

## Federal and Massachusetts Leave Entitlements

Leave entitlement law	Number of employees triggering leave entitlement	Authorized reasons for leave	What criteria does employee need to meet to receive leave?	How much leave time does employee get?	Is paid leave required?
Family and Medical Leave Act (FMLA), 29 U.S.C. § 2601 <i>et seq.</i> ; 29 C.F.R. Part 825	50 within 75 miles of employee's worksite.	<ul style="list-style-type: none"> <li>• Birth and care of a newborn child within one year of birth.</li> <li>• Placement and care of a child for adoption/foster care (within one year of placement).</li> <li>• Care for spouse, child, or parent with serious health condition.</li> <li>• Care for employee's own serious health condition that makes him or her unable to perform essential functions of job.</li> <li>• Any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is a covered military service member on covered active duty.</li> </ul>	<ul style="list-style-type: none"> <li>• Must have been employed with the company for 12 months (does not have to be consecutive).</li> <li>• Must have worked at least 1,250 hours during the 12 months prior to the start of FMLA leave.</li> </ul>	<p>Up to 12 workweeks during a single 12-month period.</p> <p>Up to 26 workweeks during a single 12-month period for care of covered military service member's injury or illness.</p>	No.
Uniformed Services Employment and Reemployment Rights Act 38 U.S.C. § 4301 <i>et seq.</i> ; 29 C.F.R. Part 1002	1	Voluntary or involuntary duty in "the uniformed services."	Duty in "the uniformed services." (Right to be reinstated in civilian position requires satisfying additional criteria.)	<p>Up to 5 years.</p> <p>Exceptions: deployments lasting longer than 5 years, periodic National Guard training, involuntary active duty extensions and recalls.</p>	No.
Americans with Disabilities Act (ADA), 42 U.S.C. § 12111 <i>et seq.</i> , 29 C.F.R. Pt. 1630 App. § 1630.2(k)(3) & (o)	15	To provide reasonable accommodation for a disability.	Have disability and be able to perform essential functions of position with or without reasonable accommodation.	Any reasonable amount not imposing undue hardship on the employer.	No.

## Federal and Massachusetts Leave Entitlements

Leave entitlement law	Number of employees triggering leave entitlement	Authorized reasons for leave	What criteria does employee need to meet to receive leave?	How much leave time does employee get?	Is paid leave required?
Religious nondiscrimination provisions in Title VII (Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq.)	15	To provide reasonable accommodation to religious beliefs and practices.	N/A	Reasonable amount not imposing undue hardship on the employer.	No.
Religious nondiscrimination provisions in Massachusetts FEPA (M.G.L. c. 151B, § 4(1A)).	6	To preclude forcing an employee to violate or forego the practice of his creed or religion, "including but not limited to the observance of any particular day or days or any portion thereof as a sabbath or holy day."	Have "sincerely held religious beliefs, without regard to whether such beliefs are approved, espoused, prescribed or required by an established church or other religious institution or organization," and provide notice to the employer "not less than ten days in advance of each absence."	Reasonable amount not imposing undue hardship on the employer.	No.
Handicap nondiscrimination provisions in Massachusetts FEPA (M.G.L. c. 151B, §4(16)).	6	To provide reasonable accommodation for a handicap.	Have handicap and be capable of performing the essential functions position with or without reasonable accommodation.	Reasonable amount not imposing undue hardship on the employer.	No.
Military obligation nondiscrimination provisions in Massachusetts FEPA (M.G.L. c. 151B, § 4(1D)).	6	To allow performance of military service.	Have obligation to perform military service in a uniformed military service of the United States, including the National Guard.	Unspecified.	No.

