SENATE DOCKET, NO. 1333 FILED ON: 1/19/2023

SENATE . . . . . No. 1231

The Commonwealth of Massachusetts

PRESENTED BY:

John C. Velis

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to employee leave of absence to appear in probate and family court.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John C. Velis	*Hampden and Hampshire*

SENATE DOCKET, NO. 1333 FILED ON: 1/19/2023

SENATE . . . . . No. 1231

By Mr. Velis, a petition (accompanied by bill, Senate, No. 1231) of John C. Velis for legislation relative to employee leave of absence to appear in probate and family court. Labor and Workforce Development.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to employee leave of absence to appear in probate and family court.

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

Chapter 149 of the General laws is hereby amended by adding after section 52E the following section:-

Section 52F. (a) Notwithstanding any general or special law or rule or regulation to the contrary, an employee is entitled to take unpaid leave when necessary to appear in the Probate and Family Court, on all matters pertaining to their rights and duties as a parent or legal guardian, including but not limited to, divorce, paternity, actions arising out of chapter 209c for custody-support-parenting time, and modifications or enforcement of all such actions.

(b) An employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or medical or sick leave of the employee for any of the leave provided under this section, but nothing in this section shall require an employer to provide paid sick leave or paid medical leave in any situation in which the employer would

not normally provide any such paid leave. Leave under this section may be taken intermittently or on a reduced leave schedule.

(c) If the necessity for leave under this section is foreseeable, the employee shall provide the employer with not less than seven days of notice before the date the leave is to begin. If the necessity for leave is not foreseeable, the employee shall provide such notice as is practicable.

(d) An employer may require that a request for leave under this section be supported by a certification issued at such time and in such manner as the attorney general may by regulation require.

(e) The attorney general shall enforce this section, and may obtain injunctive or declaratory relief for this purpose. Violation of this section shall be subject to the second paragraph of section 150 and to section 180.