

Massachusetts Paid Family and Medical Leave

MA PFML

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This document is meant to answer some of the questions that employers may have and provide them with a quick summary of information related to the law and the state-mandated plan as of January 1, 2022.

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MA Paid Family and Medical Leave (MA PFML) Basics

Is my business required to offer MA PFML benefits to employees?

Yes. Currently, private employers that employ one or more individuals are required to offer MA paid family and medical leave. Those who are self-employed or are sole proprietors are also eligible to opt-in to the program.

Is my business required to use the state-run paid leave program?

No, while private employers with one or more employee are required to offer MA PFML, they may choose to apply for an exemption if they want to offer the same benefits or better to all employees through private insurance.

How is the program funded?

Contribution% and dollar amount based on the cap	Paid Medical Split between employee and employer		Paid Family 100% employee pay		Total Contribution	
	Percent	Dollar	Percent	Dollar	Percent	Dollar
Employee	.224%	\$329.28	0.12%	\$176.40	0.344%	\$505.68
Employer	.336%	\$493.92	0%	\$0.00	0.336%	\$493.92
Total	0.56%		0.12%		0.68%	

How do you calculate MA PFML premium amounts due for each employee in 2022?

PFML payroll deduction=wages x 0.68%. When the cumulative total of the employee's contributions** reaches \$329.28 for PML and \$176.40 for PFL for the 2022 calendar year, the payroll deductions stop.

MA PFML	Employee A	Employee B	Employee C
Employee Wages	\$35,000	\$75,000	\$148,000
Rate	0.68%	0.68%	0.68%
Annual Max Contribution	\$238.00	\$510.00	\$999.60
Contribution Breakdown			
Paid Family 0.12%	\$42.00	\$90.00	\$176.40
Paid Medical 0.56%	\$196.00	\$420.00	\$823.20
Employee Pays (0.224%)	\$78.40	\$168.00	\$329.28
Employer Pays (0.336%)	\$117.60	\$252.00	\$493.92
Annual Max Contribution	\$238.00	\$ 510.00	\$999.60
Total Employee Pay	\$120.40	\$258.00	\$505.68
Total Employer Pay	\$117.60	\$252.00	\$493.92

**The state will collect the contributions quarterly bases in arrears. Private plan contributions can be aligned to billing frequency of other coverages.

Private Plan Option

What is a private plan?

MA allows employers to opt out of the state administered program by using a state approved private plan.

What are the private plan requirements?

MA PFML private plans can be self-insured or fully insured. They must be available to all covered workers under the MA PFML law and contain the same or better benefits and protections. A private plan can be either for paid family or paid medical leave coverage or for both.

What do I need for the state tax exemption?

To qualify for a state tax exemption, you need to apply for the tax exemption through MassTaxConnect with an approved private plan. MetLife has developed an MA PFML private plan tool kit outlining the steps needed to apply for the tax exemption. Ask your MetLife representative for this toolkit.

What are the planned annual changes?

Annual changes will be published in October of each year.

Do employers with private plans need to re-file or re-apply with the state?

Yes, if you have a private plan. MA PFML tax exemptions are for a 12-month period. Make sure you take action to know when your tax exemption expires and set a reminder not to miss the deadline for refiling.

- If insured, MetLife will automatically renew your policy. Each year, we will provide the updated documentation to support your MassTaxConnect filing to maintain your tax exemption. However, it remains your responsibility to renew your MA PFML tax exemption.
- If self-insured, and if the state has approved plan changes, please send the updated plan to MetLife to administer. Each year, you will need to update your Surety Bond with the state and submit any plan changes to your account using MassTaxConnect to maintain your tax exemption.

MetLife's Private Plan Solution

What is MetLife's MA PFML private plan solution?

MetLife offers fully insured, self-insured, advice to pay with and without benefit calculations, and Check cutting Administrative Services Only (ASO).

What is MetLife's premium rate for fully insured or self-insured MA PFML coverage?

Fully Insured: MA PFML is underwritten based on the customer. Employee-paid contribution is up to the state cap per year, and the employer funds the balance of the cost if there is any.

Self-Insured: MetLife's prices are based on a service fee for administering the program. Employee contributions cannot be used to pay the service fee. However, employers may collect the contribution to help fund benefits payable under the PFML program.

How do I remit MetLife's premium?

MetLife uses the Self Administer Premium Billing (SAP) method and can be aligned with the frequency of other coverages offered. Since MA requires the contribution to be assessed on every dollar earned, as premiums are collected, they should be submitted to MetLife. See example above for payroll deduction.

How will MetLife coordinate employer-paid benefits?

Your MetLife service team can help you review your employer-paid benefit that may overlap with the state leave benefit. We document overlaps and your preferred contact and action when the overlap happens on a Claim Benefit Coordination Tip Sheet. The same Tip Sheet can be used for multiple states with paid leave programs.

