

HOUSE BILL 740

K3, L6, P4

(6lr0706)

ENROLLED BILL

— Economic Matters/Finance —

Introduced by Delegates Kelly, Anderson, Angel, Atterbeary, Barkley, B. Barnes, D. Barnes, Barron, Barve, Brooks, Carr, Carter, Clippinger, Conaway, Cullison, Dumais, Ebersole, Fennell, Fraser-Hidalgo, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Hammen, Hayes, Haynes, Healey, Hettleman, Hill, Hixson, Holmes, C. Howard, Jackson, Jalisi, Jones, Kaiser, Korman, Krimm, Lafferty, Lam, Lierman, Lisanti, Luedtke, McCray, McIntosh, A. Miller, Moon, Morales, Morhaim, Oaks, Patterson, Pena-Melnyk, Pendergrass, Platt, Reznik, B. Robinson, S. Robinson, Rosenberg, Sample-Hughes, Sanchez, Smith, Sophocleus, Stein, Tarlau, Turner, Valderrama, Waldstreicher, A. Washington, M. Washington, K. Young, and P. Young

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 ~~Labor and Employment~~ Task Force to Study Family and Medical Leave
3 ~~Insurance Program Establishment~~

4 FOR the purpose of establishing the Task Force to Study Family and Medical Leave
5 Insurance; providing for the composition, chair, and staffing of the Task Force;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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

Italics indicate opposite chamber/conference committee amendments.



1 requiring that the appointed members of the Task Force be appointed by a certain
2 date; prohibiting a member of the Task Force from receiving certain compensation,
3 but authorizing the reimbursement of certain expenses; requiring the Commission
4 for Women to apply for certain funding; requiring the Task Force to receive certain
5 public testimony and study and make recommendations regarding certain matters;
6 requiring the Task Force to report its findings and recommendations to the General
7 Assembly on or before a certain date; providing for the termination of this Act;
8 ~~establishing the Family and Medical Leave Insurance Program; prohibiting an~~
9 ~~employee from disclosing certain information; authorizing a self-employed~~
10 ~~individual to elect to participate in the Program by filing a certain notice with the~~
11 ~~Secretary of Labor, Licensing, and Regulation; providing that a certain election~~
12 ~~becomes effective on the date a certain notice is filed; requiring a certain individual~~
13 ~~to participate in the Program for a certain initial period; authorizing a certain~~
14 ~~individual to renew participation in the Program for a certain period; requiring a~~
15 ~~certain individual to notify the Secretary in writing of the individual's withdrawal~~
16 ~~from the Program within a certain time period; requiring a certain individual to pay~~
17 ~~a certain contribution rate during a certain period; providing that an employee's~~
18 ~~right to benefits under this Act may not be diminished by a collective bargaining~~
19 ~~agreement entered into or renewed or an employer policy adopted or retained after~~
20 ~~a certain date; providing that a certain agreement is void as against public policy;~~
21 ~~stating the purpose of the Program; providing for the manner in which the Program~~
22 ~~is to be administered; providing for the powers and duties of the Secretary under the~~
23 ~~Program; establishing the Family and Medical Leave Insurance Fund as a special~~
24 ~~fund; providing for the administration of the Fund; specifying the contents of the~~
25 ~~Fund; specifying the purposes for which the Fund may be used; requiring, beginning~~
26 ~~on a certain date, certain employees to pay the Secretary certain contributions;~~
27 ~~requiring the Secretary to establish in regulation the rate of contribution; requiring~~
28 ~~the rate of contribution to be sufficient to fund the benefits payable under this Act;~~
29 ~~requiring, beginning on a certain date, an individual to meet certain conditions to be~~
30 ~~eligible for benefits; authorizing a covered employee to take certain leave on an~~
31 ~~intermittent leave schedule; requiring a covered employee who is taking certain~~
32 ~~leave on an intermittent leave schedule to take certain action; prohibiting an~~
33 ~~employer from taking certain action if leave is taken on an intermittent leave~~
34 ~~schedule; providing for the manner in which benefits are to be calculated and paid;~~
35 ~~requiring the Division of Unemployment Insurance, under certain circumstances, to~~
36 ~~notify certain individuals of certain information regarding the federal income tax;~~
37 ~~requiring the Division, under certain circumstances, to deduct and withhold a~~
38 ~~certain amount from benefits paid; providing for the manner in which certain~~
39 ~~employees who receive benefits are to be treated by employers; establishing certain~~
40 ~~prohibited acts; authorizing the Division to seek repayment of benefits under certain~~
41 ~~circumstances; authorizing the Secretary to waive the repayment of benefits under~~
42 ~~certain circumstances; exempting the Fund from a certain provision of law; providing~~
43 ~~for the construction and application of this Act; providing that this Act preempts the~~
44 ~~authority of a local jurisdiction to adopt certain laws, ordinances, rules, and~~
45 ~~regulations; requiring the Secretary to adopt certain regulations on or before a~~
46 ~~certain date; defining certain terms; stating the intent of the General Assembly; and~~

