



PFML Employer Toolkit

Paid Family and Medical Leave, or PFML, is a benefit program for Massachusetts employees offered by the Commonwealth. This guide will help organizations get up to speed and in compliance with the law and prepare for employees taking leave.



Paid Family &
Medical Leave
MASSACHUSETTS

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Understanding PFML

Section 1

What is PFML?

Paid Family and Medical Leave (PFML) is a state program that offers up to 26 weeks of paid leave for family or medical reasons to eligible employees in Massachusetts. PFML is funded through employee and employer contributions and is separate from both the federally mandated benefits offered by the Family and Medical Leave Act (FMLA) and other family and medical leave benefits offered by employers.



PFML vs. FMLA
[Watch the video](#)

How is PFML different from FMLA?

FMLA is a federal law that provides unpaid, job-protected leave to certain employees. FMLA is available for the employee to use for themselves or when caring for a parent, child, or spouse with a serious health condition and is only a requirement for employers with 50 or more employees.

PFML is a Massachusetts law that applies to most employers in the state of Massachusetts, regardless of size and provides paid, job-protected leave to eligible employees for similar reasons. Other differences include a broader definition of family and waiting periods for eligibility. [Read more about what PFML can be used for.](#) Both federal and state leaves may run at the same time. [Read more about the differences in the two laws.](#)



Summary:

If you employ anyone in Massachusetts, PFML impacts you, your business, and your employees. Next you will learn more about what you need to do for PFML.

PFML Program Details



Question:
*How do I count
my workforce?*

As a Massachusetts employer, your required contributions under the PFML law are based on the size and makeup of your workforce. That is why it is so important that you accurately report this information.

Your contribution responsibilities depend on the average number of covered individuals from the previous calendar year (Jan. 1- Dec. 31).

Determining your Massachusetts workforce count will help you answer two important questions:

1. Whether or not your 1099-MISC contractors are considered covered individuals
2. Whether or not you are responsible for paying any share of the contributions



Summary:

You need to understand how to count your workforce to make your required contributions under PFML law.

Your total workforce includes:

- **Massachusetts W-2 employees (full-time, part-time, or seasonal)**

Generally, PFML follows the same eligibility criteria as the unemployment insurance program in Massachusetts. If you are required to report a W-2 employee's wages to the Department of Unemployment Assistance (DUA), that employee should be counted. Employees do not need to live in Massachusetts to be covered.

- **Massachusetts 1099-MISC contractors**

Generally, a MA 1099-MISC contractor is an individual for whom you are required to report payment for services on IRS Form 1099-MISC. 1099-MISC contractors are only covered individuals if they

make up more than 50% of your workforce and [meet certain criteria](#):

- They must perform services as an individual entity.
- They must live in Massachusetts.
- They must perform services in Massachusetts.

[Read more about who qualifies as a covered individual](#) in order to make an accurate workforce count.

FYI: If you own a business and pay yourself through a W-2, you are an employee of that business and will be considered part of your covered workforce under PFML.

Counting your MA workforce

1. Add up the total number of MA W-2 employees you paid each pay period in the previous calendar year and divide that number by the number of pay periods. This is your MA W-2 average.
2. Add up the total number of MA 1099-MISC contractors you paid for services each pay period in the previous calendar year and divide that number by the number of pay periods. This is your MA 1099-MISC average.
3. If your MA 1099-MISC average is greater than your W-2 average, then your MA 1099-MISC contractors are considered covered individuals.
4. Add up your total number of covered individuals in the previous calendar year.

>25

If you had 25 or more covered individuals in your workforce in the previous calendar year, then you are responsible for making employer contributions for covered individuals in your workforce.

<25

If you had fewer than 25 covered individuals in the previous calendar year's workforce, you do not need to make an employer contribution. However, you will still need to send the state the employee portion of the contribution on their behalf.



Summary:

If you had 25 or more covered individuals, you are responsible for making employer contributions. If you had fewer than 25 covered individuals, you do not need to make employer contributions.



