

One Minute Memo®



Massachusetts DFML Releases Template Paid Family And Medical Leave Notices And Sets May 31, 2019 Distribution Deadline

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Seyfarth Synopsis: On Wednesday afternoon, the Massachusetts Department of Family and Medical Leave (DFML) posted [template notices](#) for employers to provide to each Massachusetts employee and self-employed 1099-MISC contractor on or before May 31, 2019, as required by the Massachusetts Paid Family Medical Leave (PFML) Law. This is the first time the DFML has provided a deadline for these notices. Importantly, the notice must include both the employer's and worker's contribution rates. Employers may create their own written or electronic notice as long as it contains the minimum requirements of the PFML Law. Employers must collect written or electronic confirmation from each worker acknowledging or refusing to acknowledge receipt of the notice.

Written Notice To Employees And Self-Employed Contractors By May 31, 2019

According to the DFML, employers must provide the written notice to workers of their rights and obligations under the PFML Law by **May 31, 2019**. The DFML has provided a template notice to employees in six languages (the notice must be provided in the employee's primary language). The English template to employees may be accessed [here](#). The DFML also has provided a template notice to self-employed contractors in six languages (the notice must be provided in the contractor's primary language). The English template to contractors may be accessed [here](#).

The notice must be provided electronically or in paper form by **May 31, 2019** for all employees or self-employed contractors who are employed or contracted with on or after June 1, 2019; or within 30 days of the first day of employment for new employees, or for self-employed contractors, when entering into a contract for services.

Acknowledgment Of Receipt

The notice must include the opportunity for an employee or self-employed individual to acknowledge receipt or decline to acknowledge receipt of the information. Employers may collect these acknowledgements electronically or in paper form.

If an employee or self-employed individual does not acknowledge receipt, an employer or covered business entity can show it fulfilled the notice obligation by establishing that it provided its entire workforce with the notice and the opportunity to acknowledge or decline to acknowledge receipt.

Employer-Created Written Notices

Employers may create their own notice. The written notice to employees must include the following:

- An explanation of the availability of family and medical leave benefits;
- Both the employer's and employee's contribution amounts (by percentage) and obligations;
- The employer's name and mailing address;
- The employer's identification number assigned by the DFML;
- Instructions on how to file a claim for family and medical leave benefits;
- The mailing address, email address and telephone number of the DFML.

The written notice to self-employed individuals (1099-MISC contractors) must include the majority of the same information as the notice to employees. For example, it must include an explanation of the availability of family and medical leave benefits and the procedures for self-employed individuals to become covered individuals entitled to such benefits (where the company is not a "covered business entity"). The notice must also include the self-employed individual's contribution amount (by percentage) and obligations if they were to become a covered individual or if the company is a covered business entity, as well as the company's contribution amount (by percentage) and obligations where it is a covered business entity.

The DFML's website contains substantial information regarding the above items and more. We encourage you to review these resources.

For our prior reports on the PFML Law and the draft regulations, you may refer [here](#), [here](#), [here](#), and [here](#).

If you have any questions or would like further information, please contact [Daniel B. Klein](mailto:dklein@seyfarth.com) at dklein@seyfarth.com, [Ariel D. Cudkowicz](mailto:acudkowicz@seyfarth.com) at acudkowicz@seyfarth.com, [Molly Mooney](mailto:mmooney@seyfarth.com) at mmooney@seyfarth.com, or [Christina Duszlak](mailto:cduszlak@seyfarth.com) at cduszlak@seyfarth.com.

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