1 generally relating to the Task Force to Study Family and Medical Leave Insurance
 2 Program.

3 ~~BY repealing and reenacting, with amendments,~~
 4 ~~Article — Labor and Employment~~
 5 ~~Section 8-302~~
 6 ~~Annotated Code of Maryland~~
 7 ~~(2008 Replacement Volume and 2015 Supplement)~~

8 ~~BY adding to~~
 9 ~~Article — Labor and Employment~~
 10 ~~Section 8.3-101 through 8.3-901 to be under the new title “Title 8.3. Family and~~
 11 ~~Medical Leave Insurance Program”~~
 12 ~~Annotated Code of Maryland~~
 13 ~~(2008 Replacement Volume and 2015 Supplement)~~

14 ~~BY repealing and reenacting, without amendments,~~
 15 ~~Article — State Finance and Procurement~~
 16 ~~Section 6-226(a)(1) and (2)(i)~~
 17 ~~Annotated Code of Maryland~~
 18 ~~(2015 Replacement Volume)~~

19 ~~BY repealing and reenacting, with amendments,~~
 20 ~~Article — State Finance and Procurement~~
 21 ~~Section 6-226(a)(2)(ii)84. and 85.~~
 22 ~~Annotated Code of Maryland~~
 23 ~~(2015 Replacement Volume)~~

24 ~~BY adding to~~
 25 ~~Article — State Finance and Procurement~~
 26 ~~Section 6-226(a)(2)(ii)86.~~
 27 ~~Annotated Code of Maryland~~
 28 ~~(2015 Replacement Volume)~~

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

31 (a) There is a Task Force to Study Family and Medical Leave Insurance.

32 (b) The Task Force consists of the following members:

33 (1) ~~two members~~ one member of the Senate of Maryland, appointed by the
 34 President of the Senate;

35 (2) ~~two members~~ one member of the House of Delegates, appointed by the
 36 Speaker of the House;

1 (3) the Commissioner of Labor and Industry, or the Commissioner's
2 designee;

3 (4) the State Treasurer, or the State Treasurer's designee;

4 (5) the Comptroller, or the Comptroller's designee;

5 (6) the Executive Director of the Commission for Women, or the Executive
6 Director's designee; and

7 (7) the following members, appointed jointly by the Presiding Officers of
8 the General Assembly:

9 (i) one researcher with expertise in state-run social insurance
10 programs;

11 (ii) one representative of a community organization that advocates
12 for the needs of infants and children;

13 (iii) one representative of a community organization that advocates
14 for the needs of seniors;

15 (iv) one representative of a community organization that advocates
16 for the needs of individuals who suffer from serious health conditions;

17 (v) one representative of a community organization that advocates
18 for the economic security of mothers;

19 (vi) one representative of a community organization that advocates
20 for working families;

21 (vii) one representative from a national organization with expertise
22 in the implementation of family medical and leave insurance programs in other states;

23 (viii) one representative of businesses located in the State that employ
24 fewer than 50 employees; and

25 (ix) one representative of businesses located in the State that employ
26 at least 50 employees.

27 (c) The appointed members of the Task Force shall be appointed by July 1, 2016.

28 (d) The Presiding Officers of the General Assembly jointly shall designate the
29 chair of the Task Force.

30 (e) The Department of Legislative Services shall provide staff for the Task Force.

1 (f) A member of the Task Force:

2 (1) may not receive compensation as a member of the Task Force; but

3 (2) is entitled to reimbursement for expenses under the Standard State
4 Travel Regulations, as provided in the State budget.

5 (g) The Commission for Women shall apply for any available federal funding that
6 may be used by the Task Force to carry out the duties of the Task Force.

