

Massachusetts Department of Family and Medical Leave Publishes Draft Paid Family Leave Regulations

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The Massachusetts Department of Family and Medical Leave has published [updated draft regulations](#) implementing the Massachusetts Paid Family and Medical Leave Law (PFMLA) that, in many respects, substantially change or add to the initial draft regulations published in January 2019.

(For more on the January draft, see our article, [Massachusetts Releases Draft Regulations, Contribution Rates for State Paid Family and Medical Leave.](#))

Compared to the January draft regulations, the updated regulations, released on March 29, 2019:

- Provide more detailed information as to when out-of-state employers and out-of-state individuals working in Massachusetts are covered under the PFMLA.
- Provide more specific information about how the Department will grant exemptions to the PFMLA for employers' "private plans." If an employer has an approved "private plan," it will not be required to make contributions to the Trust Fund, which will fund the PFMLA. These contributions are required to begin on July 1, 2019. (See our article, [Massachusetts Releases Paid Family and Medical Leave Employer Guide, Workplace Poster.](#))
- Clarify how an employee can use available paid time off without "stacking" the time with leave under the PFMLA. An employee may use an employer's own accrued paid leave benefits, rather than applying for paid leave from the Department. The draft regulations state that the use of employer-provided paid leave will not extend the total amount of paid leave available to employees under the PFMLA.
- Address the ability for employees to take intermittent or reduced schedule leave, if available, under the PFMLA.

The draft regulations are worth a close reading for these and other topics of concern.

With the official publication of these draft regulations, the Department has invited the public to comment on the regulations. In addition, the Department has indicated that it will hold at least two public hearings on the draft regulations in May 2019.

Jackson Lewis will continue to monitor and report on developments. Stay tuned for our complimentary webinar on the updated PFMLA regulations. For additional information and guidance on the PFMLA, or assistance in submitting comments, please contact Jackson Lewis.

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