

HOUSE No. 4351

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act establishing a family and medical leave and temporary disability leave insurance program.

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: The General Laws are amended by inserting after chapter 175J the
2 following:-

3 CHAPTER 175K.

4 Section 1. – Definitions

5 The following words and phrases as used in this chapter shall have the following
6 meanings unless the context clearly requires otherwise:

7 (a) "Average weekly wage" has the same meaning as provided by section 1(w) of chapter
8 151A and shall be calculated using the base period earnings as defined by section 1(a) of chapter
9 151A.

10 (b) "Benefit year" has the same meaning as provided by section 1(c) of chapter 151A.

11 (c) "Child" means a biological, adopted, or foster child, or a legal ward, who is (1) under
12 21 years of age; or (2) 21 years of age or older and incapable of self-care because of a mental or
13 physical disability.

14 (d) "Contributions" means the payments made by an employer and employee to the
15 family and employment security trust fund and administrative account, as required by this
16 chapter.

17 (e) "Department" means the Massachusetts department of family and medical leave as
18 established under section 8 of this chapter.

19 (f) "Director" means the director of the Massachusetts department of family and medical
20 leave.

21 (g) "Employee" has the same meaning as provided by section 1(h) of chapter 151A,
22 provided that notwithstanding section 1(h) of chapter 151A or any other special or general law to
23 the contrary, Family Child Care Providers, as defined in section 17(a) of chapter 15D, shall be
24 deemed employees for purposes of this section; provided however, a worker hired to temporarily
25 replace an employee on family care or temporary disability leave shall not be considered an
26 employee for the purpose of this chapter.

27 (h) "Employer" has the same meaning as provided by section 1(i) of chapter 151A,
28 provided that notwithstanding section 1(i) of chapter 151A, section 17 of chapter 15, sections
29 70-75 of chapter 118E, or any other special or general law to the contrary, the Department of
30 Early Education and Care shall be deemed the Employer of Family Child Care Providers, as
31 defined in section 17(a) of chapter 17 and the PCA Quality Home Care Workforce Council shall

32 be deemed the Employer of all Personal Care Attendants, as defined in section 70 of chapter
33 118E, for purposes of this section.

34 (i) "Employment" has the same meaning as provided by section 1(k) of chapter 151A.

35 (j) "Employment benefits" means all benefits provided or made available to employees
36 by an employer, including, but not limited to, group life insurance, health insurance, disability
37 insurance, sick leave, annual or vacation leave, educational benefits, and pensions.

38 (k) "Family member" means the spouse, child, parent or legal guardian of an employee.

39 (l) "Family care benefits" means wages paid pursuant to section 3 of this chapter and
40 provided in accordance with section 2 of this chapter to an employee who is on family care leave
41 from employment.

42 (m) "Family care leave" means leave taken by an employee from employment to provide
43 care for a family member for one of the following reasons: (1) the birth of a child of the
44 employee, (2) the placement of a child with the employee for adoption or foster care, or (3) a
45 serious health condition of a family member.

46 (n) "Health care provider" means a person licensed to practice medicine, surgery,
47 dentistry, chiropractic, podiatry, or osteopathy, or any other person determined by the department
48 to be capable of providing health care services.

49 (o) "Premium" means the amount paid by the employer and the employee into the Family
50 and Employment Security Trust Fund to receive family care benefits and temporary disability
51 benefits.

52 (p) "Serious health condition" means an illness, injury, impairment, or physical or mental
53 condition that involves either (1) inpatient care in a hospital, hospice, or residential medical
54 facility; or (2) continuing treatment by a health care provider.

55 (q) "State average weekly wage" means the average weekly wage in the Commonwealth
56 as determined under section 29(a) of chapter 151A and promulgated by the Commissioner of
57 Unemployment Assistance.

58 (r) "Temporary disability benefits" means wages paid pursuant to section 3 of this
59 chapter and provided in accordance with section 2 of this chapter to an employee who is on
60 temporary disability leave from employment.

61 (s) "Temporary disability leave" means leave taken by an employee from employment
62 because of a serious health condition of the employee that renders the employee unable to
63 perform the functions of his or her position.

64 (t) "Wages" has the same meaning as provided by section 1(s) of chapter 151A.

65 (u) "Weekly benefit amount" means the amount of wages paid to an employee on a
66 weekly basis while on temporary disability leave or family care leave, as provided by section 3
67 of this chapter.

