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LEAVE AND DISABILITY REGULATORY COMPLIANCE

Summary of legislative and regulatory changes

Private employer sector | May 2024

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Colorado

HB 1132 (organ donor protection)

Enacted June 3, 2024

Effective June 3, 2024

Informational only — Sedgwick does not administer.

Colorado has enacted a new law to protect employees who are currently or become living organ donors. **The new law** prohibits employers from taking adverse action against the employee donor during the "prohibited period," defined as the 30-day period before an employee's organ donation recovery operation and the 90-day period after an employee has the operation.

The new law creates a presumption of adverse action if the action is taken during the prohibited period. The employer can rebut the presumption only by clear and convincing evidence that the prohibited act was taken for a lawful reason. "Adverse action" is defined as demotion; reassignment to a lower-ranked position or to a position with a lower level of compensation; decrease in compensation level; denial of promotion; reduction in working conditions or perks, privileges, location or status; termination of employment; or any other decision for employment purposes that adversely affects an employee that does not apply to other similarly situated employees or is applied differently to an employee who is a living organ donor.

The new law does not require the employer to allow the employee donor to take any unpaid leave that the employee has not already accrued under the employer's existing policies applicable to similarly situated employees or that is not required under any other applicable law. Because this law does not create a new leave right and only requires the employer to provide any leave the employee has already accrued under their policies, Sedgwick is not creating a new policy or administering this law.

Employees alleging violation of the new law have a private right of action and can seek a variety of remedies, including back pay, reinstatement, unlawfully withheld wages, penalties, fines, injunctive relief and reasonable attorney fees and costs.

Connecticut

HB 5005 (paid sick leave expansion)

Enacted May 21, 2024

Effective Jan. 1, 2025

Informational only — Sedgwick does not administer.

Connecticut has amended its paid sick leave statute to significantly expand its existing paid sick leave provisions. Under **the amendments**, most private employers are required to provide paid sick leave. In addition, the new law creates new permissible reasons for using leave and expands current notice and recordkeeping requirements. The amendments also update the definition of "employer" to exclude employers that participate in certain multiemployer health plans and self-employed individuals.

Under the existing paid sick leave law, employers that employ 50 or more individuals in Connecticut must provide up to 40 hours of paid sick leave per year to "service workers" as defined under the law. The amendments significantly expand the reach of the law to impose the mandate on nearly every private sector employer. The new requirements will be phased in over three years based on size of an employer's workforce in Connecticut. Beginning Jan. 1, 2025, the law will apply to employers with 25 or more employees. Beginning Jan. 1, 2026, the law will apply to employers with 11 or more employees. Finally, beginning Jan. 1, 2027, the law will apply to employers with at least one employee.

Currently, paid sick leave is limited to employees meeting the definition of "service worker," which excludes per diem and temporary workers. Under the amendments, all private sector employees will be eligible to receive paid sick leave, including per diem or temporary workers, except for seasonal and certain unionized construction workers. "Seasonal employee" means an employee who works 120 days or less in any year. The amendments also eliminate the current requirement that an employee complete 680 hours of employment to be eligible to use paid sick leave and allows employees to begin using their paid sick leave on the 120th calendar day of employment.

The amendments add the following permissible reasons for using paid sick leave: (1) the closure of the employer's place of business due to a public health emergency; (2) the closure of a family member's school or place of care due to a public health emergency; or (3) a determination that the employee or the employee's family member poses a risk to the health of others due to a communicable disease.

The new sick leave legislation expands the definition of "family member," which currently includes the employee's spouse or minor child. Under the new law, employees can now use paid sick leave for qualifying reasons involving their child, spouse, parents, grandparents, siblings and anyone related to the employee by blood or a close association to the employee that makes them akin to family.

The amendments update several other definitions. The definition of “child” now includes any individual that the employee stood in loco parentis when the individual was a child. "Grandchild" means a grandchild related to a person by blood, marriage, adoption by a child of the grandparent or foster care by a child of the grandparent. “Parent" means a biological, foster or adoptive parent, stepparent, parent-in-law, legal guardian of an employee or an employee's spouse, an individual standing in loco parentis to an employee, or an individual who stood in loco parentis to the employee when the employee was a child. "Sibling" means a brother or sister related to an employee by blood, marriage, or adoption by a parent of the employee, or by foster care placement. A “spouse” is a person who is legally married to an employee under the laws of any state, or a domestic partner of an employee registered under the laws of any state or political subdivision.

