

EMPLOYMENT LAW ALERT JANUARY 2015

MASSACHUSETTS ENACTS PARENTAL LEAVE ACT

On January 7, 2015, former Governor Deval Patrick signed into law “An Act Relative to Parental Leave.” This Act replaces the Massachusetts Maternity Leave Act, which is no longer in effect.

The Act requires employers of 6 or more employees to provide parental leave to employees regardless of gender, extending the benefits of parental leave to male employees. To be eligible, employees must have completed an initial probationary period of no more than three months, or have completed three months of consecutive full-time service. Under the Parental Leave Act, both male and female employees are entitled to 8 weeks of unpaid leave for:

- ▶ the purpose of giving birth;
- ▶ adoption of a child under the age of 18;
- ▶ adoption of a child under the age of 23, if the child is mentally or physically disabled; and/or
- ▶ placement of a child with an employee under a court order.

The leave may be with or without pay at the discretion of the employer. Employees shall return to the employee’s previous or similar position, unless other employees of equal length of service credit and status in the same or similar position have been laid off due to economic or business conditions. If the employer grants a request for a leave longer than 8 weeks, the employer shall not deny reinstatement to the employee unless the employer gave written notice prior to the commencement of leave that taking longer than 8 weeks will cause denial of reinstatement or loss of other rights and benefits. Any two employees of the same employer shall only be entitled to 8 weeks of parental leave in total for the birth or adoption of the same child.

Any leave taken under the Act will not impact an employee’s right to receive or attain other benefits (i.e. vacation time, sick leave, bonuses, advancement, seniority, length of service credit, or other benefits) which the employee was eligible for on the date the leave begins.

Employers must post in a conspicuous place a notice describing the Act and the employer’s policies relating to parental leave. All Massachusetts employers should review their written policies and practices to effect immediate compliance with the Parental Leave Act.

Please contact a member of our [Employment Law Practice](#) to discuss the impact of this Act on your company's policies and practices.

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