

# SENATE BILL 500

K3, L6, P4

9lr2346  
CF HB 341

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By: **Senators Hayes, Benson, Elfreth, Feldman, Ferguson, Guzzone, King, Lam, Lee, Patterson, Peters, Smith, Waldstreicher, Washington, and Young**

Introduced and read first time: February 4, 2019

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Family and Medical Leave Insurance Program –**  
3 **Establishment**

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

18 BY repealing and reenacting, with amendments,  
19 Article – Labor and Employment  
20 Section 8–302  
21 Annotated Code of Maryland  
22 (2016 Replacement Volume and 2018 Supplement)

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

29 BY repealing and reenacting, without amendments,  
30 Article – State Finance and Procurement  
31 Section 6–226(a)(1) and (2)(i)  
32 Annotated Code of Maryland  
33 (2015 Replacement Volume and 2018 Supplement)

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

39 BY adding to  
40 Article – State Finance and Procurement  
41 Section 6–226(a)(2)(ii)114.  
42 Annotated Code of Maryland

1 (2015 Replacement Volume and 2018 Supplement)

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

4 **Article – Labor and Employment**

5 8–302.

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

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

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

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

11 **8.3–101.**

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

14 (B) “ADOPTED CHILD” MEANS A CHILD ADOPTED BY OR PLACED FOR  
15 ADOPTION WITH AN EMPLOYEE OR THE EMPLOYEE’S SPOUSE OR DOMESTIC  
16 PARTNER.

17 (C) “APPLICATION YEAR” MEANS THE 12-MONTH PERIOD BEGINNING ON  
18 THE FIRST DAY OF THE CALENDAR WEEK IN WHICH A COVERED EMPLOYEE FILES AN  
19 APPLICATION FOR BENEFITS.

20 (D) “BENEFITS” MEANS THE MONEY PAYABLE UNDER THIS TITLE TO A  
21 COVERED EMPLOYEE.

22 (E) “CHILD” MEANS:

23 (1) AN ADOPTED CHILD;

24 (2) A BIOLOGICAL CHILD;

25 (3) A FOSTER CHILD;

26 (4) A LEGAL WARD;

1           **(5) A STEPCHILD; OR**

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

4           **(F) “COVERED EMPLOYEE” MEANS AN EMPLOYEE WHO HAS EARNED AT**  
5 **LEAST \$5,200 IN WAGES OVER A 12-MONTH PERIOD.**

6           **(G) “DEPARTMENT” MEANS THE DEPARTMENT OF LABOR, LICENSING, AND**  
7 **REGULATION.**

8           **(H) “EMPLOYER” MEANS A PERSON OR GOVERNMENTAL ENTITY THAT**  
9 **EMPLOYS AT LEAST ONE INDIVIDUAL IN THE STATE.**

10          **(I) “FAMILY MEMBER” MEANS:**

11           **(1) A CHILD;**

12           **(2) A PARENT;**

13           **(3) A PARENT-IN-LAW;**

14           **(4) A GRANDPARENT OR STEPGRANDPARENT OF AN EMPLOYEE OR**  
15 **THE EMPLOYEE’S SPOUSE OR DOMESTIC PARTNER;**

16           **(5) A GRANDCHILD OR STEPGRANDCHILD OF AN EMPLOYEE OR THE**  
17 **EMPLOYEE’S SPOUSE OR DOMESTIC PARTNER;**

18           **(6) A SPOUSE;**

19           **(7) A DOMESTIC PARTNER;**

20           **(8) A SIBLING;**

21           **(9) THE SPOUSE OR DOMESTIC PARTNER OF A SIBLING; OR**

22           **(10) ANY OTHER INDIVIDUAL RELATED BY BLOOD OR AFFINITY WHOSE**  
23 **CLOSE ASSOCIATION WITH THE EMPLOYEE IS EQUIVALENT TO A FAMILY**  
24 **RELATIONSHIP.**

25          **(J) “FUND” MEANS THE FAMILY AND MEDICAL LEAVE INSURANCE FUND**  
26 **ESTABLISHED UNDER § 8.3-501 OF THIS TITLE.**

1           **(K) "GOVERNMENTAL ENTITY" HAS THE MEANING STATED IN § 8-101 OF**  
2 **THIS ARTICLE.**

3           **(L) "INDIVIDUAL WHO STANDS IN LOCO PARENTIS" MEANS, WHETHER OR**  
4 **NOT A BIOLOGICAL OR LEGAL RELATIONSHIP EXISTS, AN INDIVIDUAL:**