Under the amendments, eligible employees will accrue one hour of paid sick leave for every 30 hours worked, instead of the current accrual of one hour for every 40 hours worked. Employers that already offer other paid leave, including vacation, personal days or paid time off (PTO), including unlimited PTO, under the same or better terms and conditions will be deemed to be in compliance with the new requirements. An employee who is exempt from overtime requirements under will be presumed to work 40 hours each work week for purposes of paid sick leave accrual. However, employees whose normal work week is less than 40 hours, will accrue paid sick leave based upon the hours worked in the normal work week.

If an employer transfers an employee to another division, entity or worksite, the employee will keep and may use all paid sick leave accrued or received while working at their prior division, entity or worksite. Employers cannot require an employee using paid sick leave to search for or find another employee to serve as a replacement for them.

Employees are entitled to carry over up to 40 unused, accrued hours of paid sick leave from the current year to the following year. However, under the new legislation, an employer may provide, in lieu of any carry-over of unused paid sick leave from the current year to the following year, an amount of paid sick leave that meets or exceeds the requirements and is available for the employee's immediate use at the beginning of the following year.

Under current law, an employer can request that an employee provide reasonable documentation if the employee uses paid sick leave for three or more consecutive workdays. By contrast, the amendments prohibit employers from requiring an employee to provide any supporting documentation to show that the employee took paid sick leave for a qualifying reason.

Covered employers must continue displaying posters regarding paid sick leave. They will also be required to provide written notice to employees of their paid sick leave rights no later than Jan. 1, 2025, or at the time of hire, whichever is later.

Under the amendments, covered employers must keep records of the number of hours of paid sick leave accrued by and provided to each employee, and the number of hours of paid sick leave used by each employee during the calendar year. Employers must keep these records for three years. Employers must allow the labor commissioner

access to these records. If an employer fails to keep adequate records of hours worked and paid sick leave used or fails to allow reasonable access to these records, then the employer will be in violation and may receive a civil penalty of not more than $100 for each violation.

Connecticut

SB 220 (paid family and medical leave insurance appeals procedure)

Enacted June 4, 2024

Effective July 1, 2024

Connecticut has amended its paid family and medical leave law. The Paid Family and Medical Leave Insurance Program (PFMLI) requires employers to offer up to 12 weeks of paid leave per year for a variety of reasons. The Connecticut Paid Leave Authority administers the PFMLI program for the state.

When an employee wants to appeal a decision by the paid leave authority, or any person wants to appeal a penalty issued by the state under the PFMLI law's misrepresentation statute, they may appeal the decision to the labor commissioner. **The amended law** makes it clear that the employee or person may also appeal a labor commissioner's decision in state superior court. However, any appeal must be made before the decision becomes final on the 31st calendar day after a copy of the decision is sent to each party. The amended law describes the applicable procedures and deadlines while the matter is in superior court and permits a party to appeal the superior court's decision to the state appellate court.

Connecticut

SB 222 (paid family and medical leave insurance amendments)

Enacted May 9, 2024

Effective Oct. 1, 2024

Connecticut has amended its paid family and medical leave law. The Paid Family and Medical Leave Insurance Program (PFMLI) requires employers to offer up to 12 weeks of paid leave per year for a variety of reasons. Employees may not receive PFMLI compensation at the same time as they are receiving benefits under the state's unemployment or workers' compensation programs, or any other state or federal program. **The amended law** makes it clear, however, that employees who are receiving compensation from the victim compensation program administered by the state's judicial department may continue to receive those benefits, as long as the total amount received does not exceed the employee's regular rate of compensation. The law permits victims of family violence to take a paid or unpaid leave to obtain services, among other reasons. Under the amended law, this leave is also available to a victim of sexual assault. The amendments also clarify that an employer that pays any wages to an employee must register with the PFMLI authority and submit the authority's required reports.

Illinois: Chicago

Rule PTO 1.01 - 3.02 (final rules re paid leave and paid sick and safe leave)

Enacted May 1, 2024

Effective July 1, 2024

Informational only — Sedgwick does not administer.

