



Massachusetts Paid Family & Medical Leave

Frequently Asked Questions

The Massachusetts Paid Family & Medical Leave program went into effect January 1, 2021. Here are Guardian's answers to the questions we most commonly receive. If you need additional information, you should contact your Guardian Representative or the Massachusetts Department of Family & Medical Leave at 833-344-7365 or visit the State of Massachusetts Paid Family & Medical Leave website at mass.gov/orgs/departments-of-family-and-medical-leave.

What is Paid Family & Medical Leave (PFML) and how can it be used?

Paid Family & Medical Leave is a program instituted for employees who work in the state of Massachusetts. It provides job protection and paid time off so that an employee can:

- **Bond** with a newly born, adopted or fostered child;
- **Care** for a family member with a serious health condition (began 7/1/21);
- **Assist** loved ones when a family member is deployed abroad on active military service; or
- **Recover** from an employee's own serious health condition

Paid Family & Medical Leave can be taken on a "continuous" or "intermittent" basis.

How are PFML benefits calculated?

Benefits are calculated using an employee's Average Weekly Wage (AWW). AWW is determined by using the



highest 2 quarters of the last 4 complete quarters of earnings, prior to the start of the leave.

- The portion of an employee's AWW that is equal to or less than 50% of the state's AWW is paid at 80%.
- The portion of an employee's AWW that is more than 50% of the state AWW is paid at 50%.
- The maximum weekly benefit amount will be adjusted annually by the state but is capped at 64% of the state AWW. For 2022, the maximum weekly benefit is \$1,084.31 per week.

For example, the AAW for 2022 Claims is \$1,694.24, and 50% of the AAW is \$847.12. If an employee has an AAW of \$900.00, then \$847.12 of these wages are eligible for a benefit of 80% ($\$847.12 \times 80\% = \677.70), while the remaining \$52.88 ($\$900 - \847.12) in wages are eligible for a benefit of 50% ($\$52.88 \times 50\% = \26.44). Therefore, the maximum weekly benefit will be \$704.14 ($\$677.70 + \26.44).

The state website has a calculator that can be used to estimate an employee's benefit amount: calculator.digital.mass.gov/pfml/yourbenefits/

How many weeks of PFML benefits am I eligible for?

Paid Medical Leave (leave for an employee's own serious health condition): 20 weeks per benefit year

Paid Family Leave:

- Bonding – 12 weeks per benefit year
- Military exigency – 12 weeks per benefit year
- Care for a service member – 26 weeks per benefit year
- Care for a family member with a serious health condition – 12 weeks per benefit year

Total combined cap: an employee can never take more than a combined total of 26 weeks of PFML leave per benefit year.

A benefit year is defined as a rolling 52-week period starting on the Sunday of the first week that an employee takes leave through any leave program. So, if an employee started their leave on a Wednesday, the benefit year starts the Sunday before the employee started their Paid Leave.

Is there a period of time that needs to be satisfied before benefits begin?

In most cases, a paid family or medical leave will require satisfaction of a waiting period of seven (7) calendar days before benefit payments will start. Benefits are not paid during this waiting period. Also, these seven (7) days will count against an employee's total available leave for the benefit year, meaning, the durations listed in the section above include the unpaid waiting period.

The only exception to this requirement is that the waiting period will be waived for new mothers who took medical leave either during pregnancy or to recover from childbirth and are taking family leave to bond with a child immediately after the previous medical leave.

How do I file a PFML claim?

To complete and submit a claim form for PFML, an employee should first obtain either a Guardian MA PFL or MA PML Claim Packet. This packet can be obtained by accessing guardiananytime.com. You can also contact our Customer Response Unit at 800-268-2525 to obtain a PML or PFL claim packet. Once the necessary portions of the packet are fully completed, they can be submitted using the following methods:

- Mail to: Guardian Paid Leave Claims, P.O. Box 14806, Lexington KY, 40512
- Fax to: 610-807-2684
- Email (upload) by selecting "Contact Us" on

guardiananytime.com, then selecting "Secure Channel" on the bottom of the screen and following the prompts. This method is for submitting information only, not for inquires.

- Email to: Paid_Leave_Claims@glic.com This method is for submitting information only, not for inquiries.