7 (h) The Task Force, in consultation with the appropriate State and local agencies
8 and community organizations, shall:

9 (1) study existing family and medical leave insurance programs in other
10 states and the District of Columbia, including fund stability, the benefit structure, and the
11 revenue structure;

12 (2) review the 2016 family and medical leave insurance implementation
13 studies from Minnesota, Connecticut, and Montgomery County, Maryland;

14 (3) review the 2013 Report on the Task Force to Study Temporary
15 Disability Insurance Programs;

16 (4) receive public testimony from relevant stakeholders; and

17 (5) make recommendations regarding:

18 (i) the development of a State social insurance program that
19 provides short-term benefits to eligible employees who lose wages due to:

20 1. an illness or injury that is unrelated to the employee's
21 employment;

22 2. pregnancy or childbirth;

23 3. time off work needed to care for a seriously ill child,
24 spouse, or parent;

25 4. time off work needed to bond with a new child; or

26 5. time off work needed due to a qualifying exigency arising
27 out of a family member's military deployment; and

28 (ii) the design of an employee-funded family and medical leave
29 insurance pool, including tax rates and benefits.

1 (i) On or before December 1, 2017, the Task Force shall report its findings and
 2 recommendations to the General Assembly in accordance with § 2-1246 of the State
 3 Government Article.

4 ~~Article Labor and Employment~~

5 ~~§ 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 ~~§.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;~~

27 (5) ~~A STEPCHILD; OR~~

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

3 ~~(F) "COVERED EMPLOYEE" MEANS AN EMPLOYEE WHO HAS EARNED AT~~
4 ~~LEAST \$1,800 IN WAGES DURING:~~

5 ~~(1) THE FIRST 4 OF THE LAST 5 COMPLETED CALENDAR QUARTERS~~
6 ~~IMMEDIATELY PRECEDING THE START OF AN APPLICATION YEAR; OR~~

7 ~~(2) THE 4 MOST RECENTLY COMPLETED CALENDAR QUARTERS~~
8 ~~IMMEDIATELY PRECEDING THE START OF AN APPLICATION YEAR ONLY IF THE~~
9 ~~EMPLOYEE APPLYING FOR THE BENEFITS DOES NOT QUALIFY FOR ANY BENEFITS~~
10 ~~UNDER THIS TITLE USING THE DEFINITION IN ITEM (1) OF THIS SUBSECTION.~~

11 ~~(G) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR, LICENSING, AND~~
12 ~~REGULATION.~~