5                   **(1) WHO HAS DAY-TO-DAY RESPONSIBILITIES TO CARE FOR AND**  
6 **FINANCIALLY SUPPORT A CHILD; OR**

7                   **(2) IN THE CASE OF AN EMPLOYEE OR THE EMPLOYEE'S SPOUSE OR**  
8 **DOMESTIC PARTNER, WHO HAD RESPONSIBILITY FOR THE EMPLOYEE OR THE**  
9 **SPOUSE OR DOMESTIC PARTNER WHEN THE EMPLOYEE OR THE SPOUSE OR**  
10 **DOMESTIC PARTNER WAS A CHILD.**

11           **(M) "NEWBORN CHILD" MEANS A CHILD UNDER THE AGE OF 1 YEAR.**

12           **(N) "NEXT OF KIN" MEANS THE NEAREST BLOOD RELATIVE.**

13           **(O) "PARENT" MEANS:**

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

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

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

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

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

19                   **(6) AN INDIVIDUAL WHO STANDS IN LOCO PARENTIS TO AN**  
20 **EMPLOYEE.**

21           **(P) "PARENT-IN-LAW" MEANS:**

22                   **(1) THE PARENT OF AN EMPLOYEE'S SPOUSE OR DOMESTIC PARTNER;**  
23 **OR**

24                   **(2) AN INDIVIDUAL WHO STANDS IN LOCO PARENTIS TO AN**  
25 **EMPLOYEE'S SPOUSE OR DOMESTIC PARTNER.**

26           **(Q) "PROGRAM" MEANS THE FAMILY AND MEDICAL LEAVE INSURANCE**  
27 **PROGRAM.**

1           **(R) “QUALIFYING EXIGENCY” MEANS ANY OF THE FOLLOWING REASONS**  
2 **FOR WHICH LEAVE MAY BE NEEDED BY A FAMILY MEMBER OF A SERVICE MEMBER:**

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

5           **(2) TO ATTEND MILITARY EVENTS AND RELATED ACTIVITIES;**

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

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

10           **(5) TO ATTEND COUNSELING THAT:**

11           **(I) IS NEEDED DUE TO THE ACTIVE DUTY OR CALL TO ACTIVE**  
12 **DUTY STATUS OF THE SERVICE MEMBER; AND**

13           **(II) IS PROVIDED BY AN INDIVIDUAL WHO IS NOT A LICENSED**  
14 **HEALTH CARE PROVIDER;**

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

18           **(7) TO ATTEND POSTDEPLOYMENT ACTIVITIES; OR**

19           **(8) BECAUSE OF ANY OTHER ISSUES THAT ARISE OUT OF ACTIVE DUTY**  
20 **OR A CALL TO ACTIVE DUTY THAT AN EMPLOYER AND AN EMPLOYEE AGREE SHOULD**  
21 **BE COVERED.**

22           **(S) “SECRETARY” MEANS THE SECRETARY OF LABOR, LICENSING, AND**  
23 **REGULATION.**

24           **(T) “SERIOUS HEALTH CONDITION” MEANS AN ILLNESS, AN INJURY, AN**  
25 **IMPAIRMENT, OR A PHYSICAL OR MENTAL CONDITION THAT INVOLVES:**

26           **(1) INPATIENT CARE IN A HOSPITAL, HOSPICE, OR RESIDENTIAL**  
27 **HEALTH CARE FACILITY; OR**

28           **(2) CONTINUED TREATMENT BY A LICENSED HEALTH CARE**

1 PROVIDER.

2 (U) "SERVICE MEMBER" MEANS AN INDIVIDUAL WHO IS AN ACTIVE DUTY  
3 MEMBER OF:

4 (1) THE UNITED STATES ARMED FORCES;

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

6 OR

7 (3) THE NATIONAL GUARD OF ANY STATE.

8 8.3-102.

9 THIS TITLE PREEMPTS THE AUTHORITY OF A LOCAL JURISDICTION TO ADOPT  
10 A LAW, AN ORDINANCE, A RULE, OR A REGULATION ESTABLISHING OR  
11 IMPLEMENTING A FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM.

12 8.3-103.

