

NEW EMPLOYER OBLIGATIONS IMPOSED BY G.L. c. 175M, PAID FAMILY AND MEDICAL LEAVE – PART 1

The recently enacted Massachusetts Paid Family and Medical Leave Act (“Act”), G.L. c.175M, requires “employers” within the state to provide paid time off to employees to care for the employee’s own medical needs or the medical needs of their family members. There has been some confusion, however, with respect to whether public sector entities are covered employers under the Act. The Act does not apply to municipalities, districts, political subdivisions, or their instrumentalities unless the entity’s legislative body affirmatively adopts the Act by majority vote as prescribed by G.L. c. 175M, §10. See also 458 CMR 2.02. Accordingly, the Act’s requirements apply only to employers not among those specifically excluded above and those public entities above whose legislative bodies have voted to accept the provisions of G.L. c. 175M. For public sector entities without a legislative body, the Act is accepted by the “governing body”. While the Act was initially scheduled to take effect on July 1, 2019, legislators recently delayed its implementation until October 1, 2019.

Thus, while the Act does not apply to those public sector entities listed above unless formally accepted through act of the legislative, or where appropriate, governing, body, questions may still arise about the scope and extent of the Act’s requirements, particularly in the context of union negotiations. For your convenience, a summary of the Act’s key aspects is set forth in Part 2 of this Memorandum, available on our website at www.k-plaw.com or here.

Please contact Attorney Timothy Zessin (tzessin@k-plaw.com) or any other member of our Labor and Employment Practice Group at 617.556.0777 with any further questions about the Paid Family and Medical Leave Act, G.L. c. 175M, or its implications for public sector entities.

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