The Chicago Office of Labor Standards has adopted final rules implementing the city's Paid Leave and Paid Sick and Safe Leave ordinance. **The final rules** include definitions and clarifications for employers and employees under the law, including obligations relating to accrual, use and certification of leave. The final rules apply to covered employers, or those that are required to provide Paid Leave and Paid Sick and Safe Leave (collectively, "paid leave") under the ordinance, and covered employees or those that accrue paid leave under the ordinance. The final rules clarify that, in addition to definitions in the ordinance itself, covered employees include day laborers who work at least 80 hours in a 120-day period within Chicago and remote employees who work from Chicago, even if their employer is not located there.

The final rules clarify that employers that maintain a business location within the city of Chicago must post a notice prepared by the Chicago Department of Business Affairs and Consumer Protection (the department) notifying employees of their rights under the ordinance. This may be physically or electronically distributed. If physically posted, the notice must be on an 11-inch by 17-inch sheet of paper and posted along with other required notices, in a breakroom, on a workplace monitor screen, or at another accessible location in the workplace. If electronically distributed, the employer must use its usual methods of communication.

The rules also clarify that while employers must provide covered employees notice of their right to leave with their first paycheck, this notification may also be provided earlier or as part of the employee's onboarding process. This notice may be provided in paper form to the employee, sent via electronic communication, or included as part of an employee handbook or paid leave policy by the employer. All notices must be provided in English and in any language understood by at least five percent of covered employees at a worksite who are not literate in English.

Under the final rules, covered employers must maintain specific records for five years. These records must include: (1) the name, mailing address, telephone number and email address of each covered employee during their time of employment; (2) each covered employee's occupation and job titles, including whether they are tipped, non-tipped or perform duties of both tipped and non-tipped positions; (3) each covered employee's hire date and dates they were eligible to use Paid Leave and Paid Sick Leave; (4) the number of Paid Leave and Paid Sick Leave accrued and used by each covered employee; (5) hours worked each day and workweek by each covered employee; (6) each covered employee's rate of pay, type of payment, straight-time and overtime pay, and total wages paid in each pay period; and (7) date of pay for every wage payment made to each covered employee. The final rules state

that the department may subpoena an employer's records under the ordinance, after which an employer will have 30 days to furnish the requested records.

Covered employees whose wages include gratuities or commissions must receive paid leave benefits at either their base wage hourly rate or the highest hourly minimum wage the employee is subject to, whichever is greatest. If a commission-based employee's working hours are not tracked, then the employee will accrue paid leave as a salaried employee would. Employers are not required to accrue paid leave for a covered employee during hours when the employee is either: (1) working outside of the physical boundaries of the city; or (2) Is using any type of paid or unpaid leave. Both Paid Leave and Paid Sick Leave must be paid no later than the next regular pay period after the leave was used.

Importantly, the final rules clarify that employers may opt to frontload one or both types of paid leave under the ordinance at the beginning of employment or at the start of a set 12-month benefit year. Employers that opt to frontload either type of leave under the ordinance may do one or both of the following options. Option one is to grant covered employees 40 hours of Paid Leave no later than 90 days after the start of employment. Employers opting to do this are not required to provide additional Paid Leave and are exempt from additional accrual or carryover requirements under the ordinance. Option two is to grant covered employees 40 hours of Paid Sick Leave no later than 30 days after the start of employment. Employers opting to do this are not required to provide additional Paid Sick leave and are exempt from additional accrual requirements but are not exempt from the ordinance's carryover requirements.

Even if an employer does not choose to frontload covered employees' paid leave, it may allow covered employees to use either type of paid leave before the employee has accrued that leave in the benefit year. Employers who do not frontload Paid Leave under the ordinance must allow employees to carryover up to 16 hours of unused Paid Leave into the next benefit year. Employers must allow employees to carryover up to 80 hours of Paid Sick Leave, regardless of whether they frontload this leave to employees each year.

Covered employees are eligible to use Paid Leave by the 90th calendar day after commencing employment and are eligible to use Paid Sick Leave by the 30th calendar day after commencing employment. If an employer opts to offer 80 hours of Paid Leave instead of 40 hours of Paid Leave and 40 hours of Paid Sick Leave, employees are eligible to use this bank of Paid Leave by the 30th day after beginning employment. An employer may require certification of the use of Paid Sick Leave if the employee is absent for more than three consecutive workdays. However, employers cannot delay the use or payment of Paid Sick Leave while waiting for the employee's certification.