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

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

16 ~~(1) A CHILD;~~

17 ~~(2) A PARENT;~~

18 ~~(3) A PARENT-IN-LAW;~~

19 ~~(4) A GRANDPARENT OR STEPGRANDPARENT OF AN EMPLOYEE OR~~
20 ~~THE EMPLOYEE'S SPOUSE OR DOMESTIC PARTNER;~~

21 ~~(5) A GRANDCHILD OR STEPGRANDCHILD OF AN EMPLOYEE OR THE~~
22 ~~EMPLOYEE'S SPOUSE OR DOMESTIC PARTNER;~~

23 ~~(6) A SPOUSE;~~

24 ~~(7) A DOMESTIC PARTNER;~~

25 ~~(8) A SIBLING;~~

26 ~~(9) THE SPOUSE OR DOMESTIC PARTNER OF A SIBLING; OR~~

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

~~(J) "FUND" MEANS THE FAMILY AND MEDICAL LEAVE INSURANCE FUND ESTABLISHED UNDER § 8.3 501 OF THIS TITLE.~~

~~(K) "GOVERNMENTAL ENTITY" HAS THE MEANING STATED IN § 8 101 OF THIS ARTICLE.~~

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

~~(1) WHO HAS DAY TO DAY RESPONSIBILITIES TO CARE FOR AND FINANCIALLY SUPPORT A CHILD; OR~~

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

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

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

~~(O) "PARENT" MEANS:~~

~~(1) AN ADOPTIVE PARENT;~~

~~(2) A BIOLOGICAL PARENT;~~

~~(3) A FOSTER PARENT;~~

~~(4) A LEGAL GUARDIAN;~~

~~(5) A STEPPARENT; OR~~

~~(6) AN INDIVIDUAL WHO STANDS IN LOCO PARENTIS TO AN EMPLOYEE.~~

~~(P) "PARENT IN LAW" MEANS:~~

~~(1) THE PARENT OF AN EMPLOYEE'S SPOUSE OR DOMESTIC PARTNER; OR~~

1 ~~(2) AN INDIVIDUAL WHO STANDS IN LOCO PARENTIS TO AN~~
2 ~~EMPLOYEE'S SPOUSE OR DOMESTIC PARTNER.~~

3 ~~(Q) "PROGRAM" MEANS THE FAMILY AND MEDICAL LEAVE INSURANCE~~
4 ~~PROGRAM.~~

5 ~~(R) "QUALIFYING EXIGENCY" MEANS ANY OF THE FOLLOWING REASONS~~
6 ~~FOR WHICH LEAVE MAY BE NEEDED BY A FAMILY MEMBER OF A SERVICE MEMBER:~~

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

9 ~~(2) TO ATTEND MILITARY EVENTS AND RELATED ACTIVITIES;~~

10 ~~(3) TO ATTEND CHILD CARE OR SCHOOL ACTIVITIES ONLY BECAUSE~~
11 ~~THE SERVICE MEMBER IS ON ACTIVE DUTY CALL OR ACTIVE DUTY STATUS;~~

12 ~~(4) TO MAKE FINANCIAL AND LEGAL ARRANGEMENTS FOR THE~~
13 ~~SERVICE MEMBER'S ABSENCE OR BECAUSE OF THE ABSENCE;~~

14 ~~(5) TO ATTEND COUNSELING THAT:~~

15 ~~(I) IS NEEDED DUE TO THE ACTIVE DUTY OR CALL TO ACTIVE~~
16 ~~DUTY STATUS OF THE SERVICE MEMBER; AND~~

17 ~~(H) IS PROVIDED BY AN INDIVIDUAL WHO IS NOT A LICENSED~~
18 ~~HEALTH CARE PROVIDER;~~

19 ~~(6) TO SPEND NO MORE THAN 5 DAYS WITH A SERVICE MEMBER WHO~~
20 ~~IS ON SHORT TERM TEMPORARY REST AND RECUPERATION LEAVE DURING THE~~
21 ~~PERIOD OF DEPLOYMENT;~~

22 ~~(7) TO ATTEND POSTDEPLOYMENT ACTIVITIES; OR~~

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

26 ~~(S) "SECRETARY" MEANS THE SECRETARY OF LABOR, LICENSING, AND~~
27 ~~REGULATION.~~

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

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

3 ~~(2) CONTINUED TREATMENT BY A LICENSED HEALTH CARE~~
 4 ~~PROVIDER.~~

5 ~~(U) "SERVICE MEMBER" MEANS AN INDIVIDUAL WHO IS AN ACTIVE DUTY~~
 6 ~~MEMBER OF:~~

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

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

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

11 ~~§.3 102.~~

12 ~~THIS TITLE PREEMPTS THE AUTHORITY OF A LOCAL JURISDICTION TO ADOPT~~
 13 ~~A LAW, AN ORDINANCE, A RULE, OR A REGULATION ESTABLISHING OR~~
 14 ~~IMPLEMENTING A FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM.~~

15 ~~§.3 103.~~

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

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

20 ~~(2) THE INDIVIDUAL TO WHOM THE INFORMATION PERTAINS; OR~~

21 ~~(3) IF AN AUTHORIZED REPRESENTATIVE HAS THE SIGNED~~
 22 ~~AUTHORIZATION OF THE INDIVIDUAL TO WHOM THE INFORMATION PERTAINS, THE~~
 23 ~~AUTHORIZED REPRESENTATIVE.~~

24 ~~(B) AN EMPLOYEE OF THE DEPARTMENT MAY NOT DISCLOSE INFORMATION~~
 25 ~~PERTAINING TO AN INDIVIDUAL WHO HAS APPLIED FOR OR RECEIVED BENEFITS~~
 26 ~~UNDER THIS TITLE.~~

27 ~~SUBTITLE 2. SCOPE OF TITLE.~~

28 ~~§.3 201.~~

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

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

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

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

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

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

19 ~~§.3-202.~~

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

25 ~~§.3-203.~~

26 ~~(A) AN EMPLOYEE'S RIGHT TO BENEFITS UNDER THIS TITLE MAY NOT BE~~
27 ~~DIMINISHED BY A COLLECTIVE BARGAINING AGREEMENT ENTERED INTO OR~~
28 ~~RENEWED OR AN EMPLOYER POLICY ADOPTED OR RETAINED ON OR AFTER JUNE 1,~~
29 ~~2016.~~

