



Common State and Federal Leave Laws for Massachusetts Employers

A Quick Reference for Massachusetts Employers

Employee leave can involve multiple state and federal laws, each with different requirements and protections. The table below provides a quick reference to the most common leave laws affecting Massachusetts employers, including who must comply, qualifying reasons for leave, maximum leave, employee eligibility requirements, and key points to keep in mind.

Use the table as a starting point to identify the laws that may apply to an employee's absence and where to find additional information.

Keep in Mind: Other employment laws, including the Americans with Disabilities Act (ADA) and the Massachusetts Pregnant Workers Fairness Act, may also affect your responsibilities.

Leave Law	Who Must Comply?	Qualifying Reasons for Leave	Maximum Leave	Employee Eligibility Requirements	Key Points	Learn More
MA Paid Family and Medical Leave (PFML)	Most MA employers	- Employee's own serious health condition - Care for a family member with a serious health condition - Bonding with a new child through birth, adoption, or foster placement - Qualifying military exigency - Care for a covered service member with a serious injury or illness	20 weeks: Employee's own serious health condition 12 weeks: Bonding with a new child 12 weeks: Care for a family member with a serious health condition 12 weeks: Qualifying military exigency 26 weeks: Care for a covered service member 26 weeks: Combined maximum	- Must meet DFML minimum earnings requirements - Leave must be for a qualifying reason	- Paid, job protected leave - May run concurrently with FMLA and MA Parental Leave	https://www.mass.gov/guides/employers-introduction-to-paid-family-and-medical-leave
Family and Medical Leave Act (FMLA)	Private employers with 50 or more employees in 20 or more workweeks in the current or preceding calendar year	- Employee's own serious health condition - Care for a spouse, child, or parent with a serious health condition - Bonding with a new child through birth, adoption, or foster placement	12 weeks: Most qualifying reasons 26 weeks: Military caregiver leave during a single 12-month period	- Works for a covered employer - Has worked for the employer for at least 12 months - Has worked at least 1,250 hours during the 12-months	- Unpaid, job protected leave - May run concurrently with PFML, MA Parental Leave, and Workers' Compensation	https://www.dol.gov/sites/dolgov/files/WHd/legacy/files/employerguide.pdf

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Employee Leave Laws at a Glance

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	- Public agencies - Public and private elementary and secondary schools	- Qualifying military exigency - Care for a covered service member with a serious injury or illness		immediately preceding the leave Works at or reports to a location where the employer has at least 50 employees within 75 miles	-tion Leave	
MA Earned Sick Time Law	All MA employers	- Employee's or family member's illness, injury, or medical condition - Routine medical appointments or preventive care for the employee or a family member - Employee's or spouse's pregnancy loss or failed assisted reproduction, adoption, or surrogacy - Certain domestic violence-related purposes	Up to 40 hours per benefit year	- Employee has accrued sick time and is eligible to use it - Leave is for a qualifying reason	- Job protected - Earned sick time is paid if employer has 11 or more employees (unpaid if fewer than 11) - Often comes into play before or during other protected leaves	https://www.mass.gov/info-details/earned-sick-time
MA Parental Leave Act	Most MA employers with 6 or more employees	- Birth of a child - Placement of a child for adoption	Up to 8 weeks per child	Completed the employer's initial probationary period (not to exceed 3 months), or, if there is no probationary period, employed for at least 3 consecutive months	Parental Leave is unpaid job protected leave	https://www.mass.gov/info-details/parental-leave-in-massachusetts
MA Small Necessities Act	Private employers with 50 or more employees, public	- Child school events - Child medical care - Elder care	Up to 24 hours every 12 months	Must meet FMLA eligibility requirements	- Job protected - Generally unpaid but employers or	https://www.mass.gov/info-details/massachusetts-law-

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	agencies, and public and private elementary and secondary schools				employees can choose to substitute paid vacation, personal, or sick time	about-the-small-necessities-leave-act
MA Domestic Violence Leave Act	Public and private employers with 50 or more employees in MA	Employee needs leave to address issues directly related to abusive behavior involving the employee or a family member	Up to 15 days in a 12-month period	- Employee is using the leave to seek help related to abusive behavior or attend child custody proceedings - Employee is not the perpetrator of the abusive behavior	- May be paid or unpaid - Job protected	https://www.mass.gov/doc/attorney-generals-advisory-on-domestic-violence-leave/download
USERRA	All public and private employers regardless of number of employees	- Active duty - Active duty for training - Inactive duty training - Full-time National Guard Duty - Funeral honors duty - Fitness exams - Certain non-traditional military roles when federally activated	- Up to a cumulative total of 5 years with a single employer - May be longer than 5 years for legally exempt assignments	- No minimum length-of-service requirement - However, to maintain right to job reinstatement, employee must meet five core eligibility criteria	- Job protected - Generally unpaid - Employees may choose to use accrued vacation, annual leave or PTO to continue receiving paycheck while on military duty	https://www.dol.gov/agencies/vets/programs/userrra/USE-RRR-Pocket-Guide
MA Workers' Compensation Act	Almost all MA employers	Work-related injury or illness that prevents or limits the employee's ability to work	Workers' Compensation does not provide a specific amount of job-protected leave. Wage-replacement benefits vary based on the type	- Employee suffers a work-related injury or illness - Eligibility for wage-replacement benefits	- May provide medical and wage-replacement benefits - Workers' Compensation	https://www.mass.gov/workers-compensation-for-employers

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			and duration of incapacity.	depends on the nature and duration of the employee's incapacity	tion itself does not provide general job-protected leave • FMLA, PFML, ADA, or other laws may also apply	

Additional Resources

- **HR Insight:** *An Employee Needs Leave. Now What? A Practical Guide for Massachusetts Businesses*
Provides practical guidance for identifying applicable leave laws, evaluating employee leave requests, managing absences, and preparing for an employee's return.
- **HR@Work Tool:** *Managing an Employee Leave Request: A Five-Step Framework*
A practical framework to help employers evaluate and manage an employee leave request from the initial conversation through the employee's return to work.

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