

Massachusetts Paid Family and Medical Leave Program: December 2023 End-of-Year Update

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Quick Hits

- The Massachusetts Department of Family and Medical Leave has issued its 2024 poster, individual notices, and rate sheets.
- The minimum earnings requirement for 2024 has increased to \$6,300. A covered individual must meet this required amount during the last four completed calendar quarters and have earned at least thirty times the benefit amount for which the individual is eligible.
- Employers may want to remain aware of the possibility of audits for notice compliance and the potential for the issuance of hefty fines by the department.

The 2024 Workplace Poster

All Massachusetts employers must display a workplace poster prepared or approved by the DFML that explains the benefits available under the PFML program. This poster must be displayed at the employer's workplace in a location where it can be easily read (for example, near other mandatory workplace posters like wage and hours and workplace safety notices). This poster must be available in both English and each language that is the primary language of five or more individuals in the

workforce, if translations are available from DFML. The 2024 state template [workplace poster](#) can be found at the [department's website](#).

Employers with private plans will note that this year's poster looks a bit different, as it now requires an employer with a private plan to write in the name of the private insurer administering the private plan, whether the plan covers medical benefits, family benefits, or both, and the contact information for the private insurer.

2024 Notices for Individuals

The department has issued its 2024 notices for individuals. There are multiple versions:

- Employers with workforces with twenty-five or more covered individuals
- Employers with workforces with fewer than twenty-five covered individuals
- Self-employed individuals from employers with twenty-five or more covered individuals
- Self-employed individuals from employers with fewer than twenty-five covered individuals

New workers must be issued these notices within thirty days of hire, but these 2024 updated notices are not required to be reissued to current workers. The notice must be available in English and each language which is the primary language of five or more individuals in your workforce. DFML provides translations in English and twelve other languages. The employer is responsible for providing translation with regard to any language not provided by the DFML.

Employers may note that these 2024 notices now reference the recent MA PFML topping off update, more information on which can be found [here](#). There are still open questions on the recent topping-off update from the DFML, so employers should stay tuned for additional guidance from the DFML.

2024 Rate Notices

The department has issued its 2024 rate sheets. There are two versions:

- 2024 rate sheet for employers with twenty-five or more covered individuals
- 2024 rate sheet for employers with fewer than twenty-five covered individuals

On its website, the DFML advises that for current employees and self-employed individuals who have previously signed individual notices, employers must [provide information](#) on these new rates thirty days in advance of the rate change. This notice may be provided electronically and does not require an updated signature.

DFML Audits of Notice Compliance

Employers have recently reported receiving audit requests from the DFML related to their notice compliance. The DFML has issued employers forms with questions regarding notice compliance, including but not limited to issues such as whether employers have

- the required posters displayed in conspicuous places in their workplaces;
- photographs showing that the required posters are conspicuously displayed;
- copies of the most recent workplace notices for individuals;
- confirmation regarding whether or not their workforces include five or more employees whose primary language is not English; and/or
- photographs showing both English and non-English translated posters for workforces where five or more employees have a primary language other than English.

The DFML may request follow-up information after an initial request for information, and employers will likely want to respond promptly.

Employers may want to follow up with the DFML to confirm that their responses to any such audit requests have been received by the DFML.

In some cases, employers have reported being issued fines related to apparent deficiencies in their responses to these audit requests. As a reminder, a first violation of these notice requirements may result in a fine of \$50 per Massachusetts employee, and any subsequent violations may result in a fine of \$300 per Massachusetts employee.

The DFML has provided opportunities to appeal such fines, and employers likely will want to respond promptly to any such notice of civil fine and gather clarifying or additional information needed.

FY 2023 Annual Report

The Massachusetts PFML statute requires the DFML to issue annual reports containing information about applicants. The most recent annual report contains interesting statistical information regarding applicants for PFML benefits in fiscal year (FY) 2023. The DFML's [FY2023 Annual Report for the Massachusetts Paid Family and Medical Leave Program](#) can be found on the [department's website](#).

Staying Informed

The [DFML website](#) includes links to the DFML's regulations, notices, and other guidance. The DFML also issues a [newsletter](#) to which readers may subscribe.

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