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Massachusetts Paid Family and Medical Leave FAQ

OVERVIEW

What is Massachusetts Paid Family and Medical Leave? Massachusetts Paid Family & Medical Leave (“MA PFML”) provides job protected, paid leave benefits and health plan continuation for a number of reasons for those employees that work in Massachusetts.

When does the law go into effect?

June 28, 2018 – the date the law was passed

October 1, 2019 – the date employers needed to start deducting MA PFML premium contributions from employee payroll and start paying for their portion of the MA PFML program costs if they did not seek a private plan exemption.

January 31, 2020 – the date employers needed to remit their first quarterly employee and employer contributions to the MA state trust fund if they are participating in the state plan.

January 1, 2021 – the date benefits begin for the employee’s own serious health condition, bonding, military exigency, and care for an injured service member.

July 1, 2021 – the date benefits begin for care for a family member with a serious health condition. **Note: Private plans through Equitable will have this benefit available as of January 1, 2021 unless the client specifically indicates they would prefer it not be available until July 1.**

What are the covered leave reasons?

Medical leave – can be taken for the employee’s own serious health condition that incapacitates them from work

Family Leave – available for:

- bonding with the employee’s newborn, newly adopted or newly placed foster child within 12 months of the birth, adoption or foster care placement;
- to care for a covered family member with a serious health condition;
- for a qualifying exigency when the employee’s family member is on active duty or has been notified of an impending call or order to active duty in the Armed Forces; or
- to care for a family member who is injured while on active military duty.



EQUITABLE

Massachusetts Paid Family and Medical Leave FAQ

How is family member defined?

Family Member means the spouse, domestic partner, child, parent or parent of a spouse or domestic partner of the covered individual; a person who stood *in loco parentis* to the covered individual when the covered individual was a minor child; or a grandchild, grandparent or sibling of the covered individual.

How is serious health condition defined?

Serious Health Condition means an illness, injury, impairment or physical or mental condition that involves:

- (a) inpatient care in a hospital, hospice or residential medical facility; or
- (b) continuing treatment by a health care provider.

A substance use disorder may be a serious health condition. Family or medical Leave may only be taken for treatment for substance use disorder by a health care provider, by a provider by health care services on referral by a health care provider or by a program licensed or approved by the Massachusetts Department of Public Health. An absence because of the employee's use of the substance, rather than for treatment, does not qualify for leave.

How much leave can an employee take?

Medical Leave –up to 20 weeks per benefit year

Family Leave:

- Bonding – up to 12 weeks per benefit year
- Care for a family member – 12 weeks per benefit year
- Military exigency – 12 weeks per benefit year
- Care for an injured service member – 26 weeks in a benefit year

The maximum combined allotment for all leaves is 26 weeks in a benefit year.

What is a benefit year?

Benefit Year means the period of 52 consecutive weeks beginning on the Sunday immediately preceding the first day family or medical leave commences.



EQUITABLE

Massachusetts Paid Family and Medical Leave FAQ

What is the amount of the benefit?

The benefit is calculated as follows:

The employee's average weekly wage up to 50% of the statewide average weekly wage will be replaced at 80%; PLUS

The employee's average weekly wage in excess of 50% of the statewide average weekly wage will be replaced at 50%

The maximum weekly benefit is:

Leave Begins In	Maximum Weekly Benefit
2021	\$850
2022	\$1,084.31
2023	\$1,129.82
2024	\$1,149.90

Based on this benefit calculation, an employee that earns \$1,760.78 or more per week (or \$91,560.56 per year) will hit the \$1,149.90 maximum weekly benefit.

The statewide average weekly wage for 2024 is \$1,796.72. This and the maximum weekly benefit may be updated annually in October with an effective date of the following January 1.

Benefit Calculation Examples

Employee Annual Salary : \$35,000
 Employee Weekly Salary : \$673.08
 Weekly Benefit Calculation : $.80 \times \$673.08 = \538.46
 Weekly Benefit Payable : \$538.46

Employee Annual Salary : \$52,000
 Employee Weekly Salary : \$1,000
 Weekly Benefit Calculation : $(.80 \times \$898.36) + (.50 \times \$101.64) = \$769.51$
 Weekly Benefit Payable : \$769.51

Employee Annual Salary : \$100,000
 Employee Weekly Salary : \$1,923.08



EQUITABLE

Massachusetts Paid Family and Medical Leave FAQ

Weekly Benefit Calculation : $(.80 \times \$898.36) + (.50 \times \$1,024.72) = \$1,231.05$
Weekly Benefit Payable : \$1,149.90

In this last example, the employee earns more than \$1,760.78 per week, therefore they cap out at the \$1,149.90 maximum weekly benefit.