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

32 ~~SUBTITLE 3. ESTABLISHMENT OF PROGRAM.~~

1 ~~§.3 301.~~

2 ~~THERE IS A FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM.~~

3 ~~§.3 302.~~

4 ~~THE PURPOSE OF THE PROGRAM IS TO PROVIDE TEMPORARY BENEFITS TO AN~~
5 ~~EMPLOYEE WHO IS TAKING PARTIALLY PAID OR UNPAID LEAVE FROM EMPLOYMENT.~~

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

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

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

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

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

18 ~~SUBTITLE 4. ADMINISTRATION.~~

19 ~~§.3 401.~~

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

23 ~~§.3 402.~~

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

27 ~~§.3 403.~~

28 ~~(A) THE SECRETARY SHALL:~~

1 ~~(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, ADOPT~~
2 ~~REGULATIONS NECESSARY TO CARRY OUT THIS TITLE;~~

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

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

10 ~~(4) SUBJECT TO SUBSECTION (C) OF THIS SECTION, CARRY OUT A~~
11 ~~PUBLIC EDUCATION PROGRAM FOR THE PURPOSE OF EDUCATING THE PUBLIC~~
12 ~~ABOUT BENEFITS AVAILABLE TO EMPLOYEES UNDER THIS TITLE.~~

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

18 ~~(C) (1) THE SECRETARY MAY USE A PORTION OF THE FUNDS PAID UNDER~~
19 ~~§ 8.3 601 OF THIS TITLE OR OTHER AVAILABLE FUNDING TO PAY FOR AND CARRY~~
20 ~~OUT THE PUBLIC EDUCATION PROGRAM REQUIRED UNDER SUBSECTION (A)(4) OF~~
21 ~~THIS SECTION.~~

