

WELLESLEY COLLEGE
PAID FAMILY AND MEDICAL LEAVE POLICY

Effective: January 1, 2021

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INTRODUCTION

Wellesley College (“Wellesley” or “the College”) already offers you various types of leave for medical and family concerns, as outlined in the College faculty and staff handbooks, and applicable union contracts and policies. The College is pleased to announce that effective as of January 1, 2021, the policy described in these pages will offer a safety net of College-paid leave for certain family and medical needs, and is equivalent to the benefits provided under the Massachusetts Paid Family and Medical Leave law, M.G.L. c. 175M. If paid leave benefits described by this policy are greater than those otherwise provided for you by the College, then this policy will apply instead. If the benefits for which you are eligible under another applicable paid College leave program are greater than those described in this policy, then you may choose to receive benefits under the terms of that program. The benefits under this policy are generally at no cost to you, although the College may charge you a nominal amount not exceeding the amount you would be charged to receive paid leave benefits from the Trust Fund administered by the Massachusetts Department of Family and Medical Leave under the Massachusetts Paid Family and Medical Leave law. Please keep this information as a reference, and direct any questions that you may have to Human Resources.

WELLESLEY COLLEGE

1.00 ELIGIBILITY

1.01 Eligible Participants. Any employee of the College, including full-time, part-time, casual, or seasonal, who meets the financial eligibility test is eligible for paid Family and Medical Leave described in this policy, except for employees who are students enrolled at the College. Eligible employees include any employee who is a member of a collectively bargained agreement with the College, faculty and administrative staff. In addition, if more than half the College workforce is ever comprised of individuals whose compensation is reported on Form 1099-MISC, those individuals will become covered under this policy.

1.02 Former Employees. Any former employee who was otherwise covered under this policy and makes a proper application to the College, will continue to be covered for a period of 26 weeks immediately following separation from College service (or, if shorter, until new employment begins), provided that the former employee met the financial eligibility test at the time of his or her separation from College employment.

1.03 Financial Eligibility Test. An employee meets the financial eligibility test if, over the 12 months preceding a claim for benefits under this policy, the former employee received total wages from an employer in the Commonwealth that in the aggregate equals or exceeds 30 times the individual's weekly benefit amount determined under 458 CMR 2.12, and that in the aggregate is not less than that under M.G.L. 151A s. 24.

2.00 FAMILY LEAVE

2.01 Authorized Reasons for Paid Family Leave. Paid Family Leave is available to any employee or eligible former employee ("participant") under this policy to cover the following needs of a participant's family:

- (a) Birth, Adoption, Foster Care. Beginning January 1, 2021, to bond with a child during the first 12 months after birth or placement for adoption or foster care;
- (b) Family Service Member. Beginning January 1, 2021, a need (i) arising out of a family member's active duty or notice of a call to active duty in the U.S. Armed Forces; (ii) to care for a member of the participant's family who is a covered service member either in the U.S. Armed Forces, (iii) to care for a family member who is in the U.S. Armed Forces who is (undergoing medical treatment, recuperation or therapy, is an outpatient or is on the temporarily disability retired list for a serious injury or illness that was incurred in the line of duty, or a serious injury or illness that was aggravated by active duty in the U.S. Armed Forces; or (iv) to care for a family member who is a former member of the Armed Forces

who is undergoing medical treatment, recuperation or therapy for serious injury or illness incurred while on active duty or aggravated by such duty.

- (c) Medical. Beginning July 1, 2021, participants are eligible for up to 12 weeks of paid Family Leave to care for a family member with a serious health condition. A serious health condition for this purpose refers to illness, injury, impairment or conditions involving inpatient care in a hospital, hospice, or residential medical facility; or continuing treatment by a health care provider.

2.02 Definition of Family Member. A family member, as used in this policy, refers to a participant’s spouse, domestic partner, child, parent, parent of the participant’s spouse or domestic partner, a person who acted as a parent when the participant was a minor, or a grandchild, grandparent or sibling of the participant. “Child” refers to any biological, adopted, foster or step-child, legal ward, or child for whom the employee stands in loco parentis (or person for whom the employee stood in loco parentis when the person was a minor). A “domestic partner” refers to a person who is at least 18 years old who is dependent on the participant for support, or who lives with the participant, or who owns property with the participant, or who has children in common, intends to marry, or shares budgeting with the participant. Anyone that a participant has registered as a domestic partner anywhere in the U.S. is also included.

