

BOSTON COLLEGE  
PAID FAMILY AND MEDICAL LEAVE (PFML) POLICY  
January 2021

Statement of Policy

Boston College (or the “University”) will provide job-protected paid family and medical leave to eligible employees and former employees in accordance with the Massachusetts Paid Family Medical Leave Law (“MPFMLL” or “the Law”) M.G.L. c. 175M, § 1, *et seq*, and accompanying regulations. This Policy sets forth the eligibility requirements for leave, the conditions for using leave, the process for requesting leave, protections to employees who apply for and/or use leave, and other related provisions. This Policy addresses how the Paid Family and Medical Leave benefits required under the law (“PFML”) will interact with other leaves, including, but not necessarily limited to, those taken under the federal Family and Medical Leave Act (“FMLA”), the Massachusetts Earned Sick Time Law, M.G.L. c. 149, § 148C, the Massachusetts Parental Leave Act, M.G.L. c. 149, § 105D, applicable collective bargaining agreements, and other University benefit policies and programs. The University shall make all presumptions in favor of the availability of leave and the payment of leave benefits to an employee or former employee covered by this Policy.

Eligibility

This Policy applies to all “financially eligible” Boston College employees—including full-time, part-time, permanent, on call, per diem, temporary and seasonal employees—who perform services within Massachusetts. This Policy also applies to such unemployed former employees for twenty-six (26) weeks after separation or until re-employed, whichever comes first. This Policy does not apply to: (a) existing or former employees who do not perform services within Massachusetts, (b) independent contractors, (c) exempt student workers, (d) H-2A visa holders, or (e) any other categories of workers who are exempted under the MPFMLL. Current and former employees as described in this section may be referred to collectively in this Policy as “covered individuals.”

Definitions

For purposes of this Policy, the following terms shall have the following meanings:



Serious Health Condition: According to the DFML, a serious health condition is a physical or mental condition that prevents covered individuals from performing their job for more than 3 consecutive full calendar days and requires:

Two or more treatments by a health care provider (in-person or during telehealth visit) within 30 calendar days of an inability to perform job duties, or

Overnight stay in a hospital, hospice, or medical facility, or

At least one treatment by a health care provider within 30 days of an inability to perform job duties, with plans for continued treatment, including prescriptions.

Serious health conditions include:

Pregnancy, including prenatal care and post birth medical recovery.

Chronic conditions, like asthma or diabetes, that stop a covered individual from working some of the time, continue, and require going to the doctor more than twice a year.

Permanent or long-term conditions like Alzheimer's disease, stroke, or terminal cancer, that might not be curable and will need ongoing attention but will not necessarily require active treatment.

Conditions requiring multiple treatments, like chemotherapy, kidney dialysis, or physical therapy after an accident.

A substance abuse disorder if the patient is receiving treatment from a health care provider, by a provider of health care services on referral by a health care provider, or by a program licensed by the MA Department of Public Health. (Note - Absences due to an employee's use of the substance does not qualify for PFML).

State Average Weekly Wage: The average weekly wage for the Commonwealth of Massachusetts as determined by the Deputy Director of the Division of Employment and Training.

### Types and Amounts of PFML

The types and duration of paid leave available to a covered individual under this Policy are as follows (family and/or medical leave):

20 weeks of medical leave if an employee is unable to work due to his/her own serious health condition;

12 weeks of family leave to provide care to a family member, including a child, with a serious health condition;

12 weeks of family leave to bond with a child during the first 12 months after the child's birth, adoption, or foster care placement;

12 weeks of family leave for a qualifying exigency arising out of a family member's current membership in the Armed Forces; and

## Coordination With Other Types of Leave or Approved Time Off

of approval by Boston College, Boston College may seek a medical recertification of the employee's serious health condition.

For employees taking intermittent leave, a fitness for duty certification may be required once every 30 days if reasonable safety concerns exist regarding the employee's ability to perform his/her duties.

### Amount of Pay Employees Receive While on PFML

Weekly Wage Replacement Benefit: An employee who is taking paid leave under this Policy will receive a minimum weekly wage replacement benefit as follows: (a) that portion of the employee's average weekly wage at Boston College that is equal to or less than 50% of the state average weekly wage shall be replaced at a rate of 80%; and (b) that portion of the employee's average weekly wage that is more than 50% of the state average weekly wage shall be replaced at a rate of 50%. Per the MPFMLL, the maximum benefit for any employee is currently set at \$850 per week and shall be updated by the DFML on an annual basis.

Offsets: The weekly benefit amount shall be offset or reduced by the amount of wages or wage replacement benefits that an employee on PFML receives from any government program or law, including unemployment or workers' compensation benefits, other than for permanent partial disability incurred prior to the PFML claim; or under any other state or federal temporary or permanent disability benefits law; or through a permanent disability policy or program offered by Boston College.

Initial Seven-Day Waiting Period: No wage replacement benefits are payable during the first seven calendar days of leave; however, the employee may utilize accrued sick, vacation, or other accrued paid leave during this time. Whether or not accrued paid time is used, the initial seven-day waiting period will count against the total available period of leave in a benefit year. If an employee takes medical leave that is supported by documentation from a healthcare provider during pregnancy or recovery from childbirth and such medical leave is immediately followed by family leave, the seven-day waiting period shall not apply to the family leave.

Use of Accrued Paid Time Benefits: Employees on PFML may choose (but are not required) to use accrued sick time, vacation time, and/or other accrued paid leave provided by the University rather than receive the wage replacement benefits provided for in this Policy. Employees must comply with Boston College's normal

policies for use of accrued paid time off. If an employee chooses to use accrued paid leave, such leave will run concurrently with the leave periods under this Policy.

