

# Employment Law Corner

## Monthly Report



FOLEY & FOLEY<sup>PC</sup>  
ATTORNEYS AT LAW

October 2020 – Volume 2

### October Updates

#### 1. Massachusetts Paid Family and Medical Leave Overview

#### 2. Important PFML Points to Remember

#### 3. Our Services

### Massachusetts Paid Family Medical Leave Overview

This year has been a whirlwind for all businesses large and small due to COVID-19, but don't let the whirlwind distract you from the new Massachusetts law coming in less than three months: the Massachusetts Paid Family and Medical Leave (PFML) starting on January 1st, 2021.

We are here to give you an informative and brief overview of the highlights of Massachusetts PFML and what employers need to consider.

#### Timeline:

Massachusetts PFML will allow for paid leave for certain qualifying reasons. Not all leave will be available as of January 1, 2021. Here is the phased in plan:

January 1, 2021:	<ul style="list-style-type: none"><li>• 12 weeks - Birth/bonding with a child</li><li>• 20 weeks - An employee's own serious health condition</li><li>• 26 weeks - Caring for a covered service member with a serious health condition</li></ul>
July 1, 2021:	<ul style="list-style-type: none"><li>• 12 weeks - Caring for a family member with a serious health condition</li></ul>

#### Definitions:

If you already have to comply with FMLA, then you have a leg up on understanding job-protected leave. But there are some distinct differences to watch out for:

**Serious Health Condition** – Illness, injury, impairment, or physical/mental condition that involves inpatient care in a hospital, hospice, or residential medical facility or continuing treatment by a health care provider. This follows the FMLA definition closely.

**Family Member** – Spouse, domestic partner, child, parent, parent of spouse/domestic partner, grandchild, grandparent, sibling, person who has stood as an *in loco parentis* for an employee as a child.

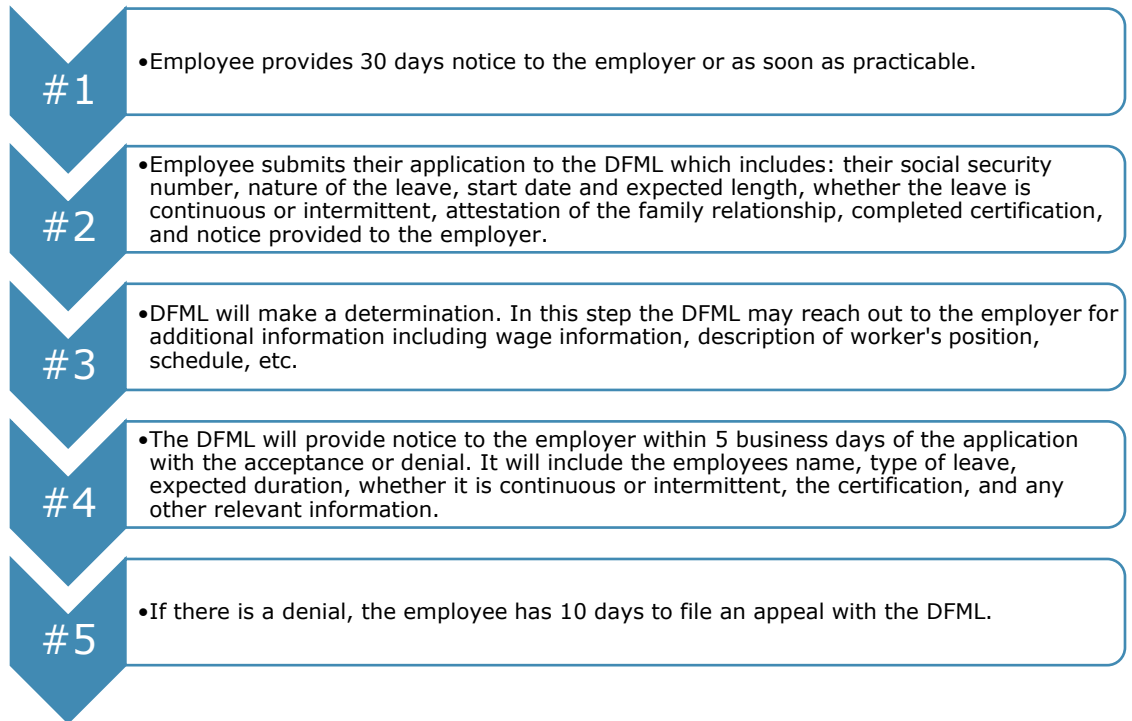
**Covered Employer** – All Massachusetts businesses regardless of size.

**Covered Employee** – Any employee who has earned at least \$5,100 in the last 12 months. This does not have to be with the same employer.

*Massachusetts Paid Family Medical Leave follows other states like California, New York, and New Jersey which also offer paid leave. While there are some similarities to FMLA, there are also some distinct differences.*

## Application Process:

One of the best features of PFML is that it removes the administrative burden from the employer to determine if there is a serious health condition. The DFML will be in charge of approving or denying the leave.



## Contact Us



[www.foleylawpractice.com](http://www.foleylawpractice.com)

[info@foleylawpractice.com](mailto:info@foleylawpractice.com)

(508) 548-4888

## How We Can Help

At Foley & Foley we have crafted services to help employers achieve their goals and priorities related to compliance with PFML. This is just a small sampling of the services that can assist you in PFML compliance:

1. [Preparation of PFML Self-Insured Exempt Plan Template and Assistance in Applying for an Exemption through the Commonwealth.](#)
2. [Handbook Preparation, including drafting PFML Compliant Policy.](#)
3. [Employment Counsel On-Call Triage Service: Provides Virtual In-House Employment Counsel Level of Protection for a fixed monthly fee that is below what our competitors charge by the hour.](#)

## Wendy Hansen

Wendy has extensive experience in both employment law litigation and human resources. At Foley & Foley, she helps manage the firm's On-Call Triage Service which helps support over 1,800 clients across the country manage difficult employment law questions. She has also conducted over 50 webinars on several Employment Law topics.