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

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

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

18 (3) IF AN AUTHORIZED REPRESENTATIVE HAS THE SIGNED  
19 AUTHORIZATION OF THE INDIVIDUAL TO WHOM THE INFORMATION PERTAINS, THE  
20 AUTHORIZED REPRESENTATIVE.

21 (B) AN EMPLOYEE OF THE DEPARTMENT MAY NOT DISCLOSE INFORMATION  
22 PERTAINING TO AN INDIVIDUAL WHO HAS APPLIED FOR OR RECEIVED BENEFITS  
23 UNDER THIS TITLE.

24 SUBTITLE 2. SCOPE OF TITLE.

25 8.3-201.

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

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

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

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

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

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

17 **8.3-202.**

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

23 **8.3-203.**

24           **(A) AN EMPLOYEE'S RIGHT TO BENEFITS UNDER THIS TITLE MAY NOT BE**  
25 **DIMINISHED BY A COLLECTIVE BARGAINING AGREEMENT ENTERED INTO OR**  
26 **RENEWED OR BY AN EMPLOYER POLICY ADOPTED OR RETAINED ON OR AFTER JUNE**  
27 **1, 2019.**

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

30                           **SUBTITLE 3. ESTABLISHMENT OF PROGRAM.**

31 **8.3-301.**

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

2   **8.3-302.**

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

5           **(1) TO CARE FOR A NEWBORN CHILD OR A CHILD NEWLY PLACED FOR**  
6 **ADOPTION OR FOSTER CARE WITH THE EMPLOYEE DURING THE FIRST YEAR AFTER**  
7 **THE BIRTH, ADOPTION, OR PLACEMENT;**

8           **(2) TO CARE FOR A FAMILY MEMBER WITH A SERIOUS HEALTH**  
9 **CONDITION;**

10           **(3) BECAUSE THE EMPLOYEE HAS A SERIOUS HEALTH CONDITION**  
11 **THAT RESULTS IN THE EMPLOYEE BEING UNABLE TO PERFORM THE FUNCTIONS OF**  
12 **THE POSITION OF THE EMPLOYEE;**

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

15           **(5) BECAUSE THE EMPLOYEE HAS A QUALIFYING EXIGENCY ARISING**  
16 **OUT OF THE DEPLOYMENT OF A FAMILY MEMBER OF THE EMPLOYEE.**

17                           **SUBTITLE 4. ADMINISTRATION.**

18   **8.3-401.**

19           **THIS TITLE SHALL BE ADMINISTERED UNDER THE SUPERVISION OF THE**  
20 **SECRETARY BY THE DIVISION OF UNEMPLOYMENT INSURANCE ESTABLISHED**  
21 **UNDER § 8-302 OF THIS ARTICLE.**

22   **8.3-402.**

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

26   **8.3-403.**

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

28           **(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, ADOPT**

1 REGULATIONS NECESSARY TO CARRY OUT THIS TITLE;

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

6 (3) USE INFORMATION-SHARING AND INTEGRATION TECHNOLOGY  
7 TO FACILITATE THE DISCLOSURE OF RELEVANT INFORMATION OR RECORDS  
8 NEEDED FOR THE ADMINISTRATION OF THIS TITLE; AND

9 (4) SUBJECT TO SUBSECTION (C) OF THIS SECTION:

10 (I) CARRY OUT A PUBLIC EDUCATION PROGRAM FOR THE  
11 PURPOSE OF EDUCATING THE PUBLIC ABOUT BENEFITS AVAILABLE TO EMPLOYEES  
12 UNDER THIS TITLE; AND

13 (II) DEVELOP INCENTIVES OR PROVIDE ASSISTANCE TO SMALL  
14 BUSINESSES TO HELP SMALL BUSINESSES COMPLY WITH PROGRAM REQUIREMENTS.

15 (B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A)(1) OF THIS  
16 SECTION SHALL BE CONSISTENT WITH REGULATIONS ADOPTED TO IMPLEMENT THE  
17 FEDERAL FAMILY AND MEDICAL LEAVE ACT AND ANY RELEVANT STATE LAWS TO  
18 THE EXTENT THAT THE ADOPTED REGULATIONS DO NOT CONFLICT WITH THIS  
19 TITLE.

20 (C) (1) THE SECRETARY MAY USE A PORTION OF THE FUNDS PAID UNDER  
21 § 8.3-601 OF THIS TITLE OR OTHER AVAILABLE FUNDING TO PAY FOR AND CARRY  
22 OUT THE REQUIREMENTS UNDER SUBSECTION (A)(4) OF THIS SECTION.

