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Massachusetts Employers Must Distribute Paid Leave Notice By May 31, 2019

Law and the Workplace on **April 18, 2019**

As the Department of Family and Medical Leave ("DFML") prepares to issue final regulations in coming months, the Commonwealth has begun posting a number of documents to assist employers and workers prepare for the new Paid Family and Medical Leave ("PFML" Law), including summary guides of the PFML law (one directed at employers and one directed at workers) and a workplace poster that the Commonwealth will require employers to display in a conspicuous spot on their premises. As of Wednesday, April 17, the DFML has now also issued template notices for employers to provide to each Massachusetts employee and contractor, with a newly established deadline for distributing notice **of May 31, 2019** (which is in less than two months). A few additional details bear noting:

- The notice may be provided electronically or in paper form to all employees or contractors, if those individuals are employed or contracted on June 1, 2019 or later. Notice also must be given within 30 days of the first day of employment for new employees or within the first 30 days of the contract period for new contractors.
- Although the employer need not use the DFML-issued template notice, the notice must include an opportunity for the employee or contractor to acknowledge receipt or decline to acknowledge receipt. If the individual refuses to acknowledge receipt, a covered business entity can nonetheless demonstrate fulfilment of the notice requirement by showing that it provided the entire workplace with the requisite notice.
- The notice must also include the following elements:
  - An explanation of the available benefits;
  - Details regarding the employer and employee/contractor's respective contribution amounts and obligations;
  - Employer's mailing address and name;
  - Employer's identification number as issued by the DFML;

- Instructions on how to file for a claim of benefits;
- The mailing and email addresses, as well as telephone number, of the DFML.

We encourage you to consult with counsel to ensure that you have complied with these notice requirements in advance of the new upcoming deadline of May 31, 2019.

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- **Mark W. Batten**
  Partner