



Simmons
UNIVERSITY

THE MASSACHUSETTS MATERNITY LEAVE ACT

If you are not eligible for leave under the FMLA, you may be entitled to maternity leave under the Massachusetts Maternity Leave Act (MMLA). The MMLA provides eight weeks of job-protected leave to full-time female employees who have completed their initial probationary period and it requires employers to restore a female employee who takes no more than eight weeks of leave for the purposes of giving birth or adoption to her previous or similar position with the same status, pay, length of service credit, and seniority.

Q: Does this law apply to male employees?

A: No. When the law was enacted in 1972, it specified leave only for full-time female employees who gave birth. The Act was later amended to provide leave for adoptive mothers, but the statute has never been amended to provide leave for male employees.

Q: Is MMLA leave paid leave?

A: No, but female employees who give birth may be eligible for short-term disability benefits. May the eight-week leave period start before the expected due date?
Yes. The MMLA provides that leave may be taken for the purpose of preparing for the birth or adoption of a child.

Q: What is meant by the “initial probationary period”?

A: A probationary period that may be set by Simmons at the beginning of her employment, or, if there is no such probationary period, if she has been employed by Simmons for at least three consecutive months as a full-time employee.

Q: What are my MMLA leave rights if I give birth to a child in January and then adopt a child in June of the same year? Am I entitled to eight more weeks of leave when the child I adopt is placed in my home?

A: Yes. The MMLA allows eight weeks of leave each time female employee give birth or adopts a child.

Q: What about multiple births and the MMLA? If I give birth to twins, am I entitled to 1weeks of leave under the MMLA because I have given birth twice?

A: Yes. Under the MMLA Guidelines developed by the Massachusetts Commission Against Discrimination, an employee who gives birth to twins has given birth two times and is entitled to eight weeks of leave for each child.

Q: I adopt two babies at the same time. How many weeks of leave am I entitled to?

A: Sixteen weeks. The MCAD treats multiple adoptions the same as multiple births.

How do the FMLA and MMLA interplay with each other?

Example: I develop a medical condition in the seventh month of my pregnancy. My doctor orders bed rest for three weeks until my condition stabilizes. Would those three weeks be counted as MMLA leave?

Answer: No, because the time off prior to your delivery was not “for the purpose of giving birth.” You would be entitled to eight weeks of MMLA leave when your child is born.

Example: I have a knee operation in January. I take 12 weeks of leave that is designated by Simmons as FMLA leave. I have a baby in June of that same year. How much leave, if any, am I entitled to?

Answer: You would be entitled to an additional eight weeks of leave under the MMLA. The FMLA leave did not count as MMLA leave because it was not for the purpose of giving birth.

Example: I have a baby in March and take 12 weeks of leave that is designated by Simmons as FMLA leave. At the expiration of the 12 weeks, I request an additional 8 weeks of leave under the MMLA in connection with the same child. Am I entitled to the additional eight Weeks?

Answer:No. Simmons has already complied with the MMLA’s requirement that you receive at least eight weeks of leave for the purpose of giving birth to a child. In this instance, the MMLA leave runs concurrently with the FMLA leave.