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Client Alert: State Department Website Sheds Light on New Massachusetts Paid FMLA

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During the first weeks of 2019, the state Executive Office of Labor and Workforce Development (“EOLWD”) has been busy carrying out its legislative mandate to set up a new state department (the “Department”) to administer the Commonwealth’s forthcoming paid family and medical leave (“PFML”) program. Established by [legislation](#) enacted last summer (the “Act”), the PFML program will provide income replacement for Massachusetts workers who exercise their statutory entitlements to take leave from work to care for family members, bond with newborn or adopted children, or to attend to their own serious medical condition.

The Act itself provides only the basic framework of the PFML program, which is further described in our [Nov. 5, 2018 Alert](#), and directs the Department to devise the more detailed operational procedures in proposed regulations, to be published for public comment and hearing no later than March 31, 2019, with final regulations to be promulgated no later than July 1, 2019 (the date by which, according to [information posted on its website](#), the Department will be “staffed and fully operational” so as to begin collecting payroll deductions to fund the PFML program). According to additional [information on the Department’s website](#), the text of draft regulations will be posted online no later than January 23, 2019, and the public is invited to provide input with respect to those draft regulations at a series of “listening sessions” to be held at various locations across the Commonwealth between January 30 and February 19 of this year.

On its [website](#), the Department also posted a timeline clarifying the sequence for rolling out the PFML program. The timeline clarifies that while wage-replacement benefits relating to leave for bonding with a new child, serious personal health conditions, and “servicemember-related events” will be available beginning on January 1, 2021, wage-replacement benefits relating to leave for the care of a family member (who is not a covered service member) with a serious health condition will not become available until July 1, 2021. While two sets of “Frequently Asked Questions” about the statutory PFML program – one set geared toward [employers](#) and the other formulated for [employees](#) -have also been linked to the Department’s website, at present, these provide no new information to those already familiar with the text of the Act (as summarized in our [earlier Alert](#)).