HOUSE DOCKET, NO. 601 FILED ON: 1/18/2011

HOUSE . . . . . No. 534

The Commonwealth of Massachusetts

PRESENTED BY:

Robert M. Koczera

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 passage of the accompanying:

An Act providing unpaid family and medical leave.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Robert M. Koczera	*11th Bristol*

HOUSE DOCKET, NO. 601 FILED ON: 1/18/2011

HOUSE . . . . . No. 534

By Mr. Koczera of New Bedford, a petition (accompanied by bill, House, No. 534) of Robert M. Koczera for legislation to require certain employers to provide unpaid family and medical leave. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1816* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act providing unpaid family and medical leave.

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

SECTION 1. Chapter 149 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by adding the following section:-

Section 105E.

(a) The following word shall have the following meaning, unless the context requires or specifically prescribes a different meaning:-

"Employer", any person in the Commonwealth engaged in commerce or in any industry or activity affecting commerce who employs 35 or more employees for each working day during each of 20 or more calendar workweeks in the year 2006 who employs 20 or more employees for each working day during each of 20 or more calendar workweeks in the year 2007 and does not include the Commonwealth, its subdivisions, or any agencies, commissions or authorities of the state.

(b) Except as otherwise provided by this section, an employer shall provide leave and be subject to the requirements of sections 101 to 105, inclusive, of the Family and Medical Leave Act of 1993, 29 U.S.C. sections 2611 to 2615, inclusive, as it may be amended.

15 (c) Nothing in this section shall be construed to affect any bargaining agreement or
16 company policy which provides employees with greater or additional benefits than those
17 required by this section.

18 (d) Nothing in this section shall be construed to limit or diminish and employee's rights
19 under chapter 152.

20 (e) (1) Subject to paragraph (2), during the period any employee takes leave under this
21 section, the employer shall offer to maintain group health benefits under the conditions that
22 applied immediately before the leave began. (2) During the leave period, the employer may
23 require the employee to make the contribution normally paid by the employee for health benefits.

24 (f) No employee shall be penalized by any employer in any way as a result of any action
25 on the part of the employee to seek his or her rights under the provisions of this section. It shall
26 be unlawful for any person to discharge or in any other manner discriminate against any
27 individual because such individual:-

28 (1) has filed any charge, or has instituted or cause to be instituted any proceeding, under
29 or related to this section;

30 (2) has given, or is about to give, any information in connection with any inquiry or
31 proceeding relating to any right provided under this section; or

32 (3) has testified, or is about to testify in any inquiry or proceeding relating to any right
33 provided under this section.

34 (g) In the event an employee believes an employer has violated subsection (f), such
35 employee shall have available tat law or equity, the remedies provided under sections 148 to 150,
36 inclusive, of chapter 149. The attorney general shall enforce this section under the authority
37 provided in chapter 149.

38 (h) Each employer shall post, in one or more conspicuous places where he or she
39 customarily posts notices to employees, a notice in a form approved by the department setting
40 forth employees' rights under this section. Any employer who violates this subsection shall be
41 subject to a fine of not more than one hundred dollars for each offense. Each day that any
42 employer fails to post the prescribed notice shall constitute a separate offense.