Massachusetts Paid Medical Leave (PML) claims can also be initiated on-line at guardiananytime.com. If using this method, employees should Select "Forms & Claims" from the Resources section at the bottom of the page. Then select "Benefits through work" and "Submit a claim". From there, follow the instructions.

Note: Guardian does offer a variety of claim submission options, and as a result, employees should contact their employer representative to confirm the options available to them prior to initiating a claim.

Where can I obtain the necessary Guardian PFML forms?

While the State of Massachusetts has published their own version of the Paid Family & Medical Leave claim forms, we request that employees and employers use the Guardian version of the PFML claim forms to ensure a more complete claim submission. Claim forms can be obtained at guardiananytime.com. Select "Forms & Claims" from the Resources listed at the bottom of the page and select "Benefits through work" option and then "Find a form". Then, under Type of Form: select "Claim: State Mandated Disability" and for State: select "MA". Then choose the appropriate form for your claim, either "Massachusetts Paid Medical Leave Claim Packet" or "Massachusetts Paid Family Leave Claim Packet". Claim forms can also be requested by contacting our Customer Response Unit at 800-268-2525.

When should I file my claim and how much advance notice do I need to provide regarding my leave?

We understand that everyone wants their PFML claim decisions to be made quickly, so we encourage employees to submit their claims as close to the date they are planning to take their leave as possible (e.g. within 2 weeks of the actual leave). Claims that are submitted too far in advance of an upcoming leave event will require that much of the information be re-verified when the actual leave date occurs. An employee is required to give their employer 30 days notice for any foreseeable leave event; however, that does not necessarily mean that an employee should file their PFML claim with Guardian 30 days in advance. When a leave event is not foreseeable, an employee should provide their employer with notice of the leave as soon as practicable.

How long after taking leave do I have to submit a claim?

An employee can submit a PFML claim prior to, or within 30 days after the start of the leave. But, the employee must notify their employer at least 30 days before the leave is scheduled to start, if it's foreseeable. Otherwise, they must notify their employer as soon as practicable.

Can my claim be denied if I don't provide my employer with at least 30 days notice before a foreseeable leave?

Yes, an employer can deny an employee's leave request. Lost productivity and coverage for an absent employee is a real issue for all employers. Advance notice of an upcoming leave allows an employer the lead time that is needed to ensure coverage of any job duties and minimize any gaps in service.

What happens if a claim is submitted to Guardian in advance of the leave beginning?

While we do not encourage early claim submissions, we understand an employee's desire to do so. Guardian will review the claim once received, but we will be unable to make a final decision on the claim until the actual leave has started. We also understand that an employee is required to provide their employer with 30 days advance notice of any foreseeable Paid Family & Medical Leave request; however, this does not mean that the actual PFML claim needs to be filed with Guardian at that time. If a claim has been filed in advance of the actual leave dates, we ask that the employee notify us immediately upon the start of their leave so that we can verify any information that was supplied on the early submission.

When employees submit their leave request ahead of time, will Guardian be following up with the employer to ask for updated information, or will they use the information provided on the claim form?

This would depend on the amount of time between the submission of the claim and the actual leave start date. If the claim was submitted in advance, we may need to contact the employer to verify earnings, as well as confirm the employees leave start date.

What type of claim documentation/certification do I need to submit?

An employee needs to follow a few simple steps to submit a PFML claim using the Guardian MA PFML claim packets.

Prior to filing a PFL or PML claim, an employee must provide 30-days advance notice to their employer for any foreseeable leave. If that's not possible, notice must be given as soon as possible.

For MA PFL:

The MA PFL claim packet includes instructions, both an

employee (MA PFL-1 part A) and employer (MA PFL-1 part B) section, as well as sections (certifications) that are specific to the type of leave being requested (Bonding, Caregiver, or Military Exigency). The employer will need to complete MA PFL-1 part B and return it to the employee within 3 business days. The employee must then complete Part A of the MA PFL-1 form and submit their fully completed claim packets (including forms, certifications, and supporting documents) to Guardian no later than 30 days after the leave has begun. The packet also includes a direct deposit enrollment form, should an employee be eligible for and elect this option.