2.03 Duration of Paid Family Leave.

(a) Regular Family Leave. Participants, not qualifying for leave based on a service member, will be eligible for paid Family Leave for up to 12 weeks in a benefit year. “Benefit year” is defined in 2.04.

(b) Service Member. If a participant is taking leave to care for a service member, as defined in section 2.01, then leave can be up to 26 weeks in a benefit year. “Benefit year” is defined in 2.04.

(c) Maximum Duration. A participant may take no more than 26 weeks total paid Family and Medical Leave under this policy in any benefit year.

2.04 Benefit Year. For purposes of Section 2.03 and 3.02, a “benefit year” refers to a period of 52 consecutive weeks beginning on the Sunday immediately before the first day that job-protected leave begins for a participant.

2.05 Intermittent Paid Family Leave. Intermittent leave is generally allowed for Family Leave. Participants taking Family Leave to bond with a child after birth, adoption or foster care placement, however, may not take intermittent leave without permission of the College.

3.00 MEDICAL LEAVE

3.01 Authorized Reasons for Paid Medical Leave. Paid Medical Leave is available under this policy if an employee or eligible former employee or his or her family member has a serious health condition. A “serious health condition” refers to an illness, injury, impairment or physical or mental condition that involves:

- (a) in-patient care in a hospital, hospice or residential medical facility; or
- (b) continuing treatment by a health care provider.

3.02 Duration of Paid Medical Leave.

(a) Medical Leave. Participants in this policy are eligible for Medical Leave of up to 20 weeks in a benefit year for their own serious health condition. “Benefit year” is defined in 2.04.

(b) Maximum Duration. A participant may take no more than 26 weeks total paid Family and Medical Leave under this policy in any benefit year.

3.03 Pregnancy Leave. Participants are eligible for Medical Leave during pregnancy or recovery from childbirth, if supported by documentation from a health care provider. If a Medical Leave for pregnancy or recovery from childbirth is immediately followed by Family Leave, a 7 calendar day wait will not be required for the Family Leave.

3.04 Intermittent Paid Medical Leave. Intermittent leave is allowed for any qualifying Medical Leave (including the employee’s own serious health condition), if medically necessary and evidenced in writing by the treating physician.

4.00 BENEFITS

4.01 Benefits for First 7 Calendar Days. No Family or Medical Leave benefits are payable during the first 7 calendar days of an approved initial leave under this policy

4.02 Eligibility for Other Benefits. Any employee eligible for both the paid leave benefits described in this policy and for paid leave benefits under another applicable College leave program may choose to apply any accrued leave paid by the College (including vacation, sick time or other paid time off) and receive expanded benefits under the terms of that College paid leave program or policy. College-provided paid leave under such other programs will run concurrently with the leave period provided under this policy.

4.03 Weekly Benefit Amount.

(a) General. While a participant is on his or her paid Family or Medical Leave described in this policy, the College will pay the participant's weekly benefit amount defined in 458 CMR 2.12, beginning after the 7th calendar day of an approved initial leave. The weekly benefit is reduced by the participant's receipt of any workers' compensation (other than for permanent partial disability incurred prior to the Family or Medical Leave claim), by benefits under any state, federal, or College disability program, and by benefits under a permanent disability policy or program of the College. Benefits for intermittent leave shall be reduced ratably to reflect the reduced schedule.

(b) Weekly Benefit Under Policy. A participant's weekly wage replacement under this policy equals:

- (i) 80% of the portion of the individual's average College weekly wage, as calculated over the previous four completed quarters, that is equal to or less than 50% of the state average; and
- (ii) 50% of the portion of the employee's average College weekly wage that is more than 50% of the state average weekly wage.
- (iii) The maximum weekly benefit amount available under this policy for any individual shall be 64% of the state average weekly wage, currently \$850 gross compensation per week (subject to annual regulatory adjustments).

"Wages" for purposes of this formula reflect wages up to the Social Security Wage Base as set forth in 458 CMR 2.12(3). The wage replacement amount described in this section does not apply if the employee chooses to apply any accrued leave paid by the College (including vacation, sick time or other paid time off) and receive expanded leave benefits for which the employee is eligible under the terms of another College paid leave program or policy.

5.00 EMPLOYEE RIGHTS

5.01 Job Protection.

(a) General. An employee who has taken Family or Medical Leave shall generally be restored to his or her previous position or to an equivalent position, with the same status, pay, benefits, service credit and seniority as the employee had before taking a Leave.

