



Massachusetts Paid Family Medical Leave Law

Frequently Asked Questions

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1. [What is the Paid Family Medical Leave Law?](#)
2. [Is participation in the PFML mandatory?](#)
3. [How can employees acknowledge that they have received notification?](#)
4. [What happens if an employee declines to acknowledge receipt of the PFML workforce notification?](#)
5. [Are all employees covered by the PFML?](#)
6. [Are part-time employees covered by the PFML?](#)
7. [Are employees who live or work out-of-state covered by the PFML law?](#)
8. [Why is a PFML tax being deducted from employees' paychecks?](#)
9. [When did UMass activate the PFML tax?](#)
10. [How is the amount of the tax calculated?](#)
11. [Is there a cap on gross earnings?](#)
12. [How will the tax be reflected on the employee's pay advice?](#)
13. [Is the University bargaining with the Unions over the PFML law?](#)
14. [What provisions of the law are subject to bargaining?](#)
15. [Did the Commonwealth already agree to pay for the cost of the PFML tax?](#)
16. [What benefits does the PFML provide?](#)
17. [Is there a limit on the PFML benefit?](#)
18. [Is the PFML the same as the federal Family Medical Leave Act \(FMLA\)?](#)
19. [Does the PFML provide an entitlement to more time off?](#)
20. [How does PFML income replacement interact with an employee's existing paid leave?](#)
21. [Where should an employee go to get additional information about the PFML Law?](#)

1. What is the Paid Family Medical Leave Law?

The Massachusetts Paid Family Medical Leave (PFML) law was enacted in 2018. Like all other employers in the Commonwealth, the University is required to comply with the provisions of this law. The University is making this FAQ available in order to provide employees with its best understanding of this law based on the current regulations and guidance.

The best source of all information related to the PFML law is the Massachusetts Department of Family and Medical Leave, which is the newly created state agency that is responsible for implementing the PFML law. For more information about the law, please go to the agency's website at <https://www.mass.gov/orgs/department-of-family-and-medical-leave>.

2. [Is participation in the PFML mandatory?](#)

Yes. The PFML is a state law and neither employers nor employees can opt out of the provisions of the law.

3. [How can employees acknowledge that they have received notification?](#)

On Saturday, September 7, 2019 the University sent an email to all eligible employees regarding the PFML. Both the email, and the workforce notification document that was attached to the email, included a link to HR Direct. HR Direct provides an employee with the ability to acknowledge receipt online.

In addition to the option of acknowledging receipt online, an employee can print the notice that is attached to the email, sign the designated line on the notice, and hand deliver the signed notice to one of the drop-off locations on the campuses. The list of the drop-off locations is at the bottom of the workforce notification. These locations also have hard copies of the workforce notification and acknowledgement form available for those employees who do not have easy access to a printer.

By statute, the University must provide an employee with the option to mail his/her acknowledgement to the University. The workforce notice provides the mailing address for the System Office HR Department in order to meet this requirement.

4. [What happens if an employee declines to acknowledge receipt of the PFML workforce notification?](#)

The law requires that the employer provide an employee with an option to “decline to acknowledge receipt.” However, an employee’s earnings will still be subject to the PFML tax regardless of whether or not the employee acknowledges, declines to acknowledge, or ignores the PFML Workforce Notification. Likewise, an employee will still be eligible for coverage under the PFML even if he/she does not acknowledge the notice.

5. [Are all employees covered by the PFML?](#)

Most employees are eligible for coverage under the PFML. However, there are some categories of employees who have been excluded, including student employment positions. Additionally, there are some threshold requirements that must be met by any employees. For example, an employee must have earned at least \$4,700 in the past twelve months from a Massachusetts employer in order to be eligible for benefits under the PFML.

6. [Are part-time employees covered by the PFML?](#)

Yes. The law applies to employees regardless of the number of hours they work. However, employees may be excluded from the law for other reasons (see # current 5 above).

7. [Are employees who live or work out-of-state covered by the PFML law?](#)

Employees who live out-of-state but work in the Commonwealth are covered by the PFML law. Employees who are employed by the University but work at a location outside of the Commonwealth as their primary work location may not be covered by the PFML law. (Note, other states, such as Rhode Island have a similar law and similar tax.)

8. Why is a PFML tax being deducted from employees' paychecks?

In order to fund the new benefits under the PFML law, the law established a new .0075% tax on all gross earnings. Employers are required to pay approximately half the cost of this tax and may deduct the other half of the tax from employees' gross earnings. The Commonwealth will place these funds in the state-wide Family and Employment Security Trust Fund. This Trust Fund will pay benefits due to approved employees under the PFML beginning in January of 2021.

Note that the amount of this tax, the contribution rate, may change on a yearly basis, and shall be announced by the Department of Family Medical Leave by October 1st each year.

9. When did UMass activate the PFML tax?

UMass activated the PFML tax effective Sunday, September 15, 2019. This tax was reflected for the first time in the pay advice that was issued on Friday, October 4, 2019.

10. How is the amount of the tax calculated?

The PFML tax is based on .0075 of employees' gross earnings. The law divides the tax into the following two components:

- 82.6667% of the tax funds the medical leave portion of the new benefit
- 17.3333% of the tax funds the family leave portion of the new benefit.