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

25 ~~8.3 404.~~

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

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

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

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

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

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

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

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

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

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

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

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

27 ~~8.3 405.~~

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

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

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

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

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

~~§.3 406.~~

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

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

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

~~(2) CONTRIBUTION RATES;~~

~~(3) FUND BALANCES; AND~~

~~(4) PUBLIC OUTREACH EFFORTS.~~

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

~~§.3 501.~~

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

~~§.3 502.~~

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

~~(B) THE FUND SHALL BE A SPECIAL FUND THAT IS SEPARATE FROM STATE MONEY.~~

~~§.3 503.~~

~~(A) THE FUND SHALL CONSIST OF:~~

~~(1) EMPLOYEE CONTRIBUTIONS;~~

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

1 ~~(3) INTEREST EARNED ON MONEY IN THE FUND; AND~~

2 ~~(4) MONEY RECEIVED FOR THE FUND FROM ANY OTHER SOURCE.~~

3 ~~(B) MONEY IN THE FUND SHALL BE COMMINGLED.~~

4 ~~(C) THE FUND SHALL BE USED ONLY FOR THE PURPOSES OF THIS TITLE.~~

5 ~~§ 3-504.~~

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

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

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

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

15 ~~(D) IN ACCORDANCE WITH REGULATIONS THAT THE SECRETARY ADOPTS,~~
16 ~~MONEY IN THE FUND ACCOUNT:~~

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

18 ~~(2) MAY BE USED TO PAY FOR:~~

19 ~~(I) THE PUBLIC EDUCATION PROGRAM REQUIRED UNDER §~~
20 ~~§ 3-403(A)(4) OF THIS TITLE; AND~~

21 ~~(II) ANY COSTS ASSOCIATED WITH THE INITIAL~~
22 ~~IMPLEMENTATION OF THIS TITLE.~~

23 ~~§ 3-505.~~

24 ~~A CHECK THAT THE STATE TREASURER ISSUES TO PAY BENEFITS OR~~
25 ~~REFUNDS SHALL:~~

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

27 ~~(2) BEAR THE SIGNATURE OF THE STATE TREASURER; AND~~

1 ~~(3) BE COUNTERSIGNED BY AN AUTHORIZED AGENT.~~

2 ~~§.3-506.~~

3 ~~THIS TITLE DOES NOT GRANT AN EMPLOYEE ANY PRIOR CLAIM OR RIGHT TO~~
4 ~~MONEY THE EMPLOYEE PAYS INTO THE FUND.~~

5 ~~SUBTITLE 6. CONTRIBUTIONS.~~

6 ~~§.3-601.~~

7 ~~(A) BEGINNING ON JANUARY 1, 2017, EACH EMPLOYEE SHALL PAY TO THE~~
8 ~~SECRETARY CONTRIBUTIONS FOR THE FUND ON WAGES FOR EMPLOYMENT THAT IS~~
9 ~~PERFORMED FOR AN EMPLOYER.~~

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

13 ~~(2) THE RATE OF CONTRIBUTION ESTABLISHED UNDER PARAGRAPH~~
14 ~~(1) OF THIS SUBSECTION SHALL BE SUFFICIENT TO FUND THE BENEFITS PAYABLE~~
15 ~~UNDER THIS TITLE.~~

16 ~~SUBTITLE 7. BENEFITS.~~

17 ~~§.3-701.~~

18 ~~(A) BEGINNING ON JULY 1, 2018, TO BE ELIGIBLE FOR BENEFITS, A~~
19 ~~COVERED EMPLOYEE MUST BE TAKING PARTIALLY PAID OR UNPAID LEAVE FROM~~
20 ~~EMPLOYMENT BECAUSE THE COVERED EMPLOYEE:~~

21 ~~(1) IS CARING FOR A NEWBORN CHILD OR A CHILD NEWLY PLACED~~
22 ~~FOR ADOPTION OR FOSTER CARE WITH THE COVERED EMPLOYEE DURING THE FIRST~~
23 ~~YEAR AFTER THE BIRTH, ADOPTION, OR PLACEMENT;~~

24 ~~(2) IS CARING FOR A FAMILY MEMBER WITH A SERIOUS HEALTH~~
25 ~~CONDITION;~~

26 ~~(3) HAS A SERIOUS HEALTH CONDITION THAT RESULTS IN THE~~
27 ~~COVERED EMPLOYEE BEING UNABLE TO PERFORM THE FUNCTIONS OF THE~~
28 ~~POSITION OF THE COVERED EMPLOYEE;~~

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

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

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

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

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

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

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

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

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

~~8.3 702.~~

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

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

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

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

3 ~~(B) (1) A COVERED EMPLOYEE MAY NOT BE PAID BENEFITS FOR THE~~
4 ~~FIRST 5 CONSECUTIVE CALENDAR DAYS AFTER THE COVERED EMPLOYEE BECOMES~~
5 ~~ELIGIBLE FOR BENEFITS UNDER § 8.3 701 OF THIS SUBTITLE UNLESS THE COVERED~~
6 ~~EMPLOYEE:~~

7 ~~(I) HAS USED 10 OR MORE DAYS OF PARTIALLY PAID OR UNPAID~~
8 ~~LEAVE DURING THE APPLICATION YEAR; OR~~

9 ~~(II) HAS ALREADY UNDERGONE THE WAITING PERIOD IN THE~~
10 ~~SAME APPLICATION YEAR.~~

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

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

16 ~~§.3 703.~~

17 ~~IF AN EMPLOYER PROVIDES A COVERED EMPLOYEE WITH WRITTEN NOTICE,~~
18 ~~THE EMPLOYER MAY REQUIRE THAT BENEFITS PAID UNDER THIS TITLE TO THE~~
19 ~~COVERED EMPLOYEE BE COORDINATED WITH PAYMENT MADE OR LEAVE ALLOWED~~
20 ~~UNDER THE TERMS OF DISABILITY OR FAMILY CARE LEAVE UNDER A COLLECTIVE~~
21 ~~BARGAINING AGREEMENT OR EMPLOYER POLICY.~~

22 ~~§.3 704.~~

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

25 ~~(I) 66% OF THE HIGHEST TOTAL AMOUNT OF WAGES EARNED~~
26 ~~BY THE COVERED EMPLOYEE IN 1 WEEK DURING THE BASE PERIOD; OR~~