MA PFML Benefit Details

Who is eligible for coverage?

All employees working for a covered employer are eligible for benefits.

Most W-2 (full-time, part-time, and seasonal) and some 1099-MISC workers are eligible to take a paid family and/or medical leave after they have approximately earned at least \$5,700 over the past 4 calendar quarters. In addition, employees must have earned at least 30 times the benefit amount that they are eligible to receive.

What are the benefits and what life events can they be used for?

Eligible workers can receive wage replacement benefits for the below qualifying events, and job protection:



Paid Medical Leave	Paid Family Leave		
Own Serious Health Employee's own medical need including organ or bone marrow donations and pregnancy	Child Bonding Including newborn, adoption and foster placement	Family Caregiver When a covered family member has a serious health condition	Military Exigency When a covered family member is called to active service overseas
Up to 20 weeks for employees own serious medical condition	Up to 12 weeks for child bonding, military exigency, care of family Up to 26 weeks for military caregiver leave		
26 weeks combined total			
7 day waiting period. (Waived for child bonding taken right after maternity leave.) FMLA should run concurrent with PFML when applicable.			

How much of a benefit can an employee receive?

Benefits are paid as a percentage of employee's average weekly wage.

Benefit calculation
Maximum weekly benefit capped at \$1,084.31 based on the state AWW of \$1,694.24.
80% benefit on 50% of the state AWW + 50% on the balance up to cap

Leave Request Process

How do employees file for benefits?

1 Notify employer	2 Apply for benefits	3 Submit supporting documentation	4 Stay connected until your return to work
30 days to 60 days prior if leave is foreseeable or as soon as the employee can if unforeseeable	<ul style="list-style-type: none"> Contact claim administrator within 30 days prior or within 30 days after leave starts MetLife can accept claims via web, telephone, or paper claim. The method is dependent on the employer's plan 	<ul style="list-style-type: none"> Proof may be required before the claim decision can be made MetLife will make a claim decision within 14 calendar days of receiving all information (or the first day of leave, whichever is later) 	Employer and MetLife will need to have the employee's anticipated return to work date scheduled or an intermittent leave plan on file to efficiently manage the claim

Coordination with Other Benefits:

MA PFML, MA FMLA, and the Federal FMLA can be taken at the same time and should be taken at the same time, when applicable.

Can an employee qualify for more than one benefit?

Employees may qualify for more than one benefit based on the leave reason. Employees cannot receive more than 100% of their normal wages while receiving multiple benefit payments. Some common events are listed below:

Leave reason	MA PFML		FMLA	Company	Other
	MA PML	MA PFL			
Employee has complications due to pregnancy	Yes	No	Yes	STD	
Employee has a serious health condition requiring multiple days/weeks/months away from work (including acting as a bone/organ donor)	Yes	No	Yes	STD-continuous or reduced leave schedules with partial disability No intermittent leave	
Employee is injured at work	Yes	No	Yes	No	Workers Comp
Employee is bonding with newborn or fostering or adopting a child	No	Yes	Yes	Maybe (Parental/Bonding leave)	
Employee needs to care for a parent, child, spouse with a serious health condition	No	Yes	Yes	Maybe Sick leave, PTO	
Employee needs to care for other family members: grandparent, sibling, grandchild, or affinity family member with a serious health condition	No	Yes	No	Maybe Sick leave, PTO	
Former employee receiving unemployment (less than 26 weeks post termination) has a qualifying event	Yes	Yes	No	No	Unemployment
Former employee not working and not on unemployment (less than 26 weeks post termination) has a qualifying event	Yes	Yes	No	No	

If an employer has a private plan for parental leave that pays 100% salary for a designated number of weeks, how would MetLife coordinate the private plan with the MA PFML benefit?

MA PFML is a wage replacement and job protected benefit. Both the company leave and PFML can run concurrently to provide job protection. As part of our benefit coordination process, MetLife's claims team will reach out to you to coordinate dates of the company leave that directly overlaps with the state leave including any employer reimbursement that may be due (i.e. Company's parental leave and PFL-Child Bonding). Reimbursement needs to be established before the benefit is paid.

If an employee takes a private plan benefit at a different time, can my company be reimbursed benefits?

No. Per the state law the MA PFML benefits cannot be reimbursed if the leaves are not taken concurrently.

Employers may qualify for reimbursement of MA PFML benefits, for example, benefits based on a qualifying leave that are not based on an accrual such as paid parental leave, or paid maternity benefits.

What proof or supporting documentation is needed to support a claim?

For one's own serious health condition (when you are sick or hurt and cannot work for an extended period of time):

- Certification of a Serious Health Condition form filled out by the claimant and their healthcare provider. It can take two weeks or more for the doctor's office to process this paperwork, so the claimant should be sure to submit it to them as soon as possible; or
- A doctor's note or Attending Physician Statement (APS). Please make sure it includes the same information as the Certification of Serious Health Condition form.

