

SMALL NECESSITIES LEAVE ACT

MASSACHUSETTS GENERAL LAW (M.G.L.) CHAPTER 149, SECTION 52D

The Small Necessities Leave Act permits eligible employees to take up to a total of 24 hours of leave within a 12-month period to attend a child's school activity or accompany a child or elderly relative to a doctor's appointment. The legislated effective date of this act is August 4, 1998.

The Small Necessities Leave Act permits an employee leave for the following purposes:

- To participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as a parent-teacher conference or interviewing for a new school;
- To accompany a son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations; and
- To accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services relating to the elder's care, such as interviewing at nursing or group homes.

The 24 hours of leave available under this benefit are in addition to the 12 weeks of leave provided for under the federal Family and Medical Leave Act. The 24 hours may be taken within the 12-month calendar year period and the time may be taken on an intermittent (i.e. 2 hours to attend a parent-teacher conference) or reduced-time schedule.

Attending parent-teacher conferences, interviewing for a new school, routine check-ups or vaccinations, or interviewing at nursing or group homes qualify as acceptable purposes.

An employee is required to provide his/her department with seven (7) days' notice of the need for the leave if the leave is foreseeable. If the necessity for the leave is not foreseeable, the employee is required to provide notice of the leave as soon as practicable.

The law provides for an unpaid leave of absence. An employee may elect to use any available accrued vacation, personal or sick leave benefits provided the use of such time is in accordance with the employee's appropriate collective bargaining agreement. Also, An employer may require the employee to substitute any of the employee's paid vacation leave, personal leave or sick leave for the leave provided for by the Small Necessities Leave Act. In other words, the employer may require that the employee first utilize vacation leave, personal leave or sick leave before taking the unpaid Small Necessities Leave.

A department may require that written certification or documentation support a request for leave under this act.

DEFINITIONS

Son or daughter ... any child under 18 who is the biological child of the employee, who is adopted by the employee, or whom the employee supervises on a day to day basis and for whom the employee is financially responsible. A "son or daughter" is also a child over 18 who is incapable of self-care because of a mental or physical disability.

Elderly relative ... an individual of at least 60 years of age who is related by blood or marriage to the employee, including a parent.

School ... a public or private elementary or secondary school, a Head Start program, or a children's day care facility.

Federal Act ... the Family and Medical Leave Act (FMLA) of 1993. Unless this section provides otherwise, the terms of FMLA shall apply to leave under this section.

Eligible employee ... an employee must have been employed for 12 months at the time the leave is to begin. Also an employee must have worked for at least 1,250 hours during the 12-month period prior to the beginning of the leave.