68 Section 2. – Eligibility for leave and benefits

69 (a) (1) Beginning on the effective date of this Act, and for one year there after, an
70 employee is eligible for temporary disability leave or family care leave if the employee has
71 accrued at least 1,250 hours of service for any employer in the Commonwealth and has been
72 employed for nine months, which ever occurs later, starting from the effective date of this act.

73 No benefit shall be paid during the first nine months of the effective date of this act, regardless of
74 the service time of any claimant.

75 (2) Beginning on the one-year anniversary of the effective date of this Act, and for
76 one year thereafter, an employee is eligible for temporary disability leave or family care leave if
77 the employee has at least 1,000 hours of service for any employer within the Commonwealth
78 between the effective date of this act, with at least three months of service occurring within the
79 12 months prior to the payment of any benefit.

80 (3) Beginning on the two-year anniversary of the effective date of this Act, an
81 employee is eligible for temporary disability leave or family care leave if the employee has
82 sufficient hours of employment with any employer within the Commonwealth to qualify for
83 benefits pursuant to Chapter 151A of the General Laws.

84 (b) (1) An employee is eligible for a maximum of 12 weeks of family care leave in a
85 benefit year; provided, however, that eligibility for family care leave taken because of (i) the
86 birth of a child of the employee, or (ii) the placement of a child with the employee for adoption
87 or foster care shall expire at the end of the 12-month period beginning on the date of the birth or
88 placement. An employee is eligible for temporary disability leave for a maximum of 26 weeks
89 in a benefit year. An employee may take an aggregate of no more than 26 weeks of temporary
90 disability leave and family care leave under this chapter in the same benefit year. (iii) Nothing in
91 this Section shall prevent an employee from taking a disability leave during pregnancy if
92 supported by documentation by a health care provider, immediately followed by family care
93 leave following the birth of a child, in which case the seven-day waiting period for family care
94 leave will not be required.

95 (2) An employee may take leave under this chapter intermittently or on a reduced
96 leave schedule, provided that the employee and the employer agree to said intermittent or
97 reduced leave schedule. The employer shall engage in a timely, good faith, and interactive
98 process with the employee to determine a reasonable intermittent or reduced leave schedule. The
99 taking of leave intermittently or on a reduced leave schedule pursuant to this subsection shall not
100 result in a reduction in the total amount of leave to which the employee is entitled under
101 subsection (b)(1).

102 (c) While on temporary disability leave or family care leave, an employee shall
103 receive a weekly benefit amount, as provided in section 3 of this chapter, provided, however, that
104 no benefit shall be paid during the first 9 months after the effect date of the act.

105 (d) An employee who has taken temporary disability or family care leave shall be
106 restored to the employee's previous position, or to a substantially similar position, with the same
107 status, pay, employment benefits, length of service credit, and seniority as of the date of leave.
108 An employer shall not be required to restore an employee who has taken temporary disability or
109 family care leave to the previous or to a substantially similar position if other employees of equal
110 length of service credit and status in the same or substantially similar positions have been laid off
111 due to economic conditions or other changes in operating conditions affecting employment
112 during the period of leave; provided, however, that the employee who has taken leave shall retain
113 any preferential consideration for another position to which the employee was entitled as of the
114 date of leave.

115 (e) Taking of temporary disability or family care leave shall not affect an employee's
116 right to receive accrued vacation time, sick leave, bonuses, advancement, seniority, length of

117 service credit or other employment benefits, plans or programs for which the employee was
118 eligible at the date of the employee's leave. During the duration of an employee's temporary
119 disability or family care leave, the employer shall continue to provide for and contribute to the
120 employee's employment-related health insurance benefits, if any, under the same terms and
121 conditions as those existing prior to the employee's leave.

122 (f) Nothing in this chapter shall be construed so as to affect any bargaining
123 agreement, company policy, or other federal, state, or municipal law which provides for greater
124 or additional rights to leave than those provided for by this chapter.

125 (g) Nothing in this chapter shall be construed to allow an employer to compel an
126 employee to exhaust rights to any sick, vacation, or personal time prior to or while taking leave
127 under this chapter.

128 (h) Leave taken under this chapter shall run concurrently with leave taken under
129 either section 105D of chapter 149 of the general laws or under the Family Medical Leave Act,
130 29 U.S.C. sec. 2611, et. seq.

131 Section 3. – Schedule of Paid Benefits

132 (a) No temporary disability or family care benefits shall be paid during the first 7
133 consecutive calendar days of such leave; provided, however, an employee may but shall not be
134 required to utilize accrued sick or vacation pay during the first 7 consecutive calendar days of
135 such leave.