23 (2) MATERIALS USED IN THE PUBLIC EDUCATION PROGRAM  
24 REQUIRED UNDER SUBSECTION (A)(4)(I) OF THIS SECTION SHALL BE MADE  
25 AVAILABLE IN ENGLISH AND SPANISH.

26 8.3-404.

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

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

30 (2) ADMINISTER AN OATH;

1           **(3) CERTIFY TO AN OFFICIAL ACT;**

2           **(4) TAKE A DEPOSITION;**

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

6           **(6) BRING A CIVIL ACTION IN THE COUNTY WHERE THE VIOLATION**  
7 **ALLEGEDLY OCCURRED.**

8           **(B) (1) A SUBPOENA ISSUED UNDER SUBSECTION (A)(5) OF THIS SECTION**  
9 **SHALL BE SERVED IN ANY MANNER IN WHICH A SUBPOENA OF A COURT MAY BE**  
10 **SERVED.**

11           **(2) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER**  
12 **SUBSECTION (A)(5) OF THIS SECTION ON A COMPLAINT FILED BY THE SECRETARY,**  
13 **THE CIRCUIT COURT FOR THE COUNTY WHERE THE INVESTIGATION IS BEING**  
14 **CONDUCTED OR WHERE THE PERSON RESIDES, IS PRESENT, OR TRANSACTS**  
15 **BUSINESS MAY ISSUE AN ORDER DIRECTING COMPLIANCE WITH THE SUBPOENA OR**  
16 **COMPELLING TESTIMONY.**

17           **(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A**  
18 **PERSON MAY NOT BE EXCUSED FROM COMPLYING WITH A SUBPOENA ISSUED UNDER**  
19 **SUBSECTION (A)(5) OF THIS SECTION ON THE GROUND THAT THE EVIDENCE OR**  
20 **TESTIMONY REQUIRED MAY TEND TO INCRIMINATE THE PERSON OR SUBJECT THE**  
21 **PERSON TO A FORFEITURE OR PENALTY.**

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

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

29 **8.3-405.**

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

32           **(1) THE ATTORNEY GENERAL; OR**

1           **(2) ANY QUALIFIED ATTORNEY WHO:**

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

3                   **(II) ON RECOMMENDATION OF THE ATTORNEY GENERAL, IS**  
4 **DESIGNATED TO REPRESENT THE SECRETARY OR THE BOARD OF APPEALS AND THE**  
5 **STATE.**

6 **8.3-406.**

7           **(A) ON OR BEFORE SEPTEMBER 1 EACH YEAR, THE SECRETARY SHALL**  
8 **SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE**  
9 **GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY AN ANNUAL REPORT ON THE**  
10 **ADMINISTRATION AND OPERATION OF THIS TITLE DURING THE PREVIOUS FISCAL**  
11 **YEAR.**

12           **(B) THE ANNUAL REPORT SHALL INCLUDE INFORMATION REGARDING:**

13                   **(1) PROJECTED AND ACTUAL PROGRAM PARTICIPATION RATES;**

14                   **(2) CONTRIBUTION RATES;**

15                   **(3) FUND BALANCES; AND**

16                   **(4) PUBLIC OUTREACH EFFORTS.**

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

18 **8.3-501.**

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

20 **8.3-502.**

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

22           **(B) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO**  
23 **§ 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

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

1 **8.3-503.**

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

3 (1) **EMPLOYEE CONTRIBUTIONS;**

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

6 (3) **INTEREST EARNED ON MONEY IN THE FUND; AND**

7 (4) **MONEY RECEIVED FOR THE FUND FROM ANY OTHER SOURCE.**

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

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

10 **8.3-504.**

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

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

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

17 (C) **ON RECEIPT OF ANY MONEY PAYABLE TO THE FUND, THE SECRETARY**  
18 **SHALL ENSURE IMMEDIATE DEPOSIT OF THE MONEY INTO THE FUND ACCOUNT AS**  
19 **REQUIRED BY THE STATE TREASURER.**

20 (D) **IN ACCORDANCE WITH REGULATIONS THAT THE SECRETARY ADOPTS,**  
21 **MONEY IN THE FUND ACCOUNT:**

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

23 (2) **MAY BE USED TO PAY FOR:**

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

26 (II) **ANY COSTS ASSOCIATED WITH THE INITIAL**

1 IMPLEMENTATION OF THIS TITLE.

2 8.3-505.

