

New Massachusetts Department of Family and Medical Leave Launches Website, Issues First Round of Guidance

Article By:

Nancy Gunzenhauser Popper

The brand-new Massachusetts Department of Family and Medical Leave (“DFML”) [has launched its webpage](#) and issued the first set of guidance for both employers and employees. The DFML was created to help facilitate the implementation of [Massachusetts’ new Paid Family and Medical Leave programs](#) (“PFML”). The deadline for employers to start making contributions toward the PFML programs is July 1, 2019, and employees may begin receiving benefits beginning on January 1, 2021.

The DFML’s first set of guidance provides comprehensive FAQ documents, one for [employers](#) and one for [employees](#). The employers’ FAQs largely summarize key components of the new statute:

- Businesses with one or more employee are subject to the new PFML law, but businesses with less than 25 employees or covered individuals do not have to pay the employer portion of the contributions;
- Those employers with programs that go above and beyond these new minimums may apply for annual exemptions from the new programs;
- While self-employed individuals are not subject to the new PFML law, independent contractors who contract with companies that issue 1099s to more than 50% of their workforce will be covered by the new law;
- The contribution rate is 0.63% on the first \$128,400 of a covered individual’s earnings, and employers must remit the full contribution (both the employer and employee contributions) to the DFML;
- Employers may deduct up to 40% of a covered individual’s total medical leave contribution from their pay, and may deduct up to 100% of a covered individual’s total family leave contributions from their pay; and
- The statutory deadline for the publication of the PFML regulations by the DFML is March 31, 2019, with early drafts to be disseminated before then.

For employees, the first set of FAQs generally address questions about eligibility. This guidance is also relevant to employers, who should take note of the requirements in order to ensure compliance with the new law:

- Employees and covered individuals must have approximately 15 weeks or more of earnings

in a year before they may apply for these new benefits;

- Individuals may take PFML for:
 - Their own serious medical condition
 - Bonding with a child in the 12 months following birth or adoption
 - Dealing with a qualifying exigency arising out of a family member's active duty, or notice of impending call or order to active duty
 - Caring for a family member who is a covered service member with a serious injury or illness that is the result of, or aggravated by their service
- The employee or covered individual's weekly benefit is calculated as a percentage of their earnings, up to \$850 per week;
- Paid medical leave is capped at 20 weeks per year; paid family leave is capped at 12 weeks per year; paid family leave arising from a covered service member's call to active duty is capped at 26 weeks per year; and the maximum amount of combined family and medical leave that one person may take is capped at 26 weeks per year.

The DFML is expected to publish more content, including the regulations, during 2019.

Anastasia A. Regne, a Law Clerk – Admission Pending – in the firm's New York office, contributed significantly to the preparation of this blog post.

©2025 Epstein Becker & Green, P.C. All rights reserved.

National Law Review, Volume VIII, Number 348

Source URL: <https://natlawreview.com/article/new-massachusetts-department-family-and-medical-leave-launches-website-issues-first>