

CHAPTER 5: TIME-OFF BENEFITS AND LEAVE PLANS

Time-Off Benefits and Leave Plans

Section 500

The college supports your overall health and well-being and your need to balance the challenges of work and family by offering generous time-off benefits and leave plans which are designed to:

- assist you in meeting the financial burdens that can result if you are absent from work due to illness, injury, or family emergency;
- offer you opportunities for paid periods of rest and relaxation;
- provide you with salary and benefit continuation in the event of childbirth or adoption, death in the family, or call to jury or military service;
- afford opportunities for unpaid time away from work to meet family or personal needs.

The college's time-off benefits and leave plans are integrated with and designed to enhance legally mandated benefits. They are an important part of your total compensation, and represent a substantial investment on the part of the college.

The college will normally apply the policies and follow the procedures summarized here. However, because no two employment situations are exactly alike, the college may modify the policies to address specific circumstances. Any such modifications must have the approval of the Associate Vice President for Human Resources or the Human Resources Manager of Employee Relations and Recruitment.

The college reserves the right to make, from time to time, such changes in policies as it considers in the best interests of the Smith College community. As changes are made in existing plans or as new plans or policies are established, new plan descriptions will be communicated by the Office of Human Resources. The effective date of each new or revised plan or policy will be the date determined by the President and/or the Board of Trustees, whether or not new plan descriptions have actually been issued.

Eligibility:

Eligibility for time-off benefits and leave plans is associated with the type of position you hold. Please refer to *Employment Categories* for more detailed information on positions at the college. The following summary and eligibility charts are provided as a quick reference of benefit eligibility. Be sure to consult each leave plan description for more detailed information (including statutory requirements, waiting periods, etc.) regarding your eligibility.

EMPLOYMENT STATUS				
PLAN	(1) REGULAR	(2) LIMITED-TERM 3+ YEARS	(3) LIMITED-TERM 1-3 YEARS	(4) TEMP. and/or LESS THAN HALF-TIME and/or CASUALS
Holidays	✓	✓	✓	Leave but no pay
Personal Time	✓	✓	✓	no
Vacation	✓	✓	✓	no
Sick Leave	✓	✓	✓	✓
Sick Leave Bank*	✓	✓	no	no
Bereavement Leave	✓	✓	✓	no
Jury Duty Leave	✓	✓	✓	✓
Military Reserve/ Differential Pay	✓	✓	Leave but no differential pay	Leave but no differential pay
Parental Leave* (formerly Maternity Leave and Paternity Leave)	✓	✓	Eligible for unpaid parental leave	Eligible for unpaid parental leave
Adoption Leave*	✓	✓	Eligible for unpaid adoption leave	Eligible for unpaid adoption leave**
Family Leave*	✓	✓	no	no
Family Medical Leave Act*	✓	✓	✓	Eligible for unpaid leave
Small Necessities	✓	✓	✓	Eligible for unpaid leave

Short-Term Absence Without Pay	✓	✓	✓	✓
Leave Without Pay*	✓	no	no	no
Long-Term Disability Leave	✓	✓	✓	no
Workers' Compensation Leave	✓	✓	✓	✓

NOTE: Time-off benefits are prorated for eligible employees who work less than full time.

*Waiting period may apply.

** For less than half-time only

Eligibility

If you are employed in a regular or limited-term position of half time or more, you are eligible for paid holidays which fall within your normal work schedule. If you work less than half time or hold a temporary position, you are not eligible for paid holidays.

Eligible staff members are entitled to a minimum of 10 paid college holidays each fiscal year including:

Independence Day	Winter Holidays (4.5 or more days)
Labor Day	Martin Luther King Jr. Day
Thanksgiving (2.5 days)	Memorial Day

In some years, depending on the calendar, additional holidays may be added. Each spring the Office of Human Resources issues a holiday schedule for the fiscal year beginning July 1, which is available at http://www.smith.edu/hr/benefits_leaves.php.

While many legal holidays are observed on a Monday, some (such as Independence Day) are observed on the actual day of the week upon which the holiday falls. When a legal holiday falls on a Sunday, the holiday will normally be observed on the following Monday. If the holiday falls on a Saturday, the holiday will normally be observed on the preceding Friday.

