

April 1, 2015



Kimball Brousseau LLP

New Parental Leave Law

On April 7, 2015, the new Parental Leave law goes into effect, making the state's current Maternity Leave Act, M.G.L. c. 149, §105D, gender neutral. The Legislature passed this bill on January 7, 2015, the very last day of the legislative session.

Under the amended Parental Leave Act, male employees as well as female employees are entitled to eight weeks of unpaid parental leave at the birth, adoption or foster placement of a child.

Employers are allowed to grant leaves longer than 8 weeks. However, the statute now explicitly requires advance written notice if an employer provides additional parental leave beyond 8 weeks, but does not intend statutory rights to apply to the additional amount of leave provided. Thus, for example, if the employer allows an employee to take 12 weeks of leave - four more weeks than the statute requires -- but does not intend to hold open the employee's job for the full 12 weeks, the employer has to inform the employee in writing before the leave begins that his or her job will not be held open longer than 8 weeks.

Another change to the statute is that if both parents work for the same employer, they must share the 8 weeks between the two of them. They are not both entitled to take 8 weeks of leave.

Employers need to update their maternity leave policies to reflect the changes to the law.

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*Nina will be presenting
the Employment Law Update
at the Massachusetts Bar
Association Spring
Conference on April 14
12:30-2:00 p.m.
at Suffolk University*

*Justine will be speaking at the
Boston Bar Association on
"The New Massachusetts
Leave Laws: Domestic
Violence, Parental Leave, and
Earned Sick Time"
April 14, 4:00-6:00 p.m.*

*Celebrating 17 Years
Kimball Brousseau
On April 1, 2015*

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