

By Mrs. Gray of Framingham, petition of Barbara E. Gray, George Bachrach, Saundra Graham, Nicholas J. Costello, Thomas M. Gallagher and Barbara Hildt for legislation relative to maternity and paternity leave. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Four.

AN ACT PROVIDING FOR MATERNITY AND PATERNITY 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 105D of Chapter 149 of the General Laws is hereby
2 amended by striking the first paragraph and inserting the follow-
3 ing: —

4 “An employee, who has completed the initial probationary
5 period set by the terms of his or her employment, or, if there is no
6 such probationary period, has been employed by the same
7 employer for at least three consecutive months as a full-time
8 employee, who is absent from such employment for a period not
9 exceeding eight weeks for the purpose of caring for his or her
10 newborn child, said period to be hereinafter called maternity or
11 paternity leave, and who shall give at least two weeks’ notice to his
12 or her employer of his or her anticipated date of departure and
13 intention to return, shall be restored to his or her previous, or a
14 similar, position with the same status, pay, length of service credit
15 and seniority, whenever applicable as of the date of his or her leave.
16 Said maternity or paternity leave may be with or without pay at the
17 discretion of the employer.

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

24 paternity leave; provided, however, that such employee on mater-
25 nity or paternity leave shall retain any preferential consideration
26 for another position to which he or she may be entitled as of the
27 date of his or her leave.

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

43 A notice of this provision shall be posted in every establishment.