Terms and Conditions

Full and part-time staff are eligible for holiday pay under the following conditions:

- Full-time staff who work a Monday–Friday schedule are entitled to the holiday off with pay.
- Full-time staff who work other than a Monday–Friday schedule are entitled to an alternative day off in lieu of the holiday during the same work week when an official college holiday falls on their regular day off.
- Part-time staff are paid for a college holiday only if they are regularly scheduled to work on the holiday and only for those hours they are scheduled to work. A part-time employee's regular hours may not be rescheduled to qualify him/her for holiday pay.
- Staff are eligible for paid holidays which occur while they are on vacation or on any authorized paid or unpaid leave of up to 10 work days.

Working on a College Holiday

Some offices may need to be staffed during specific holidays. Your department head will decide whether the office must be open on a given holiday and s/he will determine the staff coverage necessary.

Non-exempt/Administrative Support Staff: If you are required to work on one of the college's scheduled holidays, you may elect to be paid at time and one-half for hours worked on the holiday and receive a day off in lieu of the holiday (on a day convenient for you and your supervisor) during the same work week **or** you may be paid at time and one-half for hours worked on the holiday in addition to your normal holiday pay. You must indicate on your time sheet your choice of pay options.

Exempt/Administrative Staff: If you are required to work on one of the college's scheduled holidays, you may take equivalent time off at a later date with the approval of your supervisor or department head.

Holidays Not Observed by the College

Whenever possible, department heads are encouraged to grant time off for the observance of religious or other holidays which are not official college holidays. Staff members wishing to observe holidays in addition to the college holidays listed above may request to take the additional time as personal time, vacation, or short-term absence without pay.

Questions regarding this holiday policy should be directed to your supervisor or department head, or to the Human Resources Manager of Employee Relations and Recruitment.

Eligibility

If you are employed in a regular or limited-term position of half time or more, you are eligible for paid personal time. If you work a regular part-time schedule, your personal time will be prorated based on the number of hours you are normally scheduled to work. If you work less than half time or hold a temporary position, you are not eligible for paid personal time.

Use of Personal Time

Personal time must be used by the end of the last pay period of the fiscal year. You will not be paid for unused personal time either at the end of the fiscal year or if you leave the college. Personal time requests must be approved in advance by your supervisor. However, in the case of family illness or other emergencies, same-day requests may be made; in most instances such requests will be honored. If you resign from your position, personal time may not normally be used during the notice period or to extend your official termination date.

Amount of Personal Time

Personal time is earned on a quarterly basis but is credited in advance. If your hire date is on July 1, you will be credited with the equivalent of four personal days for use during that fiscal year. If you are hired during the fiscal year or you hold an appointment of less than 12 months, you will be credited with prorated personal time as described below. If you leave the college, your personal time entitlement will be prorated based on your date of termination.

Personal Time Entitlement

	Start date 7/1-9/1	Start date 9/2-10/1	Start date 10/2-1/1	Start date 1/2-4/1	Start date 4/2-6/30
11 & 12 month positions	4 days	3 days	2 days	1 day	0 days
9 & 10 month positions	3 days	2.5 days	1.5 days	.5 day	0 days

Perfect Attendance Bonus: To recognize and reward non-exempt/administrative support staff with exemplary attendance records, the college provides a special perfect attendance bonus. Non-exempt administrative support staff with 11- or 12-month positions who complete the fiscal year with perfect attendance will be credited with two additional personal days for use during the following fiscal year. Staff working 9- or 10-month schedules will be credited with 1.5 additional personal days. Staff members working regular part-time schedules receive a prorated perfect attendance bonus.

Absences other than the following will be considered interruptions to perfect attendance: holidays, vacation, personal time, bereavement leave, and jury duty.

Eligibility

If you are employed in a regular or limited-term position of half time or more, you are eligible for paid vacation. If you work a regular part-time schedule of half time or more, you are eligible for prorated vacation based on the number of hours you are scheduled to work. If you work less than half time or hold a temporary position, you are not eligible for paid vacation.

Vacation AccrualRegular Positions (11- and 12-month schedules)

If you work a full-time 11- or 12-month schedule, you accrue vacation at the rate of 1.67 days per month of work up to 20 days per year. After 25 years of consecutive service, you accrue an additional week of vacation or a total of 25 days per year.

Vacation is accrued on an anniversary-year basis. You begin to earn vacation starting with your date of hire and continue to accrue a portion of your vacation each month. You are eligible to use vacation, with the approval of your immediate supervisor, after you have completed six months of service.

Academic-Year Positions (9- and 10-month schedules)

If you work an academic-year schedule, you do not accrue vacation. Instead, you are entitled to approximately 10 paid recess days per year to be taken during scheduled recess periods (fall, winter, and spring breaks). The number of paid recess days may vary slightly from year to year based on the academic calendar. A calendar of recess days for academic-year staff is published and distributed prior to the beginning of the academic year. For new employees, recess days are prorated based on your date of hire.

