

LEGAL UPDATE

Massachusetts Issues Emergency PFML Regulations

The Massachusetts Department of Family and Medical Leave (DFML) has issued [emergency regulations](#) for the paid family and medical leave (PFML) program. The regulations extend PFML coverage to personal care attendants and family child care providers and clarify that family leave is allowed for child bonding for 2020 births and adoptions. The regulations were finalized Dec. 21, 2020. Most PFML benefits became available on Jan. 1, 2021.

Personal Care Attendants and Family Care Providers

The emergency regulations add personal care attendants and family care providers to the PFML program's definition of "covered individual."

Child Bonding Leave for 2020 Qualifying Events

The emergency regulations also clarify that births, adoptions and foster care placements that occurred during 2020 are qualifying events for family leave in 2021, as long as the leave:

- Is completed within calendar year 2021; and
- Is taken during the first 12 months after the child's birth, adoption or foster care placement with the covered individual.

The emergency regulations allow acute care hospitals to grant employees an extension beyond the 12-month period for this bonding leave, as long as the leave does not extend beyond Dec. 31, 2021. The extension is intended to help acute care hospitals maximize staffing capacity during the COVID-19 crisis.

Other employers seeking a similar extension may submit a request to the DFML director who, in his discretion, will grant or deny the request after considering likely effects on public health and safety and the public interest.

Important Dates

Dec. 21, 2020

Emergency PFML regulations were finalized.

Jan. 1, 2021

PFML benefits became available.

Dec. 31, 2021

Child bonding leave must be completed for births, adoptions and foster care placements that occurred in 2020.

Employees may take family leave in 2021 for child births, adoptions and placements that happened in 2020.

Provided to you by **New England Employee Benefits Co., Inc.**

This Legal Update is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice. ©2021 Zywave, Inc. All rights reserved.