The final rules require employers to adopt written Paid Leave and Paid Sick Leave policies. These policies must be available in English and any other language in which employees are literate. These policies may: (1) be included in the employer's handbook or manual; (2) require employees to give reasonable notice (up to seven days) before using Paid Leave; (3) restrict the use of either type of paid leave to an employee's regular work week; (4) require an employee to reasonably notify the employer of a need to use either Paid Leave or Paid Sick Leave; and (5) require a covered employee to obtain reasonable pre-approval before using Paid Leave.

If an employer denies an employee's request to use Paid Leave, the employer must explain the denial in writing and deliver this denial to the employee immediately. Employers also must give notice to covered employees of their availability and use of Paid Leave and Paid Sick leave, listing updated amounts of both types. Under the final rules, an employer may choose a reasonable system for providing this notice, including listing these amounts on pay statements or other written notification systems. Employers who frontload leave must provide written notification to all covered employees of the amount of leave provided to them at the start of the benefit year and keep these employees apprised of their available leave benefits.

Minnesota

HB 5247 (paid sick leave amendments)

Enacted May 24, 2024

Effective May 25, 2024

Informational only — Sedgwick does not administer.

Minnesota has enacted a wide-ranging government finance bill, including modifications to the state's earned sick and safe law, effective immediately. Under **the amendments**, any employer that does not provide the required sick and safe time to employees, or prevents employees' use of this time, is liable to all affected employees for any earned sick and safe time that should have been provided or could have been used, plus an additional equal amount as liquidated damages. If the employer's records are insufficient to determine the amount of owed time under this provision, then the employer will be liable to provide the full 48 hours of earned sick and safe leave for each year that all leave was not provided, plus an additional equal amount as liquidated damages.

The amendments also clarify that earned sick and safe leave must be paid at the "base rate" of an employee's wage, rather than the employee's hourly wage. The law defines "base rate" as: (1) for hourly employees paid at one rate, the rate paid per hour of work; (2) for hourly employees paid at multiple rates, the rate the employee would have been paid for the period of time the leave was taken; (3) for salaried employees, the same rate guaranteed to the employee if they had not taken leave; and (4) for employees paid solely through commission, the highest of the applicable federal, state, or local minimum wage. An employee's base rate does not include shift differentials, bonuses or gratuities, or premiums paid for work during overtime, weekends, holidays or scheduled days off.

Minnesota law requires employers to include specific information on each employee's statement of earnings. The amended law removes both the total number of sick and safe time hours "accrued and available for use" and "used during the pay period" from this list of required information. However, under the amended law, employers are still required to provide these exact numbers to employers each pay period but are allowed to choose a "reasonable system" for providing this information other than including it on pay statements. Additionally, the amended law requires employers to keep records of this information for three years.

Prior to the amendment, earned sick and safe leave could be used in the smallest increment of time tracked by the employer's payroll system. Under the amended law, this time may instead be used "in the same increment of time for which employees are paid," though the law clarifies that employers can require these increments to be between 15 minutes and four hours in length.

Existing law allows employers to require documentation when an employee uses earned sick and safe time due to domestic abuse, sexual assault or stalking. However, under the amended law, if this documentation cannot be

obtained in a reasonable time or without added expense, then an employer must accept a written statement from the employee stating that the time was used for a qualifying purpose.

Additionally, existing law allows employees to use sick and safe time to provide care for a family member due to weather or a public emergency. However, under the amended law, an employee may not take leave in these circumstances if: (1) the nature of the employee's duties would require them to respond to the public emergency or the employee's job is specifically excepted from the law; (2) the employee is covered by a valid collective bargaining agreement that waives this section of the law; or (3) the employer maintains a specific written policy specifying that this leave will not be allowed due to minimum staffing requirements.

Under the amended law, employees may use accrued sick and safe time to make arrangements or attend funeral services as well as address financial or legal matters arising from the death of a family member. The amended law also specifies that for absences due to personal illness or injury where an employee uses paid leave acquired prior to Jan. 1, 2024, an employee can be required to follow the employer's documentation policy as it existed on Dec. 31, 2023.

Minnesota

SB 3852 (omnibus employment policy bill)

Enacted May 17, 2024

Effective Aug. 1, 2024

Minnesota has passed a wide-ranging labor and employment policy bill that includes an amendment to the state's pregnancy and parenting leave law. The law provides biological or adoptive parents as well as pregnant employees with 12 weeks of job-protected leave in conjunction with birth, adoption or pregnancy. Prior to the amendment, while these employees were on leave, employers were required to continue to make insurance coverage available to these employees.

