

Massachusetts Paid Family and Medical Leave

An employee guide

GROUP BENEFITS

2023
employee guide

Insurance products issued by:
Lincoln National Life Insurance Company
Lincoln Life & Annuity Company of New York

AM-MAPFY-BRC001_Z08



Paid family and medical leave is a mandatory program for most employees in Massachusetts

This guide includes helpful information about what paid family and medical leave is, who is eligible, and how it coordinates with other leave plans.

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What is paid family and medical leave?

The Massachusetts Paid Family and Medical Leave (MA PFML) allows eligible employees to take paid leave on a continuous or intermittent basis for the following reasons:

- 1 Medical leave
- 2 Family leave

Medical leave

Recover from a serious illness or injury

What is a qualifying event?	Your own serious health condition, illness, or injury that causes you to be unable to work
What counts as a serious health condition?	An illness, injury, impairment, or physical or mental condition that involves either: <ul style="list-style-type: none">▪ Inpatient care in a hospital, hospice, or residential healthcare facility▪ Continuing treatment or continuing supervision by a healthcare provider

Family leave



Bond with a child following a birth or adoption, or welcoming a child into foster care

What is a qualifying event?	You can take paid family and medical leave to bond with your new baby after a birth.
When does leave have to be taken?	Your leave must be completed within 12 months of birth or placement via adoption or foster care.
Can you take paid family leave for adoptions or foster care?	Yes. You can take paid family and medical leave for adoption or foster care beginning on the date of the placement. Regardless of when the leave begins, you must complete your paid family leave within 12 months of the placement of the child.



Provide care for a seriously ill family member

What is a qualifying event?	You can take paid family leave to care for a family member with a serious health condition.
Who counts as a family member?	Any covered family member, as defined on Page 5
What counts as a serious health condition?	An illness, injury, impairment, or physical or mental condition that involves either: <ul style="list-style-type: none"> ▪ Inpatient care in a hospital, hospice, or residential healthcare facility ▪ Continuing treatment or continuing supervision by a healthcare provider



Care for a covered service member

What is a qualifying event?	You can take paid family leave to care for a family member who is or was a covered service member of the U.S. armed forces and who requires medical care as a result of an illness or injury related to the family member's active service.
Who counts as a family member?	Any covered family member, as defined on Page 5
What counts as a serious health condition?	An illness, injury, impairment, or physical or mental condition that involves either: <ul style="list-style-type: none"> ▪ Inpatient care in a hospital, hospice, or residential healthcare facility ▪ Continuing treatment or continuing supervision by a healthcare provider



Attend to family matters if a family member is called to active military duty (military exigency)

<p>Why is this considered family leave?</p>	<p>Families of our active duty military members play a critical service role to this country. Paid family leave allows you to attend to family needs related to your covered family member’s active duty, notice of an impending call, or order to active duty in the U.S. armed forces.</p>
<p>Who counts as a family member?</p>	<p>Any covered family member, as defined below</p>
<p>Examples of qualifying events</p>	<ul style="list-style-type: none"> ▪ Providing for the care or other needs of the military member’s child or other family member ▪ Making financial or legal arrangements for the military member ▪ Attending counseling ▪ Attending military events or ceremonies ▪ Spending time with the military member during a rest and recuperation leave or following a return from deployment ▪ Making arrangements following the death of the military member

Covered family members include:

- **Spouse**
- **Domestic partner**
- **Child** – Relationships include biological, adoptive, foster, stepchild, legal ward, and individuals who stood in loco parentis for an employee as a minor child or a child for whom the employee is standing in loco parentis.
- **Parent** – Relationships include the biological, adoptive, step- or foster-mother or father of the covered individual, and the parent of a spouse or domestic partner of the covered individual.
- **Sibling**
- **Grandparent**
- **Grandchild**

Am I eligible for paid family and medical leave?

Your eligibility for benefits is based on the following:

- 1 You meet the earnings requirements for covered employment in Massachusetts.
- 2 You experience a qualifying event.

As an employee covered under your employer's private MA PFML plan, you're eligible for benefits after you have earned at least:

30 times	12 months
Thirty times the weekly unemployment benefit that you would be eligible to receive, and	\$6,000 in the 12 months preceding the date you apply for leave

This is referred to as a financial eligibility test. If you haven't met these parameters with your current employer, Lincoln may ask you to confirm prior employment to determine your eligibility for MA PFML.

