

E-ALERT: Massachusetts Publishes Final PFML Regulations and Updated Employee Notices



Background

The final Massachusetts Paid Family Medical Leave (MA PFML) regulations have been issued on the Department of Family and Medical Leave (DFML) website and include a few revisions. Here are noteworthy changes or additions:

Summary

1. **Intermittent leave** now allows an employer to **designate** a minimum increment of time that can be taken as intermittent leave, provided that the minimum period does not exceed four hours. In contrast, the Family Medical Leave Act (FMLA) allows intermittent leave in increments of no longer than one hour.
2. Employers may choose to **deduct different percentages from different groups** of covered

This content is provided with the understanding that HR Knowledge is not rendering legal advice. While every effort is made to provide current information, the law changes regularly and laws may vary depending on the state or municipality. The material is made available for informational purposes only and is not a substitute for legal advice or your professional judgment. You should review applicable laws in your jurisdiction and consult experienced counsel for legal advice. If you have any questions regarding this content, please contact [HR Knowledge](#).

individuals for purposes of making contributions, provided that no deductions exceed the maximum deduction allowed. In other words, deductions need not be equal across the entirety of an employer's workforce.

3. There are further **clarifications for employers with approved private plans**, as well as added penalties for employers who fail to maintain or renew approved private plans prior to January 1, 2021.
4. The regulations further define the **average weekly wage for covered self-employed individuals** as a percentage of their total earnings from the two highest quarters in the previous year.
5. **Self-employed individuals** who opt into the MA PFML program have been provided with additional details including the length of time they are considered a covered individual and when paid leave benefits would begin. They must be covered individuals for not less than three years and must contribute for two out of four completed quarters before receiving paid leave benefits.
6. There are further details regarding how covered individuals can **place a claim with the Department of Family and Medical Leave**, including filling out state-provided forms and providing 30 days' notice if practicable. The DFML will notify applicants within **14 days of receiving an application for benefits** of approval or denial of the leave. A covered individual who needs an **extension of benefits** must notify the DFML by filing a request 14 days before the original approved leave expires. Employers have **five business days** to complete any DFML request forms relevant to claims for benefits for covered individuals. Covered individuals who **request an appeal** must do so within 10 calendar days of receipt of the DFML's denial letter. Forms have not yet been released but are anticipated to be released in advance of the January 1, 2021 deadline.
7. **Certain types of employment that are excluded** from unemployment law are also exempt from PFML benefits, including:
 - a. Services performed for a son, daughter, or spouse
 - b. If under 18, services performed for one's father or mother
 - c. Services performed by inmates of penal institutions
 - d. Employment in the railroad industry
 - e. Services provided by real estate brokers/salespeople and insurance agents/solicitors in commission-only jobs
 - f. Newspaper sales and delivery by persons under 18
 - g. Employment by churches and certain religious organizations
 - h. Services of work-study students, student nurses and interns, and work trainee programs administered by nonprofit or public institutionsCertain exempt employers listed above can opt into the MA PFML program by notifying the DFML and following its procedure to enroll.
8. **Revised employer notification forms now available** for employers. These forms have now been translated into twelve additional languages.

Employer Next Steps



- Employers who completed the notification process prior to the June 14th extension will need to issue an amendment to the form and distribute it to all employees with the modified contribution rate. The amendment does not need to be signed by the employee and can be sent electronically. This process will need to be completed each time that the rate changes. Updated forms can be accessed [here](#).
- Display the updated workplace poster, which you can download [here](#).
- Work with your current payroll provider to set up the tax calculations through payroll. If you are a Full-Service or Managed Payroll client of HR Knowledge, we will handle this for you.
- [Register](#) for our complimentary July 17 webinar covering the key provisions of the law.
- If you are not a client but are interested in learning more about our services, please [email us](#).

The People Simplifying HR

For almost twenty years, HR Knowledge has made it our mission to demystify the complex and daunting process of HR management. We do more than just provide the level of service and technology you'd expect from an industry leader. We combine unparalleled passion for service with our decades of HR, payroll, and benefits experience to provide our clients with personalized and actionable advice that is second—to—none. From managed payroll to employee benefits to HR support, we can help your organization thrive, grow, and reduce operating costs—no matter what industry you serve. Whether you're interested in our Full-Service solution or just need your employee handbook written, HR Knowledge can help you minimize risk while staying on top of compliance regulations. The bottom line? We're not just another cloud-based technology company that also does HR, #WeAreHR.

This content is provided with the understanding that HR Knowledge is not rendering legal advice. While every effort is made to provide current information, the law changes regularly and laws may vary depending on the state or municipality. The material is made available for informational purposes only and is not a substitute for legal advice or your professional judgment. You should review applicable laws in your jurisdiction and consult experienced counsel for legal advice. If you have any questions regarding this content, please contact [HR Knowledge](#).

Home > Events > Paid Family Medical Leave – July 31st (FREE)



Paid Family Medical Leave – July 31st (FREE)

\$0.00

Category: [Events](#)

Wednesday, July 31, 12pm – 1pm EST (FREE)

Massachusetts employers should be aware of the following key provisions of the new PFML law, as detailed in the statute itself and in proposed regulations recently issued by the Department (with final regulations slated to be issued by July 1, 2019). Though workers will not be eligible to take MA PFML until January 1, 2021 (or, in the case of leave to care for a family member with a serious health condition, July 1, 2021), employers will be required to comply with some of the law's key provisions by July 31, 2019.

Join us for our upcoming Webinar on July 31st at 12-1pm where we will review key provisions of the MA PFML statute.

Related products



September 25: Terminating Effectively, Legally & Respectfully

\$99.00



November 6: Relentless Commu

\$99.00



HR Boot Camp Registration

\$495.00



August 7: Verified First (Free)

\$0.00