(b) Layoffs. If the College has had layoffs of other employees of equal length of service credit and status in the same or equivalent positions, due to economic conditions, or due to other changes in operating conditions affecting employment during the employee's Leave, the employee's job may not be restored. If the College does have any changed circumstances affecting job restoration, the employee who has taken Leave shall retain any preferential consideration for another position to which he or she was entitled as of the date of Leave. The College is not required to restore the position of an employee who was hired for a specific term or to perform work on a discrete project, once that term or project is over and the College would not otherwise have continued the employ of the individual.

(c) Medical Certification. Any employee who wishes to return to work after a Medical Leave must, before returning, present Human Resources with a fitness-for-duty certification, signed by the employee's health care provider with regard to the health condition that caused the employee's need for Medical Leave. This certification is a condition to employment and must verify that the employee is able to return to work and to perform the essential functions of their job. Employees on an intermittent or reduced leave schedule for Medical Leave need only provide a fitness-for-duty certification once every 30 calendar days unless reasonable safety concerns exist.

5.02 Right to Other Benefits. The taking of paid Family or Medical Leave under this policy will not affect an employee's right to accrue vacation, sick leave, bonuses, advancement, seniority, length of service credit or other employment benefits, plans or programs once leave has ended and the employee has returned to the employ of the College. Leave periods under this policy will not be treated as credited service for purposes of benefit accrual, vesting and eligibility to participate. During an employee's paid Family or Medical Leave under this policy, the College will continue providing the same health insurance benefits coverage, under the same terms and conditions that would apply to a similarly situated employees not on Leave.

5.03 Other Rights. Paid Family and Medical Leave under this policy shall run concurrently with leave that any employee takes under the federal Family and Medical Leave Act of 1993 ("FMLA"). An employee may utilize accrued sick or vacation pay or other paid leave to cover the first 7 calendar days that are otherwise unpaid under this Family and Medical Leave policy.

5.04 No Retaliation. The College shall not interfere with an employee's rights under this policy, or retaliate, discharge, fire, suspend, or otherwise discipline or discriminate against an employee for taking paid Family or Medical Leave or otherwise exercising rights under this policy. All presumptions made under this policy shall be made in favor of the availability of paid family and medical leave benefits described herein.

6.00 FUNDING

6.01 Self-Insurance and Insurance. The benefits offered under this policy will be paid from the general assets of the College. This policy is intended to be an unfunded payroll practice and not a welfare benefit or retirement plan under the Employee Retirement Income Security Act of 1974, as amended. The College may choose to provide some of the benefits offered under this policy through short and long-term disability insurance policies.

7.00 CLAIMS AND APPEALS

7.01 Filing Claims for Paid Leave. An eligible employee wishing to take Paid Family or Medical Leave under this policy must file a request for leave with Human Resources at least 30 calendar days in advance of the anticipated start date of the leave. The request shall include (1) the anticipated start date of the leave; (2) the anticipated length of the leave; (3) the type of leave, and (4) the expected return date. If, for reasons beyond the individual's reasonable control, the individual cannot provide 30 days' notice, then the individual shall provide notice as soon as is practicable.

7.02 Claims for Medical Leave. An eligible employee taking a Paid Medical Leave under this policy shall present a certification signed by his or her physician attesting to the date on which the serious health condition began, its probable duration and other such facts as may be necessary and appropriate, as requested by the College, in compliance with applicable regulations.

7.03 Appeals. An eligible employee may submit a request for an appeal to Human Resources within 10 calendar days of any denial by the College of the employee's request for Paid Family or Medical Leave. The 10-day period may be extended if the employee establishes to the satisfaction of the College that circumstances beyond the participant's control prevented the filing of a request for an appeal within such 10-day period. The College shall issue a written final decision on appeal within 30 days after the date of the employee's request for an appeal. Any employee who is denied Paid Family or Medical Leave benefits also has a right to appeal the denial before the Massachusetts Department of Family and Medical Leave and in the district court as provided by 458 CMR 2.14(5).

8.00 OTHER INFORMATION

College: Wellesley College

Address: 106 Central Street
Wellesley, MA 02481

Federal Tax ID No:

Questions: Human Resources

Employee Cost: None

**Massachusetts Department of
Family Leave:** Charles F. Hurley Building
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Boston, MA 02114
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