Question:

*As the employer,
how much do I
have to pay?*

Now that you know who is a covered individual, you can [determine what employer contributions you are responsible for](#).

Employers are responsible for sending family and medical leave contributions to the Department of Family and Medical Leave (DFML) through MassTaxConnect on behalf of their [covered individuals](#). Larger employers who had 25 or more covered individuals are responsible for paying a share of the required contributions. Employers who had fewer than 25 covered individuals are not required to pay the employer's share of contributions but must still send payment on behalf of their covered individuals.

The charts on the following pages offer a general breakdown of these contribution rates while our [contribution calculator](#) allows you to better estimate how this will look for you and your Massachusetts workforce.

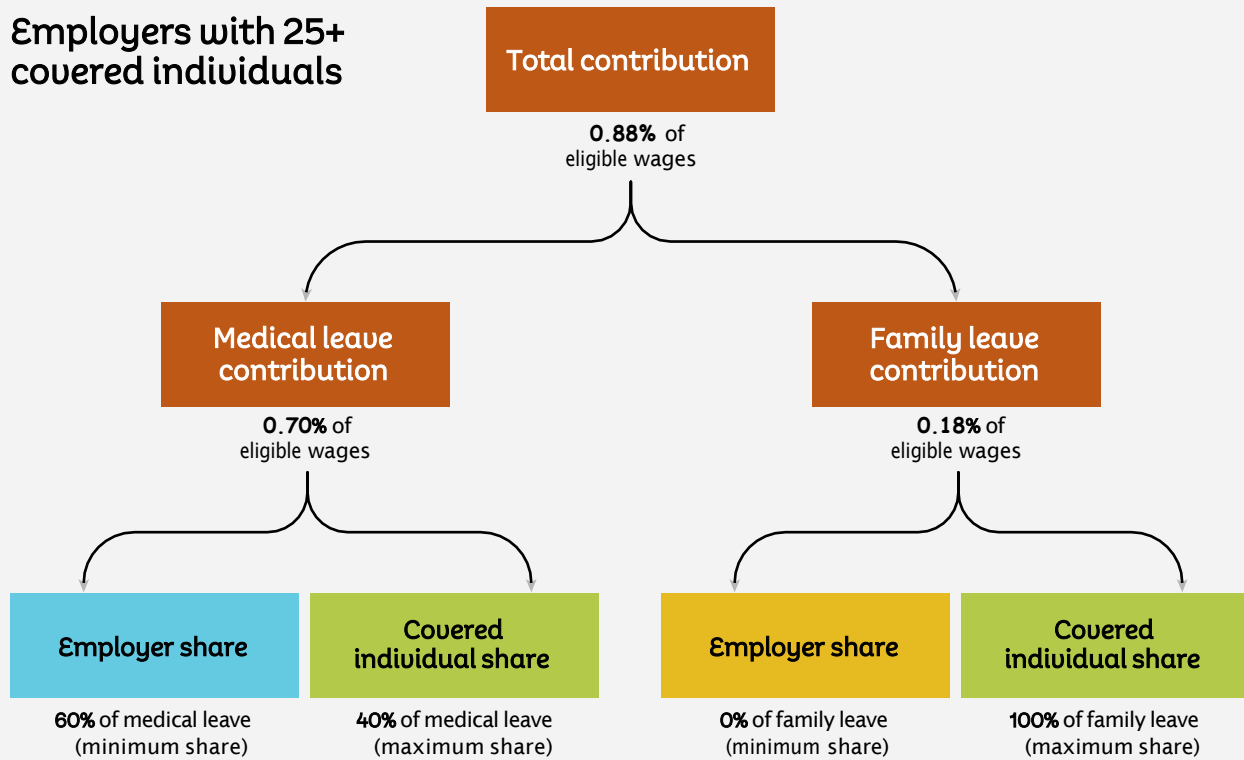
The maximum amount of earnings subject to these contribution rates [changes annually](#) for each covered individual.