The Massachusetts Department of Medical & Family Leave (DFML) has a benefit calculator that employees can use to estimate their weekly benefit. This calculator can be found [here](#).

Is there a waiting period (aka elimination period) that must be satisfied before benefits become payable?

Yes, there is a 7-calendar day waiting period for each application for medical and family leave benefits. The exception to this is a family leave to bond with a new child that immediately follows a medical leave due to the pregnancy. In this case the 7-day waiting applies to the medical leave, however, does not apply to the family leave.

Employees may use sick leave, vacation time, or other paid leave available from their employer during the 7-day waiting period.

Does the waiting period count towards the total leave allotment?

Yes, the 7-day waiting period counts towards the total medical &/or family leave allotment.

If an employee has multiple births, adoptions, or foster care placements in the same year to they get 12 weeks for each?

No, the annual 12-week maximum leave for bonding stays the same even if the employee has multiple childbirths, adoptions, or foster care placements in the same year.

Is leave available on an intermittent or reduced schedule?

Yes, leave can be taken on an intermittent basis.

How does the waiting period work for intermittent leaves?

The 7-day waiting period begins on the first day of leave and is based on calendar days and not the aggregate accumulation of 7 days of leave.



EQUITABLE

Massachusetts Paid Family and Medical Leave FAQ

How is the benefit impacted by intermittent leave?

The benefit payable will be prorated based on how much leave is taken.

Is there approval required to take leave intermittently?

Maybe, it depends on the type of leave. Intermittent leaves for the employee's own serious health condition, to care for a family member with a serious health condition, or to care for an injured service member must be medically necessary.

Intermittent leaves to bond with a new child are only allowed if agreed to by both the employee and the employer.

EMPLOYER OBLIGATIONS

Which private employers are required to provide MA PFML benefits?

Generally speaking all private employers that have at least one employee working in the state of Massachusetts are required to provide these benefits.

What if an employer already has a short-term disability (STD) plan with a higher benefit – can this satisfy the MA PFML requirement?

No, STD insurance policies are not likely to satisfy the requirements of the MA PFML law. There are a number of differences between a traditional STD plan and the requirements under the MA PFML law. Some of those include:

- **Eligibility** – a typical STD policy only covers employees working a certain number of hours per week (most often 30+) and the MA PFML benefits are available to all full-time, part-time, temporary, and seasonal employees who meet the financial eligibility test.
- **Family Leave** – STD policies do not provide benefits for family leaves
- **Definition of Disability** – STD policies have definitions of disability that generally also require a minimum level of earnings loss, which contrasts with the MA PFML which only requires the employee to have a serious health condition.
- **Benefit Amounts** – STD policies typically pay a benefit up to 66%, and the MA PFML benefit is 80% of an employee's earnings up to half the statewide average weekly wage plus 50% of the employee's earnings in excess of half the statewide average weekly wage.
- **Exclusions & Limitations** – STD policies include exclusions and limitations that are not permitted under the MA PFML law.



EQUITABLE

Massachusetts Paid Family and Medical Leave FAQ

What options does an employer have to meet their MA PFML requirements?

Employers can utilize the state plan to meet their requirements or can choose to establish a private plan. The private-plan can be fully-insured with a carrier or can be self-insured. If an employer utilizes a private plan, they are not required to submit MA PFML contributions to the state fund.

How does an employer opt out of the state plan?

The employer must submit an exemption application via the MassTaxConnect website. The Department of Family and Medical Leave (“DFML”) has put together step by step instructions and a video tutorial on how employers can file for a private plan exemption. That information can be found [here](#).

Can an employer apply for a private plan exemption at any time?

Yes, however the approval dates are based on the calendar quarter. For example if an employer applies for and receives approval of their exemption application in November, it will be effective the following January 1.

