

CLIENT ALERT

Massachusetts Expands Parental Leave Rights

JANUARY 16, 2015

On his final day in office, January 7, 2015, former Massachusetts Gov. Deval Patrick (D) signed legislation ([S. 865](#)), requiring employers with six or more workers to provide up to eight weeks of parental leave to both male and female employees for the birth or adoption of a child. The new law is effective April 7, 2015.

The new “Parental Leave” law replaces the Massachusetts Maternity Leave Act (MLA), which previously provided only female employees with eight weeks of job-protected maternity leave for the birth or adoption of a child. Under the new measure, any full-time employee (male or female) who has been employed for at least three months is entitled to eight weeks of parental leave. The leave may be with or without pay at the discretion of the employer. Notably, among other changes to the MLA, if both parents work for the same employer, the employees are entitled to only eight weeks of leave in the aggregate for the same child. Additionally, new provisions provide that an employee may take leave in the event of the placement of a child with the employee pursuant to a court order.

The Parental Leave law also clarifies the scope of employee’s job protection rights. Employees who take leave under the Parental Leave law must be reinstated to the same or similar position held before the leave. In addition, the law provides that if an employer agrees to give an employee more than eight weeks of parental leave, the employer cannot deny the employee protected rights, such as reinstatement, unless the employer clearly informs the employee in writing that taking more than eight weeks of parental leave will result in a denial of reinstatement and a loss of other rights and benefits. This written notification must be made both before the beginning of the parental leave and again before any extension of that leave.

The Parental Leave law also contains provisions related to an employee’s right to receive vacation time, sick leave, bonuses, and other benefits; and clarifies return-to-work rights where similar employees have been laid off because of economic conditions. Finally, the law requires that covered employers shall post, in a conspicuous place on its premises, a notice describing the law and the employer’s policies relating to the law.

Massachusetts employers should review and revise their leave policies, as well as their postings, to reflect the requirements of the parental leave law. Click [here](#) to view a copy of the Parental Leave law and [here](#) to go to the Massachusetts Commission Against Discrimination’s website.

Related Locations

Charlotte

Chicago

Los Angeles

New York

Paris

San Francisco

Washington, DC

Related Topics

Labor & Employment

Related Capabilities

Labor & Employment

Related Regions

North America

Europe

Related Professionals



Derek G. Barella



Shane Blackstone



Joan Fife



Aviva Grumet-Morris



Laura Petroff



Michael Roche



Cardelle Spangler



Emilie Woodhead