Employers can choose how much of their PFML contribution they withhold from their covered individuals as long as they do not exceed the maximum percentages listed on the following pages. For example:

- An employer with employees covered by multiple collective bargaining agreements can vary the amounts it withholds from employees within each of those bargaining units.
- An employer can take different amounts from their full-time and part-time staff.

Consult with your legal counsel on the advisability of implementing different percentages in your organization.

Employers with 25+ covered individuals



Employers who had 25 or more covered individuals will be required to send a contribution to DFML through MassTaxConnect of 0.88% of [eligible wages](#). This contribution can be split between covered individuals' payroll or wage withholdings and an employer contribution.



Family leave

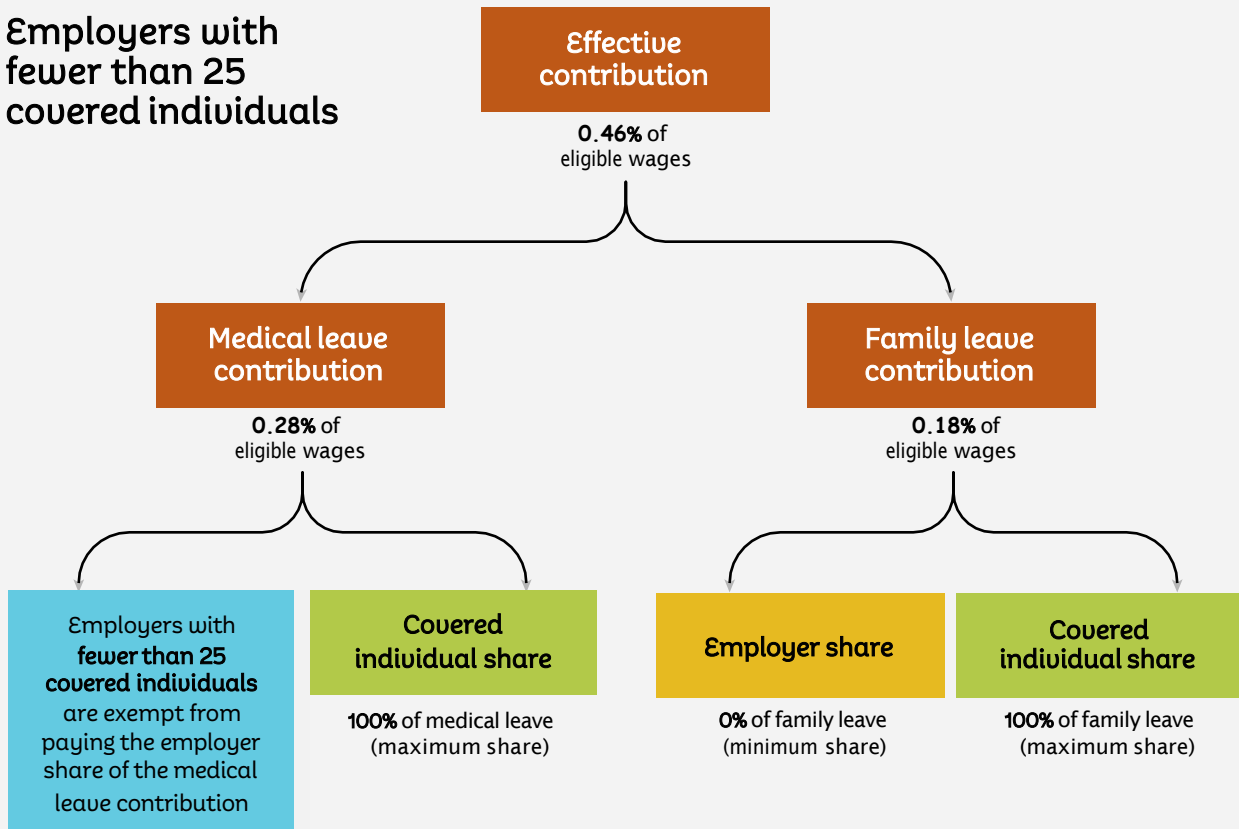
Employers can withhold up to 100% of their family leave contribution from a covered individual's wages (0.18% of eligible wages).