If department needs require that you work during a normal college recess period, you are entitled to take an equal amount of time off at a later date mutually agreed upon between you and your supervisor.

If you are a 9- or 10-month employee working in an administrative department, you may take recess leave either during college recess periods or at other times that are mutually agreed upon between you and your supervisor.

After 25 years of service, you are entitled to an extra five recess days, which may be taken at times that are mutually agreed upon between you and your supervisor.

Limited-Term Positions

If you hold a limited-term position which exceeds three consecutive years, you are entitled to vacation on the same terms and conditions as employees holding regular positions. Payment will be made for unused vacation at the expiration of the limited-term position. However, the college encourages you to take your vacation during the term of your appointment.

11- and 12-month schedules: If you hold a limited-term position of one to three years, you accrue vacation at the rate of 15 days per year to be taken at a time mutually agreed upon between you and your supervisor.

9- and 10-month schedules: If you work an academic-year schedule, your recess days (approximately 10 days) should be taken at a time mutually agreed upon between you and your supervisor.

Maximum Accrual

In cases where departmental workload makes it difficult for you to take your full vacation, or where special personal circumstances apply, vacation may be carried into the next fiscal year. Accrual of vacation stops when your vacation bank totals 1½ times your annual accrual rate. Maximum accumulation for employees with less than 25 years of service is limited to 30 days. Maximum accrual for employees with 25 or more years of service is 37½ days.

Vacation Leave Terms and Conditions

All vacation is at full salary (based on your normal salary rate) and all benefits continue during paid vacation leave. You accrue vacation during all absences **except** the following:

- Leave Without Pay;
- Long-Term Disability Leave;
- Any combination of paid and/or unpaid leave which exceeds 12 consecutive weeks.

Any college holiday which occurs while you are on vacation is considered a holiday and is not charged to your vacation.

In situations such as a serious illness requiring hospitalization or doctor's care, death in the family, or call to jury or military service that occur while you are on a scheduled vacation, you may ask your department head to authorize an extension of your vacation or to restore an appropriate amount of vacation for later use.

If you leave the college, your last work day in a position is considered your official termination date. Any vacation you have earned as of that date will be paid to you. Normally, vacation time should not be used during your notice period. You may not use vacation to extend your official termination date.

Vacation Requests

Requests for vacation should be made in writing to your supervisor or department head as far in advance as possible in order to minimize disruption in the department's work. Vacations should not interfere with the normal operating efficiency of your office or department.

Departments which experience cyclical periods of heavy workload may require that vacations not be taken during those times. Likewise, departments which experience "downtime" during certain periods may encourage staff to schedule vacations at those times. In these cases department heads should notify staff of these requirements in advance, preferably at the time of hire.

Vacation Approval

Your supervisor or department head is responsible for scheduling all vacations. Although every reasonable attempt will be made to accommodate your request, your department head has the right to limit or refuse vacations if, in his/her opinion, your vacation at that time would disrupt department operations.

Employees are encouraged to cooperate with each other in arranging for vacation leave requests. In the case of conflicting vacation requests that the individuals involved cannot resolve, consideration will be given to the order in which vacation requests were received and to the employees' length of service in that office.

Whenever possible, you are encouraged to keep your department informed of your vacation itinerary so that you can be reached in the event of an emergency.

All inquiries regarding vacation entitlement and use should be directed to your supervisor or department head, or to the Office of Human Resources.

Eligibility

If you are employed in a regular or limited-term position of half-time or more, you are eligible for paid vacation. If you work a part-time schedule of half-time or more, you are eligible for prorated vacation based on the number of hours you are scheduled to work. If you work less than half-time or hold a temporary position, you are not eligible for paid vacation.

Vacation Accrual

Regular Positions (11- and 12-month schedules)

Vacation is accrued on an anniversary-year basis. You begin to earn vacation starting with your date of hire and continue to accrue a portion of your vacation each pay period. With the approval of your immediate supervisor, you are eligible to use vacation after you have completed six months of service.

Non-exempt/administrative support staff in regular 12-month positions accrue vacation biweekly as outlined on the chart below. Your vacation accrual (in hours) appears on your pay stub.

