

# MARYLAND

## Maryland Clarifies Application of Parental Leave Act and FMLA

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Maryland has enacted [Senate Bill \(SB\) 785](#), amending the state's [Parental Leave Act](#) (PLA) to clarify that it does not apply to employers while they are covered by the federal Family and Medical Leave Act (FMLA).

The amendment takes effect Oct. 1, 2025.

### PLA and FMLA

The PLA applies to employers with 15-49 employees in the state during 20 or more calendar weeks in the current or preceding calendar year. It requires them to provide employees with up to six weeks of unpaid leave annually for the birth, adoption or foster placement of a child. Employers must also continue employees' health insurance while they are on leave.

The FMLA requires employers with 50 or more employees during 20 or more calendar weeks in the current or preceding calendar year to provide up to 12 weeks of unpaid leave annually for reasons including those covered by the PLA. Like the PLA, the FMLA also requires employers to continue health insurance benefits for employees on leave.

### SB 785

The bill was introduced as a technical correction to rectify an unintended consequence of the PLA: that employers could be subject to both the PLA and the FMLA simultaneously in a calendar year during which they reach the 50-employee FMLA threshold, because they could have employed 15-49 employees for at least 20 weeks in that or the preceding year. Under the PLA as currently worded, the employer might, therefore, be required to provide leave to an employee under both that law and the FMLA.

To avoid this result, the bill amends the definition of "employer" under the PLA to exclude employers who are covered by the FMLA for the current calendar year. Eligible employees of these employers will be able to take qualifying leave under the FMLA but not the PLA.

### Highlights

- Maryland passed a bill clarifying that the PLA does not cover employers that are covered by the FMLA.
- The bill was intended as a technical correction to ensure employers are not required to provide leave under both laws simultaneously.
- The amendment takes effect Oct. 1, 2025.

***The amendment eliminates the possibility of employees taking leave under both the PLA and the FMLA.***