3 A CHECK THAT THE STATE TREASURER ISSUES TO PAY BENEFITS OR  
4 REFUNDS SHALL:

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

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

7 (3) BE COUNTERSIGNED BY AN AUTHORIZED AGENT.

8 8.3-506.

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

11 SUBTITLE 6. CONTRIBUTIONS.

12 8.3-601.

13 (A) BEGINNING ON JANUARY 1, 2020, EACH EMPLOYEE SHALL PAY TO THE  
14 SECRETARY CONTRIBUTIONS FOR THE FUND ON WAGES FOR EMPLOYMENT THAT IS  
15 PERFORMED FOR AN EMPLOYER.

16 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE  
17 SECRETARY SHALL ESTABLISH IN REGULATION THE RATE OF CONTRIBUTION AN  
18 EMPLOYEE IS REQUIRED TO PAY UNDER SUBSECTION (A) OF THIS SECTION.

19 (2) THE RATE OF CONTRIBUTION ESTABLISHED UNDER PARAGRAPH  
20 (1) OF THIS SUBSECTION SHALL:

21 (I) BE SUFFICIENT TO FUND THE BENEFITS PAYABLE UNDER  
22 THIS TITLE; AND

23 (II) FOR EMPLOYEES WITH WAGES THAT EXCEED THE MAXIMUM  
24 AMOUNT OF WAGES SUBJECT TO TAXATION FOR SOCIAL SECURITY BENEFITS BY THE  
25 FEDERAL SOCIAL SECURITY ADMINISTRATION, INCREASE PRO RATA WITH WAGES.

26 SUBTITLE 7. BENEFITS.

27 8.3-701.

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

4           **(1) IS CARING FOR A NEWBORN CHILD OR A CHILD NEWLY PLACED**  
5 **FOR ADOPTION OR FOSTER CARE WITH THE COVERED EMPLOYEE DURING THE FIRST**  
6 **YEAR AFTER THE BIRTH, ADOPTION, OR PLACEMENT;**

7           **(2) IS CARING FOR A FAMILY MEMBER WITH A SERIOUS HEALTH**  
8 **CONDITION;**

9           **(3) HAS A SERIOUS HEALTH CONDITION THAT RESULTS IN THE**  
10 **COVERED EMPLOYEE BEING UNABLE TO PERFORM THE FUNCTIONS OF THE**  
11 **POSITION OF THE COVERED EMPLOYEE;**

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

14           **(5) HAS A QUALIFYING EXIGENCY ARISING OUT OF THE DEPLOYMENT**  
15 **OF A FAMILY MEMBER OF THE COVERED EMPLOYEE.**

16           **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COVERED**  
17 **EMPLOYEE MAY TAKE THE LEAVE FOR WHICH THE EMPLOYEE IS ELIGIBLE FOR**  
18 **BENEFITS UNDER SUBSECTION (A) OF THIS SECTION ON AN INTERMITTENT LEAVE**  
19 **SCHEDULE.**

20           **(2) IF LEAVE IS TAKEN ON AN INTERMITTENT LEAVE SCHEDULE, THE**  
21 **COVERED EMPLOYEE SHALL:**

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

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

28           **(3) IF LEAVE IS TAKEN ON AN INTERMITTENT LEAVE SCHEDULE, AN**  
29 **EMPLOYER MAY NOT:**

30           **(I) UNLESS THE INTERMITTENT LEAVE SCHEDULE IS**  
31 **MEDICALLY NECESSARY, BE REQUIRED TO ALLOW AN INTERMITTENT LEAVE**

1 SCHEDULE FOR MORE THAN 24 CONSECUTIVE WEEKS; OR

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

4 8.3-702.

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

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

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

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

14 (B) (1) A COVERED EMPLOYEE MAY NOT BE PAID BENEFITS FOR THE  
15 FIRST 5 CONSECUTIVE CALENDAR DAYS AFTER THE COVERED EMPLOYEE BECOMES  
16 ELIGIBLE FOR BENEFITS UNDER § 8.3-701 OF THIS SUBTITLE UNLESS THE COVERED  
17 EMPLOYEE:

18 (I) HAS USED 10 OR MORE DAYS OF PARTIALLY PAID OR UNPAID  
19 LEAVE DURING THE APPLICATION YEAR; OR

20 (II) HAS ALREADY UNDERGONE THE WAITING PERIOD IN THE  
21 SAME APPLICATION YEAR.

