PFML Changes: Topping Off Now Permitted, 2024 Contribution Rates & Maximum Weekly Benefit

By Michelle De Oliveira on November 1, 2023



Beginning on November 1, 2023, Massachusetts employees who receive PFML benefits from the Department of Family and Medical Leave (DFMU may supplement their leave benefits with accrued vacation, sick time, or other available employer-provided accrued paid leave benefits.

This is a sweeping change as Massachusetts employers were previously prohibited from allowing employees to supplement (or "top off") their PFML benefits with accrued paid leave benefits unless: (a) the employer had a private PFML plan, or (b) the employee voluntarily opted to use their accrued paid leave benefits during the seven-day waiting period which was (and is) unpaid.

Now, with this change, employers will need to allow employees to top off their PFML benefits with available accrued paid leave benefits-regardless of whether the employer has a private plan. Importantly:

- Employees may only top off their PFML benefits with accrued paid benefits up to the employee's individual average weekly
- The change only applies to PFML claims filed on or after November 1, 2023
- Employers will bear the burden of managing employee payments that exceed the employee's individual average weekly wage.

With this development, employers are encouraged to: (a) revise their PFML policies to include employee notice regarding the ability to top off benefits, (b) carefully review an employee's PFML approval notice to determine the employee's weekly benefit rate and individual average weekly wage, and (c) ensure that they track an employee's use of accrued vacation, sick time, or other accrued leave benefit while the employee is out on PFML.

2024 Contribution Rates

Effective January 1, 2024, the total contribution rate for employers with 25 or more covered individuals will increase from 0.63% to o.88% of eligible wages. For employers with fewer than 25 covered individuals, the total contribution rate will increase from 0.318% to 0,46% of eligible wages.

Employers should ensure that they provide employees with notice regarding the updated contribution rates by December 2, 2023 (or 30 days before the change).

2024 Maximum Weekly Benefit

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Beginning in January 2024, the maximum weekly PFML benefit will be $1,149.90 (an increase from the 2023 maximum weekly benefit of $1,129.82).

This alert is for informational purposes only and may be considered advertising. It does not constitute the rendering of legal, tax, or professional advice or services. You should seek specific, detailed legal advice prior to taking any definitive actions.

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