What about employers that have multiple Federal Tax Identification Numbers (FEIN)?

If your organization includes multiple FEINs, you must submit an exemption request for each individual entity separately under each FEIN in MassTaxConnect. It is acceptable to submit the same Massachusetts Paid Family and Medical Leave Confirmation of Insured Policy Form Number or self-insured Insurance Declaration Document for more than one entity, as long as you attach a document on your organization's letter head including the names of all of the entities and confirm that all entities listed are covered under the paid leave policy or plan.

Is there a private plan exemption renewal process?

Yes. To renew your exemption from making contributions for Paid Family and Medical Leave you will log in to your PFML account on MassTaxConnect, complete the renewal application and attach the completed Confirmation of Insured Policy Form Number.

Are there requirements a private plan must meet in order to be approved?

Yes. The benefits provided via a private plan must meet or exceed the benefits provided via the state plan.



EQUITABLE

Massachusetts Paid Family and Medical Leave FAQ

Can an employer provide benefits that are greater than those required by the MA PFML law through a private plan?

Yes.

Can an employer provide medical and family leave benefits through different providers?

Yes. An employer can choose a private plan for the medical leave and the state plan for the family leave, visa versa, or have two different private providers for the medical leave and the family leave. Given the interaction between medical and family leaves Equitable strongly encourages employers to utilize the same provider for both medical leave and family leave.

Can an employer utilize a private plan for only a portion (e.g. class) of its workforce and use the state plan for the other portion?

No. An employer must utilize the same provider (either the state or a private plan) for its entire covered employee population working in MA.

Does Equitable offer MA PFML plans?

Yes. Equitable offers fully-insured MA PFML plans. Equitable will not offer medical leave only or family leave only plans; the Equitable plans must be for both leave types given the interaction between the two.

Are there any requirements for Equitable to offer a private MA PFML plan?

Yes. There must be at least 10 employees working in MA and covered by the plan and the MA PFML must be packaged with another fully-insured Equitable product.

What are the benefits of using a private plan insured by Equitable?

Equitable believes that the employee and employer experience will be enhanced as compared to using the state plan for MA PFML via:

- **Single claims intake** – employees can file both STD and MA PFML claims utilizing a single form
- **Single claims management resource** – Equitable will utilize a single claims specialist to manage both the STD and MA PFML claims for the same claimant
- **Claims expertise** – Equitable will utilize all claims management tools and resources available for MA PFML claims



EQUITABLE

Massachusetts Paid Family and Medical Leave FAQ

- **Single account management** – the employer will have a single Regional Account Manager assigned to them to assist them with any questions regarding all of the coverages with Equitable

What type of plan documents will employers that choose Equitable for their MA PFML plan receive?

Policyholders will receive a MA PFML policy document.

If there are multiple classes with different benefits under the Equitable STD plan do I need the same class structure on the MA PFML plan?

No. If all employees are receiving the same MA PFML coverage, then only a single class is required.

How do employers notify employees of their rights under MA PFML?

All Massachusetts employers must display a [workplace poster](#) prepared or approved by the Department of Family and Medical Leave (“DFML”) that explains the benefits available to their workforce under the MA PFML law.

The poster must be available in English and each language which is the primary language of 5 or more individuals in your workforce. The DFML provides translated versions of the poster [here](#).

EMPLOYEE ELIGIBILITY

Which employees are covered under the MA PFML law?

A covered employee is a person who works in MA. If the employee works both inside and outside of MA as part of their normal job, then they still may be covered if the services provided outside MA are “incidental to” the services provided inside MA. Generally speaking if the employee is covered for MA Unemployment Insurance, they would also be covered under the MA PFML plan. The employee eligibility is also transferrable when the employee changes from one covered employer in MA to another.

How many hours does an employee have to work to be eligible for benefits?

There is no specific number of hours an employee must meet to be eligible for benefits, rather they must meet the financial eligibility test as defined in the MA Unemployment law. This means that in addition to regular full-time employees, part-time, seasonal, and temporary



EQUITABLE

Massachusetts Paid Family and Medical Leave FAQ

employees may be covered. Additionally, eligibility is based on how much an employee has earned while working in MA; it does not have to be all with the same employer.

What if an employee works for multiple covered employers?