If you meet eligibility before your employment ends with your current employer, you may be eligible to request MA PFML benefits within 26 weeks of the end of your employment.

How do paid family and medical leave benefits work?

You may be eligible for benefits based on the following:

Medical leave

What is a qualifying event?	A period of incapacity due to your own serious health condition
How many weeks of leave are allowed?	You may be eligible for up to 20 weeks of leave.

Family leave

What is a qualifying event?	<ul style="list-style-type: none">▪ Bonding with your child during the first twelve months after the child's birth, adoption, or foster care placement▪ Caring for a family member with a serious health condition▪ Caring for a family member who is a covered service member▪ Attending to family matters related to a family member's call to active military duty (military exigency)
How long may my leave last?	<ul style="list-style-type: none">▪ The duration of your leave varies based on the reason. You may take leave for up to 12 weeks for child bonding, care of a seriously ill family member, or for military exigency. You may be eligible for up to 26 weeks of leave to care for a family member who is a covered service member.▪ Caring for a covered service member is considered a family leave reason; therefore, time taken for that reason reduces remaining time available for other family leave reasons.

Combined medical and family leave

How many weeks of leave are allowed?	You may take up to a maximum of 26 weeks of combined paid family and medical leave under the program during your 52-week benefit year, which is defined in the following section.
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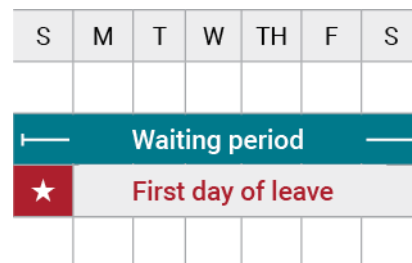


Waiting period for benefits

There is a seven-day waiting period for all leave reasons, except for family leave when an employee immediately transitions from medical leave for pregnancy or recovery from childbirth to a family leave claim. The waiting period is waived to allow parents to bond with their newborn children.

The initial seven-day waiting period for paid leave benefits will count against your total available period of leave in your benefit year. If the approved claim involves leave on an intermittent or reduced schedule basis, the waiting period is seven consecutive calendar days, not the aggregate accumulation of seven days of leave. Additionally, for intermittent or reduced schedule leaves, only time taken during the waiting period will count against your entitlement.

Benefit year is defined as the period of 52 consecutive weeks beginning on the Sunday immediately preceding your first day of job-protected leave. If you have a future claim that qualifies you for MA PFML benefits within 52 weeks of your original benefit year, your new claim will fall under the same benefit year and will also be subject to a new waiting period.



Calculating your weekly benefit amount

MA PFML has a two tiered benefit calculation based in part on the state’s average weekly wage (SAWW).

- If your average weekly wage (AWW) is less than or equal to 50% of the SAWW, you’ll receive an 80% benefit. The SAWW for 2023 is \$1,765.34; therefore, you’ll be eligible for an 80% benefit if your AWW is less than or equal to \$882.67.
- If your AWW is more than \$882.67 (50% of the SAWW), you’ll be eligible for 80% of your first \$882.67 in average weekly wages. Your average wages that exceed this level will be payable at 50%, not to exceed the maximum weekly benefit. These values will be added together for your overall weekly benefit calculation.
- The maximum weekly benefit is \$1,129.82 through December 31, 2023, and may change in future calendar years.

Your AWW is calculated by using the highest two quarters of wages from the last four completed calendar quarters, referred to as the base period. The base period is comprised of the most recent four completed quarters that precede your application for benefits date, not the date of leave. Wages from the two highest quarters will be divided by 26 to determine your AWW.

The state has a broad wage definition that includes, but is not limited to, salaries, commissions, and bonuses; reasonable cash value of board, rent, housing, and lodging; payment in kind; tips; and all remuneration paid in any medium other than cash. Lincoln will gather wage information from your employer to calculate your AWW.