22 (2) AN EMPLOYER MAY NOT REQUIRE A COVERED EMPLOYEE TO USE  
23 LEAVE PROVIDED BY THE EMPLOYER DURING THE WAITING PERIOD REQUIRED  
24 UNDER PARAGRAPH (1) OF THIS SUBSECTION.

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

27 8.3-703.

28 IF AN EMPLOYER PROVIDES A COVERED EMPLOYEE WITH WRITTEN NOTICE,  
29 THE EMPLOYER MAY REQUIRE THAT BENEFITS PAID UNDER THIS TITLE TO THE  
30 COVERED EMPLOYEE BE COORDINATED WITH PAYMENT MADE OR LEAVE ALLOWED

1 UNDER THE TERMS OF DISABILITY OR FAMILY CARE LEAVE UNDER A COLLECTIVE  
2 BARGAINING AGREEMENT OR EMPLOYER POLICY.

3 **8.3-704.**

4 (A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE WEEKLY  
5 BENEFIT AMOUNT PAYABLE TO A COVERED EMPLOYEE UNDER THIS TITLE SHALL BE:

6 (I) IF THE EMPLOYEE'S AVERAGE WEEKLY WAGE IS 50% OR  
7 LESS OF THE STATE AVERAGE WEEKLY WAGE, 90% OF THE EMPLOYEE'S AVERAGE  
8 WEEKLY WAGE;

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

11 1. 90% OF THE EMPLOYEE'S AVERAGE WEEKLY WAGE UP  
12 TO 50% OF THE STATE AVERAGE WEEKLY WAGE; AND

13 2. 50% OF THE EMPLOYEE'S AVERAGE WEEKLY WAGE  
14 THAT IS GREATER THAN 50% OF THE STATE AVERAGE WEEKLY WAGE; OR

15 (III) IF THE EMPLOYEE IS TAKING PARTIALLY PAID LEAVE, THE  
16 LESSER OF:

17 1. THE AMOUNT REQUIRED TO MAKE UP THE  
18 DIFFERENCE BETWEEN THE WAGES PAID TO THE EMPLOYEE WHILE THE EMPLOYEE  
19 IS TAKING PARTIALLY PAID LEAVE AND THE FULL WAGES NORMALLY PAID TO THE  
20 EMPLOYEE; AND

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

23 A. 90% OF THE EMPLOYEE'S AVERAGE WEEKLY WAGE UP  
24 TO 50% OF THE STATE AVERAGE WEEKLY WAGE; AND

25 B. 50% OF THE EMPLOYEE'S AVERAGE WEEKLY WAGE  
26 THAT IS GREATER THAN 50% OF THE STATE AVERAGE WEEKLY WAGE.

27 (2) THE WEEKLY BENEFIT AMOUNT PAYABLE UNDER PARAGRAPH (1)  
28 OF THIS SUBSECTION:

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

1 (II) MAY NOT EXCEED:

2 1. FOR THE 12-MONTH PERIOD BEGINNING JULY 1,  
3 2021, \$1,000; AND

4 2. FOR THE 12-MONTH PERIOD BEGINNING JULY 1,  
5 2022, AND EACH SUBSEQUENT 12-MONTH PERIOD, THE AMOUNT DETERMINED AND  
6 ANNOUNCED BY THE SECRETARY UNDER PARAGRAPH (3) OF THIS SUBSECTION.

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

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

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

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

22 (III) BEGINNING MARCH 1, 2022, AND ON EACH SUBSEQUENT  
23 SEPTEMBER 1, THE SECRETARY SHALL DETERMINE AND ANNOUNCE:

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

27 2. THE MAXIMUM WEEKLY BENEFIT AMOUNT EFFECTIVE  
28 FOR THE 12-MONTH PERIOD BEGINNING THE FOLLOWING JULY 1.

