



Massachusetts Provides Clarity On Paid Family And Medical Leave Delay

Insights

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In welcome news to Massachusetts employers, the Department of Paid Family and Medical Leave (DPFML) just provided much-needed answers to questions raised by the Legislature's three-month delay of the nascent paid leave law.

Delayed, But Increased, Contributions

Contributions will officially begin on October 1—but not at the .63 percent rate as originally intended. Instead, the contribution will increase to .75 percent in order to account for the three months of funding that was eliminated by the delay. It is unclear if the contributions will ever revert to .63 percent, but DPFML has the authority to change the rate annually.

It does not appear that DPFML will change the allocation of the contribution between medical and family leave. That allocation will remain at 82.5 percent for medical leave and 17.5 percent for family leave.

More Time For Notice And Exemption Applications

A common question after the delay was announced was whether it impacted the notice and poster requirements. The answer is yes. The new deadline is September 30. The DPFML will update its model notice and posters accordingly.

The deadline for applications for private plan exemptions has also been pushed back by three months until December 20. This should permit employers enough time to evaluate whether a private plan makes sense, while also giving insurers time to create a compliant insurance product.

Final Regulations Incoming

After a long notice-and-comment period, the final regulations will arrive on June 17. They will be codified at 458 CMR 2.00. It is unclear what, if anything, DPFML has changed from its March 29 draft regulations, but the final regulations will at least provide concrete guidance for the Commonwealth's employers.

Stay Tuned For More

We will continue to monitor further developments and provide updates on this and other labor and employment issues affecting Massachusetts employers, so make sure you are subscribed to Fisher Phillips' alert system to gather the most up-to-date information. For those employers who have

questions on the new program, Fisher Phillips hosted a complimentary webinar, a recording of which is available [here](#).

If you have questions, please contact your Fisher Phillips attorney or any attorney in our [Boston office](#).

This Legal Alert provides an overview of a specific development related to a state law. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

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