

Paid Family and Medical Leave (PFML)

Frequently Asked Questions for Employers/Employees

1. What is PFML?

Beginning in 2021, most Commonwealth employees will be eligible for Paid Family and Medical Leave benefits when they experience their own serious health condition which incapacitates them from work or for a family member who needs care. The benefit will be administered through the Department of Family and Medical Leave (DFML). M.G.L. c. 175M, the law enacting this program, requires a contribution to fund the program that may be split between the employer and the employee.

2. Is there a difference between FMLA and PFML?

The FMLA is an unpaid, job protected leave under the Federal Law. The FMLA is available for the employee or a parent, child or spouse with a serious health condition. The PFML is a paid, job protected leave under Massachusetts Law. The PFML definition of family is broader including spouse, domestic partner, child, parent, parent of spouse, grandchild, grandparent or siblings of employees who have a serious health condition. When possible, both leaves will run concurrently. An employee's weekly benefit amount will be based on the employee's earnings, with a maximum benefit of \$850 per week.

3. As a Commonwealth employee am I covered under the law?

- a. Before applying for benefits, you must have:
- b. Approximately 15 weeks or more of earnings
- c. Earned at least \$4,700 in the previous 12 months

4. What are my contributions and how are they broken down?

The required contribution rate is 0.63% of wages, 17.5% of that amount will be allocated to the family leave contribution and 82.5% is a medical leave contribution. Employees are responsible for 100% of the family leave contribution and 40% of the medical leave contribution. Employers are responsible for 60% of the medical leave contribution. This weighting results in the deduction split to be approximately 50/50 between the employer and employee contributions.

5. Is there a cap on how much time you can take?

- a. The amount of time available under the PFML depends upon the need.
- b. Beginning January 1, 2021,
 - i. Employees may be entitled to up to 12 weeks of paid family leave in a benefit year for the birth, adoption, or foster care placement of a child, or because of a qualifying exigency arising out of the fact that a family member is on active duty or has been notified of an impending call to active duty in the Armed Forces;
 - ii. Employees may be entitled to up to 20 weeks of paid medical leave in a benefit year if they have a serious health condition that incapacitates them from work
 - iii. Employees may be entitled to up to 26 weeks of paid family leave in a benefit year to care for a family member who is a covered service member undergoing medical treatment or otherwise addressing consequences of a serious health condition relating to the family member's military service.
- c. Beginning July 1, 2021, employees may be entitled to up to 12 weeks of paid family leave in a benefit year to care for a family member with a serious health condition.

6. What is the maximum PFML time for each employee?

Employees are eligible for up to 26 weeks per year.

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Frequently Asked Questions for Employers/Employees (continued)

7. What length of service/hours worked before I am eligible?

- a. Approximately 15 weeks or more of earnings
- b. Earned at least \$4,700 in the previous 12 months

8. My spouse is sick, can I sign the form for them?

The DFML will make the determination as to the filing requirements.

9. Are the contribution rates the same for managers and bargaining unit staff?

Yes, there is one contribution rate for employees, regardless of the position they hold.

10. I am currently on a medical leave, how will the PFML interact with my existing benefits?

Paid leave benefits do not begin until 2021. At that time, PFML can run concurrently with other leaves such as those available under the FMLA, Massachusetts Parental Leave Act and the collective bargaining agreements. Additional information on the interaction between the PFML and existing medical leave benefits will be made available at a later date. Greater detail with regard to the benefits and administration of the PFML program is currently available on the Department of Family and Medical Leave website: <https://www.mass.gov/DFML>.

11. What are the key dates for implementation?

- a. July 1, 2019 – Contribution deductions begin
- b. January 1, 2021 – PFML benefits for personal illness, military and birth, adoption or foster care placement.
- c. July 1, 2021 – PFML benefits for illness of family member who needs care from employee.

12. When will contributions be reflected in my pay advice?

PFML payroll deductions will begin effective July 1, 2019, and will be reflected in your pay advice dated July 12, 2019. Because July 1 is not the beginning of a full biweekly pay period, the first PFML deduction will be prorated accordingly. The full biweekly contribution will be deducted beginning the pay period July 7, 2019, and will be reflected in your pay advice dated July 26, 2019.

13. Are employee contributions pre-or post- tax?

The IRS has not yet provided definitive guidance.

14. Do I have to sign up each year for this benefit like I do for annual enrollment?

No, employees are required to contribute to this program through an automatic payroll deduction which will be transmitted by the employer to the DFML. Eligibility for benefits will be determined by the DFML.

15. I am not interested in the PFML benefit. How do I opt out?

There is no ability to opt out under the Law.

16. What if I never use the plan but have contributed to it, do I get some percentage of reimbursement when my employment is terminated with the Commonwealth? If not, who gets my contributions?

There is no employee reimbursement for non-use. The contributions are deposited into the Family Security Trust Fund for payment of benefits for any eligible individual under the Law, this includes public sector, private sector and participating self-employed individuals.

17. Where do I email/call with questions?

MassHREmployeeServiceCenter@Mass.gov / 617-979-8500