

HR Insights

2023 MA Paid Family & Medical Leave (PFML) Updates and Changes

The Department of Family & Medical Leave (DFML) has made substantial changes and updates regarding PFML for 2023, all of which can be found on its website. This issue of *HR Insights* provides a summary of the updates and changes along with a brief description and where to find more details about them on DFML’s website. In addition, this issue provides important information about the update to the benefit year, including when the new 2023 maximum weekly benefit applies to an employee currently out on leave and determining the amount of leave for which an employee is eligible plus intermittent leave.

Our previous issue of *HR Insights*, Issue 18, focused on the updates and changes to the PFML poster, notices for employees, the maximum weekly benefit, and the contribution rates. In addition, we included an overview of DFML’s annual report for 2022, which provides some interesting insights. To access the previous issue, [click here](#).

Overview of Updates and Changes

The table below provides a list of DFML’s most recent updates and changes to PFML for 2023, a brief description of them, and where to find more details on DFML’s website.

Topic	Information Updated or Newly Published by DFML	Link to DFML Website for More Details
Changes Requiring Action		
Workplace Posters and Employee Notices	PFML poster and annual employee notices updated for the 2023 maximum weekly benefit and contribution rates. Action Required: If not already done, post revised poster in all locations where you post other workplace posters and distribute employee notices.	https://www.mass.gov/info-details/pfml-workforce-notifications-and-rate-sheets-for-massachusetts-employers
PFML Maximum Weekly Benefit Amount	Updated maximum weekly amount for 2023, which is \$1,129.82. Action Required: If applicable, update employee handbook and any other PFML communications that includes information about the maximum weekly benefit.	https://www.mass.gov/info-details/paid-family-and-medical-leave-pfml-overview-and-benefits#how-much-will-i-get-paid?
Contribution Rates and Calculator	Updated the contribution rates and calculator for 2023. Action Required: Include updated rates in the required employee notification, and ensure new rates are set up in your payroll system.	https://www.mass.gov/info-details/paid-family-and-medical-leave-employer-contribution-rates-and-calculator
Benefit Year	DFML updated “benefit year” saying it is unique to each employee and based on when an employee takes time off through any leave program. For more details, see below for how this impacts eligibility for leave and maximum weekly benefit. Action Required: If applicable, update employee handbook and any other affected communications, policies, and procedures.	https://www.mass.gov/info-details/how-pfml-weekly-benefit-amounts-are-calculated-and-or-changed

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Intermittent Leave	<p>Intermittent leave updated including that intermittent leave includes time off that sometimes may be in unpredictable intervals. See below for details on scheduling, certification, and reporting of hours requirements.</p> <p>Action Required: Update your employee handbook and any other affected communications, policies, and procedures.</p>	https://www.mass.gov/info-details/understanding-the-different-ways-you-can-schedule-your-leave#types-of-leave-schedules-
Managing Your Organization’s PFML Account		
Add or Remove Administrators from Your Organization	<p>New: How to add or remove leave administrators from your organization on the PFML dashboard.</p>	https://www.mass.gov/info-details/using-the-leave-administrator-dashboard-for-paid-family-and-medical-leave-pfml-applications#add-or-remove-leave-administrators-from-your-organization(s)-
Change the Email Address Associated with your PFML Account	<p>New: How to change the email associated with your PFML account.</p>	https://www.mass.gov/info-details/how-to-change-the-email-address-associated-with-your-paid-family-and-medical-leave-pfml-account
Information Helpful to Employees		
PFML Overview and Benefits	<p>Updated the PFML Overview and Benefits.</p>	https://www.mass.gov/info-details/paid-family-and-medical-leave-pfml-overview-and-benefits
PFML 2023 Employee Calculator	<p>Updated the PFML benefits calculator for the 2023 benefit rate.</p>	https://calculator.digital.mass.gov/pfml/yourbenefits/
PFML Videos	<p>Updated PFML videos to include videos translated into Spanish and Portuguese.</p>	https://www.mass.gov/info-details/paid-family-and-medical-leave-pfml-videos#for-employees-
Calculation of PFML Benefits	<p>Updated how PFML benefits are calculated and/or changed, including how PFML uses benefit year, individual average weekly wage, and the State average weekly wage to determine weekly benefit amount.</p>	https://www.mass.gov/info-details/how-pfml-weekly-benefit-amounts-are-calculated-and-or-changed
Your Serious Health Condition Form	<p>Updated how to fill out the Certification of Your Serious Health Condition Form.</p>	https://www.mass.gov/info-details/filling-out-the-certification-of-your-serious-health-condition-form

