



Massachusetts Agency Issues Paid Leave Notice Guidance

Insights

4.18.19

The Massachusetts Department of Paid Family and Medical Leave—the agency charged with regulating and enforcing the Commonwealth’s nascent paid leave program—just issued its mandatory workplace poster and guidance on the law’s notification requirements. Yesterday’s announcement provides employers with needed guidance on the law’s notice requirement—an obligation you must meet by May 31, 2019. What do Massachusetts employers need to know about this latest development?

How’d We Get Here?

In June 2018, Massachusetts became the sixth state to enact paid family and medical leave as part of a “grand bargain” between workers’ advocates and the business community. Among other things, the law provides eligible employees with up to 12 weeks for family leave and 20 weeks for medical leave (with a combined maximum of 26 weeks in any year).

Employee leave is paid for through a payroll tax of 0.63% on an employee’s first \$132,900 in wages. Based on information provided by the DPFML, employers are on the hook for a minimum of 0.312% per pay period, or the equivalent of \$3.12 for every \$1,000 the employee earns. The remaining contributions may be deducted directly from employee pay. Employer contributions will begin on July 1, 2019, and employees may begin to use most benefits on January 1, 2021.

Need To Know: Employer Notice Obligations

The law requires employers to provide written notice to all of their employees and independent contractors by May 31, 2019—just six weeks from now. This notice must contain:

- An explanation of benefits and rights under the PFML statute, including rights to reinstatement and continuation of health insurance;
- the employee’s contribution amount;
- the employer’s contribution amount;
- the name and mailing address of the employer;
- the identification number assigned to the employer by DPFML;
- instructions on how to file a claim for benefits;
- the mailing address, email address and telephone number of the DPFML; and

- any other information deemed necessary by DPFML.

This notice, which may be issued electronically or in writing, must provide employees the ability to acknowledge receipt or indicate that the employee refused to sign. A signed copy of the acknowledgment or an electronic version should be placed in the employees' personnel file.

In the event that an employee fails to acknowledge receipt, DPFML has indicated that it will consider an employer to have fulfilled its notice obligation if it can establish that it provided notice to each member of its current workforce and that employees had the opportunity to acknowledge or decline to acknowledge receipt. To assist employers, DPFML has drafted a sample notice that is compliant with the law. That notice is available [here](#).

Mandatory Poster, Too

DPFML also released the newest addition to an employer's ever-growing list of required posters. The poster, which is available [here](#), details the key dates for contributions and benefits, describes who is covered by the law, and explains the rights and benefits under the law. For employers with multi-lingual workforces, the law requires the posting of the poster in each language that is the primary language of five or more individuals in its workforce. To meet this requirement, the poster is available in a variety of languages including Arabic, Chinese, Haitian Creole, Spanish, and others.

What's Next?

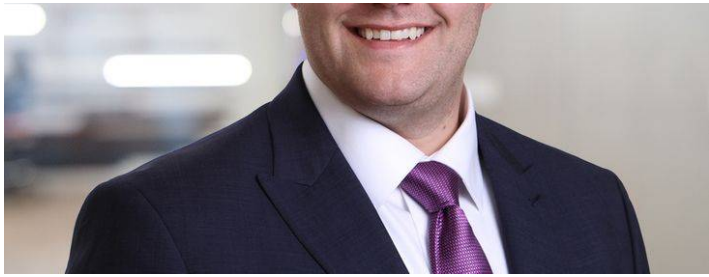
You should continue to monitor this space as DPFML continues its ramp up to the July 1, 2019 contribution start date. As noted above, employers' notice obligations begin on May 31, 2019 and the DPFML will issue final regulations in the near future. Now is the time to start revising handbooks to be compliant with the new law and to prepare the mandatory notices to new and existing employees.

We will continue to monitor further developments and provide updates once the final regulations are issued, so you should ensure you are subscribed to [Fisher Phillips' alert system](#) to gather the most up-to-date information. If you have questions, please contact your Fisher Phillips attorney or any attorney in our [Boston office](#).

This Legal Alert provides information about specific statewide guidance. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

Related People





Joshua D. Nadreau

Partner and Vice Chair, Labor Relations Group

617.722.0044

Email

Service Focus

Employee Leaves and Accommodations

Counseling and Advice