If an employee works for multiple covered employers in MA, then the employee would be covered by each employer's MA PFML plan.

What if an employee lives in an adjacent state but works in MA?

All employees of a covered business entity working in MA are required to be covered. It does not matter where the employee lives.

What if an employee is temporarily working from home outside MA due to the pandemic?

If the employee normally works at a location in MA and is temporarily working outside MA due to the pandemic, they should be included in the plan. If in the future their work location outside of MA becomes permanent, then they would no longer be eligible for MA PFML coverage.

What if I'm a MA based employer and I have employees working in other states?

If the employee normally works at a location outside MA then they should not be included in the plan.

Are certain types of employment excluded from the PFML law?

Yes. Certain types of employment that are excluded under section 6 of the [unemployment statute](#) are also excluded from the PFML law, including:

- Services performed for a son, daughter, or spouse
- If under 18, services performed for one's father or mother
- Services performed by inmates of penal institutions
- [Independent contractors as defined by this three-part test](#)
- Employment in the railroad industry
- Services provided by real estate brokers/salespeople and insurance agents/solicitors in commission only jobs
- Newspaper sales and delivery by persons under 18
- Employment by churches and certain religious organizations
- Services of work-study students, student nurses and interns, work trainee programs administered by non-profit or public institutions

Please review [Section 6 of M.G.L. c. 151A](#) for a complete list of excluded employment.



EQUITABLE

Massachusetts Paid Family and Medical Leave FAQ

What if I have employees that temporarily stop working during a period in the year (e.g. teachers who don't work over the summer)?

If the employee has met the financial eligibility test as of the date of their leave, but is not required to be at work then they would not be eligible for a benefit, until such time as their work schedule begins. For example: a teacher has a serious health condition that begins on August 1st. They would not be eligible for a medical leave benefit until the start of the school year, assuming they continue to have a serious medical condition and they are not being paid their salary.

What if an employee leaves the employer?

Former employees of a covered employer continue to be eligible for MA PFML benefits under their prior employer's plan for up to 26 weeks following their separation from employment. If the employee becomes employed by another MA covered employer, then they would no longer be eligible for benefits under their prior employer as a former employee, rather they would be covered under their new employer's MA PFML plan.

Can self-employed individuals be covered under the MA PFML plan?

Yes, self-employed individuals can elect to be covered under the state plan subject to the following:

- The initial period of coverage cannot be less than 3 years
- They must file a self-employment notice of election with the DFML
- Make contributions to the state trust fund
- They are not eligible to receive paid leave benefits until they have remitted contributions for at least two out of four completed calendar quarters

MA PFML PLAN FUNDING

How is the MA PFML program funded?

It all depends on the size of the covered employer. For employers that have less than 25 covered individuals working MA, the program is fully funded by employee contributions. For employers with 25 or more covered individuals the plan is funded by contributions from both employees and employers. The state has set the rates and contribution requirements for medical & family leave:



EQUITABLE

Massachusetts Paid Family and Medical Leave FAQ

State Rates – Effective 1/1/2024

Covered Individuals	Medical Leave Rate	Family Leave Rate	Total Rate
Under 25 Lives	0.280%	0.180%	0.460%
25+ Lives	0.70%	0.180%	0.880%

Maximum Employee Contribution Rates – Effective 1/1/2023

Covered Individuals	Medical Leave	Family Leave
Under 25 Lives	0.280%	0.180%
25+ Lives	0.280%	0.180%

For covered employers with 25 or more covered individuals, the employee can only contribute up to 40% of the cost for medical leave and the employer must make up the difference in medical leave cost, therefore they must contribute 0.420% (.700 - .280 = .420).

What if I have employees whose earnings fluctuate, how does that impact their contribution?

The maximum an employee can contribute is the lesser of 40% or a rate of .280 for medical leave and the lesser of 100% or .180 for family leave, so the actual dollars they contribute will change if they have changes in earnings.

Are the employee contributions done on a pre-tax or post-tax basis?

The tax treatment for both employer and employee PFML contributions is governed by federal tax law. The DFML has requested guidance from the Internal Revenue Service (IRS) regarding the tax implications of PFML payroll deductions, but in the meantime, the DFML recommends that employers consult with their tax advisors until the IRS provides guidance. The Department has stated that based on its review of federal rules and following consultation with the Massachusetts Department of Revenue, it anticipates that the IRS will conclude that employee contributions should be withheld from after-tax wages.

