



Prudential



# CLARK UNIVERSITY SELF-INSURED PAID FAMILY MEDICAL LEAVE

## 2024 FREQUENTLY ASKED QUESTIONS

The Clark University Self-Insured Paid Family Medical Leave is a private plan administered by Prudential



## PROGRAM OVERVIEW

### What is the Massachusetts Paid Family and Medical Leave (MA PFML) Law?

The MA PFML law offers employees access to paid time off for qualifying leave events, including childbirth and seeking treatment for serious health conditions for employees or their families. Qualifying family and medical leave reasons include:

Family Leave	Medical Leave
<ul style="list-style-type: none"> <li>To care for a serious ill family member</li> <li>To bond with a newborn, adopted or foster child</li> <li>For a qualifying military exigency for a family member's active or impending active duty or</li> <li>To care for an ill or injured service member</li> </ul>	<ul style="list-style-type: none"> <li>For an employee's own serious health condition</li> </ul>

MA PFML benefits became available to Massachusetts employees beginning January 1, 2021.

### PFML Benefits At-A-Glance – 2024

Benefit Percentage	Maximum Benefit Amount  64% of SAWW**	Waiting Period	Leave Duration - Up To  (Includes unpaid waiting period)
<p>The sum of:</p> <ul style="list-style-type: none"> <li>80% of the portion of the employee's Average Weekly Wage (AWW) that is equal to or less than 50% of State Average Weekly Wage (SAWW);</li> </ul> <p>PLUS</p> <ul style="list-style-type: none"> <li>50% of the portion of the employee's AWW that is greater than 50% of SAWW</li> </ul>	<p><b>\$1,149.90</b></p> <p>**SAWW determined in October of each year and is effective January 1 of the following year. Current SAWW is \$1,765.34</p>	<ul style="list-style-type: none"> <li>7 days</li> <li>None if bonding leave immediately follows maternity medical leave.</li> </ul>	<ul style="list-style-type: none"> <li>20 weeks: Medical Leave</li> <li>12 weeks: Bonding, Family Leave and Military Exigency</li> <li>26 weeks: Military Caregiver</li> </ul> <p><b>Note:</b> Employees may not take more than 26 weeks for all leave reasons in a Benefit Year</p>

**Does MA PFML offer job protection?**

Yes. Leaves for a qualifying reason are job-protected.

**Who is eligible for benefits? And what requirements do these individuals need to meet?**

Eligibility is not measured by the number of hours worked for the employer. Rather, employees are eligible for MA PFML if they meet the eligibility requirements of the Commonwealth's unemployment compensation law (also known as the Financial Eligibility Test).

- Full-time, part time, and seasonal employees as well as employers with more than 50% of its workforce as contractors (i.e., 1099-MISC employees) will be required to treat contractors as "covered individuals."
- Earnings requirement: Employees must meet financial eligibility requirements to be eligible, which is based on the Massachusetts Department of Unemployment Assistance's Financial Eligibility Requirements. In summary, the Department uses the employee's base period earnings to determine their average weekly wage (AWW). The financial eligibility requirement is satisfied if they earn enough to meet the minimum threshold (currently \$5,700 in earnings and at least 30 times the benefit amount).
- Eligibility is based on the amount of compensation that the employee has earned while working for any employer in Massachusetts during the last 4 completed quarters --- not the specific employer. Therefore, new employees may be eligible if they previously satisfied the eligibility requirements during the requisite time period at a prior Massachusetts employer.
- A former employee continues to be eligible for benefits if the employee has been separated from employment for not more than 26 weeks at the start of the leave.

**How does Massachusetts define covered family members?**

Leave to care for a seriously ill family member is permitted under the family leave. Covered family members are:

<ul style="list-style-type: none"><li>• Spouse or domestic partner</li><li>• Child</li><li>• Parent/Parent-in-law</li><li>• Sibling</li></ul>	<ul style="list-style-type: none"><li>• Grandchild</li><li>• Grandparent</li><li>• A person who stood in <i>loco parentis</i> to the covered individual when the covered individual was a minor child.</li></ul>
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**PRIVATE PLAN OPTIONS**

Employers have the option to opt out of the Commonwealth's paid family and medical leave program and fulfill their obligations under the law through a private plan. Private plan alternatives must be approved by the Department and must **provide** employees with the same rights, protections, and benefits as the state plan. Employers can have private plan alternatives for both family and medical leave or for just family or medical leave.

## **CLAIMS ADMINISTRATION**

### **How can employees file a claim?**

When Prudential is the private plan administrator, employees can submit their medical or leave application by:

- Logging in to [www.prudential.com/mybenefits](http://www.prudential.com/mybenefits) and click on “Claims and Absence” and then “File a Claim/Report an Absence” or
- Calling Prudential at 1-877-367-7781

### **What documentation is required for applying for benefits?**

The documentation required will vary based upon the reason for leave. For example:

- Care of a seriously ill family member – Health care provider certification
- New child bonding – Documentation may include proof of maternity/paternity, foster care placement, or adoption
- Military exigency – Active-duty orders, letter of impending call to duty, or documentation of military leave

Specifics regarding the documentation required will be provided to the employee.