Example benefit calculation

The employee in this example earns an AWW of \$1,000. The Massachusetts SAWW in effect for 2023 is \$1,765.34. Because the employee earns more than 50% of the SAWW (\$882.67), here’s how their benefit would be calculated:

How to calculate the weekly benefit step by step

1	80% of 50% of SAWW =	$\$882.67 \times 80\% =$	\$706.14
2	Employee’s AWW minus 50% of SAWW =	$\$1,000 - \$882.67 =$	\$117.33
3	50% of step 2 =	$\$117.33 \times 50\% =$	\$58.67
4	Step 1 plus step 3 =	$\$706.14 + \$58.67 =$	\$764.81
		Weekly benefit payment	\$764.81

Intermittent leave

You may take leave on a continuous or intermittent basis. To take leave intermittently for your own medical leave or to care for a family member or covered service member, the leave must be medically necessary. Additionally, your employer has discretion whether to allow intermittent leave for bonding under its plan. When your leave qualifies to be taken intermittently, you must consult with your employer for the minimum leave increment allowed under its plan. Intermittent time taken in less than this increment within any given leave week will not meet MA PFML requirements for benefits.

To calculate benefits payable for your intermittent time, Lincoln will prorate the weekly benefit you're eligible for by dividing the amount of leave time you take within the week by your average work week hours and multiplying that percentage by your weekly benefit.

For example, if you take 20 hours of leave in a leave week and you typically work 40 hours per week, you'll receive half of your eligible weekly benefit.

Intermittent leave time reporting is detailed in the claims section of this guide.

Job protection

You're entitled to job protection while on leave and must be restored to your previous or an equivalent position with the same status, pay, employment benefits, length of service credit, and seniority as of the date of leave.

In the event your employer lays off other employees of equal length of service and status due to economic or changes in operating conditions, your employer is not required to restore your employment following your leave. However, you shall retain any preferential consideration for another position to which you were entitled as of the date of leave.

Health insurance continuation

Your employer must continue health coverage during a paid leave as long as you continue to make required health care premium contributions.

How does my MA PFML coordinate with other leave plans?

MA PFML and short-term disability

MA PFML and short-term disability (STD) both provide paid leave benefits for eligible employees but differ in a few key ways:

- MA PFML is a mandatory program for most Massachusetts employees; STD is an employer-sponsored benefit.
- Each program provides benefits for similar reasons, including an employee's injury, illness, or pregnancy; however, criteria to qualify for these benefits vary. This difference may result in scenarios in which your health event may qualify you for benefits under one program but not the other.
- Medical leave benefits are available on an intermittent basis when medically necessary; STD programs require a continuous period of disability.
- MA PFML has a seven-day waiting period for benefits; waiting periods for STD can differ depending on the plan.

Keep in mind:

When you qualify for benefits under both programs, your claims will coordinate. Specifically, your MA PFML benefit would be payable plus excess STD benefits you qualify for that exceed your MA PFML benefit.

MA PFML and company-paid leave

If your employer has a company-paid leave program that covers leave reasons similar to those under MA PFML, benefits under your employer's program and the MA PFML program will coordinate. Lincoln will either pay you your MA PFML benefit, and your employer's plan will pay remaining benefits you qualify for, or your employer will continue paying you your wages, and Lincoln will issue your MA PFML benefit to your employer as a reimbursement. You'll receive the same total benefit under either approach. Your employer and/or Lincoln will provide additional details if your claim meets this criteria. Additionally, should benefits available under your employer's program exhaust before your MA PFML claim ends, Lincoln will direct remaining MA PFML payments to directly you.

Keep in mind:

You must meet eligibility requirements under each program independently; there may be times when you're eligible for one program and not the other.

MA PFML and the Family and Medical Leave Act (FMLA)

MA PFML and FMLA are distinct programs with differing eligibility requirements. However, because these programs are similar, your leave may qualify you for both leave types at the same time. When this happens, you will use available MA PFML and FMLA concurrently for that period. Multiple factors determine your eligibility for FMLA. Follow guidelines outlined by your employer to understand how that program impacts you. Here are a few key details of these programs:

- MA PFML is a paid benefit; FMLA is not.
- Approved leave under each program is job-protected.
- MA PFML applies to most employers, excluding federal, public entities, and tribal employers; FMLA applies to all public and private employers with 50 or more employees.
- Under MA PFML, employees are entitled to up to 12 weeks of family leave, up to 20 weeks of medical leave, up to 26 weeks for care of a covered service member, and up to a maximum of 26 weeks of combined paid family and medical leave. FMLA provides up to 12 weeks for most leave reasons, excluding care of a covered service member, which is eligible for up to 26 weeks of leave.
- Both programs allow leave to be taken on a continuous or intermittent basis and both programs defer to the employer to determine the allowable minimum increment of time.
- MA PFML does not require an employee to exhaust paid time off (PTO) prior to an approved leave; FMLA allows employers to require that an employee exhaust PTO while on an approved leave.