Medical leave

Employers can withhold up to 40% of their medical leave contribution from a covered individual's wages (0.28% of eligible wages). Employers are responsible for contributing the remaining 60% (0.42% of eligible wages).

Employers with fewer than 25 covered individuals



Small employers are responsible for submitting the funds withheld from covered individuals' wages but are under no obligation to contribute themselves. However, they may elect to cover some or all of the covered individuals' share.



Family leave

Employers can withhold up to 100% of their family leave contribution from a covered individual's wages (0.18% of eligible wages).



Medical leave

Employers can withhold up to 100% of their medical leave contribution from a covered individual's wages (0.28% of eligible wages).

Our [PFML calculator](#) can help you estimate what amount you need to contribute.



Summary:

Once you have determined the required contribution for you and your employees, you need to let your employees know how it will impact them (and their paychecks).



Question:

What do I have to tell my workforce about PFML?

You are legally required to inform your workforce about PFML. Here is what you have to do.

1. **Hang up a PFML poster.** All Massachusetts employers, including employers with an approved private plan, must display [a workplace poster](#) that explains the benefits and rights available to your workforce under the PFML law. You must post this poster at your workplace in a location where it can be easily read. We suggest you place the poster with other mandatory workplace posters, like wage and hours laws, workplace discrimination, workers' compensation, and workplace safety. The poster must be available in English and each primary language of 5 or more individuals in your workforce. Check [if these translations are available from DFML](#).
2. **Notify your W-2 and 1099-MISC contractor (if eligible) workforce.** All Massachusetts employers, including employers with an approved private plan, must notify their MA workforce in writing about available PFML benefits. You must issue this notice to each new employee within 30 days of their first day of employment. The notice must be written in each employee's primary language. You must get a written statement from each employee either acknowledging or refusing to acknowledge the notice. Please retain these forms. Do not send these forms to DFML. You may [download a template](#) of the notice provided by DFML or create your own.

If you choose to create your own notice, it must contain:

- An explanation of the availability of family and medical leave benefits
- The covered individual's contribution amount and obligations
- The employer's contribution amount and obligations
- The employer's name and mailing address
- The employer identification number assigned by DFML (EIN)
- Instructions on how to file an application for family and medical leave benefits
- The mailing address, email address, and telephone number of DFML

If less than 50% of your workforce includes MA 1099-MISC contractors, you're not required to inform them of PFML benefits, though it's encouraged so those contractors are aware [they may opt-in to the program](#).

Note: Please use your Federal Employer Identification Number (EIN) as your Employer ID Number on the "Employer Notice to Employee" and the "Employer Notice to Self-Employed Individual" forms.



Summary:

As an employer, you are required by law to inform all eligible employees about PFML benefits, requirements, and contributions. You will need to make sure that the information is delivered as specified by the law.



Question:
*How do I
pay my
contributions?*

Every three months, you will need to log on to MassTaxConnect to complete a quarterly return and remit contributions for your covered individuals for the previous three months.