### **Do spouses working for the same employer have to share leave allotments?**

No. MA PFML provides employees with up to 12 weeks of leave to bond with a child after the child's birth, adoption or foster care placement, so long as the bonding leave takes place within one year of the child's birth. If both parents work for the same employer, both parents are separately entitled to up to 12 weeks of PFL to bond with the child and can choose whether or not to take PFL at the same time.

### **Can leave be taken on an intermittent basis?**

Yes, Intermittent leave can be taken in increments consistent with the established policy the employer already uses for other forms of leave

Leave can be taken on the following basis:

- Continuous leave - May use when taking leave from work completely for days or weeks at a time.
- Reduced Schedule-adjustment of working hours less than the routine schedule - May use when working a reduced work schedule that is still consistent week-to-week.
- Intermittent Leave - May use time for doctor's appointments, physical therapy, chronic conditions, etc.

### **How does MA PFML interact with state and federal leave laws?**

Leave taken under MA PFML shall run concurrently with leave taken under other applicable state and federal leave laws, including the Massachusetts Parental Leave Act and the federal Family and Medical Leave Act (FMLA), when the leave is for a qualified reason under those acts.

### **Can an employee appeal if they have been denied benefits?**

Yes, employees have the right to appeal their Paid Family and Medical Leave decision to Prudential and then the state. For employers with STD Advice-to-Pay (ATP) or Administrative Services Only (ASO) plans, the appeal will be reviewed by the employer and then with the state.

### Are taxes automatically withheld from benefits?

#### Prudential Private Plans:

- Paid Family Leave:**  
 Yes. Because Clark University self-insures this benefit and processes the benefit payments through payroll taxes and any deductions will automatically be withheld from the benefits payments.
- Paid Medical Leave:**  
 Yes. Because Clark University self-insures this benefit and processes the benefit payments through payroll taxes and any deductions will automatically be withheld from the benefits payments.

### COMPARE MA PFML WITH FMLA

#### How does MA PFML compare with the Family and Medical Leave Act (FMLA)?

Important distinctions between MA PFML and FMLA include, but are not limited to, those summarized in the table below.

	MA PFML	FMLA
<b>Employer Eligibility</b>	Company with 1 or more Massachusetts employees	Company with 50 or more employees
<b>Employee Eligibility</b>	<p>A current employee of a Massachusetts employer; Financial Eligibility Test may apply</p> <p>A self-employed individual who has elected coverage under the Act and reported self-employment earnings; and</p> <p>A former employee, assuming that the employee has not been separated from employment for more than 26 weeks at the start of the former employee's family and medical leave</p>	<ul style="list-style-type: none"> <li>1 year of service</li> <li>Worked 1,250 hours in the year immediately preceding the leave</li> </ul>
<b>Job Protection</b>	Yes. Employee reinstated to same or comparable position with equivalent benefits, pay and other terms and conditions of employment in effect prior to leave.	Yes. Employee reinstated to same or comparable position with equivalent benefits, pay and other terms and conditions of employment in effect prior to leave.
<b>Maximum duration</b>	<ul style="list-style-type: none"> <li>Family leave – Up to 12 weeks in a benefit year (up to 26 weeks for military caregiver leave)</li> <li>Medical leave – Up to 20 weeks in a benefit year</li> <li>Combined – Up to a combined 26 weeks in a benefit year</li> </ul>	Up to 12 weeks of <b>unpaid leave</b> within a 12-month period as defined by the employer



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<b>Eligible leave reasons</b>	<ul style="list-style-type: none"><li>• Employee's own serious health condition</li><li>• To care for a seriously ill family member</li><li>• New child bonding</li><li>• Military exigency</li><li>• Military caregiver</li></ul>	<ul style="list-style-type: none"><li>• Employee's own serious health condition</li><li>• To care for a seriously ill family member</li><li>• New child bonding</li><li>• Military exigency</li><li>• Military caregiver</li></ul>
	Partial day increments are permitted	Partial day increments are permitted
<b>Definition of family member</b>	<ul style="list-style-type: none"><li>• Spouse (includes same-sex and common law)</li><li>• Domestic partners</li><li>• Child (biological, adopted, foster)</li><li>• Parent (biological, adopted, foster and in loco parentis)</li><li>• Parents-in law</li><li>• Grandparents</li><li>• Grandchildren</li></ul>	<ul style="list-style-type: none"><li>• Spouse (includes same-sex and common law)</li><li>• Child (biological, adopted, foster)</li><li>• Parent (biological, adopted, foster and in loco parentis)</li></ul>
<b>Health benefits</b>	Must maintain existing employee health benefits as if the employee continued to work	Must maintain existing employee health benefits as if the employee continued to work
<b>Use of PTO</b>	Employer may not require employees to use vacation or PTO time concurrent with PFML	Employer may require employees to use vacation or PTO time concurrent with FMLA