

Article - Labor and Employment

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§8.3–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Application year” means the 12–month period beginning on the Sunday of the calendar week for which benefits are approved.
- (c) “Benefits” means the money payable under this title to a covered individual.
- (d) “Covered employee” means an employee who has worked at least 680 hours performing services under employment located in the State over the four most recently completed calendar quarters for which quarterly reports have been required immediately preceding the date on which leave is to begin.
- (e) “Covered individual” means a covered employee or a self–employed individual who elects to participate in the Program under § 8.3–201 of this title.
- (f) “Department” means the Maryland Department of Labor.
- (g) “Deployment” means a service member acting under official orders who, on any day, is performing service in a training exercise or operation at a location or under circumstances that make it impossible or infeasible for the service member to spend off–duty time in the housing in which the service member resides when on garrison duty at the service member’s permanent duty station or homeport.
- (h) (1) “Employer” means a person or governmental entity that employs at least one individual in the State.
 - (2) “Employer” does not include an individual who:
 - (i) is the sole owner of a sole proprietorship, limited liability company, C corporation, or S corporation; and
 - (ii) is the only individual employed by the sole proprietorship, limited liability company, C corporation, or S corporation.
- (i) “Family member” means:

(1) a biological child, an adopted child, a foster child, or a stepchild of the covered individual;

(2) a child for whom the covered individual has legal or physical custody or guardianship;

(3) a child for whom the covered individual stands in loco parentis, regardless of the child's age;

(4) a biological parent, an adoptive parent, a foster parent, or a stepparent of the covered individual or of the covered individual's spouse;

(5) the legal guardian of the covered individual or the ward of the covered individual or of the covered individual's spouse;

(6) an individual who acted as a parent or stood in loco parentis to the covered individual or the covered individual's spouse when the covered individual or the covered individual's spouse was a minor;

(7) the spouse of the covered individual;

(8) a domestic partner of the covered individual;

(9) a biological grandparent, an adopted grandparent, a foster grandparent, or a stepgrandparent of the covered individual;

(10) a biological grandchild, an adopted grandchild, a foster grandchild, or a stepgrandchild of the covered individual; or

(11) a biological sibling, an adopted sibling, a foster sibling, or a stepsibling of the covered individual.

(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) "Program" means the Family and Medical Leave Insurance Program established under § 8.3–301 of this title.

(m) "Qualifying exigency" means any of the following reasons for which leave may be needed by a family member of a service member:

(1) because the service member has received notice of deployment within 7 days before the deployment is to begin;

(2) to attend military events and related activities including family support programs related to the active duty of the service member;

(3) to arrange, provide, or attend child care or school activities only when the service member is on active duty call or active duty status;

(4) to make financial and legal arrangements for the service member's absence or because of the absence;

(5) to attend counseling that:

(i) is needed due to the active duty or call to active duty status of the service member; and

(ii) is provided by an individual who is not a licensed health care provider;

(6) to spend up to 15 calendar days with a service member who is on short-term temporary rest and recuperation leave during the period of deployment;

(7) to attend postdeployment activities including reintegration services for a period of 90 days immediately following the termination of active status;

(8) to attend to matters related to the death of the service member while on active duty status;

(9) to arrange for or provide alternative care for a parent of the service member when the parent is incapable of self-care and the covered active duty or call to active duty necessitates a change; or

(10) because of any other issues that arise out of active duty or a call to active duty that an employer and covered employee agree should be covered.

(n) "Secretary" means the Secretary of Labor.

(o) (1) "Serious health condition" means an illness, an injury, an impairment, or a physical or mental condition that involves:

(i) inpatient care in a hospital, hospice, or residential health care facility;

(ii) continued treatment by a licensed health care provider; or

(iii) continued treatment or supervision at home by a licensed health care provider or other competent individual under the supervision of a licensed health care provider.

(2) “Serious health condition” includes an illness, an injury, an impairment, or a physical or mental condition described in paragraph (1) of this subsection that continues over an extended period of time and requires intermittent treatment.

(p) “Service member” means an individual who is an active duty or former member of:

(1) the United States armed forces;

(2) a reserve component of the United States armed forces; or

(3) the National Guard of any state.

(q) “Treatment” includes:

(1) examinations or testing to determine the extent to which a serious health condition exists or persists;

and (2) ongoing or periodic evaluations of the serious health condition;

(3) actual treatment by a health care provider.

(r) “Wages” means all compensation that is due for employment that is:

(1) for an employee, wages as defined in § 8–101 of this article; or

(2) for a self-employed individual:

or (i) self-employment income, as defined in 26 U.S.C. § 1402(b);

(ii) wages, as defined in § 8–101 of this article, earned from a C corporation or an S corporation if the income, pay, or leave is paid to the owner who is the sole employee of a C corporation or an S corporation.

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