

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Patricia D. Jehlen***

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*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:

*Patricia D. Jehlen*

DISTRICT/ADDRESS:

*Second Middlesex*

**SENATE . . . . . No.**

[Pin Slip]

**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.