Here is the information you will need:

- The Social Security Number or ITIN for each employee or 1099-MISC contractor
- The first and last name of each employee or 1099-MISC contractor
- The wages for each employee or 1099-MISC contractor

Log in to [MassTaxConnect](#), then:

1. Locate your Paid Family and Medical Leave panel on your summary page.
2. Click on View Returns which will bring you to a list of all past and present periods and the status of each period. Choose File Now next to the period you would like to file.
3. Enter a Social Security Number or ITIN, first name, and last name for each employee and indicate if any are 1099-MISC contractors. Select Opt-in if the employee is not a covered 1099-MISC contractor and is choosing to opt-in to the program. Enter PFML Eligible YTD Wages and then Wages This Quarter, the system will automatically calculate contributions owed. Repeat these entries for each employee. If the employer would like to voluntarily assume all or part of the employees' required contributions, you can adjust the percentages by clicking on Set All Medical % and reduce the default 40 percent or Set All Family % and reduce the default 100%. This step is completely optional. Once you have finished, click Next.
4. Verify that all the information you entered is correct, then click Next.
5. Select the way you would like to pay. For these steps, we will choose to make an electronic payment from your checking or savings account.
6. Select your bank account type, enter your bank's routing number, account number, and then confirm your account number. Select whether you would like to save this payment information for future use and then confirm your payment amount. Click Next.
7. Once you have verified that your return and payment information and amount are correct, click Submit.



Summary:

Every quarter, you need to log on to MassTaxConnect and submit your quarterly contributions.



Prepare for employees to take leave

Section 2



Question:

How should I talk to my employees about PFML?

It is important to understand your role and responsibilities in the PFML application process to help it run smoothly. One of the first things you should do is communicate openly with your employees about the program.

DFML encourages employers and employees to have an open dialogue about PFML as part of current benefits conversations.

- Establishing an open dialogue early will help you better plan for employees taking leave.
- Providing employees with information on all available benefits options enables them to make the best choices when health issues arise.

Employees are required to talk to their employer and/or leave administrator before taking leave:

- 30 days' notice before beginning the leave for a planned event, like an elective surgery or the birth or placement of a child.
- As soon as possible for an unexpected or unplanned life event.



Summary:

Employers and employees should talk openly about PFML to help the process run smoothly.

Question:

How do I register a leave administrator?



An employer must have a registered leave administrator with DFML. A leave administrator is the person responsible for reviewing and processing employee applications on behalf of an organization.

When you create an employer account, you will be asked to enter an email address and password. Use your work email address; please do not use a personal email address. Click [here](#) to get started.

To ensure that you will be accessing the correct paid leave applications, you will have to enter your employer's Federal Employer Identification Number (EIN), a 9-digit

number that is assigned by the Internal Revenue Service. If you do not have this number, ask your organization's payroll department.

Once you provide an email address, EIN, and password, you will be prompted to verify your account. You will only have to verify your account once. [Learn more about the verification process.](#)

In order to verify your account, you will need to work with the person or organization that is registered to manage your MassTaxConnect account.

To get data to verify your account:

1. The person or organization that is registered to manage your [MassTaxConnect](#) account (the tax administrator) will need to Log into [MassTaxConnect](#) to obtain contribution information from the most recent period for which your organization has filed.
2. On the Summary page, scroll down to the Paid Family and Medical Leave section on the left. In the Account portion, select Returns.
3. Choose the last period for which a return has been received. If you have not yet sent your contributions or it is still being processed, use the amount from the most recent period for which you filed that has been processed.
4. Go into the return. Click View or Amend Return. Then select Next at the bottom. Look to line 6 and you will find the Total Contributions Due.
5. Copy the Total Contributions Due amount for verification.

To verify your account:

1. You, as the leave administrator, should [log in to your employer account](#) and be taken to "Your organizations" page. If you arrive at the "Welcome" page, click on "Complete this process" in the yellow banner or click on "Your organizations."
2. On the "Your organizations" page, click the link/name of the organization that has "Verification required" next to it.
3. Paste the amount for the period requested on the verification form into the Paid Leave Contributions field to verify your identity.

After successfully completing verification, you will be able to receive notifications and review applications.

If you fail to register a leave administrator with DFML, you are relinquishing your role in providing information and recommending approval or denial of applications.



Summary:

Register a leave administrator with DFML - this person manages PFML for your organization and reviews employee applications.



Question:
What form of documentation am I responsible for?

