

DEPARTMENT OF LABOR
DIVISION OF PAID LEAVE

Statutory Authority: 19 Delaware Code, Sections 105 and 3720 (19 **Del.C.** §§105 and 3720)
19 **DE Admin. Code** 1401

ERRATA

1401 Rules Defining and Regulating the Healthy Delaware Families Act, Family and Medical Leave Insurance Program and the Division of Paid Leave

* **Please Note:** The Department of Labor, Division of Paid Leave, regulation 19 **DE Admin. Code** 1401 Rules Defining and Regulating the Healthy Delaware Families Act, Family and Medical Leave Insurance Program and the Division of Paid Leave, was published as final in the *Delaware Register of Regulations*, 27 **DE Reg.** 51 (07/01/23). Subsections 4.3.7.3, 6.15.1, and 19.2 were inadvertently published incorrectly.

Subsection 4.3.7.3 was published as:

4.3.7.3 The party to whom **[benefit payment]** the instrument was forwarded;

Subsection 4.3.7.3 should have read:

4.3.7.3 The party to whom the **[benefit payment]** instrument was forwarded;

Subsection 6.15.1 was published as:

~~**[6.18.16.15.1]**~~ The purpose of this reclassification provision is to either:

~~**[6.18.1.4 16.15.1.1]**~~ Continue to provide coverage for those Delaware-based employees who are temporarily assigned to an out-of-state location; or

~~**[6.18.1.2 16.15.1.2]**~~ To make eligible for coverage those employees who are telecommuting or who work on a continuing basis out-of-state when they would normally be located in the State of Delaware.

Subsection 6.15.1 should have read:

~~**[6.18.16.15.1]**~~ The purpose of this reclassification provision is to either:

~~**[6.18.1.4 6.15.1.1]**~~ Continue to provide coverage for those Delaware-based employees who are temporarily assigned to an out-of-state location; or

~~**[6.18.1.2 6.15.1.2]**~~ To make eligible for coverage those employees who are telecommuting or who work on a continuing basis out-of-state when they would normally be located in the State of Delaware.

Subsection 19.2 was published as:

19.2 Audit. In addition to those powers stated in the Act, the Division may audit employers for compliance with the Act, as the Division determines. The Division reserves the right to examine any adjudicated claims application, whether they have been approved or denied, on a random basis. Admitted private insurers with **[certified approved]** PFML coverage plans shall provide the Division access to their records systems, along with the training and assistance necessary to understand the materials therein, so that the Division may audit claims adjudicated by those **[carriers insurers]**. The records and systems of self-insured private plans shall likewise be made available to and intelligible by the Division for auditing purposes.

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27 DE Reg. 287 (11/01/23) (Errata)

