



EMPLOYMENT LAW ALERT

UPDATE REGARDING MASSACHUSETTS PAID FMLA LEAVE

As described in our Employment Law Alert from June 2018, Massachusetts enacted a Paid Family and Medical Leave Act which establishes a new paid leave benefit to employees and independent contractors in Massachusetts (the leave is referred to as “PFML”). Since that time, the Massachusetts Department of Family and Medical Leave (the “Agency”) has been established and has published draft regulations. Employers should plan for the following upcoming important dates:

- **Beginning on April 29, 2019**, employers may submit to the Agency a request for an exemption from the medical leave contribution, the family leave contribution, or both, if the employer offers a private plan with a paid leave program equal to or greater than required by the Act.
- **On or before May 31, 2019**, employers must issue a notice to covered employees and independent contractors with certain information regarding PFML, including the specific deductions which will be made from the pay of employee and independent contractors beginning on July 1, 2019. Employers must obtain from the employee/independent contractor “written acknowledgement of receipt” of the notice. Employers should consider using the “Notice to Employee” published by the Agency, which can be downloaded from the Agency’s website: <https://www.mass.gov/orgs/departments-of-family-and-medical-leave>. Employers should incorporate the Notice into the documentation process for hiring all new employees or independent contractors. Also, because the amount of the mandatory payroll deduction will be reviewed and likely adjusted annually, employers will need to issue a new Notice to employees and independent contractors whenever such deduction amounts change in the future.
- **On or before July 1, 2019**, employers are required to display the Paid Family and Medical Leave workplace poster which has been published by the Agency and is available for download from the Agency’s website.
- **On July 1, 2019**, employers must begin making the required deductions from the wages of covered employees and independent contractors (which must be submitted, on a quarterly basis, beginning in October of 2019 through the MassTaxConnect system).

Keep in mind that employees are not eligible to take any PFML until January 2021 (for most types of PFML leave) or July 2021 (for PFML leave because a family member has a serious health condition). Therefore, the program is being funded with 18 months of contributions before any leave or benefits will be available to employees.

Please feel free to contact us if you have any questions regarding this or any other employment law issue.

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