

Boston College

Family and Medical Leave Policy

Introduction

Boston College understands the importance of family issues to today's workforce and recognizes that its employees often face conflicting demands of family obligations and work requirements. Because employees may find it necessary to take leave from their jobs for a temporary period to address certain family responsibilities or their own serious health conditions, and in order to comply with the Family and Medical Leave Act of 1993 (FMLA), the University has established the following policy governing parental, family, and medical leaves.

The FMLA paid leaves will not apply to periods when the employee would otherwise not be working for example, in the case of an academic year position where the leave periods would extend into the summer. The paid periods are not extended by the occurrence of any holidays that fall within the leave periods. The remainder of the leave may be paid or unpaid (see Section IV Substitution of Sick Leave and Vacation Time), as well as provisions of the MA PFML Policy (see NOTE in the Introduction above).

Full-time Faculty should refer to the Maternity Leave Policy in the Faculty Handbook.

2. Paternity/Parental Leave

Upon the birth of a child, a father who has completed at least one year of service is eligible for a maximum leave of 12 weeks of FMLA leave within the 12 month period following birth. The first four weeks of the leave will be paid Parental/Bonding Leave, not charged to sick or vacation time. This pay period is not extended by the occurrence of any holidays that fall within the four weeks. The remainder of the leave will be unpaid unless the employee has accrued vacation time (see Section IV). The employee may also be eligible for additional, reduced pay, Bonding Leave under the MA PFML Policy (see NOTE in the Introduction above).

An employee who is not eligible for FMLA leave because he has less than one year of service will be eligible for one week of paid Parental Leave for each full month of continuous service at a minimum of 20 hours per week (maximum four weeks of paid leave). Also see provisions of the MA PFML Policy (see NOTE in the Introduction above).

3. Adoption Leave

Eligible employees will be granted up to 2 weeks of leave to care for an adopted child within the 12 month period following the adoption or placement. Normally, the leave must be taken all at one time, but alternative arrangements will be considered if necessary to comply with court or agency requirements.

For employees who have completed at least one year of eligible service, Boston College will grant eight paid weeks of combined Adoption Placement Leave and Bonding Leave, not charged to sick or vacation time, following placement of the adopted child in the employee's home. To be eligible for this paid leave, the child must be under the age of 18 and may not be a blood relative or the child of the employee's spouse or other member of the employee's household. For the remaining four weeks of available Parental/Bonding Leave, the employee may use accrued vacation and/or may also be eligible for reduced pay Bonding Leave under the MA PFML Policy (see NOTE in the Introduction above).

An employee who is not eligible for FMLA leave because he or she has not completed a year of service will be eligible for one week of paid Adoption Placement/Bonding Leave for each full month of continuous service at a minimum of 20 hours per week (maximum eight weeks of paid leave). Additional, reduced pay, Bonding Leave may be available under the MA PFML Policy.

For additional information, employees should refer to [Adoption Leave Policy](#) online, or request a copy from the Benefits Office (also see Section IV)

Full-time Faculty should also refer to the Adoption Leave Policy in the Faculty Handbook.

4. Foster Care Leave

Employees will be eligible for up to 12 weeks of FMLA leave during the 12-month period following official placement of a child into their foster care. The first week of the leave will be paid (and not charged to sick or vacation). For the remaining eleven weeks of available Foster Care Leave, the employee may use accrued vacation and/or may also be eligible for reduced pay Bonding Leave under the MAPFML Policy (see NOTE in the Introduction above).

5. Family Leave

Employees will be eligible for up to 12 weeks of FMLA leave during a 12-month period to care for a "family member" with a "serious health condition" (see Section II Definitions and Section IV). Also see the MAPFML Policy (see NOTE in the Introduction above).

6. Medical Leave

An employee will be eligible for 12 weeks of FMLA leave if a "serious health condition" renders the employee unable to perform his or her job functions. This leave will be coordinated with the University's sick leave and short-term disability policies (see Section IV), as well as the MAPFML Policy (see NOTE in the Introduction above).

Employees are limited to a maximum of 12 weeks' leave for any of the above purposes. For example, a person cannot take 12 weeks' parental leave and 12 weeks' paid sick leave during the same 12-month period.

7. Military Family Leave

(a) Military Caregiver Leave – An eligible employee who is the spouse, child, parent, or next of kin of an Armed Forces member, including the National Guard or Reserves, may take up to 26 weeks of leave in a 12-month period to care for the servicemember who is recovering from a serious illness or injury. For purposes of FMLA leave, a serious injury or illness is one that was incurred in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of the position.

performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider, or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may also meet the definition of continuing treatment.