Can an employer choose to pay the employee’s share of the medical and/or family leave cost?

Yes.



EQUITABLE

Massachusetts Paid Family and Medical Leave FAQ

Can an employer have different contributions by class of employee?

Yes, provided that employees that must contribute to the MA PFML cost cannot contribute more than they would under the state plan.

Are the rates the same for private plans?

Perhaps. Licensed insurance carriers that offer fully-insured private MA PFML plans have the ability to charge rates that are different than those required by the state plan. However, employees cannot pay more under a private plan than they would under the state plan.

If my private plan rates are lower than the state rates, can the employee still contribute .280 towards the medical leave cost?

No, the employee share of the medical leave cost cannot exceed the lesser of: a) 40% of the cost; or b) .280. For example, if the medical leave rate is .500, then the maximum the employee can contribute towards the medical leave would be .200 (.500 x 40%) and the employer would be responsible for the remainder. The same applies to the family leave – the employee contributions cannot exceed the lesser of: a) 100% of the cost; or b) .180.

How do the rates translate into premium or costs?

The rates are all based as a percentage of covered wages. The MA PFML regulations indicate that the covered wages are equal to the old-age, survivors, and disability insurance (OASDI) wage base set by the Social Security Administration. This means that the premiums paid for MA PFML coverage are not related to the benefits a covered individual would receive, which makes it unique.

For 2024, the OASDI wage base cap is set at \$168,600 and this cap can change annually. The means that premium is calculated based on a covered individual's salary up to \$168,600, any salary in excess of this value is not included in the premium calculation. Assuming the employer is covering 25 or more employees, the medical leave cost is .700%, the family leave cost is .180%, and the employer is charging employees 40% of the medical leave cost, the costs would be calculated as follows:



EQUITABLE

Massachusetts Paid Family and Medical Leave FAQ

Annual Salary	Annual Medical Leave Cost – Employer	Annual Medical Leave Cost – Employee	Annual Family Leave Cost – Employee	Total Annual Cost
\$30,000	\$126.00	\$84.00	\$54.00	\$264.00
\$50,000	\$210.00	\$140.00	\$90.00	\$440.00
\$75,000	\$315.00	\$210.00	\$135.00	\$660.00
\$100,000	\$420.00	\$280.00	\$180.00	\$880.00
\$168,600	\$708.12	\$472.08	\$303.48	\$1,483.68
\$175,000	\$708.12	\$472.08	\$303.48	\$1,483.68

For plans insured with Equitable how will the billing work?

The billing will be done on a monthly in arrears basis. For example, the premium due for January will be paid in February based on the total wages paid in January.

For plans insured with Equitable can the billing be list billed or self-administered?

No, self-administered billing is the only option available.

For plans insured with Equitable what salary should I use?

For the purposes of billing, the covered payroll used is the total wages paid for all employees in the prior month. Once an employee has earned the social security wage base amount, \$168,600 for 2024, premium is no longer paid for that employee.

MA PFML INTERACTION WITH OTHER BENEFITS AND LAWS

If an employer is required to provide MA PFML benefits, should they cancel their STD plan?

No. There are a number of reasons why retaining an STD plan makes sense:

- **Coverage for higher income employees** – the current MA PFML maximum weekly benefit is \$1,149.90 per week, which may not be enough coverage for certain employees. Based on the MA statewide average weekly wage of \$1,796.72 for 2024, an employee that earns \$91,560.56 per year will cap out at the \$1,149.90 per week MA PFML benefit.
- **Leave allotments** – the MA PFML plan has a combined leave allotment of 26 weeks in a benefit year. If an employee utilizes 12 weeks of family leave, they will only be eligible for 14 weeks of medical leave in the same benefit year. If the LTD plan has a 180-day



EQUITABLE

Massachusetts Paid Family and Medical Leave FAQ

elimination period, there will be a gap in coverage. Additionally, if an employee takes 26 weeks of leave to care for an injured service member, then they will have no medical leave available to them.

