Maryland DEPARTMENT OF LABOR | Maryland FAMLI FAMILY AND MEDICAL LEAVE INSURANCE

Family and Medical Leave Insurance (FAMLI)
Maryland Department of Labor
100 S. Charles Street, Tower I, Suite #10000
Baltimore, MD 21201-2725

Declaration of Intent

Proof of Private Plan Consultation

INSTRUCTIONS: The first page of this document is required to be submitted with an employer's Declaration of Intent and is to be completed solely by an insurance agent or other representative of an insurance company.

I, _____ [insurance agent or other representative of an insurance company, printed name] hereby attest that I met with _____ _____ [first name last name], _____ [title], from _____ [employer name] on _____ [date] and I explained all of the items contained in "Declaration of Intent - Private Plan Consultation Agenda."

Business Address _____

Business Phone Number _____

Email Address _____

Signed this _____ day of _____, 2026

Signature _____

MD License # _____ (enter N/A if not applicable)

Declaration of Intent

Private Plan Consultation Agenda

INSTRUCTIONS: During the consultation between an insurance agent or other representative and the employer, the insurance agent or representative must explain each of the 15 items below.

1. An employer who submits a Declaration of Intent (DOI), to enroll in an equivalent private insurance plan ("private plan"), to the Family and Medical Leave Insurance (FAMLI) Division is required to provide the private plan to all employees localized in Maryland beginning January 1, 2028.
2. A private plan shall meet or exceed all the requirements of Labor and Employment Article, §§8.3-101, et seq. Annotated Code of Maryland and COMAR 09.42.
3. Employers, except if allowed to pool together with other employers under § 19–602 of the Maryland Insurance Article, shall collect and hold in an escrow account all contributions from both the employer and employees that would otherwise be due to the State plan beginning January 1, 2027 and ending on the date the FAMLI Division approves the employer's private plan.
4. Unless exempt as described above, employee contributions shall be collected via payroll deduction during the applicable pay period; or employers will fully fund the escrow account on behalf of employees.
5. If, after the submission of a DOI, the private plan approved by the FAMLI Division is a commercially available private plan, the employer shall return employee contributions held in escrow to the employees from whom they were withheld. If the private plan approved is a self-insured private plan, the employer may use the contributions held in escrow to seed the separately accounted self-insured private plan fund in lieu of returning the contributions, otherwise, they will be returned.
6. If a former employee cannot be located for the above return, employers shall remit that employee's contributions to the State Plan.
7. If, after the submission of a DOI, a private plan is not approved by the FAMLI Division before January 1, 2028, the employer will remit to the State Plan an amount equal to

the sum of all unpaid employer and employee contribution payments due for the periods contributions were not made plus any interest and penalties for late payment. If necessary, the funds held in escrow shall be used for this purpose.

8. If an employer enters into a private plan and the private plan is terminated before December 31, 2028, either by the employer or the FAMLI Division, the employer shall remit to the FAMLI Division the contributions, interest, and penalties from which they were exempted as a result of the DOI.
9. If an employer enters into a private plan and the private plan is terminated between January 1, 2029 and December 31, 2029, either by the employer or the FAMLI Division, the employer shall remit to FAMLI half the contributions, interest, and penalties from which they were exempted as a result of the DOI.
10. The employer shall submit quarterly wage and hour reports to the FAMLI Division.
11. A DOI is only applicable to the employer (as identified by EIN) that it is submitted on behalf of.
12. Insurance agents may receive a commission from the insurance company to enroll clients in a private plan.
13. Any pricing or quote provided for a private plan was illustrative and not binding.
14. A DOI may be terminated by the FAMLI Division for:
    a. Misuse of employee contributions by the employer;
    b. Failure to hold funds in escrow after January 1, 2027;
    c. Failure to adhere to FAMLI program requirements;
    d. Excessive withholding of contributions from the pay of employees beyond the amount that would have been withheld under the State plan;
    e. Failure to respond timely to a request for information from the FAMLI Division;
    f. Failure to submit timely quarterly wage and hour reports in 2027;
    g. Failure to submit a private plan application to the FAMLI Division on or before October 1, 2027; or
    h. Denial by the FAMLI Division of a private plan application before January 1, 2028.
15. All DOIs expire December 31, 2027.