

**HOUSE . . . . . No.**

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**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 bill:

**An Act providing unpaid family and medical leave.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Robert M. Koczera	11th Bristol
Christine E. Canavan	10th Plymouth
John V. Fernandes	10th Worcester
Cleon H. Turner	1st Barnstable

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3798 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
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### 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:*

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

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4     Section 105E.

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

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

14

15     (b) Except as otherwise provided by this section, an employer shall provide leave and be subject to the  
16 requirements of sections 101 to 105, inclusive, of the Family and Medical Leave Act of 1993, 29 U.S.C. sections  
17 2611 to 2615, inclusive, as it may be amended.

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

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

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

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

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

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

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

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

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