- **Intermittent leave** – if an employee takes intermittent medical leave, they may significantly reduce or exhaust their MA PFML benefits and be left with no disability benefits should their condition cause continuous disability.
- **Multiple claims** – if an employee uses their full allotment of 20 weeks of medical leave and has another serious health condition within the same benefit year, they would not be eligible for an MA PFML medical leave benefits.
- **Additional benefits** – carriers will typically provide additional services to STD claimants, including rehabilitation and return to work services.

How will STD benefits from Equitable be impacted by MA PFML benefits?

The STD benefits will be offset, or reduced by, any MA PFML benefits paid during the same period of disability. The actual impact on a particular STD claim will be determined by the STD plan design parameters, the employee's salary, and the employee's MA PFML benefit.

Will an employer's STD plan cost less as a result of this offset?

Yes. Equitable has adjusted the pricing of our STD plans to reflect that we will pay less out in STD benefits due to the MA PFML benefit offset. The actual impact to a particular policyholder is dependent upon the STD plan design and the demographic makeup of their covered employee population.

If an employer has an LTD plan with a 90-day elimination period, should they amend it to a 140-day elimination period?

While it might seem to make sense to align the LTD elimination period with the 20-week maximum medical leave allotment, Equitable recommends retaining the 90-day elimination period to ensure there is no gap in coverage. As the MA PFML maximum leave allotment is 26 weeks combined between family and medical leaves, if an employee takes more than 6 weeks of family leave then they will be eligible for less than 20 weeks of medical leave, which would create a gap in coverage.

Does Equitable have new LTD elimination period options to coordinate with MA PFML benefits?

Yes, Equitable now offers two additional choices of LTD elimination periods:



EQUITABLE

Massachusetts Paid Family and Medical Leave FAQ

- The greater of 90 days or the expiration of MA PFML medical leave benefits
- 140 days (as noted in the answer above, we do not recommend this approach)

Can an employee use any type of PTO time to “top off” their MA PFML benefit?

Under a plan insured by Equitable, yes. The Equitable policy does allow an employee to supplement their MA PFML benefit with PTO or accrued paid leave. If an employer chooses to allow the “top off”, an employee cannot receive more than their regular earnings between the MA PFML benefit and PTO/accrued paid leave. As of November 1, 2023 the state plan also allows employees to top off their benefits with accrued paid leave.

“Accrued paid leave” is defined as “Leave earned by or otherwise provided to a covered individual pursuant to a benefit plan or policy offered by an employer or covered business entity including, but not limited to, sick leave, annual leave, vacation leave, personal leave, compensatory leave or paid time off. Accrued paid leave shall not include a (i) disability policy or program of an employer or covered business entity; or (ii) paid family, or medical leave policy of an employer or covered business entity.

Can an employee receive MA unemployment benefits as well as MA PFML benefits at the same time?

Yes, however the amount in MA PFML paid leave benefits will be reduced by any unemployment benefits the employee collects during the same period. Any unemployment benefits the employee collected prior to the family or medical leave beginning will not impact the MA PFML benefit amount.

Can an employee receive MA worker’s compensation benefits as well as MA PFML benefits at the same time?

Yes. If the employee is making a claim for paid leave and worker’s compensation about the same injury or incident that they are requesting to take paid leave for, the amount they receive in paid leave benefits may be reduced by the amount they receive in weekly worker’s compensation wage replacement benefits.

If the workplace injury they’re receiving worker’s compensation benefits for occurred prior to their paid leave claim, OR if the 2 incidents are independent of each other, they may be able to receive both without any reduction in your paid leave benefits.



EQUITABLE

Massachusetts Paid Family and Medical Leave FAQ

If an employer has a paid family leave policy does that run concurrently with the MA PFML?

An employer paid family leave policy does not fall into the definition of “Accrued Paid Leave”, therefore it’s treated differently than sick leave or PTO. The leave’s would run concurrently so the employee would only be eligible for a total of 12 weeks of family leave.

The employer can request reimbursement of the MA PFML benefit for the time they paid under the employer paid family leave program, as long as the benefits are at least as good as the MA PFML benefits. If an employer is utilizing the state plan for MA PFML, they can request reimbursement from the state for the weeks paid under the employer program. If the employer is utilizing Equitable for their MA PFML benefit, then Equitable can make the MA PFML benefit checks payable to the employer for the weeks the employee was paid via the employer plan, and then make the checks payable to the employee.

