

July 22, 2025

Representative Paul McMurtry, Chair
Joint Committee on Labor &
Workforce Development
State House, Room 472
Boston, MA 02133

Senator Jacob Oliveira, Chair
Joint Committee on Labor &
Workforce Development
State House, Room 416-B
Boston, MA 02133

Dear Chair McMurtry and Chair Oliveira,

On behalf of the Greater Boston Chamber of Commerce and our over 1,200 members, I write to offer testimony in opposition to H.2109/S.1352, *"An Act amending the Massachusetts paid family medical leave law definitions of a covered business entity and a covered contract worker"* filed by Representative Gordon and Senator Lewis. As a major stakeholder involved in the negotiations that created the Paid Family and Medical Leave (PFML) Program through the "Grand Bargain," the Chamber opposes any changes to the Paid Family and Medical Leave (PFML) Program to expand eligibility without input from employers. Importantly, the proposed change will insert unnecessary confusion and complexity into the Paid Leave Program at a time when contribution rates are already increasing.

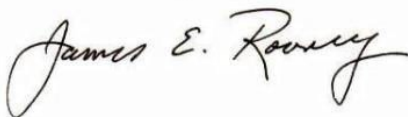
The proposed legislation seeks to alter the eligibility process for the Commonwealth's PFML program for contract workers by replacing the review of IRS 1099-MISC Forms with the state's three-part test for independent contractors. The Commonwealth's existing statutes for independent contractors are ambiguous, leading to confusion and exacerbating misclassification issues. Relying on the three-part test would complicate and create uncertainty in the eligibility process for employers – and exposes employers to case-by-case determinations instead of the current straightforward eligibility process.

There are existing resources for independent contractors to enroll in the Commonwealth's PFML program. Any self-employed individuals, including independent contractors who work for an employer with a workforce made up of less than 50% of a business's workforce, can opt into the PFML program. Employees are also able to work with the Massachusetts Attorney General's Fair Labor Divisions if they are misclassified for remedial action. To the extent Massachusetts is interested in revisiting its test for determining an independent contractor, the Chamber believes a clearer test that embraces the role on independent contractors in Massachusetts and simplifies the definitions is overdue. However, that topic necessitates a longer and more in-depth conversation with all stakeholders involved.

In 2018, legislators convened stakeholders from the labor and business communities to compromise on proposals related to the minimum wage, sales tax, PFML and other policy issues. The resulting Grand Bargain Agreement is representative of that process, and any changes would necessitate a similar convening of stakeholders. More importantly, it should be recognized that the specifics of the Grand Bargain agreement were the result of intense negotiations and altering key definitions or other aspects of the law undermine the collaborative work among employers, unions, and advocacy organizations that resulted in Chapter 175M.

For the reasons listed above, we are opposed to H.2109/S.1352 and would urge the Committee to not report the legislation out favorably.

Sincerely,



James E. Rooney
President and CEO