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Benefit Year

DFML **updated** information on its website for the benefit year. Here is a summary:

- **The benefit year is unique to an employee** and based on when the employee takes time off through any leave program. The year starts the Sunday before the employee's first day of leave and lasts for 52 consecutive weeks.
- **An employee's weekly PFML benefit rate is based on the applicable benefit year.** That is, if the employee's applicable benefit year began in 2022, the benefit will be capped at the maximum benefit for 2022. This is true even if the employee files multiple applications or takes different types of leaves during the benefit year. The weekly benefit rate only changes when an employee starts a **new** benefit year.
- **Types of leave programs that trigger a benefit year** include FMLA, PFML, and workers' compensation. Paid time off such as vacation, sick, or personal days for a reason that is not a PFML qualifying reason will not start a new benefit year.
- **The benefit year is important on two counts:**
 - **It defines how much leave an employee has available.** Within a benefit year, an employee is eligible for 20 weeks of medical leave, 12 weeks of family leave, and no more than 26 weeks of combined family and medical leave. The leave available resets after the employee's benefit year ends.
 - **It determines an employee's weekly benefit rate.** An employee's benefit rate is based on the employee's unique benefit year. The rate will only change after the employee's benefit year ends.

Example:

An employee first took PFML family leave on 5/4/2022 to bond with own newborn. Thus, the employee's benefit year started 5/1/2022 (the Sunday preceding 5/4/2022) and ends 4/30/2023.

The employee subsequently files for a medical leave with DFML on 1/14/2023 for a serious health condition and is eligible for the maximum weekly benefit amount. Because the employee is still in the 2022 benefit year, the benefit amount for the medical leave beginning 1/14/2023 is capped at the 2022 maximum amount (\$1,084.31), not at the 2023 maximum benefit.

- **When an application for leave crosses over two benefit years,** DFML will split an employee's leave into two parts with each part subject to an eligibility review and 7-day waiting period. As a result, DFML may approve one part of the leave and deny the other. This could happen, for example, if the employee files the application for the second part of the leave earlier than 60 days before the start of the leave, or if the employee fails to meet the financial eligibility test.

Example:

An employee's existing benefit year is from 5/22/2022 to 5/23/2023. The employee and partner adopt a child in April 2023. The employee applies for 12 weeks of family leave to bond with the child between 4/10/2023 and 7/2/2023. In this case:

- DFML will split the employee's leave into two parts.
- For the first part, the employee will receive the 2022 maximum weekly benefit amount from 4/10/2023 through 5/23/2023.
- For the second part starting 5/24/2023, the employee will be eligible for the 2023 maximum benefit after completing the 7-day waiting period.

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Intermittent Leave

DFML updated information on its website pertaining to intermittent leave. Here is a summary:

- **Intermittent leave** is when an employee takes leave here and there, including time off for leave that may be at unpredictable intervals. Intermittent leave can be taken for all types of family or medical leave.
- **If an employee decides to apply for intermittent leave**, they must discuss the leave schedule with the employer plus work with a health care provider to certify the need, duration, and frequency of the leave. If the leave is for medical leave, the health care provider must complete the Certification of Your Serious Health Condition Form, and if for family leave, the Certification of Your Family Member's Serious Health Condition Form. As part of the approval process, DFML will confirm the terms and schedule with the employer.
- Because intermittent leave is not a set schedule, an employee must **report how many hours of leave they take each week** by calling the Hours Reporting line at 857-972-9256. In reporting hours of leave, it is important the employee know their length of leave and total approved hours. DFML will send the reported hours to the employer for review and issue payment once the employer confirms the employee's leave.
- **Once intermittent leave is approved, an employee must complete the unpaid 7-day waiting period and report at least eight hours of leave** (or it is 30 days from the start of the employee's leave) before they can receive a benefits payment from DFML.

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