Employers must generally maintain records and documents in separate files/records from the usual personnel files and in accordance with any applicable laws and regulations. These documents are anything relating to:

 *Medical information*

 *Medical certifications*

 *Recertifications*

 *Medical histories of employees*



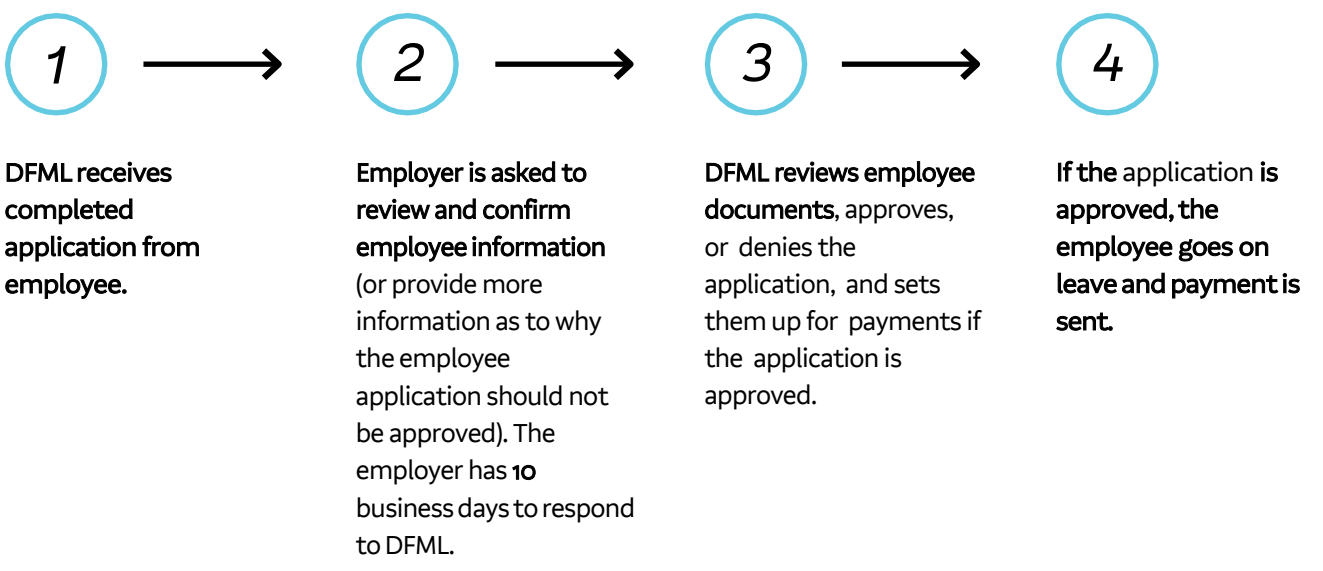
Summary:
Be sure to keep any employee documents private and for your records only.



Question:
What is my role in the application process and timeline?

Before an employee applies

An employee must notify the employer and leave administrator of the intended leave before beginning the application process.



Summary:

An employee must notify you before beginning the application process. Once the application is submitted, the leave administrator has 10 days to review and respond to DFML.



Question:
How do I review employee applications?

As an employer, you will play an important role in maintaining the integrity of the PFML program by reviewing and providing important details about your employees' applications for paid leave.

You will receive an email letting you know that an employee at the organization you represent has started an application for PFML. Once the employee has completed their application, you will receive a second email to review the application.

View application details and respond within 10 business days.

If we do not hear from you or any other verified leave administrator from your organization in that time, we will proceed with the application using only the information the employee provided.



Summary:

DFML will communicate important information and updates on employee applications through email.

Confirm the information in the application is accurate and provide additional information.

Here is a list of information you may be asked to confirm or provide, as well as why we ask for this information.

Has the employee taken other paid or unpaid leave in the past benefit year?

