

E-ALERT: Labor Law Postings in Massachusetts Have Changed



Background

The Massachusetts Department of Family and Medical Leave (DFML) has released a Paid Family and Medical Leave notice, which must be posted by July 1, 2019. The new notice reflects that by January 1, 2021, most workers in Massachusetts will be eligible for up to 12 weeks of paid family leave and up to 20 weeks of paid medical leave. The program will be funded by premiums paid by employees, employers, and the self-employed. Contributions to the program will begin on July 1, 2019, and will be managed through the DFML.

Summary

Beginning on January 1, 2021:

- Covered individuals may be entitled to up to 20 weeks of paid medical leave in a benefit year if they have a serious health condition that prevents them from working.
- Covered individuals may be entitled to up to 12 weeks of paid family leave in a benefit year for the birth, adoption, or foster care placement of a child. They are also eligible if an urgent need comes

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up for a family member that is on active duty or has been notified of an impending call to active duty in the Armed Forces.

- Covered individuals may be entitled to up to 26 weeks of paid family leave in a benefit year to care for a family member who is a covered service member with a serious health condition.

Beginning on July 1, 2021:

- Covered individuals may be entitled to up to 12 weeks of paid family leave to care for a family member with a serious health condition.

Covered individuals are eligible for no more than 26 total weeks of paid family and medical leave in a single benefit year. An employee who has taken paid family or medical leave must be given their previous position or an equal position with the same status, pay, employment benefits, length of service credit, and seniority when they return from leave. These job protections do not apply to contractors.

Who is Covered:

An employee will qualify as a covered individual and may be eligible for paid family and medical leave if:

- The employee is paid wages by a Massachusetts employer; or
- The employee lives in Massachusetts and is paid for contract services by a Massachusetts entity that is required to report payment for services on IRS Form 1099-MISC for more than 50% of its workforce; or
- The employee is a self-employed individual who lives in Massachusetts and chooses to participate in the program.

Employer Next Steps

- All Massachusetts employers should review their organization's policies to ensure they are consistent with the new law.
- All Massachusetts employers should review their employment posters to ensure the required notices are made available for all employees by July 1, 2019. The HRK All-In-One poster satisfies the posting requirements for employers of all sizes, including these new postings. Failure to post required federal and state labor law notices may result in both federal and state fines. If you are not an HRK Full Service or Virtual HR client, you can purchase our discounted rate All-In-One posters [here](#).
- If you are a Full-Service or Virtual HR client and would like our assistance with updating your policy, please [email us](#).

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