

Policies and Procedures

Title: Parental Leave Policy

Policy Administrator: Chief Human Resources Officer

Effective Date: September 19, 2022

Approved by: Office of the General Counsel

Purpose:

To support new parents by providing parental leave in connection with the birth or adoption of a child as further described in this policy.

Policy:

1.0 Eligibility; Paid and Unpaid Leave Entitlements.

The College provides parental leave for employees related to the birth, the placement for adoption of a child under the age of 18, and/or the placement for adoption of a child under the age of 23 if the child is mentally or physically disabled, as follows.

- a. **Basic MA PFML Paid Benefit.** All Massachusetts-based employees¹ are entitled to up to twelve (12) weeks of child bonding leave, which must be completed within one year of the child's birth or adoption or foster care placement, consistent with the Massachusetts Paid Family and Medical Leave (MA PFML) law and the College's Massachusetts Paid Family and Medical Leave and Supplemental Medical Leave Policy. Ordinarily, this leave must be taken in one (1) period of up to twelve (12) consecutive weeks; however, if operational needs permit, the employee may request, and the employee's supervisor and/or department head may approve, that the leave be split into two (2) separate periods of consecutive weeks.² In no event may the child bonding leave (whether taken in one period or two separate periods) extend beyond the one-year anniversary of the child's birth or placement or exceed twelve (12) weeks in total.³ During such leave, employees are entitled to a paid benefit based on the formula set by the MA PFML law during the leave period; provided, however, with respect to full-time, benefits-eligible staff and administrative employees, they may instead receive paid benefits as set forth in Section 1.0.b., below during the first eight weeks of leave, and

¹ For employees who work remotely more than 60% of the work week in a state other than Massachusetts, eligibility for employee benefits may vary as determined by the College, consistent with applicable law.

² For example, the employee may be permitted to (i) take six (6) weeks of child bonding leave immediately following the birth of the child; (ii) return to work for a three-month period; and (iii) then take the remaining six (6) weeks of available child bonding leave following such three-month period.

³ This twelve-week limitation applies only to MA PFML *child bonding leave*; additional paid and/or unpaid family or medical leave may be available in connection with pregnancy, recovery from childbirth, or other qualifying reasons that may arise following a child's arrival. Please see the College's Massachusetts Paid Family and Medical Leave and Supplemental Medical Leave Policy and FMLA Policy for more details.

MA PFML benefits during the remaining period of leave.

- b. Fully Paid Parental Leave for Benefits-Eligible Staff and Administrative Employees.** The College provides benefits-eligible full-time staff and administrative employees (i.e., employees who work at least 27.5 hours per week for at least 40 weeks per year) with a Parental Leave benefit that provides full pay at their normal weekly pay rate for the first eight (8) weeks of any approved parental leave⁴ in connection with the birth or adoption of a child. Following the eighth (8th) week of such leave, any additional period of child bonding leave is paid at the benefit rate set by the MA PFML law.
- c. Parental Leave for Faculty Members.** Faculty members are entitled to paid parental leave as set forth in the *Statutes of the Faculty*.
- d. Potential Additional Unpaid Parental Leave.** In certain circumstances, employees may be eligible for unpaid parental leave pursuant to the Massachusetts Parental Leave Act (MPLA) in addition to any MA PFML child bonding leave taken under Section 1.0.a., above. Typically, an employee's entitlement to additional unpaid parental leave will apply only when two or more children are born or placed at the same time or within the same benefit year. Under the MPLA, employees who have completed their probationary period or 90 days of employment (whichever occurs first), and who state that they intend to return to work at the College at the conclusion of their leave, are entitled to eight (8) weeks of unpaid leave *per child*. Because MA PFML child bonding leave is limited to twelve (12) weeks per benefit year, and runs concurrently with MPLA leave (see below), this means that the birth or placement of multiple children in a benefit year entitles the employee to additional unpaid parental leave beyond the twelve (12) weeks of MA PFML child bonding leave. For example, in the case of the birth or placement of twins, the parent would be entitled to a total sixteen (16) weeks of leave (i.e., eight (8) weeks for each child) – the first twelve (12) weeks of which would be paid child bonding leave under the MA PFML, and the last four (4) weeks of which would be unpaid parental leave under the MPLA.

2.0 Both Parents Are College Employees

If both parents are eligible employees of the College, *each* parent is separately entitled to up to twelve (12) weeks of MA PFML child bonding leave under Section 1.0.a. and (if a benefit-eligible full-time staff or administrative employee) fully paid parental leave benefits as set forth in Section 1.0.b. By contrast, additional unpaid leave under Section 1.0.c., if applicable, must be divided (in whatever proportion the parents wish) between both parents.

3.0 Concurrency with Other Leave; Use of Paid Time Balances During Unpaid Leave

- a. Leave taken under this policy will be counted towards, and run concurrently with, all applicable leaves, including without limitation MA PFML, MPLA leave, FMLA leave, and/or parental leave under the *Statutes of the Faculty*, to the maximum extent permitted by applicable law.

⁴ This eight-week period may consist of medical leave (e.g., for a parent who has given birth) or child bonding leave or both types of leave taken in succession.

- b. An employee eligible for unpaid leave may use applicable accrued and unused paid time off (e.g., vacation, personal days, time due) to be paid for all or part of an otherwise unpaid period of parental leave.

4.0 Non-Working Time

Child bonding leave or parental leave under this policy is not available during periods when the employee is not engaged in active employment. For example, for an employee with less than a year-round appointment (9 months, 10 months, etc.) or other fixed term of employment with a designated end date:

- a. If the arrival of the child occurs four (4) weeks before the end of the employee's appointment period or other fixed term of employment, the leave would be for four (4) weeks – the appointment/employment period is not extended;
- b. If the arrival of the child occurs outside of the employee's appointment period, the leave cannot commence until after the resumption of the employee's appointment period.

Except to the extent required by law, any leave period taken under this policy is not extended by the occurrence of any holiday or College closure that falls within the period otherwise scheduled for leave. Likewise, employees are not eligible for holiday pay or other additional pay that may be provided during a holiday or College closure that occurs during a leave taken under this policy.

5.0 Additional Leave

At the end of any child bonding or parental leave period under this policy, an employee may be eligible for additional leave under one or more other College policy(ies), such as the Massachusetts Paid Family and Medical Leave and Supplemental Medical Leave Policy, FMLA Policy, or procedures for reasonable accommodations of individuals with disabilities, as appropriate. As soon as the employee foresees a need to continue on leave following exhaustion of leave under this policy, the employee should contact Human Resources to discuss their options, including whether the employee may wish to use applicable accrued and unused paid time balances to be paid for all or part of any additional leave that would otherwise be unpaid.

6.0 Requesting Leave

An employee requesting leave under this policy should complete necessary application paperwork as set forth in the College's Massachusetts Paid Family and Medical Leave and Supplemental Medical Leave Policy and submit the same to Sun Life Financial, the third party administrator appointed by the College to handle MA PFML administration. Because leave under this policy is foreseeable, employees are requested to provide as much advance notice as possible to their supervisor and Human Resources. The employee must provide such notice and submit appropriate paperwork to Sun Life at least thirty (30) days in advance of the anticipated leave date, or as soon as practicable if the delay in making the request is for reasons beyond the employee's control, to allow for planning of coverage in the employee's department and the timely processing of the employee's MA PFML claim. Anticipated leave date does not mean an "exact" date. For example, an employee who gives birth prior to the anticipated leave date is entitled to start the leave earlier than was anticipated. Please refer to the College's MA PFML Policy and FMLA Policy for more information regarding leave procedures.