- Most Massachusetts employees are eligible for up to 26 weeks of combined family and medical leave per benefit year. This combined leave may include:
 - Up to 20 weeks of paid medical leave per benefit year to manage a personal serious health condition
 - Up to 12 weeks of paid family leave per benefit year to care for a family member with a serious health condition or to bond with a child
 - Up to 26 weeks of paid family leave per benefit year to care for a family member who is a member of the Armed Forces
- PFML is a Massachusetts-offered program. It works alongside federal programs like the Family and Medical Leave Act (FMLA), and any independent leave programs offered by your employer.
- We ask if the employee has taken any other types of leave in the previous benefit year in order to confirm that they have not used more time than they are eligible for.

What are the employee's earnings?

An employee's wages play an important part in reaching a decision on a paid leave application.

- To be eligible for paid family or medical leave, an employee must have earned at least \$6,000 and at least 30 times their calculated weekly paid leave benefit amount in the last 4 completed quarters.
- If an employee has more than one job, their combined income within the past 4 quarters will be considered when calculating their income eligibility.
- Former employees are eligible to take paid family or medical leave for up to 26 weeks after they have separated from their employer.

What's the employee's leave schedule?

While most paid leave will be taken all at once, employees may also apply for paid leave on a reduced or intermittent schedule.

See below for a breakdown of leave schedules and how the employer is involved with each:

- Continuous (full-time) leave - You need to verify the employee's information and note any other leave taken during the benefit year.
- Reduced (part-time) leave - You need to verify the employee's information and note any other leave taken during the benefit year. Family bonding leave may only be taken on a reduced (part time) leave schedule if it has been agreed to by you, the employer.
- Intermittent leave - You need to verify the employee's information and note any other leave taken during the benefit year. Family bonding leave may only be taken on an intermittent leave schedule if it has been agreed to by you, the employer.

Does this look like a real application?

- You will be asked if any of the information provided appears to be fraudulent. DFML takes fraud allegations seriously.
- Any application where the Leave Administrator has indicated that fraud might be taking place will be flagged for further review.

Do you recommend we approve or deny the application?

- After you review the information that the employee provided in their application, you will be asked if you recommend that we approve or deny their application based on the law and your company's existing policies.
- You will not actually be approving or denying their application with this question – DFML will ultimately decide this – but your recommendation will be taken into consideration when DFML makes that decision.
- If the employee is legally eligible to take paid family or medical leave, and if all aspects of the employee's application are truthful and correct, the application will be approved, even if it is inconvenient for the employer.



Summary:

It is your responsibility to carefully review employee applications, confirm and provide additional information, and provide a response to DFML.



Question:

What happens after I review an application?

Reaching a decision

When a decision has been made on a specific application that you reviewed, you will receive an email with a link to a PDF with DFML's notice of the decision.

If an employee appeals a decision

Employees may appeal any aspect of a paid family or medical leave determination, including:

- Denial of benefits
- Leave modifications
- Weekly benefit amounts
- The duration of their leave