Under **the amended law**, employers will be required to "maintain coverage" for the employee and their dependents under the same conditions as if the employee was not on leave. However, the amended law clarifies that the employee must still pay any employee share of insurance costs while on leave. In addition, the amended law specifies that an employer cannot reduce an employee's provided pregnancy and parenting leave amount for any period taken by the employee for prenatal care appointments. As a note, this change does not affect Sedgwick's current administration of this law.

New York

AB 3710 (protections for national guard leave)

Passed Assembly; Passed Senate May 28, 2024

If enacted, effective immediately after becoming law.

The New York legislature has passed **an amendment** to the New York State Soldiers' and Sailor's Civil Relief Act. If enacted, the amendment would modify the definition of "military service" to include state active duty by members of the national guard who are activated pursuant to a call of the New York governor or the governor of any other state. In addition, the amendment would extend the law's existing protections for employment benefits and job reinstatement to employees who are members of the national guard and who are called to duty by a governor of another state.

Oregon

OAR Chapter 839 (temporary rule re OFLA and sick leave)

Adopted May 8, 2024

Effective May 8, 2024

Since Paid Leave Oregon took effect in September 2023, employees have been able to stack certain protected leave benefits available under both Paid Leave Oregon, which provides paid family and medical leave, and the Oregon Family Leave Act (OFLA), which provides unpaid job-protected family and medical leave. Oregon recently amended its law to provide that leave for certain purposes that is currently protected under both programs will only be available under Paid Leave Oregon starting July 1, 2024. After that date, only Paid Leave Oregon will provide for: (1) family leave to care for or bond with a child during the first year after the child's birth ("parental bonding leave"); and (2) serious health-condition leave for an employee or the employee's family member. To provide clarity in advance of the transition, Oregon has issued **a temporary rule** regarding employer obligations, which will expire on July 1, 2024.

The temporary rule provides that a covered employer may (but is not required to) rescind a designation or approval of leave scheduled to occur on or after July 1, 2024 when that leave will no longer be protected by the OFLA after that date. A covered employer who has designated or approved OFLA parental bonding or serious health-condition leave scheduled to occur on or after July 1, 2024 must: (1) notify the employee in writing as soon as practicable but no later than June 1, 2024, in the language the employer typically uses to communicate with the employee, that the leave is not protected by the OFLA on or after July 1, 2024; and (2) not retaliate or in any way discriminate against the employee with respect to hiring, tenure or any other term or condition of employment because the employee asked about the provisions of the OFLA, submitted a request for OFLA leave or invoked any provision of the OFLA.

Sedgwick's best practice is to honor the leave approvals beyond July 1, 2024. Employers may follow the temporary rule and choose to rescind approvals beyond July 1, 2024.

A covered employer must also provide written information to an employee informing them of their ability to apply for benefits under Paid Leave Oregon, including contact information for Paid Leave Oregon or the administrator of the employer's equivalent plan. This written information must be provided: (1) concurrently if the employer rescinds the employee's previous OFLA designation or approval; and (2) as soon as practicable but within 14 calendar days of the employee providing the employer with information that, before July 1, 2024, would have been sufficient for the employer to designate the leave as protected under the OFLA. An employer may satisfy this notice requirement by providing the employee with a copy of the notice made available by the Director of the Employment Department (director) in the language the employer typically uses to communicate with the employee. Sedgwick includes information on how to apply for Paid Leave Oregon benefits for all new applications in our initial packet.

When an employer is notified that an employee will need to use parental bonding or serious health-condition leave, the employer is not relieved of the obligation to comply with other laws, including the FMLA, ADA, Oregon laws prohibiting discrimination and requiring reasonable accommodations due to disability or pregnancy, and Oregon laws providing for earned sick leave.

Finally, statutory provisions requiring job protection and the maintenance of healthcare benefits during leave, as well as provisions prohibiting denying or interfering with leave rights or retaliating or discriminating against an employee who inquires about rights or responsibility under Paid Leave Oregon, apply during periods of time that include but are not limited to the time during which an application for Paid Leave Oregon benefits is pending.

South Carolina

HB 4832 (paid family and medical leave insurance plans)

Enacted May 21, 2024

Effective May 21, 2024

Informational only — Sedgwick does not administer.

