

# SENATE . . . . . No. 1145

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## The Commonwealth of Massachusetts

PRESENTED BY:

***Michael J. Barrett***

*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 bereavement leave.

PETITION OF:

| NAME:                     | DISTRICT/ADDRESS:      |                   |
|---------------------------|------------------------|-------------------|
| <i>Michael J. Barrett</i> | <i>Third Middlesex</i> |                   |
| <i>Sean Garballey</i>     | <i>23rd Middlesex</i>  | <i>2/14/2023</i>  |
| <i>Nick Collins</i>       | <i>First Suffolk</i>   | <i>11/20/2023</i> |
| <i>Vanna Howard</i>       | <i>17th Middlesex</i>  | <i>12/19/2023</i> |

# SENATE . . . . . No. 1145

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By Mr. Barrett, a petition (accompanied by bill, Senate, No. 1145) of Michael J. Barrett and Sean Garballey for legislation to ensure bereavement leave. Labor and Workforce Development.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1156 OF 2021-2022.]

## The Commonwealth of Massachusetts

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

An Act relative to bereavement leave.

*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. Section 2 of chapter 175M of the General Laws is hereby further amended  
2   by striking out the first paragraph of subsection (a) and inserting in place thereof the following  
3   paragraph:- (1) Family leave shall be available to any covered individual for any of the following  
4   reasons: (i) to bond with the covered individual's child during the first 12 months after the child's  
5   birth or the first 12 months after the placement of the child for adoption or foster care with the  
6   covered individual; (ii) because of any qualifying exigency arising out of the fact that a family  
7   member is on active duty or has been notified of an impending call or order to active duty in the  
8   Armed Forces; (iii) to care for a family member who is a covered servicemember; or (iv) to cope  
9   with the death of a family member by (A) attending the funeral or alternative to a funeral of the  
10   family member, (B) making arrangements necessitated by the death of the family member, or (C)  
11   grieving the death of the family member.

SECTION 2. Said section 2 of said chapter 175M is hereby further amended by striking out the first paragraph of subsection (c) and inserting in place thereof the following paragraph:-

(1) A covered individual shall not be eligible for more than 12 weeks of family leave in a benefit year; provided, however, that a covered individual taking family leave in order to care for a covered servicemember pursuant to clause (iii) of paragraph (1) of subsection (a) shall not be eligible for more than 26 weeks of family leave in a benefit year. A covered individual shall not be eligible for medical leave for more than 20 weeks in a benefit year. A covered individual shall not take more than 26 weeks, in the aggregate, of family and medical leave under this chapter in the same benefit year. Nothing in this section shall prevent a covered individual from taking a medical leave during pregnancy or recovery from childbirth if supported by documentation by a health care provider that is immediately followed by family leave, in which case the 7-day waiting period for family leave shall not be required. A covered individual is entitled to a total of 8 weeks of family leave under clause (iv) of paragraph (1) of subsection (a) upon the death of each family member of the individual within a benefit year, during 2 of which weeks the covered individual shall be entitled to a weekly benefit, except that leave taken as provided by clause (iv) of paragraph (1) of subsection (a) may not exceed the total period of family leave authorized by this paragraph and shall be counted toward the total period of family leave authorized by this paragraph.

SECTION 3. The second paragraph of said subsection (c) of said section 2 of said chapter 175M is hereby amended by striking out clause (A) and inserting in place thereof the following clause:- (A) Leave under clause (i) of paragraph (1) of subsection (a) shall not be taken by an employee intermittently or on a reduced leave schedule unless the employee and the employer of the employee agree otherwise. Leave under clause (iii) of paragraph (1) of subsection (a) or

under paragraph (2) of said subsection (a) or under subsection (b), may be taken intermittently or on a reduced leave schedule by an employee when medically necessary. Leave under clause (ii) of said paragraph (1) of said subsection (a) may be taken intermittently or on a reduced leave schedule by an employee. Leave under clause (iv) of paragraph (1) of subsection (a) may be taken intermittently or on a reduced leave schedule by an employee.

SECTION 4. Said second paragraph of said subsection (c) of said section 2 of said chapter 175M is hereby further amended by striking out clause (C) and inserting in place thereof the following clause:- (C) The taking of leave intermittently or on a reduced leave schedule pursuant to this paragraph shall not result in a reduction in the total amount of leave to which the covered individual is entitled under this chapter beyond the amount of leave actually taken. A covered employer may not require an eligible employee to take multiple periods of leave under clause (iv) of paragraph (1) of subsection (a) concurrently if more than one family member of the employee dies during a single benefit year.

SECTION 5. Said section 2 of said chapter 175M is hereby further amended by inserting after the word “3,” in line 55, the following words:- , except a covered individual on family leave under clause (iv) of paragraph (1) of subsection (a), who shall receive such weekly benefit only for 2 of the 8 weeks to which the covered individual is entitled.

SECTION 6. Section 5 of said chapter 175M is hereby amended by adding in subsection (a) the following paragraph:- (8) Certification for a covered individual taking family leave to deal with the death of a family member shall be sufficient if the covered individual provides (i) the name of the deceased, the date of death, the city of death and the employee’s relationship to the deceased; (ii) a copy of the deceased’s obituary or funeral program and the employee’s

57 relationship to the deceased; (iii) a copy of the death certificate; or (iv) a document issued by the  
58 mental health care provider of the employee.