How does MA PFML work in conjunction with the federal FMLA?

If the employee is eligible under both laws, then the leaves will run concurrently. There are differences in the laws that could result in an employee being eligible under one and not the other or the leaves not fully running concurrently:

- **Employee eligibility** – under FMLA an employee must have worked for the employer for at least 12 months, worked at least 1,250 hours in the year preceding the leave, and work at a location with 50 or more employees within 75 miles. The eligibility for MA PFML is simply based on the employee meeting the financial eligibility test.
- **Leave duration** – FMLA provides 12 weeks of covered leave for all reasons except care for an injured service member (26 weeks); while MA PFML provides 20 weeks for the employee’s own serious health condition, 12 weeks for family leave, and 26 weeks to care for an injured service member.
- **Benefit year** – FMLA allows an employer to choose from 4 different methods to calculate the leave year, while MA PFML mandates it be the 52 consecutive weeks starting on the Sunday immediately preceding the first day of leave.
- **Definition of family member** – FMLA has a more narrow definition of family member as it only includes parent, spouse, child (under 18 or over 18 and disabled), and in loco parentis; while MA PFML also includes domestic partner, parent of a spouse or domestic partner, grandchild, grandparent, & sibling.



EQUITABLE

Massachusetts Paid Family and Medical Leave FAQ

Are the protections provided under the federal FMLA being extended to 20 weeks to align with the MA PFML?

No, there are no changes to the federal FMLA as a result of the implementation of MA PFML.

CLAIMS

Does an employee that gives birth to a child have to take family leave immediately following the end of their medical leave?

No. An employee can choose to take family leave to bond with a new child any time following the birth as long as it's within 12 months of the birth.

Will Equitable automatically initiate a MA PFML claim for employees in MA receiving STD from Equitable?

Yes, only if Equitable is also providing the MA PFML coverage to the employer.

How does an employee submit a claim for MA PFML benefits to Equitable?

Equitable supports telephonic, fax, and mail options for employees to submit MA PFML claims with telephonic submission being the preferred method. Instructions for filing a claim can be found [here](#) and paper claim forms can be found [here](#).

Does an employee need to submit separate claims for MA PFML and STD if it's for their own serious health condition?

If both coverages are provided by Equitable, then no. An employee will only need to submit one claim form which will initiate both the MA PFML and STD claims. If Equitable only provides the STD or MA PFML coverage, then a coverage specific claim form will need to be submitted to Equitable and the employee will need to file the other claim with the other provider.

How often will claim payments be made?

Equitable will issue benefit checks on a weekly in arrears basis for both medical and family leaves once the 7-day benefit waiting period has been satisfied.

Will the claim payment frequency vary for intermittent leaves?

No, Equitable will still issue benefit checks on a weekly basis, however the benefit payable will be based on the total amount of leave taken in the prior week.



EQUITABLE

Massachusetts Paid Family and Medical Leave FAQ

How does Equitable know how much time was taken for intermittent leaves?

The employee is responsible for notifying Equitable within 24 hours of taking leave. This information may also be verified with the policyholder.

Is direct deposit available for MA PFML benefits?

Yes, and Equitable encourages it as it eliminates the lag time associated with mailed paper checks.

Is there a form that employees need to fill out for direct deposit?

No. The Equitable benefit analyst can secure all the required information and necessary authorization right over the phone.

Will MA PFML benefits be taxable?

The DFML has not provided any guidance at this time as it relates to how the family and medical benefits should be taxed. Equitable is taking the position that both family and medical leave benefits are taxable. The medical leave benefits will be treated as third party sick pay and will be taxed based on the contribution structure of the plan and whether the employee contributions are on a pre-tax or post-tax basis, similar to how STD works. If the employee contributions towards the medical leave coverage are on a pre-tax basis, then the entire medical leave benefit will be taxable. If the employee contributions towards the medical leave coverage are on a post-tax basis, then the taxability will be dependent upon the percentages of premium paid for by the employer and employee. The family leave benefits will be fully taxable as ordinary income, regardless of who is paying the premium for the coverage and whether any employee contributions are on a pre-tax or post-tax basis. The Equitable approach may change as additional guidance is received from the DFML.