For MA PML:

The MA PML claim packet includes instructions, along with an employee section (MA PML-1 part A), a treatment provider section (MA PML-1 part B), and an employer section (MA PML-1 part C). In addition, if an employee is also covered under an employer sponsored Guardian Group Short Term disability program, the employer should also complete the STD-PML Supplement to assist in seamlessly administering both the STD and PML claims. In addition, this packet also includes an authorization to be completed by the employee, along with a direct deposit enrollment form, should an employee be eligible for and elect this option.

Note: Guardian does offer a variety of claim submission options, and as a result, the above steps and requirements could vary based on the claim submission option that is used.

What happens if the PFML claim submission is incomplete?

Any incomplete claim submission has the potential to delay a decision (payment) being made on the claim. Guardian will be reviewing each claim in accordance with state requirements and requesting any needed information. Submitting a fully completed claim, as well as supplying the necessary leave form and supporting certifications will help to expedite our ability to make a decision (payment).

What needs to be done when my PFML leave days are intermittent?

Intermittent claims often require an increased level of communication. The claim submission process is the same as any other type of PFML claim submission; however, each use of intermittent leave time that is requested by an employee often needs to be verified with their employer. Because of this, we will typically supply an employee with a MA PFML Leave Tracking Sheet to be completed after a leave is taken, and which is then signed by their employer and submitted to Guardian.

If taking intermittent leave and I indicate that I will be using one day a week on the claim submission, and I want to make it two days a week, do I need to submit a new claim?

An employee wouldn't need to supply an entirely new claim in most situations, but they may need to supply an updated certification form, in the event the original certification did not support a leave of more than one day a week. An employee can contact Guardian, if unsure how to proceed.

What should I expect after I file my PFML claim?

If the claim submission is complete and any necessary supporting documentation is supplied, the claim process will flow more smoothly than if the claim is lacking any information. If information is lacking, a Guardian representative will initiate the requests for the missing information within 5 business days. If your claim is approved and payable, payment will typically be released one to two business days following that decision.

Am I provided any notice of when my claim has been received, and approved or denied?

Guardian provides both the employee and employer with a written confirmation of receipt of their Paid Family or Paid Medical Leave Claim. This confirmation is typically mailed within 2 business days of receipt. We ask that an employee allow ample time to receive this communication before contacting Guardian to confirm receipt of claim. Following the review of a claim, an employee will be contacted by either phone or email to advise of Guardian's decision. In addition, they could also receive one of three communications. First, would be an approval letter advising of the favorable decision made on the claim. Second, would be a denial stating why the claim was denied, as well as how to go about appealing that determination. Lastly, would be a request for information, should we need additional information to make a claim determination. Requests for information are typically made within 5 days following receipt of the claim. These requests could also occur while the claim is active, should we need additional information to consider an extension of benefits.

What if my PFML claim is denied?

If an employee's claim is denied for any reason, both they and their employer will be provided with a letter advising of the denial decision, as well as the steps needed to appeal that determination.

What if I continue to receive pay from my employer during a PFML leave?

If an employee continues to receive 100% of their income while on PFML, the employee cannot also collect PFML benefit payments until those income payments cease. The employer, on the other hand, can seek reimbursement by requesting that the PFL benefits be paid directly to them. Employers should indicate this request for reimbursement on the employer portion of the claim submission. The dates for which reimbursement is made to an employer will count toward an employee's PFL maximum duration (reducing the number of days). If an employee receives less than 100% of their income while claiming PFML, the employee can only collect PFML benefits to the extent that the combined total does not exceed 100% of their income.

What if I am currently on Paid Medical Leave (PML), and want to switch to PFL (Bonding)?

This scenario only applies to Maternity claims. Should an employee wish to transition from PML to PFL following the birth of a child, we ask that Guardian be notified prior to the date the employee would be eligible to make that transition (i.e. child's date of birth). Delay or late notification could result in a disruption of benefits during the PML to PFL transition.

In these situations, an employee does not need to meet a new 7-day waiting period.

When can I take bonding time?

Paid Family Leave for Bonding can only be taken after the birth and is not available for prenatal conditions. A parent may take Paid Family Leave for Bonding during the first 12 months following the birth, adoption, or fostering of a child. A parent may also take leave as needed related to adoption and foster care placement obligations (i.e. attending counseling sessions, travel to another country to complete an adoption, consult with doctors and attorneys representing the birth parent, appear in court, etc.).

