



MASSACHUSETTS PAID FAMILY & MEDICAL LEAVE (MAPFML) FAQ_s

How is MA PFML different from Federal FMLA?

Both can be used for the same reasons; however, MA PFML applies only to Massachusetts employers and provides paid, job-protected leave to eligible workers. Under MA PFML, employees can take up to:

- 20 weeks of leave for their own serious health condition
- 12 weeks for family leave* (including bonding leave within 12 months of the birth, adoption or foster placement of a child and care for a service member)
- 26 weeks for a qualifying exigency
- Combined MA PFML cannot exceed 26 weeks within a 12-month period, as calculated from the first date of leave, for any MA PFML covered reason.
- For more information on the Federal FMLA go to [dol.gov/agencies/whd/fmla](https://www.dol.gov/agencies/whd/fmla).
- For more information on MA PFML go to [mass.gov/orgs/department-of-family-and-medical-leave](https://www.mass.gov/orgs/department-of-family-and-medical-leave).

*Leave for the care of a family member with a serious medical condition does not go into effect under MA PFML until July 1, 2021.

Who is considered a covered family member under MA PFML?

- Spouse
- Domestic Partner (DP)
- Child
- Parent
- Spouse/DP's Parent
- Sibling
- Grandparent
- Grandchild

What types of leaves is Lincoln Financial (Lincoln) managing for Harvard?

Beginning January 1, 2021, Lincoln will manage FMLA and State Leave Programs (e.g. MA PFML and Massachusetts Parental Leave). Lincoln will continue to manage Short Term Disability (STD) and Long-Term Disability (LTD) claims. All other leaves will be managed by Harvard.

Does an employee need to let me know when they are taking a leave?

Employees should inform their manager and Leave of Absence Specialist or Local HR contact at least 30 days in advance of a foreseeable leave. If the leave is not foreseeable, the employee should reach out to these contacts as soon as the need for leave is known.

When communicating with an employee about their leave what questions can I ask them?

You can:

- Ask how they are doing
- Ask how long they expect to take leave
- Instruct them to work on their leave with their Leave of Absence Specialist or Local HR contact
- Request they let you know if their leave status has changed
- Ask when they expect to return to work and ask them to contact you a few days before their return

- Inform them they can't return (or send them home) if they do not have the proper return to work documentation

You should not:

- Ask about their medical situation or details around their condition. Do not explore medical information with them, even if volunteered
- Share information with other employees about the employee's medical or family condition. It is ok to say they are on extended leave
- Speculate or discuss the validity of their leave

Where do I direct an employee who has a leave request?

When an employee informs you of the need for leave, refer them to their Leave of Absence Specialist or Local HR contact. Follow up with the appropriate leave contact to ensure they are aware of the employee's anticipated absence. You can also let them know they should file their leave with Lincoln and direct them hr.harvard.edu/leaves-absence where they can find more information about Harvard's leave policies.

How does an employee file a leave/claim?

To initiate a leave, employees must:

1. Inform their Leave of Absence Specialist or Local HR contact and their manager of their need for leave; *and*,
2. Contact Lincoln to request a leave. Employees may contact Lincoln as follows:
 - By phone: Employees may call the Harvard-dedicated number at 1-844-600-3978. Intake is available 8AM – 10 PM EST, Monday – Friday.
 - Online: Employees may go to My Lincoln Portal® at mylincolnportal.com and click on "Register for an account" under the "Log In" button. The Employer Code is: Harvard (not case sensitive). Instructions will be provided on the website throughout the leave submission process.
 - Employees may also contact their Leave of Absence Specialist or Local HR contact and request that they submit the leave request to Lincoln on their behalf if they are unable to do so themselves.

Does leave under FMLA and MA PFML have to be taken all at once, or is it possible to break up the time?

Leave can be taken all at once (continuous) or intermittently. A continuous leave means a single leave of absence involving three or more consecutive days. Leave may also be taken intermittently or on a reduced-leave schedule under certain circumstances. Intermittent leave is taken in separate blocks of time due to a single qualifying reason. Leave cannot be taken in blocks of less than 15 minutes. Employees need only to take the time of necessary rounded to the nearest 15-minute increment and are not required to take whole or half days.

Under what circumstances can an employee request to take intermittent leave? Do I have to approve the request?

