**Taking Parental Leave for the Birth of a Child**

***Paid Family and Medical Leave (PFML): Massachusetts’ New Law since 2021***

Most Massachusetts employees are covered by PFML. This law allows pregnant employees at Massachusetts businesses or state agencies to take both medical **and** “bonding” leave postpartum. Pregnant patients receive 12 weeks of medical leave **and** 12 weeks of “bonding leave”, for up to 24 weeks’ paid leave. The baby’s second (non-gestational) parent is eligible for 12 weeks of “bonding leave”.

Your leave *is* affected by whether you are a full-time or part-time employee.

In 2024, the benefit provides 80% of your salary with a “cap” of $1,149.90 per week, directly paid from the State of Massachusetts into your checking account (this amount changes annually). Your employer does not pay you this benefit. The first week of leave is always unpaid, and employees must take it unpaid or use their earned time or “PTO” to cover the loss of income for that first week. The remaining weeks are paid under the law.

For more information on eligibility and applying for PFML, see attached FAQ. If you feel the State’s FAQ sheet does not answer your specific question, then DFML is available to answer your questions Monday through Friday 8a-5p at 833-344-7365.

***What if I want to start leave before the baby is born?***

Pregnant patients can start PFML prior to the delivery on a case-by-case basis after discussing the rationale with your provider. The total amount of medical leave awarded will still be 12 weeks, so starting leave early reduces the amount of postpartum medical leave you will have.

***What if my partner wants to start leave before the baby is born?***

Bonding leave can only be taken after the baby’s birth. If you have a **severe** medical complication pre-delivery and you need your partner to take PFML to take care of you, we can approve “family leave” for your partner through PFML. The total leave your partner can take is only 12 weeks in a year, so taking leave early will reduce their postpartum “bonding” leave.

***What if I also have a short-term disability plan through my employer?***

You should submit this paperwork to your employer, but you should ***also*** submit an application through paidleave.mass.gov for PFML. Most STD plans only cover a short period postpartum (typically, 6 weeks for a vaginal delivery or 8 weeks for a cesarean section), so you will need to submit **both** the disability paperwork **and** the State paperwork to receive all 12 weeks.

***Who PFML does NOT cover:***

Unfortunately, there are significant exceptions to who is covered by PFML. An exhaustive list can be found on the Mass.gov page “Your eligibility for Paid Family and Medical Leave”. **Excluded** employees are included but not limited to:

* Employees of municipalities and regional school districts
* Independent contractors
* Railroad industry employees
* Commission-only jobs such as real estate brokers/salespeople and insurance agents or solicitors
* Employees of churches and certain religious organizations
* Employees who work for a company with a Massachusetts branch, but the company’s **headquarters** are in a different state.
* Employees who live in Massachusetts, but work in another state.

***What do I get if I am NOT covered by PFML?***

If your employer is exempt from PFML, but you are still employed by a company with at least 50 employees, you are still eligible for 12 weeks of **“unpaid, job-protected leave”** under the Family and Medical Leave Act (FMLA) of 1993. You must have been at your employer for at least 12 months and/or worked 1,250 hours prior to delivery to be eligible. We can still clear you for this medical leave using paperwork provided to you by your HR department.

***What if I am not covered under PFML or FMLA?***

The “Massachusetts’ Parental Leave Act” still requires employers with six or more employees to provide eight weeks of unpaid leave for the purpose of giving birth. Both parents are eligible for this leave. There is no application for this leave, and the only requirement is to give your employer at least two weeks’ notice.