27 ~~(II) IF THE EMPLOYEE IS TAKING PARTIALLY PAID LEAVE, THE~~
28 ~~LESSER OF:~~

29 ~~1. THE AMOUNT REQUIRED TO MAKE UP THE~~
30 ~~DIFFERENCE BETWEEN THE WAGES PAID TO THE EMPLOYEE WHILE THE EMPLOYEE~~
31 ~~IS TAKING PARTIALLY PAID LEAVE AND THE FULL WAGES NORMALLY PAID TO THE~~
32 ~~EMPLOYEE; AND~~

1 ~~2. 66% OF THE HIGHEST TOTAL AMOUNT OF WAGES~~
2 ~~EARNED BY THE COVERED EMPLOYEE IN 1 WEEK DURING THE BASE PERIOD.~~

3 ~~(2) THE WEEKLY BENEFIT AMOUNT PAYABLE UNDER PARAGRAPH (1)~~
4 ~~OF THIS SUBSECTION:~~

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

6 ~~(II) MAY NOT EXCEED:~~

7 ~~1. FOR THE 12 MONTH PERIOD BEGINNING JULY 1,~~
8 ~~2018, \$1,000; AND~~

9 ~~2. FOR THE 12 MONTH PERIOD BEGINNING JULY 1,~~
10 ~~2019, AND EACH SUBSEQUENT 12 MONTH PERIOD, THE AMOUNT DETERMINED AND~~
11 ~~ANNOUNCED BY THE SECRETARY UNDER PARAGRAPH (3) OF THIS SUBSECTION.~~

12 ~~(3) (I) IN THIS PARAGRAPH, "CONSUMER PRICE INDEX" MEANS~~
13 ~~THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE~~
14 ~~WASHINGTON BALTIMORE METROPOLITAN AREA OR A SUCCESSOR INDEX~~
15 ~~PUBLISHED BY THE FEDERAL BUREAU OF LABOR STATISTICS.~~

16 ~~(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS~~
17 ~~PARAGRAPH, FOR THE 12 MONTH PERIOD BEGINNING JULY 1, 2019, AND EACH~~
18 ~~SUBSEQUENT 12 MONTH PERIOD, THE MAXIMUM WEEKLY BENEFIT AMOUNT SHALL~~
19 ~~BE INCREASED BY THE AMOUNT, ROUNDED TO THE NEAREST CENT, THAT EQUALS~~
20 ~~THE PRODUCT OF:~~

21 ~~1. THE MAXIMUM WEEKLY BENEFIT AMOUNT IN EFFECT~~
22 ~~FOR THE PRECEDING 12 MONTH PERIOD; AND~~

23 ~~2. THE ANNUAL PERCENT GROWTH IN THE CONSUMER~~
24 ~~PRICE INDEX FOR THE IMMEDIATELY PRECEDING 12 MONTH PERIOD, AS~~
25 ~~DETERMINED BY THE SECRETARY UNDER ITEM 1 OF THIS SUBPARAGRAPH.~~

26 ~~(III) BEGINNING MARCH 1, 2019, AND EACH SUBSEQUENT~~
27 ~~SEPTEMBER 1, THE SECRETARY SHALL DETERMINE AND ANNOUNCE:~~

28 ~~1. THE ANNUAL PERCENT GROWTH, IF ANY, IN THE~~
29 ~~CONSUMER PRICE INDEX BASED ON THE MOST RECENT 12 MONTH PERIOD FOR~~
30 ~~WHICH DATA IS AVAILABLE ON SEPTEMBER 1; AND~~

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

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

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

9 ~~(C) THE DIVISION SHALL:~~

10 ~~(1) MAKE THE FIRST PAYMENT OF BENEFITS TO A COVERED~~
11 ~~EMPLOYEE WITHIN 2 WEEKS AFTER THE CLAIM IS FILED; AND~~

12 ~~(2) MAKE SUBSEQUENT PAYMENTS EVERY 2 WEEKS UNTIL THE~~
13 ~~BENEFIT PERIOD ENDS.~~

14 ~~§.3-705.~~

15 ~~(A) IF THE INTERNAL REVENUE SERVICE DETERMINES THAT BENEFITS~~
16 ~~PAID UNDER THIS SUBTITLE ARE SUBJECT TO FEDERAL INCOME TAX, AT THE TIME~~
17 ~~AN INDIVIDUAL FILES A NEW CLAIM FOR BENEFITS, THE DIVISION SHALL NOTIFY~~
18 ~~THE INDIVIDUAL THAT:~~