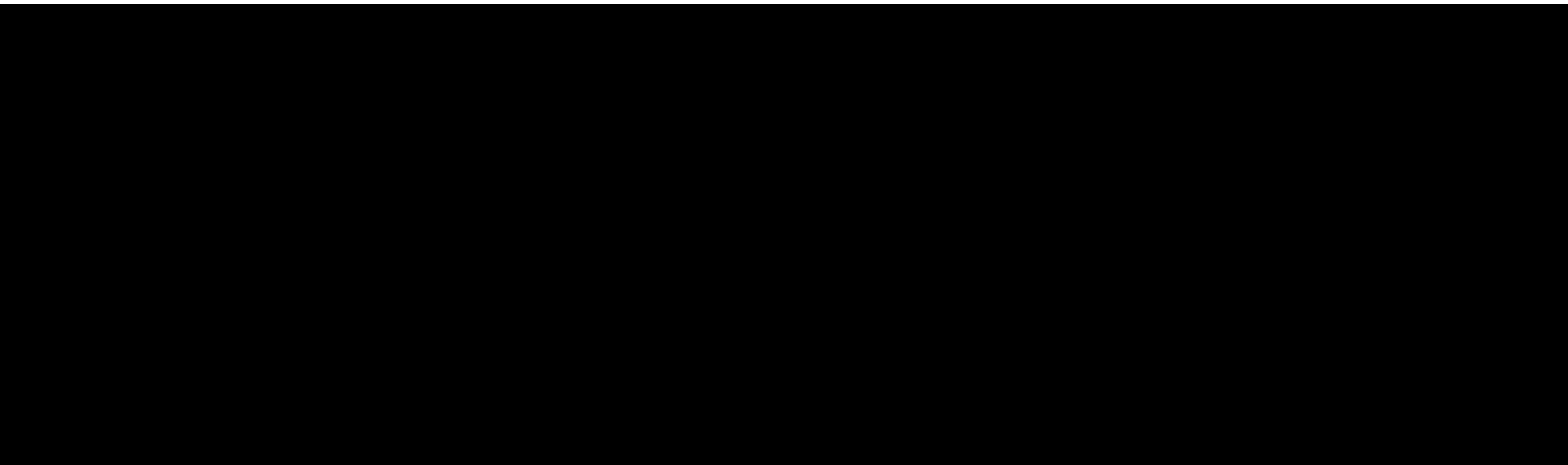
University Wage Replacement Benefits: Benefits-eligible employees are eligible to receive wage replacement benefits under other University policies and benefit programs and collective bargaining agreements (including, but not limited to, Short Term Disability) that may exceed wage replacement benefits required under the MPFMLL. In such cases, the employee will receive the greater of the various benefits that are available for the covered reasons, and the leave taken will run concurrently with PFML.

Contributions by Employees for PFML Benefits: For the first year, Calendar Year 2021, Boston College is self-insuring the benefit payments and has elected not to require state-allowed contributions by employees. To administer PFML benefits Boston College has engaged The Standard Insurance Company ("The Standard"), rather than to use the state's process. As noted below, the University maintains its right to amend this Policy consistent with the MPFMLL. No paid leave benefits will be available to covered individuals from the state-sponsored benefit plan administered by the DFML while this policy remains in effect.

Wage Replacement Received While on Intermittent or Reduced Schedule Leave: For an employee who takes leave on an intermittent or reduced schedule leave for any of the qualifying reasons set forth above, the weekly benefit will be reduced in direct proportion to the intermittent or reduced leave schedule.

### Health Benefits During PFML

During the duration of a current, benefited employee's PFML, the University shall continue to provide for and contribute to the employee's employment-related health insurance benefits, at the level and under the conditions that coverage would have been provided if the employee had continued working continuously for the duration of such leave. This provision shall not apply to former employees. Current employees will be required to remit their portion of the premiums in accordance with the procedures applicable to other types of leave.





The University shall commence payment of leave benefits not less than 14 calendar days after approving a request, unless that determination occurs more than 14 days before the onset of eligibility, in which case payment of benefits will commence as soon as eligibility begins.

PFML benefits (i.e., leave benefits not covered by existing BC policies, programs, or agreements) shall be paid by The Standard.

When a leave of absence request is considered under this Policy, all presumptions shall be made in favor of the availability of leave and the payment of leave benefits.

### Appeals

Covered individuals shall have up to ten (10) calendar days to file an internal appeal of a denial of PFML with The Standard. The ten-day period may be extended where the employee establishes that circumstances beyond their control prevented the filing of a request for an appeal within ten calendar days. Appeals must be in writing and must include: (a) a detailed explanation of why the covered individual believes that the denial was in error, and (b) copies of any available supporting documentation. All appeals under this Policy should be submitted in accordance with The Standard's appeals process.

Covered individuals will be informed in writing of the outcome of the internal appeal and of their rights under the MPFMLL and applicable regulations.

Covered individuals also have a right to appeal to the DFML. Covered individuals are required to participate in the internal appeal process prior to exercising their right to appeal with the DFML. The DFML may be contacted at [MassPFML@Mass.gov](mailto:MassPFML@Mass.gov).

### Reinstatement Following PFML

Upon return from PFML, a current employee shall be restored to the employee's previous position or to an equivalent position with the same status, pay, employment benefits, if any, length-of-service credit, and seniority as of the date of the leave. This provision shall not apply to persons who were former employees as of the date they went out on leave. An employee will not be entitled



## Job Protection