

Massachusetts Paid Family and Medical Leave Start Date Delayed Three Months

June 13, 2019

On June 11, 2019, following pressure from business leaders, Massachusetts state officials agreed to a three-month delay before companies are required to make payroll tax contributions to the new Massachusetts Paid Family and Medical Leave (PFML) program.

Governor Charlie Baker, Senate President Karen Spilka and House Speaker Robert DeLeo issued a joint statement:

To ensure businesses have adequate time to implement the state's Paid Family and Medical Leave program, the House, Senate and Administration have agreed to adopt a three-month delay to the start of required contributions to the program. We will also adopt technical changes to clarify program design. We look forward to the successful implementation of this program this fall.

The legislature will still need to pass an emergency bill before the delay is official.

It is unclear whether the June 30, 2019 notice deadline will be altered and whether contribution amounts will be increased to make up for the months of lost contributions.

As a reminder, the PFML program requires the following:

- Employers that already provide a paid leave benefit may qualify for an exemption to the PFML program, and although a new deadline for applications has not been set, [employers are encouraged to apply](#) as soon as possible. Note that, without an *approved* exemption, each employer must ensure compliance with PFML notice deadlines and begin making the required payroll deductions in October 2019.
- Each employer must determine the contribution amounts that it (and its workforce) will owe to meet the initial contribution rate of 0.63% of gross wages. The Department of Family and Medical Leave has provided a [toolkit for employers](#) to assist with this calculation. It is vital that employers make this determination as soon as possible so that accurate information may be included in the notices when the PFML program goes into effect.
- When the PFML program goes into effect, [each employer must distribute a specific notice](#) to the employer's workforce. This notice must include accurate and complete information regarding the contribution amounts owed, and employers must ensure that each worker acknowledges receipt of the notice (either through returning a signed acknowledgment in hard copy or through affirmatively acknowledging receipt electronically). Note that there are different forms for employees and independent contractors, and that such notices must be provided to 1099-MISC independent contractors only if such contractors make up 50% or more of the employer's workforce.
- When the PFML program goes into effect, employers must ensure that the [PFML poster](#) is displayed prominently on the employer's premises.

Cooley will continue to monitor updates to the PFML program and provide relevant updates to our clients. Please contact us with any questions about the PFML program.

This content is provided for general informational purposes only, and your access or use of the content does not create an attorney-client relationship between you or your organization and Cooley LLP, Cooley (UK) LLP, or any other affiliated practice or

entity (collectively referred to as "Cooley"). By accessing this content, you agree that the information provided does not constitute legal or other professional advice. This content is not a substitute for obtaining legal advice from a qualified attorney licensed in your jurisdiction and you should not act or refrain from acting based on this content. This content may be changed without notice. It is not guaranteed to be complete, correct or up to date, and it may not reflect the most current legal developments. Prior results do not guarantee a similar outcome. Do not send any confidential information to Cooley, as we do not have any duty to keep any information you provide to us confidential. This content may be considered **Attorney Advertising** and is subject to our [legal notices](#).

Key Contacts

Ann Bevitt London	abevitt@cooley.com +44 (0) 20 7556 4264
Wendy Brenner Palo Alto	brennerwj@cooley.com +1 650 843 5371
Leslie Cancel San Francisco	lcancel@cooley.com +1 415 693 2175
Helennane Connolly Reston	hconnolly@cooley.com +1 703 456 8685
Joshua Mates San Francisco	jmates@cooley.com +1 415 693 2084
Gerard O'Shea New York	goshea@cooley.com +1 212 479 6704
Michael Sheetz Boston	msheetz@cooley.com +1 617 937 2330
Summer Wynn San Diego	swynn@cooley.com +1 858 550 6030

This information is a general description of the law; it is not intended to provide specific legal advice nor is it intended to create an attorney-client relationship with Cooley LLP. Before taking any action on this information you should seek professional counsel.

4BQ. Permission is granted to make and redistribute, without charge, copies of this entire document provided that such copies are complete and unaltered and identify Cooley LLP as the author. All other rights reserved.