

Massachusetts Paid Family and Medical Leave

An employee guide

GROUP BENEFITS

2021
Employee Guide

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Paid Family and Medical Leave is a mandatory benefit 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.

What is Paid Family and Medical Leave?

The Massachusetts's Paid Family and Medical Leave program is effective January 1, 2021, for your own serious health condition, bonding, military exigency and military caregiver leaves. The program is effective July 1, 2021, for care of a family member with serious health condition.

The program 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 inpatient care in a hospital, hospice or residential healthcare facility; or 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 it 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?	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 commences, you must complete your Paid Family Leave within 12 months of the placement of the child.

Provide care for a seriously ill family member (Beginning July 1, 2021)

What is a qualifying event?	You can take Paid Family and Medical Leave to care for a family member with a serious health condition.
Who counts as a family member?	Any covered family member (defined below).
What counts as a serious health condition?	An illness, injury, impairment, or physical or mental condition that involves: inpatient care in a hospital, hospice, or residential health care facility; or continuing treatment or continuing supervision by a health care provider.

Care for a covered service member

What is a qualifying event?	You can take Paid Family and Medical Leave to care for a family member who is or was a Covered Service Member of the 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 (defined below).
What counts as a serious health condition?	An illness, injury, impairment, or physical or mental condition that involves: inpatient care in a hospital, hospice, or residential health care facility; or continuing treatment or continuing supervision by a health care 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 and Medical Leave will provide leave for you to attend to family needs related to your covered family member’s active duty or notice of an impending call or order to active duty in the Armed Forces.</p>
<p>Who counts as a family member?</p>	<p>Any covered family member (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 return from deployment ▪ Making arrangements following the death of the military member

Family members are defined as:

- **Spouse**
- **Domestic Partner** – A person 18 years of age or older who:
 - (a) is dependent upon the covered individual for support as shown by either unilateral dependence or mutual interdependence that is evidenced by a nexus of factors including, but not limited to:
 - common ownership of real or personal property;
 - common householding;
 - children in common;
 - signs of intent to marry;
 - shared budgeting; and
 - the length of the personal relationship with the covered individual; or
 - (b) has registered as the domestic partner of the covered individual with any registry of domestic partnerships maintained by the employer of either party, or in any state, county, city, town or village in the United States.
- **Child** – A biological, adopted or foster child, a stepchild or legal ward, a child to whom the covered individual stands in loco parentis, or a person to whom the covered individual stood in loco parentis when the person was a minor child.
- **Parent** – The biological, adoptive, step or foster parent of the covered individual. Also includes a person who stood in loco parentis to the covered individual when the covered individual was a minor child.
- **Sibling** – The biological, adoptive, stepbrother or sister of a covered individual
- **Grandparent** – Parent of the covered individual’s parent.
- **Grandchild** – Child of the covered individual’s child.

Am I eligible for Paid Family and Medical Leave?

Your eligibility for Paid Family and Medical Leave benefits is based on the following:

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

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

**30
TIMES**

Thirty times the weekly unemployment benefit that you would be eligible to receive, and

**12
MONTHS**

\$5,100 in the 12 months preceding the date you apply for leave.

This test is referred to as the *Financial Eligibility Test*. Lincoln may request prior employment information from you to determine if you have sufficient covered employment in Massachusetts if you have not met the Financial Eligibility Test criteria solely based on employment with your current employer.

If you meet eligibility before your employment ends with your current employer, you may be eligible to request 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?	You experience a period of incapacity due to your own serious health condition.
How long may my leave last?	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 depends on the reason. You may take leave for up to 12 weeks for child bonding, care of 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. ▪ Note: Caring for a covered service member is considered a family leave reason; therefore, any time taken for that reason reduces remaining time available for other family leave reasons. ▪ Family Leave for care of family member with serious health condition is effective July 1, 2021.

Combined Medical and Family Leave

How long are you eligible?	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. Benefit year is defined further 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 (which would be to bond with the new child in most cases).

The initial seven-day waiting period for paid leave benefits will count against your total available period of leave in your Benefit Year. Where the approved claim involves leave on an intermittent or reduced schedule basis, the waiting period shall be 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.

S	M	T	W	TH	F	S
← WAITING PERIOD →						
★	FIRST DAY OF LEAVE					

Calculating your weekly benefit amount

Massachusetts' PFML program 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 will receive an 80% benefit. The SAWW for 2021 is \$1,487.78; therefore, you will be eligible for an 80% benefit if your average weekly wage is less than or equal to \$743.89.
- If your AWW is more than \$743.89 (50% of the SAWW), you will be eligible for 80% of your first \$743.89 in average weekly wages and 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 will be \$850 through December 31, 2021, and may increase in future calendar years.

Your average weekly wage 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 looks back at the most recent four completed quarters that precede **your application for benefits date (not the date of leave)**. The wages from the **two highest quarters** will be divided by 26 to determine your AWW.

The state has a broad wage definition which 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 average weekly wage (AWW) of \$1,000. The Massachusetts SAWW in effect when the employee begins leave on March 1, 2021, is \$1,487.78. Because the employee earns more than 50% of the SAWW (\$743.89), here's how their benefit would be calculated:

How to calculate the weekly benefit step-by-step

1	80% of 50% of SAWW =	$\$743.89 \times 80\% =$	\$595.11
2	Employee's AWW minus 50% of SAWW =	$\$1,000 - \$743.89 =$	\$256.11
3	50% of Step 2 =	$\$256.11 \times 50\% =$	\$128.06
4	Step 1 plus Step 3 =	$\$595.11 + \$128.06 =$	\$723.17
Weekly benefit payment:			\$723.17

Intermittent leave

You may take leave on a continuous or intermittent basis. In order 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 their plan. When your leave qualifies to be taken intermittently, you must consult with your employer for the minimum leave increment allowed under their 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 will receive half of the weekly benefit you're eligible for.

