

CLIENT ALERT: Massachusetts Publishes Model Notice Required under Paid Family and Medical Leave Law - By Jeffrey S. Siegel

On or before June 30, 2019, Massachusetts employers and covered businesses are required to provide written notice to their current workforce of Paid Family and Medical Leave (“PFML”) benefits, contribution rates, and other provisions as outlined in Section 4 of Chapter 175M of the General Laws. The Executive Office of Labor and Workforce Development, Department of Family and Medical Leave (the “Department”) recently released a model written notice for use with employees and contractors.

The PFML law is a state-administered public benefit program. For more background, please see MBJ’s previously issued client alerts: *Massachusetts Agency Issues Draft Regulations for Paid Family and Medical Leave Law* (January 28, 2019) and *Massachusetts Executive Office of Labor and Workforce Development Issues Revised Draft Regulations and an Informational Guide for Employers Concerning the Paid Family and Medical Leave Law* (April 11, 2019).

Among the law’s provisions, employers and covered business entities are required to notify employees and covered individuals of the PFML and its benefits in two ways. First, employers and covered business entities must post the Department’s mandatory workplace poster (or another poster approved by the Department) that explains the benefits available to employees and covered individuals under the PFML. The poster can be found on the Department’s website [here](#). Second, on or before June 30, 2019, employers and covered business entities must distribute written notice of the PFML to employees and covered individuals.

On its [website](#), the Department has now published the model notice in English, Chinese, French, Portuguese, Spanish and Vietnamese, as well as other languages. Employers and covered businesses are encouraged to review and adopt the model notice. If an entity chooses not to use the model notice, the Department advises that the notice must contain the following:

- An explanation of the availability of family and medical leave benefits;
- The employee’s contribution amount and obligations;
- The employer’s contribution amount and obligations;
- The employer’s name and mailing address;
- The employer identification number assigned by the Department;
- Instructions on how to file a claim for family and medical leave benefits; and
- The mailing address, email address, and telephone number of the Department.

Employers and covered business entities must issue the notice to each employee within 30 days of the employee’s first day of employment. The written notice must be provided to each 1099-MISC contractor at the time they enter into a contract to provide services, and contractors must also be advised of the procedures for self-employed individuals to become covered individuals under the law. All notices must be written in the primary language of the employee or contractor.

The notice, which may be provided electronically, must include acknowledgement of receipt by the employee or covered individual, or an indication that the employee or covered individual declined to acknowledge receipt of the information. The employer can receive these acknowledgments in paper form or electronically.

MBJ will continue to monitor developments under PFML. Please contact your MBJ attorney with questions about the PFML, or any other employment matter.

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This alert was prepared on April 18, 2019.

**This alert was updated on May 1 to reflect the Department's announcement that the notice deadline was extended from May 31 to June 30.*

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