



## MASSACHUSETTS PAID FAMILY AND MEDICAL LEAVE COMING SOON IN 2021

Back in October 2019, employers and covered individuals started funding paid family and medical leave benefits through payroll deductions in accordance with the requirements of the Massachusetts Paid Family and Medical Leave Law ("PFML"). Starting on January 1, 2021, covered individuals may begin to take leave under PFML for any of the following purposes:

- To bond with a child during the first 12 months after a child's birth or placement with the employee for adoption or foster care;
- Any qualifying exigency arising from the fact that a family member is on active duty or has been notified of an impending call or order to active duty in the Armed Forces;
- To care for a family member who is a covered servicemember with a serious injury or illness incurred or aggravated in the line of duty; or
- The employee's own serious health condition.

Starting on July 1, 2021, covered individuals may begin to take leave under PFML to care for a family member with a serious health condition. The length of paid leave to which individuals are entitled varies, depending on the purpose of the leave, from 12 weeks to 26 weeks.

Some employers may have opted to provide equivalent leave benefits to their employees through a private plan or self-insurance. With some of the PFML benefits becoming available soon, the Department of Family and Medical Leave ("Department") has provided a **medical certification form**.

The Department has also issued a **revised workplace poster** that all employers must post in a conspicuous place on their premises which summarizes the benefits, who is covered, job protection, and non-retaliation and non-discrimination provisions of the law. Employers should replace their existing poster with this updated poster.

If not already completed, employers should provide the Department with the contact information for the **person designated as the Leave Administrator**. An employer's Leave Administrator manages communications with the Department regarding employee leave applications.

It is important to note that the PFML is a state requirement separate from the federal Family and Medical Leave Act ("FMLA"). Employers exempt from FMLA may be subject to the PFML, while other employers may have to comply with both laws.

Given the complexities of the PFML, Bulkley Richardson is assisting employers in complying with PFML's requirements. If you need assistance in preparing for the state's paid medical and family leave, please contact a member of Bulkley Richardson's Employment Law Practice Group.



Mary Jo Kennedy

✉ [mkennedy@bulkley.com](mailto:mkennedy@bulkley.com)  
☎ 413-272-6242



Michael Roundy

✉ [mroundy@bulkley.com](mailto:mroundy@bulkley.com)  
☎ 413-272-6254



Kevin Maynard

✉ [kmaynard@bulkley.com](mailto:kmaynard@bulkley.com)  
☎ 413-272-6244



Sarah Willey

✉ [swilley@bulkley.com](mailto:swilley@bulkley.com)  
☎ 413-272-6228