What qualifies as a "serious health condition" for an employee to take time off for their own condition or to take care of a family member?

A serious health condition is defined as an illness, injury, impairment, or physical, or mental condition requiring:

- **inpatient care** in a hospital, hospice, or inpatient/outpatient residential health facility; or
- **continuing treatment** or supervision by a health care provider.

Who is considered a “family member” for PFL leaves?

- spouse
- domestic partner (including same and different gender couples; legal registration not required)
- child / stepchild and anyone for whom you have legal custody
- parent / stepparent
- parent-in-law
- grandparent
- grandchild
- ‘in loco parentis’, meaning a parent for a child even if you are not legally or biologically related to the child
- sibling

How does PFL work for Military leave requests?

PFL can be used for assistance when a family member is deployed abroad on active military service. Covered events may include:

- Short-notice military deployment
- Military events; related activities
- Service member’s rest, recuperation or counseling
- Post-deployment activities
- Making financial/legal arrangements
- Child care arrangements for military member’s child

How long do I need to work for an employer before I am eligible to take PFML?

Most employees who work in Massachusetts for private employers are eligible to take Paid Family & Medical Leave.

In order to file a claim, the employee must have met the financial eligibility requirements for unemployment in Massachusetts (must have earned \$5,400 in the last four calendar quarters). There are no required number of hours worked or years of service.

What if I have more than one job / employer?

An employee who is covered for MA PFML at two jobs will pay deductions at both and can take PFML benefits from both jobs concurrently.

Is my job protected and do my other benefits continue while I am on PFML?

Yes, PFML coverage offers job protection which ensures that an employee can return to the same or comparable job with the same or comparable wages and benefits. An employee may also keep their health insurance benefits while on PFML, but if they contribute to the cost of those benefits, they must continue to pay their portion while on leave. An employer is not allowed to discriminate or retaliate against an employee for taking PFML.

Does PFML run at the same time as FMLA?

Yes, MA PFML can be taken by employees who are eligible for time off under the provisions of the FMLA. MA PFML must run concurrently with an employee’s FMLA leave when the reason qualifies under both MA PFML and FMLA.

Are PFML contributions and benefits taxable?

The tax treatment of PFML contributions and benefits for both state and federal purposes is governed by federal tax law. The Commonwealth has requested guidance from the Internal Revenue Service (IRS) on this question and others related to the tax implications of PFML contributions and benefits. State PFML tax issues are part of the IRS’s 2022 Priority Guidance Plan, which identifies the IRS’s top priorities for guidance for the coming year.

From a benefit payment perspective, Guardian’s current process is to tax PML as 3rd party sick pay, in accordance with how the plan is funded. PML payments will be reported on a W-2. PFL is not viewed as 3rd party sick pay, but is still viewed as taxable non-wage income and will be reported on a 1099 Misc for amounts over \$600 in the tax year.

After IRS guidance is received, we will review and ensure our approach aligns with the IRS guidance.

Can my MA PFML benefits be direct deposited?

Yes, they can, but only for continuous (uninterrupted) leaves and where Guardian is paying the employee directly. Direct deposit is not available for intermittent leave scenarios, and where we are making payment directly to an employer. An employee can download a Direct Pay Enrollment and Authorization form at guardiananytime.com. Select “Forms & Claims” from the Resources listed at the bottom of the page and select “Benefits through work” option and then “Find a form”. Then under Type of Form: select “Claim: State Mandated Disability” and for State: select “MA”. Then select “MA PFML Direct Deposit form”. Direct Deposit enrollment can also be requested by contacting our Customer Response Unit at 800-268-2525.

How should I contact Guardian?

An employee may contact Guardian using the following methods:

Phone: 1-800-268-2525, Monday – Friday, 8:00 am to 8:00 pm EST

Fax: 610-807-2684

Email: Paid_leave_claims@glic.com (used for submission of non-secure information only - not inquiries).

Web: Email by selecting "Contact Us (Secure)" on guardiananytime.com, then selecting "Secure Channel" on the bottom of the screen and following the prompts. This method is for submitting information only, not for inquiries.

Employees who need further assistance can also contact the Massachusetts Department of Family & Medical Leave at 833-344-7365 or visit the State of Massachusetts Paid Family & Medical Leave website at mass.gov/orgs/departments-of-family-and-medical-leave

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