Employees may take Military Exigency Leave intermittently or on a reduced-leave schedule. Employees may take Family Care Leave, Military Care Leave, or Medical Leave intermittently or on a reduced-leave schedule when medically necessary. Employees may take Bonding Leave intermittently or on a reduced leave schedule only if the employee and their department mutually agree. Harvard does not need to approve the intermittent or reduced schedule leave as long as the leave documentation supports the need.

How do FMLA and MA PFML coordinate with STD and workers' compensation claims?

As a manager, you and/or your school or department's Leave of Absence Specialist or Local HR contact, will continue to file workers' compensation incident reports with PMA, Harvard's third-party workers' compensation claims administrator, within 24 hours of the work-related incident. PMA will notify Lincoln of Harvard work-related claims. Lincoln will establish concurrent FMLA and MA PFML leaves for the injured employee and send them the appropriate FMLA and/or MA PFML communications. Lincoln will track the employee's workers' compensation absence against their FML and MA PFML allotments and will determine if the employee is owed additional pay under MA PFML.

How will an employee be paid while on leave?

If an employee is also approved for STD, workers' compensation, and/or MA PFML, those leaves will run concurrently with unpaid FMLA leave.

For most leaves, there is a one-week waiting period (7 calendar days) before STD or MA PFML benefits are payable. During this time, the employee will not be paid unless they use their paid time off (PTO). If the employee has been approved for a paid leave, payment will be issued by Harvard according to their regular payroll cycle. If the employee begins receiving other income (such as Social Security disability benefits) while receiving STD or MA PFML, they must notify Lincoln immediately to avoid overpayment. Harvard has the right to recover overpayments in full. While on paid leave, employees will continue to have benefit deductions taken from their Harvard paycheck. If the employee is not on an approved paid leave, or if they have not elected to use available PTO during an unpaid FMLA leave, the employee will be billed for their benefits by Harvard's billing vendor, Benefits Strategies. Please see the "[What Happens When You Go On Unpaid Leave](#)" for more information.

If the employee has questions about their MA PFML pay amount, they should contact their Lincoln Integrated Claims Specialist.

Can an employee use their PTO towards their leave?

Yes. During the wait period for MA PFML or STD, employees may use PTO or go unpaid. After that, employees can use PTO to replace (use PTO instead of receiving) STD or MA PFML pay during any leave.

Union employees with less than 7 years of service can supplement (aka "top off" to receive 100% of usual pay) during the 4 weeks of MA PFML bonding leave following the wait period.

The remaining weeks of bonding leave can't be supplemented (union, nonunion and non-benefits eligible/former employees). No other leaves can be supplemented with PTO, however payments can be replaced with PTO.

Do employees receive holiday pay (including winter break) during MA PFML, FMLA, STD, workers' compensation?

If a holiday or winter break falls within an employee's wait period, they would be paid 100% holiday until the waiting period is met. If they fall after the wait period, the employee would be paid the amount they are eligible for while on leave, even if it's a reduced amount.

What happens to STD, FMLA and MA PFML when an employee is out on a seasonal leaves?

Lincoln will follow the federal FMLA regulations which state the time an employee is not scheduled to work will not be counted as FMLA leave (i.e., summer break). MA PFML leave will be treated the same way. For STD, the weeks the employee is not scheduled to work will count towards the 26-week STD clock, but no pay will be issued during the seasonal leave as there are no earnings to be paid.

Does an employee need to report their leave in PeopleSoft?

An employee does not need to report their leave in PeopleSoft. However, they may need to report certain absences related to their approved leave. For intermittent leaves, employees who report absences through PeopleSoft Absence Management and Timesheet Reporters should follow Harvard's internal time reporting process

- Harvard is forwarding the time reported to Lincoln to apply to intermittent leaves

For employees who do not report absences through a Harvard Absence Reporting System, the employee must submit their intermittent time directly to Lincoln online at [My Lincoln Portal](#)® (mylincolnportal.com) or over the phone via interactive voice response.

Are there any actions I need to take in PeopleSoft (or other applicable systems)?

Employees who report absences through PeopleSoft Absence Management and Timesheet Reporters, should enter paid time off used during the 7-day waiting period and should follow the steps outlined in the previous question to submit time taken related to an intermittent leave. Managers should follow the standard protocols for approving absences.

Will I be notified if the employee's leave is approved?

