

PFML Certification Form for a Serious Health Condition

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This week, the Massachusetts Department of Family and Medical Leave published a [Certification of a Serious Health Condition form](#), which must be completed when an individual requests medical or family leave under the new Massachusetts Paid Family and Medical Leave law (“PFML”).

As indicated on this form, it is not to be used when an individual seeks to take parental leave or active duty leave (for covered servicemembers) under the PFML.

While the individual applying for leave must complete the first part of the form, most of the certification must be completed by the individual's health care provider. Please note that, unlike the federal Department of Labor's medical certification form for leave under the Family and Medical Leave Act (“FMLA”), which employers may *choose* to utilize in determining an employee's eligibility for FMLA leave, the PFML Certification of Serious Health Condition form must be used for individuals requesting leave and benefits under the PFML.

Because FMLA will frequently run concurrently with PFML, we recommend that our clients use *both* the PFML and FMLA medical certification forms when an employee is eligible for leave under both laws. We also recommend that our clients take steps now to ensure that their FMLA benefit period matches the PFML benefit period which is forward looking. Since most employers utilize a “rolling” FMLA period, which is based on a “look-back” in time, they will need to give 60 days' notice to

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employees to utilize a forward looking benefit period for FMLA-qualifying leave. If you have any questions about the new PFML Certification of a Serious Health Condition form, changing your FMLA benefit period, or any other issues regarding the PFML, please do not hesitate to reach out to any attorney in the Firm's Labor, Employment, and Employee Benefits Law Group.