C. "Health Care Provider"

The definition of "health care provider" includes physicians, podiatrists, clinical psychologists,

- * the date on which the serious health condition commenced and the probable duration of the condition;
- * appropriate medical facts within the knowledge of the health care provider that would entitle the employee to take family or medical leave; and
- * an estimate of the amount of time that the employee is needed to care for a family member, or statement explaining the extent to which the employee is unable to perform the functions of his/her position.

Certifications must be submitted within 15 days of the date requested by the University.

2. Second Opinions

The University has the option of requiring the employee to get a second opinion from an independent medical provider selected and paid for by Boston College. If the two opinions conflict, the issue may be resolved by a third opinion from a provider agreed to by the University and the employee which shall be considered final and binding. Boston College will pay for the third opinion.

3. Medical Recertification

During a leave, Boston College reserves the right to request recertification of the medical condition that caused the employee to take the leave.

C. Transfer to Alternative Position

The University reserves the right to transfer an employee to another position whenever an employee's use of leave for one or more qualifying reasons is so frequent and intermittent that it is impossible to predict and schedule for coverage.

D. Confidentiality

Boston College will keep confidential all information relating to requests for family or medical leave. This information will be used only to make decisions in regard to the provisions of this policy. Supervisors should not retain any copies of relevant records in their files.

IV. Substitution of Sick Leave and Vacation Time

NOTE: Please also refer to the Boston College MA Paid Family and Medical Leave (PFML) Policy with respect to the Leaves listed below.

A. Maternity Leave

As noted above, the first six weeks (or the first eight weeks in the case of a Caesarean delivery) of maternity leave will be considered paid Birth Recovery Leave and will not be charged to sick or vacation time. An additional four weeks of paid Parental Bonding Leave are also available and not charged to sick or vacation time. The remainder of the leave will be unpaid, unless the employee is medically disabled and is due payments under the University's sick leave and short-term disability policies, or, if not disabled, unless the employee has accrued vacation time. Vacation time may be applied toward the last four weeks of a 12-week FMLA maternity leave at the employee's option.

B. Adoption Leave

Any portion of an adoption leave ~~this~~ not covered by the Paid Adoption Leave policy will be unpaid, unless the employee has accrued vacation time. Use of vacation time is optional during an FMLA leave.

C. Paternity/Parental Leave

Following the four weeks of paid Paternity/Parental Leave, the leave will be unpaid, unless the employee has accrued vacation time. Use of vacation time is optional during an FMLA leave.

D. Foster Care Leave

Following the first week of paid leave, the leave will be unpaid, unless the employee has accrued vacation time. Use of vacation time is optional during an FMLA leave.

E. Family Leave and Military Family Leave

Leaves taken to care for a family member with a serious health condition will be unpaid, with the following exception. Under the University's sick leave policy, employees are permitted to use up to five days of sick leave per year to care for ill members of their immediate family. Those five days, if not previously used, may be applied toward the FMLA leave under this section. Any accrued vacation time may also be used as part of the FMLA leave before the unpaid portion begins.

F. Medical Leave

Employees on leave due to a serious health condition will be entitled to pay in accordance with the University's sick leave and short-term disability policies. Any portion of a medical leave not covered by those policies will be unpaid unless the employee elects to use accrued vacation time.

V. Benefits

A. Health Benefits

During the leave, the University will maintain the employee's medical and dental coverage, provided the employee continues to pay his or her normal portion of the premiums. In the

A. General

An employee taking leave under this policy will be returned to the same position or to an equivalent position, unless the employee would have been terminated in the absence of any leave (e.g., layoff, downsizing, or termination of a temporary job). Taking a leave will not result in any loss of benefits or conditions of employment accrued prior to the beginning of the leave period, unless the benefit or condition of employment was discontinued or changed for other employees during the leave period.

B. Medical Certification

Boston College reserves the right to require a medical certification or a medical examination, at its expense, to ensure that employees returning from leave for a serious health condition can safely perform all the functions of the job.

C. Periodic Reporting

Employees on leave are expected to maintain contact with their supervisor on a periodic basis (at least monthly) regarding their status and intent to return from leave.

D. COBRA

Upon notification that the employee is not returning from leave, Boston College shall terminate the employee's health benefits, and he or she shall be entitled to continuation of health benefits only in accordance with the Consolidated Omnibus Budget Reconciliation Act ("COBRA") and the provi