

CLIENT ALERT: Massachusetts Department of Family and Medical Leave Publishes 2023 Workplace Poster, Workforce Notifications, and Rate Sheets

On November 15, 2022 the Massachusetts Department of Family and Medical Leave (the “Department”) published its 2023 Paid Family and Medical Leave (“PFML”) workforce notifications, including the poster, notices, and rate sheets, all available [here](#). Massachusetts employers must take the following actions to provide their employees with the 2023 information:

2023 Workplace Poster. All Massachusetts employers must display the 2023 workplace poster explaining the benefits available to their workforce under the PFML law. The poster must be displayed in a location where it can be easily read, and must be available in English and each language which is the primary language of 5 or more individuals in the employer’s workforce, if these translations are available from the Department.

Employers should already be displaying the 2022 version of the poster. It is recommended that employers continue to do so through the end of 2022, while also displaying the new 2023 poster to advise employees of the upcoming rate changes. To the extent workers are not entering the physical location in which the poster(s) is displayed, it is also recommended that employees disseminate the new poster in electronic form to employees.

2023 Notices to Employees. Employers must inform all new employees and covered contract workers about their rights and obligations under the PFML law **within 30 days** of their start of employment. **Please note that there are multiple versions of the Notice** – one for a workforce with 25 or more covered individuals, one for a workforce with fewer than 25 covered individuals, and one for self-employed individuals; employers must use the Notice applicable to their workforce. The Notice must be provided to employees in English or, where applicable, the language which is the primary language of 5 or more individuals in the employer’s workforce, if these translations are available from the Department. The Notice includes an employee acknowledgment of

receipt, which the employer must maintain to show that notice was provided in accordance with the law.

2023 Rate Sheets. The new rate sheets include the 2023 contribution rates for PFML benefits, and also vary by employer size. **For employers with 25 or more employees**, the Family Leave contribution for 2023 is .11%, and the Medical Leave contribution is .52%, for a total of .63%. These employers are responsible for a minimum of 60% of the medical leave contribution, but are permitted to deduct up to 40% of the medical leave contribution from the employee's wages, and up to 100% of the family leave contribution from the employee's wages. **For employers with fewer than 25 employees**, the Family Leave contribution for 2023 is .11%, and the Medical Leave contribution is .208%, for a total of .318%. These employers are responsible for remitting the funds from their employees' paycheck but do not need to contribute to either the family or medical leave (though they may do so, if desired).

Employers are expected to issue the new 2023 rate sheets to all employees. With the new contributions going into effect on January 1, 2023, employers should do so as soon as possible. Employers should ensure that their PFML policies and payroll systems reflect these changes. As you continue to consider the complexities of PFML, do not hesitate to contact your M&J lawyer. M&J will continue to monitor developments from the Department.

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