

HOUSE No. 4612

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 4, 2022.

The committee on Labor and Workforce Development to whom was referred the petition (accompanied by bill, House, No. 2048) of Jeffrey N. Roy relative to the creation of a paid family and medical leave advisory board, reports recommending that the accompanying bill (House, No. 4612) ought to pass.

For the committee,

JOSH S. CUTLER.

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**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to the creation of a paid family and medical leave advisory board.

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, as appearing in the 2016 are hereby amended by adding,
2 after Chapter 23M, the following new section:

3 Chapter 23N.

4 Section 1. (a) There is hereby established an advisory council on paid family and medical
5 leave in this chapter and in chapter one hundred and seventy-five M, called the advisory council,
6 with members to be appointed jointly by the Senate President and Speaker of the House. The
7 voting membership of said council shall be composed of 11 members in total with four members
8 representing employers and providers of paid family and medical leave in the commonwealth, at
9 least one of whom shall represent manufacturing classifications, at least one of whom shall
10 represent the retail industry, at least one of whom shall represent contracting classifications, and
11 one of whom shall represent the staffing industry and five members representing employees, at
12 least one of whom shall represent a private sector union, one of whom shall represent a public
13 sector union, one of whom shall represent a community-based organization, one of whom shall

14 represent an underserved community, and one of whom shall have knowledge and experience
15 with the temporary disability insurance system. At least one employer representative shall be
16 from a list of nominees provided by Associated Industries of Massachusetts. At least one
17 employee representative shall be from a list of nominees provided by Raise Up Massachusetts.
18 The Governor shall also appoint two members representing the public provided the public
19 members have appropriate knowledge and familiarity of paid family and medical leave law and
20 practices in the workplace.

21 The Governor shall also appoint one member representing the temporary disability
22 insurance industry, 2 attorneys specializing in employment and/or labor law, with one having a
23 practice representing employees and one having a practice representing employers, and one
24 member who is self-employed, none of whom shall be voting members.

25 The secretary of labor and workforce development and the secretary of housing and
26 economic development shall be ex officio, nonvoting members. Any person appointed to fill a
27 vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the
28 unexpired portion of such term.

29 (b) In appointing initial members to the Advisory Council, the Governor shall appoint
30 one employer and two employee members for a period of two years, one from each group for a
31 period of three years, one from each group for a period of four years and one for each group for a
32 period of five years. The two public members shall be appointed for a period of three years.
33 After the initial appointment, each appointee shall be eligible to be reappointed for one term of
34 five years. Members shall be eligible for no more than an initial appointment and one
35 reappointment. In appointing council members, the Governor must seek to appoint members

36 reflecting the widest representational diversity possible consistent with the demographics of the
37 commonwealth.

38 Seven members shall constitute a quorum for purposes of holding a meeting and voting.
39 No formal action or position shall be taken by the council without the affirmative vote of at least
40 seven members. All members of the advisory council shall serve without compensation and at
41 the pleasure of the Governor. The advisory council shall meet no less than quarterly during each
42 calendar year.

43 Meetings of the advisory council shall be called by the chair or upon written petition by a
44 majority of voting members. Such meetings shall be subject to section 11A1/2 of chapter 30A.
45 The secretary of labor and workforce development or designee, the chair of the commonwealth
46 employment relations board, and the director of the department shall serve as ex-officio non-
47 voting members of the advisory council.

48 Extraordinary meetings of said advisory council may also be called by the chairman and
49 vice chairman, jointly or upon petition by a majority of voting members. Such meetings shall be
50 subject to the provisions of section 11 1/2 of chapter 30A. Said advisory council shall take no
51 action pursuant to its authority under this chapter or said chapter one hundred and seventy-five
52 unless a quorum of its voting members is present.

53 Meetings may be held more frequently at the joint request of the chair and vice chair of
54 the council, provided they give all members at least 30 days notice of any extraordinary meeting
55 and its purpose or of their intention to regularly hold meetings more frequently.

56 (c) The governor shall, from time to time, designate one of the council members as chair
57 of the advisory council. The chair shall serve for no more than 2 years, and the position shall

58 rotate among employee, employer, and public members. No member of the advisory council
59 shall be subject to chapter 31. Such appointees shall not succeed themselves as chairman or vice-
60 chairman.

61 Section 2. The advisory council may appoint such personnel as are reasonable and
62 necessary for the proper discharge of its duties, subject to the approval of the secretary of labor
63 and workforce development. The advisory council may expend for personnel and office expenses
64 such sums as may be appropriated for that purpose.

65 The director shall provide for the advisory council suitable meeting space and such
66 clerical and other administrative assistance as the director and the council may deem necessary.

67 Section 3. The advisory council shall monitor, recommend, give testimony, and report on
68 all aspects of the Paid Family and Medical Leave system, except for the adjudication of
69 particular claims or complaints. Its powers include the issuance of reports, recommendations for
70 legislation, policies and programs, the conducting of research, and the collecting of data from
71 public and private sources.

72 The advisory council shall report at least annually in writing by no later than 90 days
73 following the last day of the fiscal year of the commonwealth to the secretary of labor and
74 workforce development on the state of the Paid Family and Medical Leave system, and shall
75 cause a copy of such report to be filed with the clerks of the house and senate of the general court
76 who shall send copies of such report to the joint committee on labor and workforce development
77 and the house and senate committees on ways and means. The report shall include an evaluation
78 of the operations of the department along with recommendations for improving the paid family
79 and medical leave system.

80 The agency shall cooperate fully with all reasonable written requests for information and
81 documentation from the advisory council requested in pursuit of its established duties.

82 No later than five years after the establishment of the advisory council, it shall make an
83 investigation and study as to the costs and benefits associated with the regulations implementing
84 the insurance options pursuant to Section 11, to ensure completeness of coverage and
85 competitiveness in pricing.

86 The advisory council may expend, for the legal, actuarial, research, clerical, and other
87 expenses involved in the completion of such investigations and studies, such sums as may be
88 appropriated therefor subject to the administrative oversight of the Executive Office of Labor
89 and Workforce Development.

90 Said council shall file the results of its investigations and studies, and its
91 recommendations, if any, together with any drafts of legislation necessary to carry its
92 recommendations into effect with the governor and with the clerks of the house and senate of the
93 general court at the end of each fiscal year.