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CLIENT ALERT

January 2015

Massachusetts Maternity Leave Act expanded to include men and to provide additional protections to employees

On January 7, 2015, Governor Deval Patrick signed into law a Parental Leave Bill, amending the Massachusetts Maternity Leave Act ("MMLA"). The MMLA had provided eight weeks of job-protected leave to female employees for the birth or adoption of a child. The Parental Leave Bill expands this protection to include men and to provide certain additional protections.

As amended, the parental leave law provides:

- Eight weeks of job-protected leave for the birth or adoption of a child, regardless of whether the employee is male or female.
- Eight weeks of job-protected leave for the placement of a child with an employee pursuant to court order.
- A presumption that employees taking parental leaves that exceed eight weeks are also entitled to job protection, unless the employer provides written notice to the employee that leave for longer than eight weeks is not job-protected. That notice must be provided before the leave begins and again at the end of the eight-week period. (This provision of the new law overrides a prior Supreme Judicial Court decision – *Global NAPs, Inc. v. Awiszus* – which held that job protection only applied to the first eight weeks of leave.)
- Two individuals who work for the same employer are only entitled to a combined total of eight weeks for the birth, adoption, or placement of the same child.
- Leave may be paid or unpaid, at the employer's discretion.
- To be eligible for the leave, the employee must have worked for the employer for at least three consecutive months, or an initial probationary period set by the employer that is less than three months.
- Where possible, the employee must provide at least two weeks' notice of his or her anticipated dates of departure and return. Where, for reasons beyond the employee's control, it is not possible for him or her to provide the two weeks' notice, he or she must provide notice as soon as practicable.
- An employee taking parental leave for the adoption or placement of a child is entitled to the same benefits that are provided to employees for the birth of a child.
- Every employer must post, in a conspicuous place, a notice describing the Parental Leave Bill and the employer's Parental Leave policies.

The Parental Leave Bill applies to employers of six or more employees. This means that most Massachusetts employers are subject to the provisions of this law.

The effective date of the Parental Leave Bill is **April 7, 2015**. Any employer policies inconsistent with the new law must be revised by that date.

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