136 (b)(1) The weekly benefit amount for employees on temporary disability or family care
137 leave shall be determined according to the following marginal structure:

138 (i) The portion of an employee's average weekly wage that is not more than 30% of the
139 state average weekly wage shall be replaced at a rate of 90%.

140 (ii) The portion of an employee's average weekly wage that is more than 30% of the state
141 average weekly wage shall be replaced at a rate of 33%.

142 (2) The maximum weekly benefit amount determined under paragraph (b) (1) of this
143 section shall not exceed six-hundred and fifty (\$650) dollars per week. Commencing January 1,
144 2018, the department shall adjust annually the maximum weekly benefit amount to reflect
145 changes in the United States Bureau of Labor Statistics Consumer Price Index for the Boston-
146 Cambridge-Quincy consolidated metropolitan statistical area for all urban consumers, all goods,
147 or its successor index.

148 (3) For an employee who takes leave on an intermittent or reduced leave schedule, the
149 weekly benefit amount shall be prorated.

150 (c) The weekly benefit amount shall be reduced by the amount of wages or wage
151 replacement an employee receives under any of the following while on temporary disability or
152 family care leave: (i) any government program or law, including but not limited to
153 unemployment insurance, worker's compensation other than for permanent partial disability
154 incurred prior to the temporary disability claim, or under other state or federal temporary or
155 permanent disability benefits law, (ii) a permanent disability policy or program of an employer,
156 (iii) a temporary disability policy or program of an employer, or (iv) a paid sick, vacation,
157 family, or medical leave policy of an employer.

158 Section 4. – Notice Requirements

159 (a) (1) Every employer shall keep posted in a conspicuous place or places on its premises
160 a workplace notice prepared or approved by the department which shall set forth excerpts from
161 this chapter and other information the department deems necessary to explain the chapter. Such
162 workplace notice shall be issued in English, Spanish, Chinese, Haitian Creole, Italian,
163 Portuguese, Vietnamese, Laotian, Khmer, Russian, and any other language that is the primary
164 language of at least 10,000 or one-half of one percent of all residents of the commonwealth.
165 Each employer with five or more employees whose primary language is not English shall post
166 the workplace notice in that language, if such notice is available from the department.

167 (2) Each employer shall issue to each employee, within 30 days from date of the
168 employee's first day of work, the following written information provided or approved by the
169 department: (i) an explanation of the availability of temporary disability and family care leave
170 benefits provided pursuant to this chapter; (ii) the name and mailing address of the employer;
171 (iii) the identification number assigned to the employer by the department; (iv) instructions on
172 how to file a claim for disability benefits; (v) the address and telephone number of the regional
173 office of the department which serves the employee, as well as the telephone number of the
174 department; and (vi) an explanation of the method through which the employer will provide
175 temporary disability and family care leave benefits under this chapter; provided that where an
176 employer secures an alternative method of providing benefits, the employer shall notify the
177 employee within 30 days of the change. Delivery is made when an employer provides such
178 information to an employee in person or by mail to the employee's last known address.

179 (3) Any employer who fails to comply with the provisions of paragraphs (1) or (2) of this
180 subsection shall be punished by a fine of not less than 50 dollars or more than 300 dollars. A
181 subsequent violation of this subsection by the same employer shall be punished by a fine of not

182 less than 250 dollars or more than 1,000 dollars. The employer shall have the burden of
183 demonstrating compliance with this subsection.

184 (b) (1) Where the need for temporary disability leave or family care leave is foreseeable,
185 the employee shall notify the employer of the anticipated starting date of the leave, the
186 anticipated length of the leave, and the expected date of return at least 30 days prior to the date
187 that the leave is to begin. Where the need for leave is not foreseeable or if there are exigent
188 circumstances, the employee shall notify the employer as soon as practicable. (2) Where an
189 employer fails to provide notice of the provisions of this chapter as required under subsection (a)
190 of this section, the employee's notice requirement shall be waived.

191 Section 5. – Certification Requirements

192 (a) An employee shall provide certification supporting a request for leave under this
193 chapter as soon as practicable; provided, however, an employer shall not delay the taking of
194 temporary disability or family care leave or delay payment of benefits for the period in which
195 leave is taken for employees entitled to a weekly benefit under section 3, on the basis that the
196 employer has not yet received the certification.

