

Massachusetts PFML Updates

1. New Process for Private Plan Requests

The Massachusetts Department of Family and Medical Leave has introduced a new process for requesting and renewing private plan exemptions for MA PFML.

Beginning July 1, 2026, employers will be required to use a new [PFML Employer Portal](#) [paidleave.mass.gov/oauth-start/] to request PFML exemptions and renewals for purchased or self-insured private plans. Any request submitted on or before June 30, 2026 will continue to be processed in MassTaxConnect.

The Department has provided the following guide to the new process.

- **Step 1: Visit the PFML employer portal.** Create an account or log in to your existing account.
- **Step 2: Find your organization.** From the Welcome page, go to the “Organizations” tab. If you are new to the PFML employer portal, you may need to use your MassTaxConnect PFML account ID to verify your organization.
- **Step 3: Manage exemptions.** Navigate to the “Exemptions” tab. If the EIN associated with your organization has a history of PFML exemptions, this tab will show past approvals, including coverage type and effective dates.
- **Step 4: Start the request for a new or renewal of an existing exemption.** In the “Exemptions” screen, select the “start new request” button. You will be taken to an acknowledgment page. Then you can begin your request. You will be asked for the following information:
 - **Contact Information:** your name, title, phone number, and email. Also, contact info for your third-party administrator, if applicable.
 - **Organization information:** including workforce size.
 - **Plan information:** coverage type and effective dates.
- **Supporting documents:** upload proof of paid leave benefits plus:
 - Completed **Confirmation of Insurance** (COI) form for fully insured plans, or
 - **Surety Bond** form and **Self-Insured Insurance Declaration** for self-insured plans
- **Step 5: Review & Submit.** You receive an email with updates on your request.

2. MA PFML Retaliation Claim Verdict

In **Boyle v. Wayfair LLC**, a Massachusetts jury awarded **\$4.7 million** to a former employee who claimed her termination of employment for poor performance within 6 months of her return from paid medical leave amounted to retaliation by Wayfair.

This April 2026 verdict highlights the significance of **MA PFML's presumption of retaliation within 6 months of returning to employment** and the **higher burden of proof** required by MA PFML law.

Only \$75,000 of the award was for back pay. The balance of the award was for emotional distress and punitive damages. In this case, Wayfair had documented the employee's poor performance in performance reviews occurring prior to the employee taking PFML leave.

The employee's medical leave was taken for depression, exhaustion, and an inability to function normally. Upon her return to work, Wayfair placed her on a performance improvement plan and gave her 45 days to improve. Upon conclusion of the 45-day period, Wayfair terminated her employment for failure to meet the improvement plan criteria. Forty-five days is well within the six-month window following her return to employment.

Despite the documented poor performance prior to the leave taking, the jury apparently found that it was not enough to rebut the statutory presumption of retaliation using the required higher evidentiary standard: by clear and convincing evidence (not the lower civil standard of a preponderance of the evidence).

Presumption of Retaliation Sets a High Bar for Employers

The statutory presumption of retaliation means the MA PFML law assumes at the outset that the employer retaliated against the employee. The employer is then tasked with producing clear and convincing evidence to the contrary and sufficient independent justification for their action.

Although each case turns on its own facts, this verdict underscores that terminating an employee within six months after returning from PFML leave carries significant risk, even when the employer believes its decision to terminate is justified and well documented.

The foregoing has been prepared with input from **Richard A. Szczebak, Esq. of RAS Law PC**. The content is intended as a general overview of the subject matter covered and not meant to provide legal advice with respect to any specific matter, and it should not be taken as legal or compliance advice. Do not take, or refrain from taking, any action on legal or compliance issues related to any employee benefit plan(s) based upon this information.