

Massachusetts Releases Paid Family and Medical Leave Employee Template Notices

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The Massachusetts Department of Family and Medical Leave (DFML) has released [template notices](#) employers may use to fulfill the notice requirement to [employees](#) and [1099-MISC independent contractors](#) under the Massachusetts Paid Family and Medical Leave Act (PFMLA), G.L. c. 175M. Employers must provide a notice to their current workforce by *May 31, 2019*.

The notice must cover the benefits, contribution rates, and other protections available under the PFMLA. The notice also includes an acknowledgment, which must be signed by employees and contract workers and retained by the employer.

The DFML's notice templates contain fields that the employer must complete. These fields include the employer's name and address, the contribution rates and intended deductions, and whether the employer will utilize the private plan exemption.

Employers who currently offer or are planning to offer a private benefit that meets the minimum standards of the PFMLA may apply for an exemption from the PFMLA beginning April 29, 2019.

Employers choosing to create their own notices, rather than use the templates provided by the state, must ensure the notices include the following sections:

- 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 address and the identification number assigned by the DFML
- Instructions on how to file for a claim for family and medical benefits
- The address, email address, and telephone number of the DFML

The notice provided to 1099-MISC contractors differs slightly from the one provided to employees, such as requiring an explanation of how the worker can obtain coverage as a self-employed individual and the contribution obligations they would assume if they choose to obtain such coverage.

Employers may provide the notice to employees and contractors electronically and receive the acknowledgments of receipt electronically as well. Employees' acknowledgments of receipt should be placed in the employees' files. If an employee fails to return the acknowledgment, the employer still fulfills its notice obligation if it can establish it provided the notice and an opportunity to acknowledge or decline to acknowledge receipt of the notice to each member of its current workforce.

Employers must provide notice to new employees within 30 days of employment and to contractors when entering into a contract for services.

Please contact Jackson Lewis with any questions regarding providing the PFMLA notice to your workforce or other workplace requirements.

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