PTO

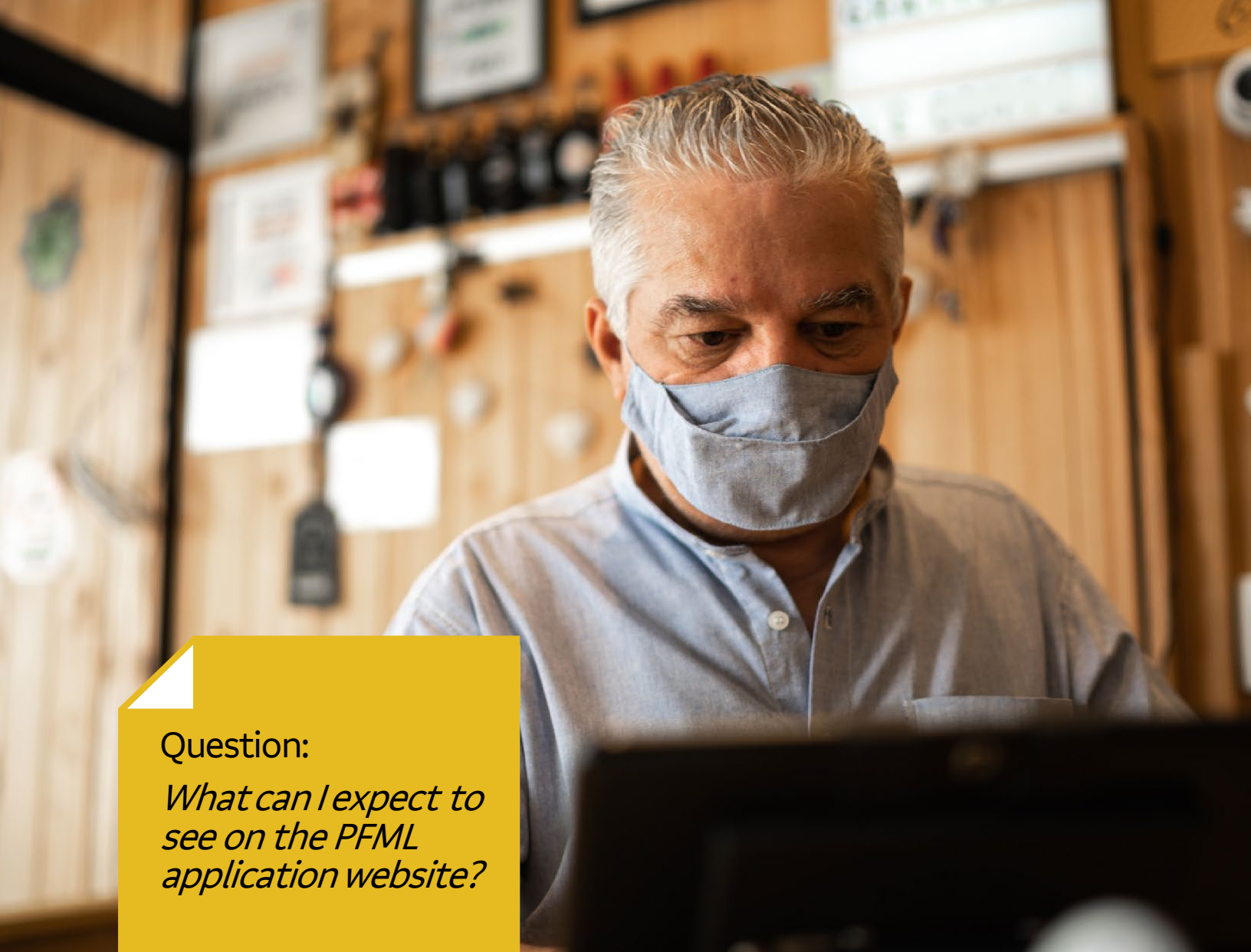
Employees are allowed to use their organizations paid time off (PTO) in the first 7 days of their leave during the waiting period. If an employee would like to use PTO after the 7-day waiting period, they will need:

- To take the leave over a continuous, uninterrupted block of time and before their PFML benefits start date
- Use it only once during their leave period
- Have consulted and confirmed their leave schedule with you before their leave starts



Summary:

Employees can appeal a decision and take PTO at the beginning of their paid leave. Be sure to openly communicate with your employees during these last steps so that you both know what to expect.



Question:

What can I expect to see on the PFML application website?

- [Dashboard](#) view for the employer to log in and view employee applications all in one place
- Enhancements to the "Request for Information" section, including the ability to more easily see what employees reported on other leaves and wage replacements
- View and manage applications across multiple EINs



Summary:

DFML is working hard to improve the PFML application process - you can expect future enhancements that will make it easier for you to manage employees' paid leave.



DFML
MA Department of
Family and Medical Leave



Phone
Department of Family and Medical Leave
DFML Contact Center
833-344-PFML (7365)

Online
mass.gov/dfml