

FAQ

TheStandard®

Massachusetts Paid Family and Medical Leave (MA PFML)

Frequently Asked Questions

What is Massachusetts Paid Family and Medical Leave (MA PFML)?

This state-mandated program provides Massachusetts employees with job-protected paid leave (up to \$850 per week in 2021) in order to:

- Bond with a new child
- Care for an individual's own serious medical condition
- Care for a family member with a serious health condition (beginning July 1, 2021), or
- Help relieve family pressures when someone is notified of or called to active military service and caring for a family member who has returned from active duty

Who is eligible for MA PFML?

All Massachusetts employers, regardless of size, including out-of-state employers with Massachusetts employees, are required to participate with very few exceptions. Employers will have to:

- Report employee wages and hours worked for each employee;
- Collect and remit premiums; and
- Post required poster and provide notices.

To qualify for MA PFML employees must be working in Massachusetts as:

- An employee in full-time, part-time, permanent, temporary, on call, per diem or seasonal employee status; or
- A former employee of the employer for not more than 26-weeks after separation or until reemployed, whichever comes first; or
- A self-employed individual who is not an independent contractor and whose employment is for an entity whose workforce is more than 50% of self-employed individuals (and not independent contractor) for care of one's own illness, bonding and military exigencies. Care of a family member benefits are effective July 1, 2021.

When does the MA PFML plan take effect and when can I file a claim?

This plan goes into effect January 1, 2021, for care of one's own illness, bonding and military exigencies. Care of a family member benefits are effective July 1, 2021. For foreseeable events, like a birth or planned surgery, an employee should provide their employer with a 30-day notice of intent to use PFML benefits. If unable to provide notice due to the sudden nature of the qualifying event, an employee is still entitled to the leave, but should notify their employer as soon as reasonably possible. If the employee does not comply with the notice requirements or follow the employers usual notice and procedural requirements, protected leave and payment for benefits may be delayed or denied.

The benefit year is 52 weeks starting from the Sunday prior to the leave event. The time period to bond with a child begins the first 12 months after the child's birth, adoption or foster care placement.

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Frequently Asked Questions Continued

What benefits does the program provide?

Paid medical leave is available for your own serious health condition, and is available beginning January 1, 2021 for up to 20 weeks.

Paid family leave is available to bond with a child during the first 12 months after its birth, adoption or foster care placement; or to manage family affairs when a family member is on active duty in the armed forces. These types of family leave are available for 12 weeks beginning January 1, 2021.

There are 26 weeks available for paid family leave when you are needed to care for a family member who is a current member of the Armed Forces and who has a serious health condition, beginning January 1, 2021.

Beginning July 1, 2021 paid family leave is available to care for a family member with a serious health condition.

Paid leave for military exigency is also available beginning January 1, 2021. Paid leave to care for a service member returning from duty is available for up to 26 weeks.

The total amount of combined leave cannot exceed 26 weeks in the benefit year.

Leave may be taken intermittently or in a consecutive block. Intermittent leaves must be taken in increments of at least 15 minutes, unless your employer has established a separate Absence leave time that is different.

Employee must take leave within a rolling 52 weeks of when their benefit year begins (except for bonding).

Employee is not required to exhaust available paid time off from their employer before receiving paid family and/or medical leave.

How is my weekly benefit calculated?

Eligible employees who earn less than half of the MA State Average Weekly Wage (SAWW) are eligible to receive up to 80% of their average weekly wage.

Eligible employees who earn more than half the Massachusetts SAWW are eligible to receive up to:

80 percent of their average weekly wage of half of the SAWW + 50% of their average weekly wage that is above half of the SAWW. The maximum Benefit available in 2021 is \$850.

Effective October 1, 2020, the SAWW is \$1,487.78. This is subject change every October 1st but will not impact the PFML calculation until the following January 1.

How is the MA PFML program different from time taken under the Federal Family & Medical Leave Act (FMLA) or other state leave laws?

MA state Paid Family and Medical plan provides paid leave for employees who take a leave from their jobs to bond with a new child, to care for a family member with a serious health condition, to care for your own medical condition, or to relieve family pressures when someone is called to or returns from active military service.

Federal FMLA provides job protection for this time away from work but does not provide pay during those periods. MA state PFML provides job protection independent of FMLA leaves.

Does FMLA and MA PFML run concurrently?

Yes, when the qualifying event applies under both and the employee has met both qualification periods, FMLA and MA PFML would run concurrently. There are circumstances in which an employee may not have met entitlement requirements under both programs, or where the qualifying event will not be covered under both programs.

Will you tell my employer I applied for MA PFML benefits?

Yes, when you apply for benefits under MA PFML, we will send a notice to your employer that lists the type of leave you are requesting.

Frequently Asked Questions Continued

What if my need for time off is not a full workday, such as a reduced schedule leave or intermittent time off?

You may take MA PFML on a reduced schedule. The average weekly benefit will be calculated based on the reduced schedule at time of claim. For intermittent leave, the weekly benefit will be prorated according to the time on paid leave days versus working days.

Can I receive both Short Term Disability and MA PFML benefits?

An employee can be awarded both benefits at the same time, however, for most Standard STD policies, there will be an offset to weekly STD benefits you are eligible to receive due to MA PFML.

How does my PTO/Sick/Vacation interact with MA PFML benefits?

Your employer may offer vacation, sick, or other paid time off. The MA PFML policy refers to this as Accrued Paid Leave. It is the employee's choice as to whether they want to use Accrued Paid Leave.

Your PFML leave entitlement bank may be reduced by the Accrued Paid Leave time that you use.

With a private MA PFML plan, you may be able to receive accrued paid leave and PFML benefits simultaneously, however you may not receive more than 100% wage replacement. Coordination of accrued paid leave with paid benefits under PFML is determined by your employer and the private plan administrator.

How does pregnancy and bonding work when a claim begins in 2020?

Bonding leave can be taken for up to 12 months after the birth of the baby.

For children born, adopted, or placed in foster care in 2020

Parents of children born, adopted, or placed in foster care during 2020 may be eligible for family leave to bond with their new child in 2021, regardless of the duration or type of leave taken in 2020. Leave may be taken until the child's first birthday or the first anniversary of their adoption or foster care placement.

For example, for a baby was born on April 1, 2020, each parent would be eligible to take up to 12 weeks of family leave to bond with their child beginning on January 1, 2021, until the baby's first birthday on April 1, 2021. If the baby was born on March 1, 2020, the parents would be eligible for up to eight weeks of leave beginning January 1, 2021 provided that it is taken prior to the child's first date of first birthday.

Parents who took FMLA in 2020, could still take benefits in 2021. There is no lookback period for the first year of the program. Additional information regarding pregnancy/bonding leave:

- For benefits requested in 2021 there is no lookback on time used to reduce MA PFML benefits. Meaning that leave used in 2020 will not negatively impact MA PFML benefits in 2021 (aside from the cut-off mentioned above*).
- The person would be eligible for up to the 26 total weeks of family and medical leave in a benefit year.
- Family Leave can be used for bonding during the first 12 months after the child's birth and the maximum eligibility is 12 weeks in a benefit year.
- An Employee would be eligible for up to 20 weeks for her own medical for a serious health condition, but the aggregate cannot exceed 26 weeks in a benefit year. So, whatever she used for own medical reduces the 26-week total. The normal duration for pregnancy is 6-8 weeks if an employee works right up to her delivery date. In these circumstances, the claimant would use Paid Medical Leave for her own medical condition since she would have been impaired by her pregnancy disability period. She would then have the remaining time under the aggregate 26-weeks remaining for bonding.

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