



# Notice of Benefits Available Under M.G.L. Chapter 175M

## Paid Family and Medical Leave

### Available Leave

Covered individuals may be entitled to family and medical leave for the following reasons:

- up to 20 weeks of paid medical leave in a benefit year if they have a serious health condition that incapacitates them from work.
- up to 12 weeks of paid family leave in a benefit year related to the birth, adoption, or foster care placement of a child, to care for a family member with a serious health condition, 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 26 weeks of paid family leave in a benefit year to care for a family member who is a covered service member with a serious health condition.

**Covered individuals are eligible for no more than 26 total weeks, in the aggregate, of paid family and medical leave in a single benefit year.**

### Benefits

To fund PFML benefits, employers may deduct payroll contributions of up to 0.378% (adjusted annually) from a covered individual's wages or other earnings. A covered individual's average weekly earnings will determine his or her benefit amount, for a maximum weekly benefit of up to \$850 (adjusted annually).

### Who is a Covered Individual Under the Law?

Generally, a worker qualifies as a covered individual eligible for paid family and medical leave benefits if:

- S/he is covered by unemployment insurance in Massachusetts and paid wages by a Massachusetts employer; or
- S/he is a self-employed individual who resides and works in Massachusetts and chooses to opt-in to the program; and
- S/he earned more than 30 times the expected benefit and more than \$5,400 (adjusted annually) in the last four completed quarters preceding the application for benefits.

### Job Protection

Generally, an employee who has taken paid family or medical leave must be restored to the employee's previous position or to an equal position, with the same status, pay, employment benefits, length-of-service credit, and seniority as of the date of leave.

*These job protections do not apply to former employees, independent contractors or self-employed individuals.*

### Health Insurance

Employers must continue to provide for and contribute to employees' employment-related health insurance benefits, if any, at the level and under the conditions coverage would have been provided if the employees had continued working for the duration of such leave.

### No Retaliation or Discrimination

- It is unlawful for an employer to discriminate or retaliate against an employee for exercising any right to which s/he is entitled under the law.
- An employee or former employee who is discriminated or retaliated against for exercising rights under the law may, not more than three years after the violation occurs, institute a civil action in the superior court, and may be entitled to damages of as much as three times his or her lost wages.

### Private Plans

If an employer offers employees paid family leave, medical leave, or both, with benefits that are at least as generous as those provided under the law, the employer may apply for an exemption from paying the contributions. Employees continue to be protected from discrimination and retaliation under the law even when an employer opts to provide paid leave benefits through a private plan.



**If you have questions or concerns about your Paid Family and Medical Leave rights, please call: (833) 344-7365 or visit: <https://www.mass.gov/DFML>**

