

SENATE No. 2255

The Commonwealth of Massachusetts

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In the One Hundred and Ninety-First General Court
(2019-2020)
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SENATE, June 12, 2019

The committee on Ways and Means to whom was referred the House Bill making appropriations for the fiscal year 2019 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3819),-- reports (in part) a Bill making appropriations for the fiscal year 2019 to provide for supplementing certain existing appropriations and for certain other activities and projects (Senate, No. 2255).

For the committee,
Michael J. Rodrigues

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act making appropriations for the fiscal year 2019 to provide for supplementing certain existing appropriations and for certain other activities and projects.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make supplemental appropriations for fiscal year 2019 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 1. To provide for supplementing certain items in the general appropriation act
2 and other appropriation acts for fiscal year 2019, the sums set forth in section 2 are hereby
3 appropriated from the General Fund unless specifically designated otherwise in this act or in
4 those appropriation acts, for the several purposes and subject to the conditions specified in this
5 act or in those appropriation acts and subject to the laws regulating the disbursement of public
6 funds for the fiscal year ending June 30, 2019. These sums shall be in addition to any amounts
7 previously appropriated and made available for the purposes of those items. These sums shall be
8 made available until June 30, 2020, except as otherwise stated.

9 SECTION 2.

10 EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

Department of Family and Medical Leave

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SECTION 3. Paragraph (2) of subsection (a) of section 2 of chapter 175M of the General Laws, as appearing in chapter 121 of the acts of 2018, is hereby amended by inserting after the word “condition” the following words:- that makes the covered individual unable to perform the functions of the covered individual’s position. This provision shall be construed consistent with the equivalent provision of the federal Family and Medical Leave Act of 1993, codified at 29 U.S.C. 2612(a)(1)(D). A covered individual who is a former employee shall be considered unable to perform the functions of the covered individual’s position if the covered individual is unable to perform the functions of the covered individual’s most recent position or other suitable employment as that term is defined under subsection (c) of section 25 of chapter 151A.

SECTION 4. Subparagraph (C) of paragraph (2) of subsection (c) of said section 2 of said chapter 175M, as so appearing, is hereby amended by inserting after the word “chapter” the following words:- beyond the amount of leave actually taken.

SECTION 5. Paragraph (2) of subsection (a) of section 5 of said chapter 175M, as so appearing, is hereby amended by inserting after the word “department” the following words:- , which shall include a statement by the health care provider that the covered individual is unable to perform the functions of the covered individual’s position, a statement of the medical necessity, if any, for intermittent leave or leave on a reduced leave schedule and, if applicable, the expected duration of the intermittent leave or reduced leave schedule.

SECTION 6. Paragraph (3) of said subsection (a) of said section 5 of said chapter 175M, as so appearing, is hereby amended by adding after the word “member”, the second time it

33 appears the following words:- , and, if applicable, include a statement of the medical necessity,
34 if any, for intermittent leave or leave on a reduced leave schedule and the expected duration of
35 the intermittent leave or reduced leave schedule.

36 SECTION 7. Clause (iii) of paragraph (7) of said subsection (a) of said section 5 of said
37 chapter 175M, as so appearing, is hereby amended by inserting after the word “department” the
38 following words:- , which shall include a statement of the medical necessity, if any, for
39 intermittent leave or leave on a reduced leave schedule and, if applicable, the expected duration
40 of the intermittent leave or reduced leave schedule.

41 SECTION 8. Subsection (g) of section 8 of said chapter 175M, as most recently
42 amended by section 23 of chapter 5 of the acts of 2019, is hereby further amended by striking out
43 the second sentence and inserting in place thereof the following sentence:- An employer or
44 covered business entity that fails or refuses to make contributions as required in section 6 shall
45 be assessed an amount equal to its total annual payroll for each year, or the fraction thereof for
46 which it failed to comply, multiplied by the then-current annual contribution rate required under
47 subsection (a) of said section 6, in addition to the total amounts of benefits paid to covered
48 individuals for whom it failed to make contributions.

49 SECTION 9. Clause (iii) of section 30 of chapter 121 of the acts of 2018, as amended by
50 section 49 of chapter 273 of the acts of 2018, is hereby further amended by striking out the word
51 “July” and inserting in place thereof the following word:- October.