19 ~~(1) THE INTERNAL REVENUE SERVICE HAS DETERMINED THAT THE~~
20 ~~BENEFITS ARE SUBJECT TO FEDERAL INCOME TAX;~~

21 ~~(2) THERE ARE REQUIREMENTS REGARDING ESTIMATED TAX~~
22 ~~PAYMENTS;~~

23 ~~(3) THE INDIVIDUAL MAY ELECT TO HAVE FEDERAL INCOME TAX~~
24 ~~DEDUCTED AND WITHHELD FROM THE BENEFITS THAT THE INDIVIDUAL RECEIVES~~
25 ~~UNDER THIS TITLE AT THE AMOUNT SPECIFIED IN THE INTERNAL REVENUE CODE;~~
26 ~~AND~~

27 ~~(4) THE INDIVIDUAL IS PERMITTED TO CHANGE A PREVIOUSLY~~
28 ~~ELECTED WITHHOLDING STATUS.~~

29 ~~(B) (1) IF AN INDIVIDUAL ELECTS TO HAVE FEDERAL INCOME TAX~~
30 ~~DEDUCTED AND WITHHELD UNDER SUBSECTION (A)(3) OF THIS SECTION, THE~~
31 ~~DIVISION SHALL DEDUCT AND WITHHOLD THE AMOUNT SPECIFIED IN THE~~

~~INTERNAL REVENUE CODE IN A MANNER REQUIRED BY THE INTERNAL REVENUE SERVICE.~~

~~(2) IF THE DIVISION DEDUCTS AND WITHHOLDS FEDERAL INCOME TAX UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE AMOUNT DEDUCTED AND WITHHELD SHALL REMAIN IN THE FUND UNTIL IT IS TRANSFERRED TO THE FEDERAL TAXING AUTHORITY AS A PAYMENT OF INCOME TAX.~~

~~§.3 706.~~

~~IF A COVERED EMPLOYEE RECEIVES BENEFITS UNDER THIS SUBTITLE OR TAKES LEAVE FROM WORK THAT FULFILLS THE WAITING PERIOD REQUIRED UNDER § 8.3 702(B) OF THIS SUBTITLE, THE EMPLOYER OF THE COVERED EMPLOYEE SHALL, ON THE EXPIRATION OF THE LEAVE, RESTORE THE EMPLOYEE TO AN EQUIVALENT POSITION OF EMPLOYMENT IN THE SAME MANNER AS AN EMPLOYEE ENTITLED TO LEAVE UNDER THE FEDERAL FAMILY MEDICAL LEAVE ACT IS REQUIRED TO BE RESTORED.~~

~~§.3 707.~~

~~IF A COVERED EMPLOYEE IS RECEIVING BENEFITS UNDER THIS TITLE OR IS TAKING LEAVE THAT FULFILLS THE WAITING PERIOD REQUIRED UNDER § 8.3 702(B) OF THIS SUBTITLE, THE EMPLOYER OF THE COVERED EMPLOYEE SHALL CONTINUE ANY EMPLOYMENT BENEFITS IN THE SAME MANNER AS REQUIRED UNDER THE FEDERAL FAMILY MEDICAL LEAVE ACT FOR THE TIME PERIOD THAT THE COVERED EMPLOYEE IS ABSENT FROM WORK AND RECEIVING BENEFITS UNDER THIS TITLE.~~

~~SUBTITLE 8. PROHIBITED ACTS; PENALTIES.~~

~~§.3 801.~~

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

~~§.3 802.~~

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

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

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

3 ~~84. the Economic Development Marketing Fund; [and]~~

4 ~~85. the Military Personnel and Veteran Owned Small~~
5 ~~Business No Interest Loan Fund; AND~~

6 ~~86. THE FAMILY AND MEDICAL LEAVE INSURANCE~~
7 ~~FUND.~~

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

12 ~~SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1, 2016,~~
13 ~~the Secretary of Labor, Licensing, and Regulation shall adopt regulations as required under~~
14 ~~§ 8.3-403 of the Labor and Employment Article, as enacted by Section 1 of this Act.~~

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

19 SECTION ~~5.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 June 1, 2016. It shall remain effective for a period of 2 years and 1 month and, at the end
21 of June 30, 2018, with no further action required by the General Assembly, this Act shall
22 be abrogated and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.