For child bonding for a newborn:

- A copy of the child's Birth Certificate, or
- A statement from the child's health care provider stating child's date of birth, or
- A statement from the mother's health care provider stating child's date of birth.

For child bonding for adoption or foster care placement:

- A copy of court documents finalizing the adoption; or
- Documentation from the child's healthcare provider; or
- Foster/adoption agency paperwork containing adoption or placement.
- Please note: If the claimant is not the parent named in the court documents, they may also be asked to provide proof verifying the relationship to the parent in locos named in the court documentation, such as, but not limited to, marriage certificate, civil union, or domestic partnership documentation.

For leave to care for a family member with a serious health condition, including medical events related to pregnancy or childbirth, the claimant must provide ONE of the following:

- Certification of a Serious Health Condition form filled out by the claimant and their healthcare provider. It can take two weeks or more for the doctor's office to process this paperwork, so the claimant should be sure to submit it to them as soon as possible, or
- A doctor's note. or Attending Physician Statement (APS). Please make sure it includes the same information as the Certification of Serious Health Condition form.
- Please note: In some cases, a statement confirming the relationship between the covered employee and the family member may also be requested.

For qualifying military exigency needs, claimants will need to verify their family member's service with one of the following:

- Covered family member's active-duty orders, or
- Letter from the military unit documenting impending call or order to covered duty, or
- Documentation of military leave signed by the approval authority for the military member's rest and recuperation.
- Other documentation reasonably acceptable to MetLife

For caring for a family member who is a covered service member:

- Certification of a Serious Health Condition form filled out by service member’s healthcare provider. It can take two weeks or more for the doctor’s office to process this paperwork, so the claimant should be sure to submit it to them as soon as possible, or
- A doctor’s note, or Attending Physician Statement (APS). Please make sure it includes the same information as the Certification of Serious Health Condition form.
- An alternative form of certification can be Invitational Travel Order (ITO), or Invitational Travel Authorization (ITA) issued by the Department of Defense to any family member to join an injured or ill service member at his or her bedside.
- Please note: In some cases, a statement confirming the relationship between the covered employee and the family member may also be requested.

Claims Processing

What happens if an employee is out on an approved absence starting in 2021, which extends into 2022?

Benefits are locked based on the first date of leave.

Can MA PFML be taken intermittently or on a reduced leave schedule?

Yes, MA PFML can be taken intermittently, continuous leave, or reduced leave.

Why does the law say the employee must give a 30-day advance notice of foreseeable leave?

The 30-day advance notice requirement is for the employee to alert their supervisor/employer that they will be absent. This may help with staffing and identify back up training to cover while the employee is out for an extended period of time. There is no requirement for the insurance claim to be submitted early.

What if a claim is denied?

If a claim has been denied, the claimant may reach out to MetLife to have the claim decision appealed, especially if the claimant has new information to support the claim. If, after a second review and the claim is still denied, the claimant may file for another appeal with the state of MA. The denial letter will provide the appeal filing instructions.

If MetLife is the claim administrator	If the State is the claim administrator
<p>The employee can submit a written request for appeal to:</p> <p>DisabilityAppeals@metlife.com</p> <p>Or fax: (844) 380-0569</p> <p>Or mail: MetLife Disability P.O. Box 14592 Lexington KY 40512-4592</p>	<p>MA PFML State On-Line Appeal</p> <p>MA PFML Appeals Phone: (833) 344-7365 Hours: 8am–5pm ET</p> <p>A paper Appeal Request form will be sent.</p> <p>Once the employee files the appeal, they have a right to a hearing if they choose. The hearing will be conducted in accordance with the Standard Rules of Practice and Procedure, as found in Massachusetts regulations 801 CMR 1.02 (Informal/Fair Hearing Rules).</p>

Who is a covered family member?

Family member means a spouse or domestic partner, children, parents, spouse or domestic partner’s parents, grandchildren, grandparents, and siblings.

General Tax Questions

Are benefits taxable?

Yes.

Are taxes automatically withheld from benefits?

State administered: PML and PFL will not have taxes automatically withheld from benefits. The state will send a 1099-G with benefits payable to the covered individual.

Private plan administered:

PFL: No. Taxes will not automatically be withheld from benefits, but employees can request voluntary tax withholding. You simply need to submit a W-4S tax form to the claims team and taxes can be withheld.

PML: Yes. Medical leaves are treated similarly to disability income, and taxes are automatically withheld from benefits.

How do I report payroll contribution?

Employers should report employee contributions on both Form W-2 using Box 14 – State disability insurance taxes withheld. And box 16 for 1099-Misc. In both cases, the boxes should read “MAPFML”.

Resources



Need more information visit:

The MetLife PFML [website](#) regarding state mandated benefits.

For MA State PFML Resources [click here](#).

For details regarding your coverage, contact your MetLife Representative.

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