
Update: Massachusetts Paid Family And Medical Leave – New Notice Requirement Deadline Of May 31

Description

The first phase of Massachusetts' new paid family and medical leave law ("PFML") requires covered employers to provide certain notices to employees and 1099-MISC contractors as of July 1. Specifically, a form of notice is required to be posted at employer locations and personal notice is required to be provided to all covered workers. As we explained in last week's alert, while the law requires that the notice be posted by July 1, employers should post the notice now. Further, although the plain language of the law only requires that personal notice be provided to new employees and contractors, we suggested that employers provide the personal notice to all existing employees and contractors prior to July 1, and we advised that we expected a form of notice to be published by the Department of Family and Medical Leave ("DFML") shortly.

Yesterday, the DFML published the form of personal notice and, most importantly, announced that the personal notice must be provided to employers' current workforce **on or before May 31, 2019**. Failure to provide the required notifications may result in fines of \$50 per worker for the first violation and \$300 per worker for each subsequent violation. The personal notice must contain information about PFML benefits, contribution rates, and other provisions as outlined in more detail in the PFML law. The personal notice may be provided electronically and must include the opportunity for employees and 1099-MISC contractors to acknowledge receipt or decline to acknowledge receipt of the information. Employer can receive these acknowledgments in paper form or electronically. According to the DFML, in the event that an employee or 1099-MISC contractor fails to acknowledge receipt, DFML will consider the employer to have fulfilled its notice obligation as long as it can establish that the notice was provided to the entire workforce.

A notice template created by the DFML for employees is available [here](#) and for 1099-MISC contractors is available [here](#). Additional information on the notice requirements (including instructions for employers wishing to create their own form of notice) is available on the DFML website [here](#). Notice templates translated into multiple languages are available [here](#).

As we indicated in last week's alert, the PFML's procedural requirements and operational mechanics continue to be further explained and fine-tuned. The DFML website is being updated on an ongoing basis and employers should frequently look [here](#) and [here](#) for updated information. We will continue to provide updates on significant issues.

Partridge Snow & Hahn joined with Starkweather and Shepley to present a webinar designed to give employers a better understanding of the law and their compliance obligations. The webinar presentation can be viewed [here](#).

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