



HR-Alert: Massachusetts Parental Leave Guidelines Finalized

Massachusetts' Maternity Leave Act was overhauled back in 2015 which transformed into what became known today as the Massachusetts Parental Leave Act (MPLA). The MPLA not only added coverage for men, but also required employers to provide unpaid leave to full-time employees after three months of employment and required employers to post a notice informing employees of their leave rights. In February 2023, the Massachusetts Commission Against Discrimination (MCAD) proposed additional guidelines under the Act. These [guidelines](#) as well as a [brief guide](#) are now finalized.

Important Protections Under MPLA

The MCAD's guidance highlighted specific benefits and protections offered under the MPLA. Here is what the guidance means to employers:

- **Leave Schedules** – Employees may take eight continuous weeks or may take eight weeks intermittently or on a reduced schedule basis. Some employers may not permit intermittent or reduced schedule when taking parental leave under other leave laws, therefore when MPLA runs concurrently with another leave law, intermittent and reduced schedule leave cannot be unreasonably denied.
- **Timeframe Clarified** – Guidance makes clear that taking MPLA up to one year after the birth or placement for adoption is generally considered a reasonable timeframe to take leave. There is no change to this provision, rather provided clarification.
- **Impact on Paid Time Off Benefits** – Guidance makes clear that employees who take MPLA are eligible for all accrued paid leave during their leave. For employers with “Use it or Lose it” time off policies, where, if time off is not used by the end of the year, it is forfeited, the employee would be entitled to any time loaded in their bank upon return from leave. For example, if you have a vacation policy that provides three weeks on January 1st of each year, an employee that took leave beginning December 15th would be eligible for their three weeks when they return to work. Additionally, employers cannot force the use of paid time off during any unpaid leave under MPLA.
- **Reinstatement** – When an employee returns from MPLA, they must be reinstated to the same or a similar position, and have the same status in pay, and seniority.
- **Multiple Births, Adoptions, or Placements** – MPLA allows for up to eight weeks of unpaid leave for each birth, adoption, or placement. This is different than other leave laws that offer a set amount of leave per year. For example, an employee who adopts a child takes 12 weeks of leave under state paid family leave for bonding, and eight of those weeks runs concurrent with MPLA. Then the same employee adopts another child later in the year, so they would be eligible for an additional eight weeks of MPLA.

Interplay of MPLA and Other Leave Laws

The MPLA may be a forgotten law since the focus has been on state paid leave and earned sick time, however this newly released guidance from MCAD reminds employers that the MPLA remains in effect and will be enforced. MPLA runs concurrently with the Massachusetts Paid Family and Medical Leave (MA PFML) and the federal Family and Medical Leave Act (FMLA) if the employee qualifies for either. If MPLA runs concurrently with either type of leave, the employer must look at each request for intermittent or reduced schedule leave and cannot “unreasonably deny” the request. The guidelines do not provide clarification on what unreasonable denial entails but may escalate to a court for final decision.

Employer Next Steps

- Employers should review the final guidelines carefully and make any necessary changes to policies
- Employers must notify employees of their rights to MPLA in addition to other leaves such as MA PFML and FMLA
- If you are an HR support client, reach out to us if you wish to revise your current leave policies to ensure they comply with these new guidelines

If you have any questions regarding this HR-Alert, please [email us](#).