



MASSACHUSETTS PAID FAMILY AND MEDICAL LEAVE LAW
Effective 1/1/19
Implemented in phases through 7/1/21



Employers covered

All employers who contribute to the state's unemployment insurance program
Certain covered business entities
Other employers who choose to join
Cities and towns that vote to join the program and cover their employees

Employees covered

All employees who meet the monetary eligibility requirements of the state's UI program; and self-employed individuals who meet the monetary eligibility requirements of the state's UI program, as if they were employees, who have four consecutive quarters of reported earnings to the Massachusetts department of revenue and who join the program and pay premiums for at least three years.

Length of leaves

12 weeks of paid family leave to bond with a new child.
Up to 12 weeks of paid family leave to care for a family member with a serious health condition.
Up to 26 weeks of paid family leave to care for a family member whose serious health condition arose from active duty military service.
Up to 20 weeks of paid medical leave for the worker's own serious health condition.
Leave capped at 26 weeks in a single benefit year.

Job protection

Yes, up to 26 weeks total in a benefit year (unless other employees in similar positions have been laid off in the interim).

Waiting period

Employees are not paid for the first seven days of a leave, except in the case of an employee whose family caregiving leave absence immediately follows a period of medical leave, such as the birth of a child.

Impact on other leave programs

Leave under this bill runs concurrently with job protected leave under the Massachusetts Parental Leave Act, and the federal Family and Medical Leave Act (FMLA).
Employers cannot require employees to exhaust rights to any sick, vacation or personal time prior to or while taking either leave.

Benefit amount

Provides partial wage replacement on a graduated basis: 80% of a worker's average weekly wage up to an amount equal to 50% of the statewide average weekly wage and 50% of a worker's average weekly

For more information visit RaiseUpMa.org or contact: Debra Fastino, Executive Director, Coalition for Social Justice, dfastino@aol.com (508-982-3108) or Elizabeth Whiteway, Senior Attorney, Greater Boston Legal Services, ewhiteway@gbls.org (617-603-1626)

wage above an amount equal to 50% of the statewide average weekly wage, capped at \$850.00 per week.

The cap is adjusted annually January 1st to 64% of the state's average weekly wage.

Benefit amount is pro-rated for workers taking leave on a part-time basis.

Family members covered

The spouse, domestic partner, child, parent, parent of a spouse or domestic partner of the employee; a person who was like a parent to the employee when the employee was a minor; a grandchild, grandparent, or sibling of the employee.

Definition of "child"

A biological, adopted, or foster child, stepchild or legal ward, a child to whom the employee is like a parent, or a person to whom the employee stood in the place of a parent when the person was a minor, even if that child is now an adult.

Funding method

Employers can require employees to contribute up to 100% of the premium cost for family leave and up to 40% of the premium cost for medical leave; self-employed people must contribute 100% of their premium costs for family and medical leave. Employers and covered business entities must pay 60% of the premiums for medical leave, except that employers with fewer than 25 workers on their workforce are not required to contribute the employer's share of premiums as long as less than 50% of their workforce is comprised of self-employed individuals.

Employers may pay into a state fund, secure private insurance approved by the department, or maintain a private plan approved by the department.

Supervising agency

Department of Family and Medical Leave within the Executive Office of Labor and Workforce Development.

Appeal rights

Administrative review before the Department of Family and Medical Leave under G.L. c. 30A.
Complaint for judicial review in the district court.

Employers' private plans

Employers can secure state approval of their private paid family or medical leave plans as long as the plans provide for greater or additional rights to employees, at equal or less cost than the state program.

Union contracts

The new law does not affect or modify any collective bargaining agreement that provides for greater or additional rights.

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Retaliation for use of leave

There is a rebuttable presumption of retaliation when negative changes occur in employment status during leave time or up to six months thereafter. Aggrieved workers can seek injunctive relief and up to three times their lost wages, benefits, and other compensation, plus attorneys' fees and costs in superior court.

Certification requirements

The employee must provide the employer with a certification from a health care provider, a birth certificate, or a certification from an adoption or foster care agency (as required by the circumstances of the leave).

Confidentiality requirements

Medical information provided by the employee as part of the certification requirement must be kept confidential by the employer.

Notification requirements

When leave is foreseeable, employee must give employer 30 days' notice. If that is not possible, the employee must give the employer as much notice as is practicable.

Effective date of law

January 1, 2019

Contributions commence

July 1, 2019

Leaves commence

January 1, 2021 for bonding leaves; caregiving leaves for a family member whose serious health condition arose from military service; and for medical leave

July 1, 2021 for all other family caregiving leaves.

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