197 (1) The certification for an employee taking temporary disability leave shall be
198 sufficient if it states the date on which the serious health condition commenced, the probable
199 duration of the condition, the appropriate medical facts within the knowledge of the health care
200 provider as required by the department, and a statement that the employee is unable to perform
201 the functions of his position.

202 (2) The certification for an employee taking family care leave because of the serious
203 health condition of a family member of the employee shall be sufficient if it states the date on

204 which the serious health condition commenced, the probable duration of the condition, the
205 appropriate medical facts within the knowledge of the health care provider as required by the
206 department, a statement that the employee is needed to care for the family member, and an
207 estimate of the amount of time that the employee is needed to care for the family member.

208 (3) Certification for an employee taking family care leave because of the birth of a child
209 of the employee shall be sufficient if the employee provides either the child's birth certificate or
210 a document issued by the health care provider of the child stating the child's birth date.

211 (4) Certification for an employee taking family care leave because of the placement of a
212 child with the employee for adoption or foster care shall be sufficient if the employee provides a
213 document issued by the health care provider of the child, an adoption or foster care agency
214 involved in the placement, or by other persons as determined by the department that confirms the
215 placement and the date of placement. To the extent that the status of the employee as an adoptive
216 or foster parent changes during the pending of benefits the employee is required to notify the
217 employer who is required to notify the Department of Children and Families. The Department of
218 Children and Families may confirm the status of the employee as adoptive or foster parent during
219 the pending of benefits.

220 (b) Any medical or health information required under this section shall be treated as
221 confidential and not disclosed except with permission from the employee who provided it unless
222 disclosure is otherwise required by law. Moreover, nothing in this section shall be construed to
223 require an employee to provide as certification any information from a health care provider that
224 would be in violation of section 1177 of the Social Security Act, 42 U.S.C. 1320d-6, or the

225 regulations promulgated under section 264(c) of the Health Insurance Portability and
226 Accountability Act of 1996, 42 U.S.C. 1320d-2 note.

227 (c) An employee shall not be eligible to receive temporary disability or family care
228 benefits if the director finds that the employee, for the purpose of obtaining these benefits, has
229 willfully made a false statement or representation, with actual knowledge of the falsity thereof,
230 or has willfully withheld a material fact concerning the facts required to be certified pursuant to
231 this subsection.

232 Section 6 – Methods for Securing Benefits

233 (a) An employer or an association of employers shall secure temporary disability and
234 family care benefits for employees in one of the following ways:

235 (1) By making contributions, solely or jointly with employees, to the family and
236 employment security trust fund established in section 7 of this chapter in the form and manner
237 determined by the department consistent with section 7(h) of this chapter; or

238 (2) By a private plan or agreement, including but not limited to an insurance policy,
239 collective bargaining agreement, or company policy, that is acceptable to the department as
240 satisfying the obligation to provide for the payment of benefits at least as favorable as the
241 benefits required by this chapter. A private plan or agreement under this subsection may be
242 approved by the department if it finds that:

243 (i) all of the employees of the employer are to be covered under the provisions of such
244 plan; and

245 (ii) eligibility requirements for leave are no more restrictive than as provided in this
246 chapter for benefits payable by the trust fund established in section 7 of this chapter; and

247 (iii) the weekly benefits payable under such plan for any week of leave are at least equal
248 to the weekly benefit amount payable by the trust fund established in section 7 of this chapter;
249 and

250 (iv) no greater amount is required to be paid by employees toward the cost of temporary
251 disability or family care benefits than that prescribed by law as the amount of employee
252 contribution to the trust fund established in chapter 7 of this chapter for employers opting to
253 provider coverage under the trust fund

254 (b) Employers shall file annually with the department a notice of coverage and statement
255 of benefits provided. Where an employer secures an alternative method of providing benefits,
256 the employer shall notify the department within 30 days of the change.

257 (c) Nothing in this section or chapter shall be construed as to affect any bargaining
258 agreement, company policy, or other state or federal law which provides for greater or additional
259 benefits than those required under this chapter.

260 (d) Nothing in this section or chapter shall be construed as prohibiting an employer from
261 requiring an employee to provide up to one-half of the contributions required by this section or
262 this chapter. The weekly benefit amount may be reduced by the amount of the employees
263 contribution that accrued during the benefit period one half of the premium that accrued during
264 the benefit period.

265 (e) Nothing in this section or chapter shall be construed as prohibiting an employer from
266 contributing an amount that is greater than the amount that is contributed by the employee.

