

SENATE No. 1287

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:

Michael J. Barrett

DISTRICT/ADDRESS:

Third Middlesex

SENATE No. 1287

By Mr. Barrett, a petition (accompanied by bill, Senate, No. 1287) of Michael J. Barrett for legislation to ensure bereavement leave. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1145 OF 2023-2024.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

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 amended by
2 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.

12 SECTION 2. Said section 2 of said chapter 175M is hereby further amended by striking
13 out the first paragraph of subsection (c) and inserting in place thereof the following paragraph:-
14 (1) A covered individual shall not be eligible for more than 12 weeks of family leave in a benefit
15 year; provided, however, that a covered individual taking family leave in order to care for a
16 covered servicemember pursuant to clause (iii) of paragraph (1) of subsection (a) shall not be
17 eligible for more than 26 weeks of family leave in a benefit year. A covered individual shall not
18 be eligible for medical leave for more than 20 weeks in a benefit year. A covered individual shall
19 not take more than 26 weeks, in the aggregate, of family and medical leave under this chapter in
20 the same benefit year. Nothing in this section shall prevent a covered individual from taking a
21 medical leave during pregnancy or recovery from childbirth if supported by documentation by a
22 health care provider that is immediately followed by family leave, in which case the 7-day
23 waiting period for family leave shall not be required. A covered individual is entitled to a total of
24 8 weeks of family leave under clause (iv) of paragraph (1) of subsection (a) upon the death of
25 each family member of the individual within a benefit year, during 2 of which weeks the covered
26 individual shall be entitled to a weekly benefit, except that leave taken as provided by clause (iv)
27 of paragraph (1) of subsection (a) may not exceed the total period of family leave authorized by
28 this paragraph and shall be counted toward the total period of family leave authorized by this
29 paragraph.

30 SECTION 3. The second paragraph of said subsection (c) of said section 2 of said chapter
31 175M is hereby amended by striking out clause (A) and inserting in place thereof the following
32 clause:- (A) Leave under clause (i) of paragraph (1) of subsection (a) shall not be taken by an
33 employee intermittently or on a reduced leave schedule unless the employee and the employer of
34 the employee agree otherwise. Leave under clause (iii) of paragraph (1) of subsection (a) or

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

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

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

52 SECTION 6. Section 5 of said chapter 175M is hereby amended by adding in subsection
53 (a) the following paragraph:- (8) Certification for a covered individual taking family leave to
54 deal with the death of a family member shall be sufficient if the covered individual provides (i)
55 the name of the deceased, the date of death, the city of death and the employee’s relationship to
56 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.