ATTACHMENT F

August 9, 2023

To the Honorable Senate and House of Representatives,

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 57 of House Bill No. 4040, "An Act Making Appropriations for the Fiscal Year 2024 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements."

Section 57 modifies the state Paid Family and Medical Leave (PFML) program by allowing employees to supplement their weekly PFML benefit amount with accrued vacation time, sick time, or other paid time off to collect their average weekly wage. I firmly support this change in law. Employees rely on the PFML program to take time off to care for themselves or their loved ones, to bond with an adopted or newborn child, and to manage family affairs when a family member is on active duty in the armed forces. During these critical periods, individuals should be able to use PFML and their accrued leave balances to fully replace the income they otherwise would have received if not on leave.

To successfully implement this critical but administratively complex initiative, employers and the Department of Family and Medical Leave (DFML), which administers the PFML program, need time to prepare. For example, employers must educate themselves on the proposed changes, update payroll processing systems, and inform their employees about the law's new provisions. DFML must likewise reconfigure its online claims portal to give employers access to the information they will need to implement the new law. In addition, DFML will need to propose regulations, gather stakeholder feedback, and promulgate final rules to ensure that employers have clear guidance on their role in enabling employees to supplement their PFML benefits with employer-provided paid leave. I have instructed DFML to begin this work promptly.

As it appears in the conference report, Section 57 would become effective immediately and apply retroactively to July 1, 2023. To better ensure that this important law is smoothly

implemented, I am proposing an amendment that would provide employers and DFML with six months to take all necessary actions to effectuate this law. To ensure that employees receive the benefits of this provision retroactively to July 1, 2023, as the section currently contemplates, the language I am returning would apply to leave taken on or after July 1, 2023. Given our shared goal to make this important change to the PFML program, I ask that you take swift action on this proposal.

For these reasons, I recommend that the bill be amended by striking out Section 57 and inserting in place thereof the following 2 sections:-

SECTION 57. Section 3 of chapter 175M of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in lines 43 and 44, the words "or (ii) a paid family, or medical leave policy of an employer" and inserting in place thereof the following words:- (ii) a paid family or medical leave policy of an employer; or (iii) any accrued sick or vacation pay or other paid leave provided under an employer policy, including, but not limited to, any leave provided under a collective bargaining agreement.

SECTION 57A. Section 57 shall take effect 180 days after the passage of this act; provided, however, section 57 shall apply to all claims eligible under section 3 of chapter 175M of the General Laws filed for leave taken on or after July 1, 2023.

Respectfully submitted,

Maura T. Healey
Governor