Eligibility requirements

MA PFML

You may be eligible if your work is fully performed in Massachusetts or mostly performed in the state, with some work done temporarily out of state. To satisfy benefit eligibility, you must have earned at least 30 times the weekly unemployment benefit that you would be eligible to receive and \$6,000 in the last four completed calendar quarters before leave application. Eligibility requirements may be met with covered employment from current and prior employment.

FMLA

You're eligible for benefits after 12 months of employment, provided:

1. You work 1,250 or more hours in the 52-week period preceding a leave.
2. You work in a location with 50 or more employees within 75 miles of your worksite at the time a leave is requested.

Accrued PTO and vacation time

- Your use of accrued leave, including PTO, earned sick leave, vacation time, etc., during the waiting period will not hinder your ability to meet the MA PFML waiting period.
- Lincoln’s program will allow employees to use accrued leave to supplement their MA PFML benefit; however, your employer will advise if it’s allowing this option.
- You have the option to use accrued leave benefits in place of MA PFML benefits if you’re unable to supplement your MA PFML benefit but wish to maintain your current wage level. If you elect to use this option, the time you’re collecting accrued leave benefits will still be counted as time taken under your MA PFML time bank.

Taking time off to bond with a child following a birth

Here is an example of how MA PFML could coordinate with other leave plans following the birth of a child:

Week

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19		
EP*	Paid medical leave (own)						Paid family leave (bonding)													
EP*	STD**																			
FMLA																				

*EP = Elimination period

**Up to eight weeks for a cesarean section.

As a reminder, if your employer sponsors an STD plan and an STD claim is payable at the same time as your MA PFML benefits, Lincoln will issue one payment for your MA PFML benefit and excess STD benefits you qualify for as a separate payment.

How much does paid family and medical leave cost?

Employees are typically required to contribute toward the cost of MA PFML coverage. Your employer will notify you of your financial responsibility.

How do I submit a claim?

Providing notice to your employer

If you plan to take a qualified paid leave, you're expected to provide notice to your employer at least 30 days in advance for foreseeable events, or as soon as possible for unforeseen leaves.

Reporting a claim to Lincoln

You can submit your MA PFML claim by contacting Lincoln Financial Group.

Phone:

When reporting by phone, you'll be asked to provide your name, Social Security number, date of birth, address, contact information, your employer name, policy number, reason for leave, and estimated dates of leave.

Steps to reporting a claim via web or mobile device:

- 1** Log in to **MyLincolnPortal.com**. First-time users will need to register using our company code BENTLEY.
- 2** Select **Start a claim** and answer a few questions.
 - About you: You'll need your employee identification number or other ID as required by your employer.
 - About your absence: Include the reason for your absence, dates of absence, and, if applicable, physician diagnosis information.
- 3** Click **Submit**.
- 4** You'll need your claim number to view your status for the first time. A PDF of the information you submitted will be available for you to easily save to your records.
- 5** Check the status of your claim online at **MyLincolnPortal.com**.

Once a claim has been received, we'll assign a claims specialist who will review the claim and contact you and/or your employer to gather your required certification or additional information needed. Your claims specialist will also assess claims you may have submitted for STD.

If you're claiming family leave for bonding immediately after a medical leave for maternity concludes, your claims specialist can gather necessary information over the phone to initiate a bonding claim on your behalf.

If you're approved for an intermittent leave claim, you'll be responsible for reporting your time to Lincoln.

- If Lincoln administers your company's FMLA program, you should report intermittent time through your employer's standard process.
- If Lincoln does not administer your company's FMLA program, you should report intermittent time by submitting a time sheet or by contacting your claims specialist by telephone. Intermittent time should be reported as it's taken.

We're here to help

Claim submission	<p>To submit of STD and MA PFML claim forms, medical records, and documentation:</p> <p>Email: SCU@LFG.com Phone: Fax: 603-334-0401 Mail: Lincoln Financial Group P.O. Box 7206 London, KY 40742-7206 Web: MyLincolnPortal.com</p>
Claims inquiries	<p>Claims status and general claims questions:</p> <ul style="list-style-type: none">▪ Once your claim is submitted and assigned to a claims specialist, you may contact your claims specialist directly for information on your claim.▪ You may also log in to MyLincolnPortal.com for claim status.

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LCN-5048150-101922

MAP 11/22 **Z08**

Order code: AM-MAPFY-BRC001



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