South Carolina has enacted **the Paid Family Leave Insurance Act** (the act), which authorizes insurers to offer paid family leave insurance policies under specified circumstances. The act details the requirements of such policies, including required and permissive terms and conditions. Employers should note that this law does not require an employer to purchase a policy or to provide paid family and medical leave to employees. The act requires policies to contain certain minimum benefits, such as at least two weeks of leave during 52 consecutive calendar weeks. It also allows a policy to exclude employees from eligibility under certain circumstances. Since this is a law that allows insurers to offer paid family leave insurance policies, Sedgwick does not administer this law.

Washington

WAC 192-511 (final rule re TNC paid leave pilot program)

Adopted May 24, 2024

Effective July 1, 2024

Washington has issued a final rule that implements a pilot program for paid family and medical leave for transportation network drivers. **The final rule** provides several new definitions. The final rule defines “pilot program" as the temporary program providing elective coverage to transportation network company drivers effective from July 1 2024, through Dec. 31, 2028. “Transportation network company driver” means an individual who uses a personal vehicle to provide services for passengers matched through a commercial transportation services provider's digital network or software application. “Transportation network company” means a corporation, partnership, sole proprietorship or other entity that operates in this state and uses a digital network to connect passengers with transportation network company drivers to provide prearranged rides.

Under the pilot program, transportation network company drivers can elect paid family and medical leave coverage. To elect paid family and medical leave coverage, notice of election of coverage must be submitted to the Employment Security Department (the department) online or in another approved format. The transportation network companies will be informed of a driver’s election for coverage by the department or a third party (a driver’s designated representative). Transportation network companies must report to each driver in Washington who opted into the pilot program, and to any designated third-party representative, the total amount of compensation that the driver earned in that quarter.

The final rule provides that election of coverage begins on the first day of the quarter immediately following the notice of election. Transportation network company drivers are eligible for family and medical leave after working 820 hours during a qualifying period. A notice of withdrawal can be filedwith the Department within 30 days after the end of each quarterly period of coverage and will take effect the first day of the following quarter. Any levy resulting from the department's cancellation of coverage is in addition to the due and unpaid premiums and interest for the remainder of the quarterly period of coverage. Transportation network company drivers are responsible for 100% of all premiums assessed to an employee.

The final rule requires that the department provide data to each transportation network company by the 15th day of the month following the driver's deadline for the calendar quarter, on the drivers who: (1) reported and paid all obligated premiums; and (2) withdrew or canceled paid family and medical leave coverage. The data provided must include: (1) when a driver has elected coverage; (2) a driver's assessed and paid premiums; (3) when a driver's elective coverage has been withdrawn or canceled; and (4) information related to a third party authorized to be acting on the driver's behalf regarding reporting and paying of premiums.

Transportation network companies must pay each driver who elected coverage the premiums paid by the transportation network company driver by the 15th day following the receipt information. Designated third-party representatives must be paid any premiums paid on behalf of the transportation network company driver. Under the pilot program, compensation does not include: (1) the payment of tips; (2) supplemental benefit payments made by an employer to an employee in addition to any paid family or medical leave benefits received by the employee; or (3) payments to members of the armed forces of the United States, including the organized militia of the state of Washington, for the performance of duty for periods not exceeding 72 hours at a time. The requirement to pay premiums under the pilot program ends Dec. 31, 2028.

Washington

WAC 192-500-195 (final rule re paid leave and placement)

Adopted May 14, 2024

Effective June 14, 2024

Washington has amended its rules regarding the state's Paid Family and Medical Leave program (PFML). Under the PFML program, employers must provide employees with 12 weeks of paid time off for the birth or adoption of a child or for the serious medical condition of the employee or the employee's family member. The final rules clarify that employees may take a maximum of 12 weeks of leave upon the placement of a child.

With respect to the use of PFML leave to bond with a child after the child's placement with an employee, the rules define "placement" as adoptive, guardianship, foster care, or non-parental custody placement of a child under the age of 18 with the employee. **The amended rule** adds legal adoption to this list. It describes this placement as a legally finalized adoption according to state law.

Generally, leave taken upon the placement of a child must be used within one year of the child's placement. The rules make it clear that leave taken when a child is placed for legal adoption, the leave must be taken within 12 months from the date the adoption was legally finalized if the employee did not take PFML leave within the first 12 months that the child was placed in the home. While other placements, such as that for foster care, do not qualify for PFML leave if they occur over 12 months after the child is initially placed in the employee's home, the amended rule states that an employee may still take PFML leave for a legally finalized adoption that occurs over 12 months after the child is first placed.

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