

By Mr. Magnani of Framingham, petition of David P. Magnani, Mary Jane Gibson, John W. Olver and Kevin W. Fitzgerald for legislation to provide for parenting leave for fathers. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-One.

AN ACT CHANGING MATERNITY LEAVE TO PARENTING 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 Chapter 149 of the General Laws is hereby amended by striking
2 out section 105D, as appearing in the 1984 Official Edition, and
3 inserting in place thereof the following section: —

4 Section 105D. Any employee who has completed the initial
5 probationary period set by the terms of their employment or, if
6 there is no such probationary period, has been employed by the
7 same employer for at least three consecutive months as a full-time
8 employee, who is absent from such employment for a period not
9 preceding two weeks before or exceeding eight weeks on becoming
10 the father or mother of a child or for adopting a child under
11 eighteen years of age, said period to be hereinafter called parenting
12 leave, and who shall give at least two weeks' notice to their
13 employer of anticipated date of departure and intention to return,
14 shall be restored to their previous, or a similar, position with the
15 same status, pay, length of service credit and seniority, wherever
16 applicable, as of the date of their leave. Said parenting leave may
17 be with or without pay at the discretion of the employer.

18 Such employer shall not be required to restore an employee on
19 parenting leave to their previous or similar position if other
20 employees of equal length of service credit and status in the same
21 or similar position have been laid off due to economic conditions
22 or other changes in operating conditions affecting employment
23 during the period of such parenting leave; provided, however, that

24 such employee on parenting leave shall retain any preferential
25 consideration for another position to which they may be entitled
26 as of the date of their leave.

27 Such parenting leave shall not affect the employee's right to
28 receive vacation time, sick leave, bonuses, advancement, seniority,
29 length of service credit, benefits, plans or programs for which they
30 were eligible at the date of their leave, and any other advantages
31 or rights of their employment incident to her employment
32 position; provided, however, that such parenting leave shall not
33 be included, when applicable, in the computation of such benefits,
34 rights, and advantages; and provided, further, that the employer
35 need not provide for the cost of any benefits, plans, or programs
36 during the period of parenting leave unless such employer so
37 provides for all employees on leave of absence. Nothing in this
38 section shall be construed to affect any bargaining agreement or
39 company policy which provides for greater or additional benefits
40 than those required under this section.

41 A notice of this provision shall be posted in every establishment
42 in which females are employed.

43 For the purposes of this section, an "employer" shall be defined
44 as in subsection five of section one of chapter one hundred and
45 fifty-one B.