CONSCIENCE.

24 8.3-803.

25 A PERSON MAY NOT DISCHARGE, DEMOTE, OR OTHERWISE DISCRIMINATE OR
26 TAKE ADVERSE ACTION AGAINST A COVERED EMPLOYEE BECAUSE THE COVERED
27 EMPLOYEE:

28 (1) HAS FILED FOR, APPLIED FOR, OR RECEIVED BENEFITS UNDER
29 THIS TITLE;

1 **(2) HAS COMMUNICATED TO THE PERSON AN INTENT TO FILE A**
 2 **CLAIM, A COMPLAINT, OR AN APPEAL UNDER THIS TITLE; OR**

3 **(3) HAS TESTIFIED OR INTENDS TO TESTIFY OR OTHERWISE HAS**
 4 **ASSISTED IN A PROCEEDING UNDER THIS TITLE.**

5 **SUBTITLE 9. SHORT TITLE.**

6 **8.3–901.**

7 **THIS TITLE MAY BE CITED AS THE MARYLAND FAMILY AND MEDICAL LEAVE**
 8 **INSURANCE PROGRAM.**

9 **Article – State Finance and Procurement**

10 **6–226.**

11 (a) (1) Except as otherwise specifically provided by law or by regulation of the
 12 Treasurer, the Treasurer shall credit to the General Fund any interest on or other income
 13 from State money that the Treasurer invests.

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

20 (ii) The provisions of subparagraph (i) of this paragraph do not apply
 21 to the following funds:

22 112. the Pretrial Services Program Grant Fund; [and]

23 113. the Veteran Employment and Transition Success Fund;

24 **AND**

25 **114. THE FAMILY AND MEDICAL LEAVE INSURANCE**
 26 **FUND.**

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

31 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1, 2019,

1 the Secretary of Labor, Licensing, and Regulation shall adopt regulations as required under
2 § 8.3–403 of the Labor and Employment Article, as enacted by Section 1 of this Act.

3 SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General
4 Assembly that, to the extent permissible under federal law, existing employees and
5 resources of the Division of Unemployment Insurance be used to carry out the provisions
6 of this Act.

7 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect June
8 1, 2019.