



Massachusetts Paid Family and Medical Leave (MA PFML)

Benefits payable beginning January 1, 2021



Sun Life

Employer Eligibility

- All private employers with one or more employees in the Commonwealth of Massachusetts (MA) are subject to this law.
- The state, including all its branches and departments and its hospitals and institutions of higher education are subject to the law.

Not covered: Municipalities, districts, political subdivisions or their instrumentalities are not subject to this law but they may opt in by majority vote by the local legislative or governing body.

Employee Eligibility

- Employees must have earned \$5,100 for work in Massachusetts during the last four completed calendar quarters and 30 times the weekly MA unemployment insurance benefit amount they would be able to collect under the state's unemployment compensation law
- Self-employed individuals can elect coverage for an initial minimum period of three years and cannot collect benefits until they have contributed premiums for at least two calendar quarters

Eligibility is based on the amount of compensation that the employee has earned while working in MA. There is no minimum hours worked requirement.

Benefit Duration

Covered employees who work in MA are allowed the following in a 12-month period:

- Up to 12 weeks of family leave for bonding with a newborn, adopted or foster child, care of a family member with a serious health condition, qualifying military exigency
- Up to 20 weeks of medical leave when an employee's own serious health condition prevents the employee from being able to perform the job
- Up to 26 weeks to care for an injured service member
- Up to 26 weeks of combined medical and family leave per benefit year

Benefit year is measured forward 52 weeks from the Sunday preceding the first day of the employee's covered leave.

Reasons for leave

Family leave

- Bonding (caring for the employee's own newborn, adopted or foster care placed child within the first 52 weeks of such birth, adoption, or placement.)
- Care for a family member who was injured in the line of duty
- Military exigency as defined by the federal FLMA
- Care for a family member with a serious health condition (benefits effective July 1, 2021)

Medical leave

- Employees own serious health condition that prevents the employee from being able to work

The definition of serious health condition

aligns with that used under the federal FMLA. Namely, a serious health condition is an illness, injury, impairment or physical or mental condition involving inpatient care or continuing treatment.

Premiums

- All covered employers were required to begin taking payroll deductions on October 1, 2019, unless the employer chose to pay the employee portion of the premium. The payroll deductions are to be remitted to the Department of Family and Medical Leave (DFML) 30 days following the close of each calendar quarter.
- MA PFML premiums may be shared between employer and employee. Under the MA PFML law, the family leave premium is allocated 100% to employees, while employers may charge employees up to 40% of the medical leave premium with the balance owed by the employer.
- Employers with less than 25 employees are not required to pay the employer portion of premiums for family or medical leave. However, employees of such employers will still be subject to payroll deductions for their portions.

MA PFML

Family Leave

12

WEEKS



For bonding, care of a family member, and military exigency

Medical Leave

20

WEEKS



For employee's own serious health condition

Family Leave

26

WEEKS



For care of an injured service member

Up to a combined max

26

WEEKS



\$850

Max benefit

Benefit Amounts

- Are paid at 80% of the employee's average weekly wages for wages up to 50% of the state's average weekly wage (SAWW).
- Any portion of the employee's average weekly wages that exceeds 50% of the SAWW will be paid at 50% subject to a weekly benefit that is tied to the SAWW.
- The current SAWW is \$1,487.78.
- The initial maximum weekly benefit amount is \$850; this amount will be adjusted to 64% of the SAWW annually.

Intermittent/reduced schedule leave

- Is available for care of a family member, care of an injured service member, and for the employees' own serious health condition when medically necessary.
- Is available for bonding upon mutual agreement of the employee and employer.
- Is available for qualifying military exigency.
- Employers may set the minimum increment of intermittent leave consistent with the established policy the employer or covered business entity uses to account for use of other forms of leave.
- The state plan will require either the accumulation of 8 hours of leave or the passage of 30 days before paying an intermittent leave claim.

Covered family members

- spouse or domestic partner
- child
- parent or parent of the employee or of the employee's spouse or domestic partner
- grandchild
- grandparent
- sibling
- a person who stood in loco parentis to the employee when the employee was a minor child
- a child to whom the employee stands in loco parentis

Waiting period

There is a seven calendar day waiting period before benefits are paid. The waiting period must be satisfied for each new PFML leave except that there is no waiting period for family leave for bonding that is taken immediately after medical leave for childbirth. The waiting period is counted as part of the annual allotment of PFML.

Private plan exemption

Employers may seek approval to meet their obligations of the MA PFML law through a private plan. If approved, the employer will not be required to submit premium payments to the DFML beginning on the first of the quarter following approval of the private plan.

To meet the employer's obligations, a private plan must:

- Provide leave for the same reasons
- Offer the same or greater maximum benefits
- Offer equal to or greater wage replacement amounts
- Allow leave to be taken on an intermittent or reduced schedule
- Impose no additional conditions or restrictions, and
- Specifically state that all presumptions shall be made in favor of the availability of leave and the payment of leave benefits.

If the private plan is in the form of:

Self-insurance – the employer must furnish a surety bond running to the state

Fully insured – the policy must be approved by the insurance commissioner and be issued by an approved insurer.

Visit us at [sunlife.com/pfml](https://www.sunlife.com/pfml) for resources and education about PFML. This is your site for PFML, visit it frequently for updates.

Request a quote from Sun Life for administration of your fully insured or self-inured MA PFML Plan.

The information in this document is based on our knowledge of the current MA PFML law and regulations. If the regulations are revised or if the law itself is amended, we will update this document. This document is not intended to be and should not be construed as legal advice. Employers are encouraged to consult employment law counsel for legal advice. When available, Sun Life's self-funded or administrative-services-only MA PFML solution will be administered by Sun Life Assurance Company of Canada. This service is not insurance. When available, Sun Life's fully-insured MA PFML coverage, will be issued by Sun Life Assurance Company of Canada.

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