

SENATE No. 474

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to establishing family and employment security through temporary disability insurance and family temporary disability insurance..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1: The General Laws are amended by inserting after chapter 175J the
2 following:-

3 CHAPTER 175K.

4 SECTION 1: DEFINITIONS

5 The following words and phrases as used in this chapter shall have the following
6 meanings unless the context clearly requires otherwise:

7 "Base period" has the same meaning as provided by section 1(a) of chapter 151A.

8 "Benefit year" has the same meaning as provided by section 1(c) of chapter 151A.

9 "Commission" means the massachusetts commission against discrimination, as
10 established by section 56 of chapter 6.

11 "Contributions" means the payments made by an employer to the family and employment
12 security trust fund and administrative account, as required by this chapter.

13 "Dependent" means an unemancipated child, as provided by section 29(c) of chapter
14 151A.

15 "Deputy director" means the deputy director of the massachusetts division of
16 employment and training, as established by section 3 of chapter 3.

17 "Disability benefits" means cash payments made to a covered employee pursuant to
18 section 3 of this chapter.

19 "Division" means the massachusetts division of employment and training, as established
20 by section 3 of chapter 3.

21 "Employee" has the same meaning as provided by section 1(h) of chapter 151A.

22 "Employer" has the same meaning as provided by section 1(i) of chapter 151A.

23 "Employment" has the same meaning as provided by section 1(k) of chapter 151A.

24 "Employment benefits" means all benefits provided or made available to employees by
25 an employer, including group life insurance, health insurance, disability insurance, sick leave,
26 annual or vacation leave, educational benefits, and pensions.

27 "Family member" means the spouse, son or daughter, parent, parent of spouse, sister,
28 brother, grandparent, grandchild, or a person living in the immediate household who is a relative
29 of an individual seeking leave or disability benefits under this chapter.

30 “Family temporary disability benefits” means disability benefits provided pursuant to
31 section 3 of this chapter to a covered employee who is on leave from or who has left his or her
32 employment because he or she is caring for a family member for one of the following reasons:
33 (1) the birth of a son or daughter of the employee, (2) the placement of a son or daughter with the
34 employee for adoption or foster care, or (3) a serious health condition of a family member of the
35 employee.

36 “Family temporary disability leave” means leave taken by a covered employee from
37 employment to provide care for a family member for one of the following reasons: (1) the birth
38 of a son or daughter of the employee, (2) the placement of a son or daughter with the employee
39 for adoption or foster care, or (3) a serious health condition of a family member of the employee.

40 “Health care provider” means a person licensed to practice medicine, surgery, dentistry,
41 chiropractic, podiatry, or osteopathy, or any other person determined by the division to be
42 capable of providing health care services.

43 "Individual average weekly wage" has the same meaning as “average weekly wage” as
44 defined in section 1(w) of chapter 151A and shall be calculated using the base period earnings as
45 defined by section 1(a) of chapter 151A.

46 “Serious health condition” means an illness, injury, impairment, or physical or mental
47 condition that involves either (1) inpatient care in a hospital, hospice, or residential medical
48 facility; or (2) continuing treatment by a health care provider.

49 “Son or daughter” means a biological, adopted, or foster child, a stepchild, a legal ward,
50 or a child of a person standing in loco parentis who is either (1) under 18 years of age, or (2) 18
51 years of age or older and incapable of self-care because of a mental or physical disability.

52 "State average weekly wage" means the average weekly wage as determined by the
53 division of employment and training pursuant to section 29(a) of chapter 151A.

54 "Temporary disability benefits" means disability benefits provided pursuant to section 3
55 of this chapter to a covered employee who is on a leave from or who has left his or her
56 employment because of a serious health condition of the employee that makes him or her unable
57 to perform the functions of his or her position.

58 "Temporary disability leave" means leave taken by a covered employee from
59 employment because of a serious health condition of the employee that makes him or her unable
60 to perform the functions of his or her position.

61 "Wages" means all remuneration as defined in section 1(s) of chapter 151A.

62 "Weekly benefit amount" means the amount of disability benefits paid to a covered
63 employee on a weekly basis, as provided by section 3, subsection 3, of this chapter.

64 SECTION 2: TEMPORARY DISABILITY LEAVE AND FAMILY TEMPORARY
65 DISABILITY LEAVE

66 Subsection 1. Eligibility for Temporary Disability Leave or Family Temporary Disability
67 Leave.