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

Job protection

You are entitled to job protection while on leave and must be restored to your previous position or to 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 any required health care premium contributions.

Impact to employees who took leave in 2020

You have 12 months from the date of your child's birth or placement (via foster care or adoption) to take family leave. If the child was born or placed in your family in 2020, you can apply for benefits beginning January 1, 2021. You will still be required to complete your leave within 12 months of your child's birth or placement in 2020, which may result in a prorated amount of leave available in 2021.

If you are on an approved leave or short-term disability claim with Lincoln, expected to continue into January 2021, we may be able to use your existing medical documentation/certification on file to approve your MA PFML leaves starting January 1, 2021. We will proactively set up a claim to assess your eligibility for MA PFML benefits and your claims specialist will contact you to explain the process and to request any additional information.

How does my MA PFML coordinate with other leave plans?

MA PFML and short-term disability

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

- MA PFML is a mandatory benefit for most Massachusetts employees; short-term disability is an employer-sponsored benefit.
- Each program provides benefits for similar reasons such as an employee's injury, illness or pregnancy; however, criteria to qualify for these benefits vary. This difference may result in scenarios where 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 (7) day waiting period for benefits; waiting periods for short-term disability 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 any 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 similar leave reasons under MA PFML, benefits under your employer's program and the MA PFML program will coordinate. This coordination will occur in one two ways when you are eligible for benefits under both programs simultaneously. Lincoln will either pay you your PFML benefit and your employer's plan will pay you any 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 will receive the same total benefit under either approach. Your employer and/or Lincoln will provide additional detail if your claim falls into this scenario. Additionally, should benefits available under your employer's program exhaust before your MA PFML claim ends, Lincoln will direct any remaining MA PFML payments to you.

Keep in mind:

You must meet eligibility requirements under each program independently so 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)

FMLA and MA PFML are distinct programs with differing eligibility requirements. However, because these programs are similar, your leave may qualify you for both FMLA and MA PFML at the same time. When this happens, you will use available FMLA and MA PFML concurrently for that period. There are multiple factors that determine your eligibility for FMLA. Follow guidelines outlined by your employer in understanding how that program impacts you. Here are a few key distinctions 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 & 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 PTO prior to an approved leave; FMLA allows employers to require that an employee exhaust PTO while on an approved leave.

Eligibility requirements differ as well

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 thirty times the weekly unemployment benefit that you would be eligible to receive and \$5,100 in the last four completed calendar quarters before leave application. You can satisfy eligibility requirements with covered employment from current and prior employment.

FMLA

You are 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, and
2. 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 (that is, PTO, earned sick leave, vacation time, and so on) during the waiting period will not hinder your ability to meet the waiting period.
- Lincoln’s program will allow employees to use accrued leave to supplement their MA PFML benefit; however, your employer will advise if they are allowing this option.
- You also have the option to utilize accrued leave benefits in place of MA PFML benefits if you are 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 are 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
Paid Family and Medical Leave (own)						Paid Family and Medical Leave (bonding)									
Short-term disability*															
Family and Medical Leave Act (FMLA)															

*Up to eight weeks for a cesarean section.

As a reminder, if your employer sponsors a short-term disability (STD) plan and an STD claim would be payable at the same time as your MA PFML benefits, Lincoln would issue one payment for your PFML benefit and any excess benefits you may qualify for under the STD plan 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 are expected to provide notice to your employer at least 30 days in advance for foreseeable events, or as soon as practicable for unforeseen leaves.

Reporting a claim to Lincoln

You can submit your Paid Family Leave and Medical claim by contacting Lincoln Financial Group.

Phone: (888) 408-7300

When reporting by phone, please be prepared to provide the following: 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** Visit **MyLincolnPortal.com**.
- 2** Select **“Register”** under **“New Users.”**
- 3** The **“Create an Account”** webpage will open.
- 4** Enter the Company Code (BENTLEY) in the **“Company Code”** field and click **“Validate.”**
- 5** Enter your personal information in the corresponding fields. You must also create a username and password.
- 6** When you have completed the required fields (marked by asterisks), click **“Register.”**
- 7** Review the Web Agreement and, if you agree, select the **“Accept”** button to complete your registration. You must accept in order to register successfully.

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

If you are 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 are approved for an intermittent leave claim, you will 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 an intermittent time sheet or by contacting your MA PFML claims specialist by telephone. Intermittent time should be reported as it is taken.

We're here to help

Claim submission	Submission of Short-Term Disability and Massachusetts Paid Family and Medical Leave claim forms, medical records and documentation Email: SCU@LFG.com Phone: (888) 408-7300 Fax: 603-334-0401 Mail: Lincoln Life Assurance Company of Boston P.O. Box 7206 London, KY 40742-7206 Web: MyLincolnPortal.com
Claims inquiries	Claims status and general claims questions: <ul style="list-style-type: none">▪ Once your claim is submitted and assigned to a claims specialist, you may contact your claims specialist for information on your claim.▪ You may also log in to MyLincolnPortal.com for claim status.

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