

SENATE No. 1339

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia D. Jehlen

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 to provide paid family and medical leave to all educators.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/29/2025</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/29/2025</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>1/31/2025</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>2/10/2025</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/11/2025</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/20/2025</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/28/2025</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>3/20/2025</i>
<i>Paul W. Mark</i>	<i>Berkshire, Hampden, Franklin and Hampshire</i>	<i>3/31/2025</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>3/31/2025</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>4/10/2025</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>4/18/2025</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>4/29/2025</i>
<i>Pavel M. Payano</i>	<i>First Essex</i>	<i>6/23/2025</i>
<i>Nick Collins</i>	<i>First Suffolk</i>	<i>1/21/2026</i>

SENATE No. 1339

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 1339) of Patricia D. Jehlen, Joanne M. Comerford, Vanna Howard, Michael D. Brady and other members of the General Court for legislation to provide paid family and medical leave to all educators. Labor and Workforce Development.

The Commonwealth of Massachusetts

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

An Act to provide paid family and medical leave to all educators.

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 1 of chapter 175M of the General Laws is hereby amended by
2 striking the definition of “Covered individual” and inserting the following:-

3 "Covered individual", either: (i) an employee who meets the financial eligibility
4 requirements of subsection (a) of section 24 of chapter 151A; provided, however, that all such
5 employment shall have been with an employer in the commonwealth; (ii) a personal care
6 attendant, as defined in section 70 of chapter 118E, whose wages from working as a personal
7 care attendant meet the financial eligibility requirements of said subsection (a) of said section 24
8 of said chapter 151A; (iii) a family child care provider, as defined in subsection (a) of section 17
9 of chapter 15D, whose payments from working as a family child care provider meet the financial
10 eligibility requirements of said subsection (a) of said section 24 of said chapter 151A; (iv) a self-
11 employed individual: (A) who has elected coverage under subsection (j) of section 2; and (B)
12 whose reported earnings to the department of revenue from self-employment meet the financial

13 eligibility requirements of said subsection (a) of said section 24 of said chapter 151A as if the
14 individual were an employee; (v) a covered contract worker: (A) for whom at least 1 employer or
15 covered business entity is required to remit contributions to the Family and Employment
16 Security Trust Fund pursuant to section 6; and (B) whose payments from such employer or
17 covered business entity satisfy the financial eligibility requirements of said subsection (a) of said
18 section 24 of said chapter 151A as if the covered contract worker were an employee; (vi) an
19 employee of a school district as defined in section 2 of chapter 70 or an education collaborative
20 as established under section 4E of chapter 40; or (vii) a former employee who has: (A) met the
21 financial eligibility requirements of said subsection (a) of said section 24 of said chapter 151A at
22 the time of the former employee's separation from employment; provided, however, that all such
23 employment shall have been with an employer in the commonwealth; and (B) been separated
24 from employment for not more than 26 weeks at the start of the former employee's family or
25 medical leave.

26 SECTION 2. Section 1 of said chapter 175M is hereby amended by striking the definition
27 of "Employer" and inserting the following:-

28 "Employer", shall have the same meaning as provided in subsection (i) of section 1 of
29 chapter 151A; provided, however, that an individual employer shall be determined by the
30 Federal Employer Identification Number; provided further, that, notwithstanding any general or
31 special law to the contrary, the PCA quality home care workforce council established in section
32 71 of chapter 118E shall be the employer of personal care attendants, as defined in section 70 of
33 said chapter 118E, solely for the purposes of section 6 and consumers, as defined in said section
34 70 of said chapter 118E, shall be considered the employers of personal care attendants solely for
35 the purposes of the notice requirements set forth in subsections (a) and (b) of section 4 and

36 subsection (d) of section 8; provided further, that, notwithstanding any general or special law to
37 the contrary, the department of early education and care shall be the employer of family child
38 care providers, as defined in subsection (a) of section 17 of chapter 15D, solely for the purposes
39 of section 6 and the notice provisions set forth in subsections (a) and (b) of section 4 and
40 subsection (d) of section 8; provided further, that, notwithstanding any general or special law to
41 the contrary, a school district as defined in section 2 of chapter 70 or an education collaborative
42 as established under section 4E of chapter 40 shall be considered a covered employer and shall
43 not be subject to section 10 of this chapter; provided further, that any employer not subject to this
44 chapter may become a covered employer under this chapter by notifying the department of
45 family and medical leave and completing the procedure established by the department; and
46 provided further, that a municipality, district, political subdivision or its instrumentalities shall
47 not be subject to this chapter unless it adopts this chapter under section 10.

48 SECTION 2. Section 2 of said chapter 175M is hereby amended by striking out
49 subsection (f) and inserting in place thereof the following subsection:-

50 (f) Notwithstanding subsection (e) or any other general or special law to the contrary, the
51 taking of family or medical leave shall not affect an employee's right to accrue vacation time,
52 sick leave, bonuses, advancement, seniority, length-of-service credit, creditable service as
53 defined in section 1 of chapter 32, or other employment benefits, plans or programs. During the
54 duration of an employee's family or medical leave, the employer shall provide for, contribute to
55 or otherwise maintain the employee's employment-related health insurance benefits, if any, at the
56 level and under the conditions coverage would have been provided if the employee had
57 continued working continuously for the duration of such leave.

58 SECTION 3. Said section 2 of said chapter 175M is hereby inserting the following
59 subsection:-

60 (k) Benefits shall not be paid to any individual for any week commencing during an
61 established and customary vacation period or holiday recess if such individual is employed with
62 the employer in the period immediately before such vacation period or holiday recess, and there
63 is a reasonable assurance that such individual will perform such services in the period
64 immediately following such vacation period or holiday recess.

65 SECTION 4. Section 6 of said chapter 175M is hereby amended by adding after
66 subsection (c) (2) the following subsection:-

67 (3) For a school district as defined in section 2 of chapter 70 or an education collaborative
68 as established under section 4E of chapter 40 the required employer's portion of the contribution
69 for medical leave pursuant to (c) (1) and family leave pursuant to (c) (2) of this section shall be
70 paid for with income surtax revenue tax specified in subsection (d) of section 4 of chapter 62,
71 and remitted to the Family and Employment Security Trust Fund by the commonwealth.