

Article - Labor and Employment

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§8.3–701.

(a) (1) Subject to paragraph (2) of this subsection, beginning on a date not earlier than January 1, 2027, but not later than January 3, 2028, determined and announced by the Secretary, a covered individual taking leave from employment may submit a claim for benefits:

(i) 1. to care for a newborn child of the covered individual during the first year after the child's birth; or

2. because a child is being placed for adoption, foster care, or kinship care with the covered individual or to care for or bond with the child during the first year after the placement;

(ii) to care for a family member with a serious health condition;

(iii) to attend to a serious health condition that results in the covered individual being unable to perform the functions of the covered individual's position;

(iv) to care for a service member with a serious health condition resulting from service in the uniformed services for whom the covered individual is next of kin; or

(v) to attend to a qualifying exigency arising out of the deployment of an eligible service member who is a family member of the covered individual.

(2) (i) Except as provided under subparagraph (ii) of this paragraph, if the need to use leave is foreseeable, an employer may require a covered employee taking leave under this title to provide the employer with written notice of the covered employee's intention to take leave at least 30 days before commencing the leave.

(ii) If the need to use leave is not foreseeable, the covered employee shall:

1. provide notice to the employer as soon as practicable; and

2. generally comply with the employer's notice or procedural requirements for requesting or reporting other leave, if those requirements do not interfere with the covered employee's ability to use leave for which benefits may be paid under this title.

(b) (1) Subject to paragraph (3) of this subsection, an individual may file an application for benefits within 60 days before the anticipated start date of the leave for which benefits may be paid under this title, but not later than 60 days after the start date of the leave.

(2) To be considered complete, an application shall contain all information required by the Department.

(3) (i) The Department shall waive the filing deadline established under paragraph (1) of this subsection for good cause.

(ii) If the covered individual does not have good cause for the delay in completing the claim application, the Secretary may delay or deny benefits under this title.

(c) (1) Subject to paragraphs (2) and (3) of this subsection, a covered individual may take the leave for which the individual is eligible for benefits under subsection (a) of this section on an intermittent leave schedule.

(2) If leave is taken on an intermittent leave schedule, the covered individual shall:

(i) make a reasonable effort to schedule the intermittent leave in a manner that does not unduly disrupt the operations of the employer; and

(ii) provide the employer with reasonable and practicable prior notice of the reason for which the intermittent leave is necessary.

(3) A covered employee may not take intermittent leave in an increment of less than 4 hours.

(4) If leave is taken on an intermittent leave schedule, an employer may not reduce the total amount of leave to which the covered individual is entitled beyond the amount of leave actually taken.

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