(Note, the State adjusted these percentage on January 1, 2020. Prior to that the percentages were 82.5% and 17.5%)

The law requires all employers to pay 60% of the cost of the medical leave portion of the benefit (meaning 60% of 82.6667% of the .0075 tax). The law does not require employers to make any contribution to the family leave portion of the benefit (meaning 0% of 17.3333% of the .0075 tax).

When these numbers are combined, the employer ends up paying .00372 and the employee pays .00378 of eligible employees' gross earnings. For example, if an employee earns \$65,000 annually, the annual cost of the PFML for the employer will be \$241.80 and the annual cost for the employee will be \$245.70.

11. Is there a cap on gross earnings?

Yes. The annual cap for 2020 is \$137,700. For calendar year 2021, this cap increases to \$142,800. Gross earnings above this amount will not be subject to the PFML tax.

12. How will the tax be reflected on the employee's pay advice?

The amount that will be deducted from employees' pay will be reflected in the "taxes" section of the pay advice. The Commonwealth of Massachusetts is treating this payment in the same manner. In the tax section of the pay advice, employees will see two new tax descriptions, which will be labelled as follows:

- MA MLI/EE (Medical Leave Insurance)
- MA FLI/EE (Family Leave Insurance)

13. Is the University bargaining with the Unions over the PFML law?

Yes, however, neither the Commonwealth, DHE nor UMass have reached any agreements with Unions regarding this matter. The University's position on the PFML is consistent with the position of the Commonwealth and the Department of Higher Education.

14. What provisions of the law are subject to bargaining?

The University must implement the law and must make the required payment to the Department of Family and Medical Leave. This is not subject to bargaining. Similarly, most aspects of the benefit level, eligibility requirements and other provisions of the law itself are not subject to bargaining.

However, while the PFML law sets a minimum requirement for the employer contribution (which is approximately 50% of the tax), a coalition of UMass unions have proposed that the University pay 100% of the cost of new state tax. The University is currently engaged in bargaining with the union coalition of this subject.

15. Did the Commonwealth already agree to pay for the cost of the PFML tax?

The University pays the full cost of all employer-paid taxes (including the current payroll tax, federal Medicare, federal and state unemployment tax, state universal health insurance tax, etc.). The University has always and will continue to pay the full cost and any increases in employer-paid payroll taxes (including the new PFML tax) on non-state payroll. For the new PFML tax, the Commonwealth has committed to funding the FY20 required employer-paid portion of the tax (see, Question 10, above) on state-funded payroll only. The University will be required to fund the employer-paid portion of the new tax on all non-state-funded payroll.

The Commonwealth will not fund the employee portion of the PFML tax.

16. What benefits does the PFML provide?

Beginning January 1, 2021, eligible employees are entitled to apply for income replacement and job/benefits protected leave for:

- Up to 12 weeks in a benefit year due to 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.
- Up to 20 weeks in a benefit year if they have a serious health condition that incapacitates them from work.
- Up to 26 weeks 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.

Beginning July 1, 2021, eligible employees may be entitled to the following:

- Up to 12 weeks in a benefit year to care for a family member with a serious health condition.

(A benefit year is defined as the 12 month period following the first day the employee utilized the PFML benefit.)

17. [Is there a limit on the PFML benefit?](#)

Yes. Employees may be eligible for up to 26 total weeks, in the aggregate, of PFML in a single benefit year. An employee's weekly benefit amount will be based on the employee's earnings, with a percentage of wages up to a maximum benefit of \$850 per week.

18. [Is the PFML the same as the federal Family Medical Leave Act \(FMLA\)?](#)

No. Although there are similarities between the state PFML and the FMLA, the PFML law actually creates a new type of job and benefits protected leave with some income replacement. In comparison, the FMLA guarantees job and benefits protected leave during which an employee may secure income using accrued time (e.g., accrued sick, vacation or personal leave), but does not provide income without use of accrued time. Eligibility criteria and length of protected leave differ between the laws.

19. [Does the PFML provide an entitlement to more time off?](#)

Not necessarily. Leave taken under the PFML will run concurrently with leave taken under other applicable state and federal leave laws, including but not limited to, the federal Family and Medical Leave Act (FMLA) and the Commonwealth's Parental Leave Act, when the leave is for a qualified reason under those acts.

20. [How does PFML income replacement interact with an employee's existing paid leave?](#)

The current regulations indicate that an employee who files an application with the state Department of Family and Medical Leave, and is approved for leave, can opt to receive income from the state or utilize their accrued paid leave (e.g. sick leave accrual) from his/her own employer. However, the employee **cannot** simultaneously draw income from both the state benefit and their employer provided accrued paid leave.

The current regulations also indicate that in some instances, income provided under a collective bargaining agreement or employer policy (e.g. workers' compensation or a disability policy) and paid at the same or higher rate than PMFL paid leave may count against the allotment of leave benefits available under this law.

No state paid leave benefits will be available to employees under this new law until January of 2021. The University anticipates that the Department of Family and Medical Leave will issue further guidance on this question prior to that time.

21. [Where should an employee go to get additional information about the PFML Law?](#)

- For more information about the law, please go to the state's Department of Family and Medical Leave website at <https://www.mass.gov/orgs/department-of-family-and-medical-leave>.
- For additional copies of the UMass PFML Workforce Notification in English, Haitian, Portuguese and Spanish please go to <https://www.umassp.edu/paid-family-medical-leave>
- For additional information about the how this law pertains to UMass employees please contact your campus benefits department.
- Unionized employees should contact their Union officials if they have questions pertaining to bargaining obligations and the implementation of this law.