If the benefits are taxable, how will they be reported?

We are still awaiting guidance from the DFML on the tax treatment of these benefits. Based on what we know now, the medical leave benefits should be reported as third party sick pay via a W-2 and family leave benefits should be reported as ordinary income via a W-2. This may change depending upon additional guidance provided by the IRS and the state.



Massachusetts Paid Family and Medical Leave FAQ

Will Equitable provide W-2's for those employees that receive MA PFML benefits under an Equitable plan?

Yes, provided the policyholder elects Equitable's W-2 service. If the policyholder does not elect this service from Equitable, they would be responsible for creation of the W-2's.

Is there a charge for Equitable's W-2 service?

No

If Equitable is providing the W-2 service and an employee receives Short-Term Disability (STD) benefits, MA medical leave benefits, and MA family leave benefits in the same year will they receive three W-2's?

No, they will receive two W-2's. One will be for the STD and paid medical leave benefits paid reported as third party sick pay and one will be for the paid family leave benefits reported as ordinary income.

What types of reports will Equitable make available to policyholders?

On a quarterly and annual basis, reports will be mailed to all policyholders that outline all the benefits paid for each individual, including any taxes withheld. These reports will also be available on our portal, EB360.

Will employers and employees be able to see the status of claims online?

Yes, through our EB360 portal employers and employees will be able to see the status of MA PFML claims as well as claims history. This information is updated daily.

Claim Number	Group Number	Group Name	Employee Name	Product	Status Date	Status	Total Benefit Amount Paid
8337219	011036	Nov 2020 EZE TC 1	Adelaide Pmt	MA Paid Family Medical Leave	11/05/2020	APPROVED	\$215.82



Massachusetts Paid Family and Medical Leave FAQ

The screenshot shows the Equitable Claims portal interface. At the top, there is a search bar with fields for Claim Number, Group Number, Group Name, Employee Name (Adelaide Pmi), Product (MA Paid Family Medical Leave), and Status (Select...). A search button and a clear button are also present. Below the search bar, a table displays claim details for Adelaide Pmi. The table has columns for Claim Number, Group Number, Group Name, Employee Name, Product, Status Date, Status, and Total Benefit Amount Paid. A detailed table below shows payment information including Leave Date, Benefit Effective Date, Payment Period, Payment Issue Date, Benefit Due Pre-Tax Withholding, Federal Income Tax Withheld, OASDI Tax Withheld, Medicare Tax Withheld, State Income Tax Withheld, and Benefit Amount Paid.

Claim Number	Group Number	Group Name	Employee Name	Product	Status Date	Status	Total Benefit Amount Paid
8337219	011036	Nov 2020 EZE TC 1	Adelaide Pmi	MA Paid Family Medical Leave	11/05/2020	APPROVED	\$215.82

Leave Date	Benefit Effective Date	Payment Period	Payment Issue Date	Benefit Due Pre-Tax Withholding	Federal Income Tax Withheld	OASDI Tax Withheld	Medicare Tax Withheld	State Income Tax Withheld	Benefit Amount Paid
01/01/2020	01/01/2020	01/23/2020 - 01/27/2020	11/13/2020	\$274.39	-\$24.15	-\$17.01	-\$3.88	-\$13.43	\$215.82

Is Equitable offering employer FICA match services on MA PFML plans?

Yes, the employer FICA match service is available on MA PFML plans.

Are there notice requirements the employee must abide by?

Yes, the MA PFML law indicates that employees must provide at least 30 days notice to the employer of the anticipated start date, the anticipated duration, and the expected date of return. If there are reasons out of the employee's control, they must provide notice as soon as is practicable.

What if the employee does not provide the required notice?

The MA PFML regulations allow for the leave to be delayed or denied.

What if an employee does not return to work following an approved MA PFML leave?

The MA PFML regulations indicate that an employee may be subject to discipline from the employer if they fail to return to work following the expiration of an approved leave period.

ADDITIONAL RESOURCES

What if there are questions that are not addressed in this document?

The DFML has set up a [website](#) that has additional information on the MA PFML program. You can also contact your Equitable Sales Representative or Regional Account Manager.



EQUITABLE

Massachusetts Paid Family and Medical Leave FAQ

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