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

32 (B) AN INCREASE IN THE WEEKLY BENEFIT AMOUNT UNDER SUBSECTION

1 **(A)(3) OF THIS SECTION APPLIES ONLY TO A CLAIM FOR BENEFITS FILED AFTER THE**  
2 **DATE THE INCREASE BECOMES EFFECTIVE.**

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

4 **(1) MAKE THE FIRST PAYMENT OF BENEFITS TO A COVERED**  
5 **EMPLOYEE WITHIN 2 WEEKS AFTER THE CLAIM IS FILED; AND**

6 **(2) 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 **AN INDIVIDUAL FILES A NEW CLAIM FOR BENEFITS THE DIVISION SHALL NOTIFY THE**  
12 **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 INDIVIDUAL MAY ELECT TO HAVE FEDERAL INCOME TAX**  
18 **DEDUCTED AND WITHHELD FROM THE BENEFITS THAT THE INDIVIDUAL RECEIVES**  
19 **UNDER THIS TITLE AT THE AMOUNT SPECIFIED IN THE INTERNAL REVENUE CODE;**  
20 **AND**

21 **(4) THE INDIVIDUAL IS PERMITTED TO CHANGE A PREVIOUSLY**  
22 **ELECTED WITHHOLDING STATUS.**

23 **(B) (1) IF AN INDIVIDUAL ELECTS TO HAVE FEDERAL INCOME TAX**  
24 **DEDUCTED AND WITHHELD UNDER SUBSECTION (A)(3) OF THIS SECTION, THE**  
25 **DIVISION SHALL DEDUCT AND WITHHOLD THE AMOUNT SPECIFIED IN THE**  
26 **INTERNAL REVENUE CODE IN A MANNER REQUIRED BY THE INTERNAL REVENUE**  
27 **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.**

1 **8.3-706.**

2 IF A COVERED EMPLOYEE RECEIVES BENEFITS UNDER THIS SUBTITLE OR  
3 TAKES LEAVE FROM WORK THAT FULFILLS THE WAITING PERIOD REQUIRED UNDER  
4 § 8.3-702(B) OF THIS SUBTITLE, THE EMPLOYER OF THE COVERED EMPLOYEE  
5 SHALL, ON THE EXPIRATION OF THE LEAVE, RESTORE THE EMPLOYEE TO AN  
6 EQUIVALENT POSITION OF EMPLOYMENT IN THE SAME MANNER AS AN EMPLOYEE  
7 ENTITLED TO LEAVE UNDER TITLE 3, SUBTITLE 12 OF THIS ARTICLE IS REQUIRED  
8 TO BE RESTORED.

9 **8.3-707.**

10 IF A COVERED EMPLOYEE IS RECEIVING BENEFITS UNDER THIS TITLE OR IS  
11 TAKING LEAVE THAT FULFILLS THE WAITING PERIOD REQUIRED UNDER §  
12 8.3-702(B) OF THIS SUBTITLE, THE EMPLOYER OF THE COVERED EMPLOYEE SHALL  
13 CONTINUE ANY EMPLOYMENT BENEFITS IN THE SAME MANNER AS REQUIRED UNDER  
14 TITLE 3, SUBTITLE 12 OF THIS ARTICLE FOR THE TIME PERIOD THAT THE COVERED  
15 EMPLOYEE IS ABSENT FROM WORK AND RECEIVING BENEFITS UNDER THIS TITLE.

16 **SUBTITLE 8. PROHIBITED ACTS; PENALTIES.**

17 **8.3-801.**

18 IF AN INDIVIDUAL WILLFULLY MAKES A FALSE STATEMENT OR  
19 MISREPRESENTATION REGARDING A MATERIAL FACT OR WILLFULLY FAILS TO  
20 REPORT A MATERIAL FACT TO OBTAIN BENEFITS UNDER THIS TITLE, THE  
21 INDIVIDUAL IS DISQUALIFIED FROM RECEIVING BENEFITS FOR 1 YEAR.

22 **8.3-802.**

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

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

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

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

1 **8.3-803.**

2 **A PERSON MAY NOT DISCHARGE, DEMOTE, OR OTHERWISE DISCRIMINATE OR**  
 3 **TAKE ADVERSE ACTION AGAINST A COVERED EMPLOYEE BECAUSE THE COVERED**  
 4 **EMPLOYEE:**

5 (1) **HAS FILED FOR, APPLIED FOR, OR RECEIVED BENEFITS UNDER**  
 6 **THIS TITLE;**

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

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

11 **SUBTITLE 9. SHORT TITLE.**

12 **8.3-901.**

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

15 **Article – State Finance and Procurement**

16 **6-226.**

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

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

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

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

29 113. the Veteran Employment and Transition Success Fund;

30 **AND**