You will not be notified directly if the employee's leave is approved. You may need to connect with your Leave of Absence Specialist or Local HR contact to confirm whether Lincoln approved the employee's leave. Note this process may vary by school/department. Some Leaves of Absence Specialists or Local HR contacts may contact you directly once the employee's leave is approved.

What happens if the employee's claim is denied and how will I find out? How does that impact my department if the employee can't report to work?

If the employee has failed to provide the documentation required for Lincoln to make a claim or leave decision, their claim or leave may be denied. Any time taken may count against the employee in accordance with Harvard's attendance policy.

If the employee's leave or disability claim is ultimately denied, their Lincoln Integrated Claims Specialist will call them to explain the reason for the denial and advise them how to appeal the decision. A letter detailing the denial reason and outlining the appeal process will also be mailed to them. Additionally, their designated Leave of Absence Specialist or Local HR contact will be informed via daily status reporting from Lincoln.

If the employee does not return to work at the end of their leave, and they have not requested a leave extension, they may be subject to discipline, up to and including termination. Please note the employee may be eligible for other leave coverage through Harvard. Please contact your Leave of Absence Specialist or Local HR Office to determine if other leaves may be available to the employee and how the denial impacts your business operations.

Can MA PFML be retroactively approved?

Employees must file their MA PFML leave with Lincoln at least 30 days prior to the start of the leave (or, if that is not possible, as soon as is practicable). Depending on the circumstances, these leaves could be retroactively approved to the start date of the leave.

How can I find out how much leave an employee has taken?

You can contact your school or department's Leave of Absence Specialist or Local HR contact for this information. They can provide you with a report from Lincoln summarizing the employee's leave usage.

Is the employee expected to stay in contact while on leave?

Yes, they are responsible for:

- Timely response to all requests for information from Lincoln including, but not limited to, completion of Certification of Health Care Provider Forms and recertification of leave
- Notifying their assigned Lincoln Integrated Claims Specialist of changes in the circumstances of their leave
- Keeping in contact with their Leave of Absence Specialist or Local HR contact of changes to their leave or return to work plans
- Reporting intermittent absences related to their leave per department policies
- Calling their Leave of Absence Specialist or Local HR contact before their anticipated return to work date to discuss the return process, including their return date.

Can an employee take more than one leave at once?

Yes, an employee can be approved for more than one leave at once. For example, an employee can be approved for intermittent medical leave due to their own serious health condition and intermittent family care leave to care for a parent with a serious health condition. Employees will need to work with Lincoln to make sure time taken is applied to the appropriate leave.

What does the employee need to do before they are allowed back to work?

For absences of more than three days related to the employee's own medical condition, the employee must call their Leave of Absence Specialist or Local HR contact at least two weeks (if possible) before their anticipated return to work date to discuss the return to work process. Employees will need to provide their Harvard leave contact with written documentation from their health care provider clearing them to return to work. The return to work documentation must indicate the employee's return to work date, medical clearance to resume the essential functions of their job, and if any accommodations or restrictions are required. A Return to Work form will be included with the leave communications sent to employees by Lincoln.

Employees will not be permitted to return to work without authorization from their Leave of Absence Specialist or Local HR contact. Employees should reach out to their Harvard leave contact with questions about Harvard's return to work requirements.

Note: Return to work documentation is only required for a leave taken for the employee's own medical condition.

As a manager, what else should I know about MA PFML?

Harvard shall not retaliate or threaten to retaliate by discharging, firing, suspending, expelling, disciplining through the application of attendance policies or otherwise, threatening, or in any other manner discriminating against an employee due to the employee's use of leave or other benefits under the MA PFML policy or the employee's exercising any other right under the MA PFML Law. Employees similarly shall not be subject to retaliation or threats of retaliation for filing a complaint or instituting or causing to be instituted a proceeding under or related to the MA PFML Law, or for testifying in an inquiry or proceeding or giving information connected to any inquiry or proceeding relating to the MA PFML Law. Please click [here](#) for Harvard's Non-Retaliation Policy.

What can I do to support my employee during the leave process?

You can direct your employee to the appropriate resources:

Question Type	Resource
Leave process	Leave of Absence Specialist or Local HR contact
Harvard's leave policies	Local leave contact or Benefits office
Communications, forms, and pay	Lincoln Financial

Where can I find more information?

For more information and resources on MAPFML visit hr.harvard.edu/ma-pfml.