## Federal and Massachusetts Leave Entitlements

Leave entitlement law	Number of employees triggering leave entitlement	Authorized reasons for leave	What criteria does employee need to meet to receive leave?	How much leave time does employee get?	Is paid leave required?
Massachusetts Military Service Law (M.G.L. c. 33, § 13.	1	To allow voluntary or involuntary service in the "armed forces of the commonwealth, including the state defense force or similar organization composed as permitted by law, the state staff or the armed forces of another state or territory who are employed within the commonwealth and ordered to active duty under this chapter, the appropriate authority of another state or territory or Title 32 of the United States Code."	Be member of "the armed forces of the commonwealth."	Same as USERRA – see above (up to five years or more).	No.
Massachusetts Earned Sick Time Law M.G.L. c. 149, § 148C; 940 C.M.R. 33.00	1 for unpaid leave; 11 for paid leave.	<ul style="list-style-type: none"> <li>Care for sickness or illness of employee or certain family members.</li> <li>Attend employee's or family member's routine medical appointments.</li> <li>Address effects of domestic violence on employee or employee's child.</li> </ul>	<ul style="list-style-type: none"> <li>Primary place of work in Massachusetts.</li> <li>Leave begins to accrue when work begins and can be taken 90 days later.</li> <li>Leave can be accrued over time or front loaded as a lump sum.</li> </ul>	<p>Up to 40 hours per year in addition to leave required by other laws.</p> <p>Leave accrues at rate of 1 hour of leave for every 30 hours of work.</p>	Yes, if employer has 11 or more employees; otherwise, no.
Massachusetts Parental Leave Act M.G.L. c. 149, § 105D	6 in general, but only 1 if employee is domestic worker.	Birth or adoption of a child under the age of 18 (23 if the child is mentally or physically disabled).	<p>Complete a three-month maximum probationary period or three months of full-time employment.</p> <p>Must give two weeks' notice of anticipated departure date and intention to return.</p>	8 weeks per child. Any two employees of the same employer shall only be entitled to eight 8 weeks of parental leave in aggregate for the birth or adoption of the same child.	No.
Pregnant Workers Fairness Act M.G.L. c. 151B §	6	To provide reasonable accommodation for pregnancy and related conditions.	Have pregnancy or pregnancy-related condition.	Reasonable amount not imposing undue hardship on the employer.	No

## Federal and Massachusetts Leave Entitlements

4, (Effective April 1, 2018)					
Leave entitlement law	Number of employees triggering leave entitlement	Authorized reasons for leave	What criteria does employee need to meet to receive leave?	How much leave time does employee get?	Is paid leave required?
Massachusetts Domestic Violence and Abusive Situation Leave Act M.G.L. c. 149, § 52E	50	Pursue medical attention, counseling, victim services, legal assistance, housing procurement, court or grand jury appearance, district attorney meeting, or other activity required as a result of domestic violence or abuse.	Be a paid employee personally victimized by abusive behavior (defined as domestic violence, criminal stalking, or sexual assault), or be a paid employee with a family member victimized by abusive behavior, but not be the perpetrator of the abusive behavior.	Up to 15 days in any 12-month period.  Unless employer waives, employee must use available vacation, sick, and personal leave time first.	No.
Massachusetts Small Necessities Leave Act M.G.L. c. 149, § 52D	50 within 75 miles of employee's worksite.	<ul style="list-style-type: none"> <li>Participate in activities relating to a child's "educational advancement," such as a parent-teacher conference or interviewing for a new school.</li> <li>Accompany a child or elderly relative to routine medical or dental appointments.</li> </ul>	Be employed for at least 12 months and have worked for at least 1,250 hours in the previous 12-month period.	Up to 24 hours in any 12-month period.	No.
Massachusetts Leave of Absence for Voting Statute M.G.L. c. 149, § 178	1	Vote in an election.	Be entitled to vote and ask for leave when the polls open.	2 hours.	No.
Massachusetts Veterans or Memorial Day Leave Law M.G.L. c. 149, § 52A½	1	Participate in Veterans Day or Memorial Day exercise, parade, or service.	Be a veteran but <i>not</i> an employee whose services are "essential and critical to the public health or safety and ... essential to the safety and security of [the] employer or property thereof."	"Sufficient time to participate" in Veterans or Memorial Day activities.	Yes, if company has 50 or more employees and the leave is used for Veterans Day.

## Federal and Massachusetts Leave Entitlements

Leave entitlement law	Number of employees triggering leave entitlement	Authorized reasons for leave	What criteria does employee need to meet to receive leave?	How much leave time does employee get?	Is paid leave required?
Massachusetts Jury Service Law M.G.L. c. 234A, §§ 48-49, 60-61; M.G.L. c. 268, §14A	1	Serve as juror or grand juror.	Be notified of jury or grand jury duty.	Unlimited.	Yes, for first 3 days.
Massachusetts Witness in Criminal Actions Law M.G.L. c. 268, § 14B	1	Testify in criminal trial.	Be a victim of a crime or be subpoenaed to attend a criminal action as a witness.	Unlimited.	No.
Massachusetts Volunteer Firefighters and Emergency Medical Technicians Leave Law (M.G.L. c. 149, § 177B).	1	To respond to an emergency as a volunteer member of a fire department or ambulance department.	Be volunteer firefighter or emergency medical technician.	Unlimited.	No.
Massachusetts Domestic Workers Leave Law (M.G.L. c. 149, § 190-91).	1	To rest or take time for religious worship.	Be domestic worker working 40 or more hours per week.	At least 24 consecutive hours in each calendar week and at least 48 consecutive hours during each calendar month.	No.