267 Section 7. – Establishment of the Family and Employment Security Trust Fund and
268 Administrative Account

269 (a) There is established in the Office of the State Treasurer and Receiver General,
270 separate and apart from all public monies or funds of the state, a family and employment security
271 trust fund, hereinafter referred to as the “trust fund” which shall be administered by the state
272 treasurer exclusively for the purposes of this chapter. The trust fund shall consist of:

273 (1) All employer and employee contributions collected pursuant to section 6(a) (1) of this
274 chapter together with any interest earned thereon;

275 (2) Any property or securities acquired through the use of monies belonging to the trust
276 fund together with any earnings of such property and securities;

277 (3) All monies transferred into the trust fund from the family and employment security
278 administrative account; and

279 (4) All other monies received for the trust fund from any source.

280 (b) There is established in the Office of the State Treasurer and Receiver General,
281 separate and apart from all public monies or funds of the state, a family and employment security
282 administrative account, hereinafter referred to as the “administrative account”, which shall be
283 administered by the state treasurer exclusively for the purposes of this chapter. The
284 administrative account shall consist of:

285 (1) All contributions collected pursuant to this section, together with any interest thereon;

- 286 (2) All fines and penalties levied pursuant to this chapter;
- 287 (3) All monies collected by way of subrogation;
- 288 (4) Interest earned on any monies belonging to the administrative account;
- 289 (5) Any property or securities acquired through the use of monies belonging to the
290 administrative account together with all earnings of such property and securities;
- 291 (6) All monies appropriated to the administrative account by the legislature; and
- 292 (7) All other monies received for the administrative account from any source.
- 293 (c) The state treasurer shall be the treasurer and custodian of and administer the trust fund
294 and the administrative account. All monies in the trust fund and administrative account shall be
295 held in trust for the purposes of this chapter only and shall not be expended, released,
296 appropriated, or otherwise disposed of for any other purpose. Monies in the trust fund and
297 administrative account may be deposited in any depository bank in which general funds of the
298 commonwealth may be deposited, but such monies shall not be commingled with other
299 commonwealth funds and shall be maintained in separate accounts on the books of the
300 depository bank. Such monies shall be secured by the depository bank to the same extent and in
301 the same manner as required by the general depository law of the commonwealth, and collateral
302 pledged for this purpose shall be kept separate and distinct from any other collateral pledged to
303 secure other funds of the commonwealth. The trust fund shall maintain an annualized amount of
304 at least 140 percent of the previous year's expenditure.
- 305 (d) The state treasurer shall pay all expenses incurred in administering the provisions of
306 this chapter. In the event that the balance in the trust fund shall at any time be insufficient to pay

307 benefits under this chapter, the governor, upon the state treasurer's request, shall cause such sums
308 as may be required for the payment of such benefits to be transferred from the administrative
309 account to the trust fund.

310 (e) Expenditures of monies in the trust fund shall not be subject to provisions of law
311 requiring specific appropriations or other formal release by state officers of money in their
312 custody. All benefits shall be paid from the trust fund upon warrants drawn upon the state
313 treasurer by the comptroller of the commonwealth supported by vouchers approved by the
314 director.

315 (f) The state treasurer may, from time to time, shall invest such monies in the trust fund
316 as are in excess of the amount deemed necessary for the payment of benefits for a reasonable
317 future period. Such monies may be invested in bonds of any political or municipal corporation
318 or sub-department of the commonwealth, or any of the outstanding bonds of the commonwealth,
319 or invested in bonds or interest-bearing notes or obligations of the commonwealth, or of the
320 United States, or those for which the faith and credit of the United States are pledged for the
321 payment of principal and interest (or in federal land bank bonds or joint stock farm bonds). The
322 investments shall at all times be so made that all the assets of the trust fund shall always be
323 readily convertible into cash when needed for the payment of benefits. The state treasurer shall
324 have the power to dispose of securities or other properties belonging to the trust fund when
325 needed for the payment of benefits.

326 (g) Temporary disability and family care benefits shall be paid from the trust fund to
327 employees whose employer made contributions to the trust fund pursuant to section 6(a)(1) of
328 this chapter. Temporary disability benefits shall also be paid from the trust fund to an employee

329 whose employer has not made contributions pursuant to section 6(a)(1), but who is entitled to
330 receive such disability benefits but cannot because of the bankruptcy of his employer or because
331 the employer is not in compliance with this chapter. Disability benefits paid from the trust fund
332 to such employee may be recovered through bankruptcy proceedings or from the noncomplying
333 employer. The state treasurer shall institute administrative and legal action to effect recovery of
334 such disability benefits.

