



Alert

INTEGRATED ABSENCE SOLUTIONS (IAS)



Oct. 16, 2023

Changes to the Massachusetts Paid Family and Medical Leave program effective Nov. 1, 2023

Beginning Nov. 1, 2023, employees receiving benefits through the Massachusetts Paid Family and Medical Leave program ("MA PFML") may choose to supplement these benefits up to 100% of wage replacement with any available accrued paid leave such as vacation, paid sick leave or paid time off. This top-off is at the employee's discretion and employers cannot require employees to use accrued paid leave either before taking MA PFML or while on MA PFML.

Up to this point, employers with a private plan meeting or exceeding the requirements of the MA PFML have had the option to allow employees to use accrued paid leave to top-off private plan benefits. Starting Nov. 1, 2023, it is no longer optional for employers covered by a private plan. Rather, the ability to top-off is the employee's choice regardless of whether benefits are paid through the state or a private plan.

We expect the Massachusetts Department of Family and Medical Leave to issue guidance on how employers should calculate the difference between the MA PFML benefit and accrued paid leave to ensure employees are accurately and timely paid.

What action is needed?

State plan

For employers participating in the state plan, employees can choose to top off their state benefits with accrued paid leave starting Nov. 1, 2023. Revise policies and procedures to ensure compliance.

Private plan

For employers who utilize a private plan for MA PFML, if the private plan did not previously permit employees to supplement the private plan benefits with accrued paid leave, they will need to revise their private PFML plans and related policies and procedures to be compliant.

If you have additional questions, please contact your Lockton account team.

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