



BOSTON COLLEGE
DEPARTMENT OF HUMAN RESOURCES

Massachusetts Paid Family and Medical Leave Law December 2020

This serves as notification that starting on January 1, 2021, Boston College will offer eligible employees and former employees (“covered individuals”) paid family and medical leave benefits that are equal to or greater than those provided under the new Massachusetts Paid Family and Medical Leave Law (“MPFMLL” or “the Law”). Provided below, is a summary of rights and obligations under the Law as well as an overview of key provisions contained in Boston College’s Paid Family and Medical Leave Policy (“PFML Policy”). For a full explanation of PFML benefits at Boston College please read the full Policy provided on the Boston College Paid Family and Medical Leave page.

Key Features of the New Law

- Applies to Massachusetts employers regardless of their size
- Mandates paid, job-protected leave to eligible workers
- Mandates partial income replacement for leaves based on a covered individual’s average weekly earnings
- A maximum weekly benefit up to \$850*

*\$850 was the state published maximum weekly benefit as of December 2020. This amount is adjusted annually. In 2022 the maximum is \$1,084.31.

Eligibility

The MPFMLL applies to all W-2, “financially eligible” Boston College employees—including full-time, part-time, permanent, on call, per diem, temporary and seasonal employees— who perform services within Massachusetts. The Law also applies to such unemployed former employees for twenty-six (26) weeks after separation or until re-employed, whichever comes first.

Typically, a “financially eligible” employee is one who earned at least \$5,100 in the preceding 12 months, and who is otherwise eligible for coverage under the

Massachusetts unemployment insurance law. Specific questions regarding financial eligibility may be directed to the Benefits Office, Human Resources.

Exemptions: Under the Law, leave benefits do 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 Massachusetts Family and Medical Leave Law, M.G.L. c. 175M

Summary of Leave Benefits

All covered individuals will receive the following paid family and medical leave benefits under the University's PFML Policy:

Paid Medical Leave: Beginning January 1, 2021, employees may take up to 20 weeks of paid medical leave in a benefit year due to the employee's own serious health condition that incapacitates the employee from performing the essential functions of the employee's job.

Paid Family Leave: Employees may take paid family leave for the following reasons:

- Beginning January 1, 2021, employees may take up to 12 weeks of paid family leave to bond with a child during the first 12 months after the child's birth, adoption, or foster placement.
- Beginning January 1, 2021, employees may take up to 26 weeks of paid family leave to provide care to a family member who is a covered service member. ● Beginning January 1, 2021, employees may take up to 12 weeks of paid family leave because of any qualifying exigency arising out of the fact that a family member is on active duty or has been notified of an impending call or order to active duty in the Armed Forces. Qualifying exigencies include such things as providing for the care or other needs of the military member's child or other family members, making financial or legal arrangements, attending counseling, military events or ceremonies, spending time with the military member during a rest and recuperation leave or following return from deployment, or making arrangements following the death of the military member.
- Beginning July 1, 2021, employees may take up to 12 weeks of paid family leave to care for a family member with a serious health condition.

Total Leave: Employees may take up to a maximum of 26 weeks, in the aggregate, of

paid leave per benefit year for the purposes listed above.

Type of Leave	Annual Benefit Allotment	Effective Date
Medical (employee's own serious health condition)	20 weeks	January 1, 2021
Family (bonding with new child, care for a family member with a serious health condition, or qualifying military exigency)	12 weeks	January 1, 2021 - bonding and military exigency July 1, 2021 - family member with serious health condition
Family (injured service member)	26 weeks	January 1, 2021
Maximum Combined Family/Medical	26 weeks	January 1, 2021

Job Protection: Generally, covered individuals who take family or medical leave under the Law must be restored to their previous position or to an equivalent position, with the same status, pay, employment benefits, length-of-service credit and seniority as of the date of leave.

Continuation of Health Insurance: During PFML, Boston College will continue to provide for and contribute to employment-related health insurance benefits, if any, at the level and under the conditions coverage would have been provided if the covered individual had continued working continuously for the duration of such leave.

Private Plan Exemptions

Under the Law, an employer that offers paid leave with benefits that are at least as generous as those provided under the Law may apply for an exemption from paying the Department of Family and Medical Leave Family ("DFML") and Employment Security Trust Fund contribution. Such employers may apply for an exemption from the medical leave contribution, family leave contribution, or both. **Boston College has an approved private plan for both family and medical leave.**

No Retaliation

It is unlawful for any employer to discriminate or retaliate against a covered individual for exercising any right to which they are entitled under the Law. A covered individual who is discriminated or retaliated against for exercising rights under the law may, not more than three years after the violation occurs, institute a civil action in the superior court. Covered individuals enjoy rights to job-protected leave and from discrimination and retaliation under the law even if their employer is approved to provide leave benefits through a private plan.

Payment for Concurrent Leave

Any paid leave provided under a collective bargaining agreement, University policy, or University program and paid at the same or higher rate than paid leave available under the Law shall count against the allotment of leave benefits available under the Law. Similarly, leave taken under the federal Family and Medical Leave Act, the Massachusetts Earned Sick Time Law, and the Parental Leave Act runs concurrently with MPFML if the covered individual is eligible for such leave and the leave is for the same qualified reason under those laws.

Administration of PFML

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 the PFML leave benefits, Boston College has engaged The Standard Insurance Company (“The Standard”) rather than to use the state's process. As outlined more fully in the University’s PFML Policy, The Standard will oversee the application, approval, and appeal processes for all PFML (i.e., leave not otherwise provided as a benefit per existing policies, programs, or agreements).

Questions

If you have questions, please contact the Boston College Benefits Office at benefits@bc.edu; or The Massachusetts Department of Family and Medical Leave, Charles F. Hurley Building, 19 Staniford Street, 1st Floor, Boston, MA 02114 or 617-626-6565.

To learn more about the Massachusetts Paid Family and Medical Leave Law, visit:
<https://www.mass.gov/orgs/department-of-family-and-medical-leave>.

Please note that receipt of this communication does not guarantee eligibility for leave benefits under the Policy. For full eligibility requirements, please go to <https://www.mass.gov/orgs/department-of-family-and-medical-leave>. Boston College reserves the right to make changes to its paid family and medical leave benefits described above and/or any existing leave programs.