335 (h) For the purpose of accumulating funds for the payment of temporary disability and
336 family care benefits, and administrative costs, employers, providing benefits in accordance with
337 section 6(a)(1) of this chapter, shall, together with their employees, pay equal amounts as
338 determined by the state treasurer. Employers and their employees making such contributions
339 under section (6)(a)(1) shall transmit all such payments to the trust fund or administrative
340 account in such manner, at such time, and under such conditions as shall be prescribed by the
341 state treasurer.

342 (i) On or before October first of each year, the state treasurer shall certify to the secretary
343 of the executive office of labor and workforce development the estimated costs for the coming
344 year of benefits and for administrative services provided by the department. Said rates of
345 employer contribution to both the trust fund as established by this chapter shall be adjusted
346 annually as consistent with the needs of the operation of said trust fund and administrative
347 account.

348 (j) An employer to whom the department has sent a request for wage and employment
349 information for an employee claiming temporary disability or family care benefits under this
350 chapter shall complete and file such information within 10 days from the date the request was

351 sent. If an employer does not respond within 10 days, that employer may be held liable for any
352 and all related costs incurred by the commonwealth.

353 (k) The state treasurer may contract with a non-state entity to perform the duties of the
354 treasurer established in Section 7 through a request for proposal.

355 Section 8. – Establishment of Department of Family and Medical Leave and Enforcement

356 (a) There shall be a department of family and medical leave within the executive office of
357 labor and workforce development which shall be administered by a director appointed by the
358 Governor. Claims for temporary disability and family care benefits shall be filed with the
359 department and shall be handled under the procedures prescribed under sections 1, 10, 11, 12, 14,
360 15 and 16 of chapter 30A of the general laws.

361 (b) The department shall conduct a public education campaign to inform workers and
362 employers about the availability of temporary disability and family care leave benefits, the
363 requirements for receiving such leave and benefits, and how to apply for such leave and benefits.

364 (c) The Fair Labor Department of the Office of the Attorney General shall be responsible
365 for the interpretation and enforcement of this chapter and may promulgate rules and regulations
366 pursuant thereto. Violations of this chapter, including the failure to provide benefits as required
367 in section 6, shall be subject to paragraphs (1), (2), (4), (6) and (7) of subsection (b) of section
368 27C and to section 150 of chapter 149 of the general laws.

369 (d) This act shall be liberally construed as remedial legislation to further its purpose of
370 providing job-protected temporary disability and family care leave, as well as temporary
371 disability and family care benefits, to the employees of the commonwealth. All presumptions

372 shall be made in favor of the availability of leave and the payment of disability benefits under
373 this chapter.

374 Section 9. – Retaliation Protections

375 (a) It shall be unlawful for any employer to retaliate by discharging, firing, suspending,
376 expelling, disciplining or in any other manner discriminating against an employee for exercising
377 any right to which such employee is entitled under this section or with the purpose of interfering
378 with the exercise of any right to which such employee is entitled under this section.

379 (b) It shall be unlawful for any employer to retaliate by discharging, firing, suspending,
380 expelling, disciplining or in any other manner discriminating against an employee who has filed
381 a complaint or instituted or caused to be instituted a proceeding under or related to this section,
382 has testified or is about to testify in an inquiry or proceeding, or has given or is about to give
383 information connected to any inquiry or proceeding relating to this section.

384 (c) Any negative change in the seniority, status, employment benefits, pay, or other
385 terms or conditions of employment of an employee who has been restored to a position pursuant
386 to this section that occurs within six months of such restoration, or of an employee who has
387 participated in proceedings or inquiries pursuant to this section within six months of the
388 termination of proceedings shall be presumed to be retaliation under this section.

389 SECTION 2. Subsection (c) of section 46 of chapter 151A of the General Laws, as
390 amended by chapter 70 of the acts of 2016, is hereby further amended by striking out clause (3)
391 and inserting in place thereof the following clause:-

392 (3) to the heads of the departments of career services, transitional assistance, revenue,
393 veterans' services, family and medical leave, and the office of Medicaid and industrial accidents,
394 information necessary in the performance of their official duties;

395 SECTION 3. Section 150 of chapter 149 of the General Laws, as appearing in the 2014
396 Official Edition, is hereby amended by inserting after the word "151", in line 23, the following
397 words:- , or of chapter 175K.