Years of Service as of Anniversary Date		35-Hour Schedule	40-Hour Schedule
up to 3 years	2 weeks =	70 hours	80 hours
3 but less than 5 years	3 weeks =	105 hours	120 hours
5 - 25 years	4 weeks =	140 hours	160 hours
25+ years	5 weeks =	175 hours	200 hours

If you work an 11-month schedule, your vacation entitlement is prorated based on the amount granted to 12-month employees.

Academic-Year Positions (9- and 10-month schedules)

If you work an academic-year schedule, you do not accrue vacation. Instead, you are entitled to approximately 10 paid recess days to be taken during scheduled college recess periods (fall, winter, and spring breaks). The number of paid recess days may vary slightly from year to year based on the academic calendar. A calendar of recess days for academic-year staff is published and distributed prior to the beginning of the academic year. For new employees, recess days are prorated based on your date of hire.

If department needs require that you work one or more days during a normal college recess period, you are entitled to take an equal amount of time off at a later date mutually agreed upon between you and your supervisor.

If you are a 9- or 10-month employee working in an administrative department, you may take recess leave either during college recess periods or at times that are mutually agreed upon between you and your supervisor.

After 25 years of service, you are entitled to an extra five recess days which may be taken at times that are mutually agreed upon between you and your supervisor.

Limited-Term Positions

If you hold a limited-term position which exceeds three consecutive years, you are entitled to vacation on the same terms and conditions as employees holding regular positions. Payment will be made for unused vacation at the expiration of the limited-term position. However, the college encourages you to take your vacation during the term of your appointment.

11- and 12-month schedules: If you hold a limited-term position of one to three years, you accrue vacation at the rate of 10 days per year to be taken at a time mutually agreed upon between you and your supervisor.

9- and 10-month schedules: If you work an academic-year schedule, your recess days (approximately 10 days) should be taken at a time mutually agreed upon between you and your supervisor.

Maximum Accrual

In cases where departmental workload makes it difficult for you to take your full vacation, or where special personal circumstances apply, unused vacation may be carried into the next fiscal year. Accrual of vacation stops when your vacation bank totals 1½ times your annual accrual rate as shown in the chart below.

Years of Service as of Anniversary Date		35-Hour Schedule	40-Hour Schedule
up to 3 years	2 weeks =	105.0 hours	120 hours
3 but less than 5 years	3 weeks =	157.5 hours	180 hours
5 but less than 25 years	4 weeks =	210.0 hours	240 hours
25+ years	5 weeks =	262.5 hours	300 hours

Vacation Leave Terms and Conditions

All vacation is at full salary (based on your normal salary rate) and all benefits continue during paid vacation leave. You accrue vacation during all absences **except** the following:

- Leave Without Pay;
- Long-Term Disability Leave;
- Any combination of paid and/or unpaid leave which exceeds 12 consecutive weeks.

Any college holiday which occurs while you are on vacation is considered a holiday and is not charged to your vacation.

In situations such as a serious illness requiring hospitalization or doctor's care, death in the family, or call to jury or military service that occur while you are on a scheduled vacation, you may ask your department head to authorize an extension of your vacation or to restore an appropriate amount of vacation for later use.

If you leave the college, your last work day in a position is considered your official termination date. Any vacation you have earned as of that date will be paid to you. Normally, vacation time should not be used during your notice period. You may not use vacation to extend your official termination date.

Vacation Requests

Requests for vacation should be made in writing to your supervisor or department head as far in advance as possible in order to minimize disruption in the department's work. Vacations should not interfere with the normal operating efficiency of your office or department.

Departments which experience cyclical periods of heavy workload may require that vacations not be taken during those times. Likewise, departments which experience "downtime" during certain periods may encourage staff to schedule vacations at those times. In these cases department heads should notify staff of these requirements in advance, preferably at the time of hire.

Vacation Approval

Your supervisor or department head is responsible for scheduling all vacations. Although every reasonable attempt will be made to accommodate your request, your department head has the right to limit or refuse vacations if, in his/her opinion, your vacation at that time would disrupt department operations.

Employees are encouraged to cooperate with each other in arranging for vacation leave requests. In the case of conflicting vacation requests that the individuals involved cannot resolve, consideration will be given to the order in which vacation requests were received and to the employees' length of service in that office.

Whenever possible, you are encouraged to keep your department informed of your vacation itinerary so that you can be reached in the event of an emergency.

Vacation Salary Advances

For more information, please see Vacation Salary Advances (section 300).

The college grants paid sick leave to eligible staff who are unable to work due to personal illness or injury that is not work related.

Eligibility

If you are employed in a regular, casual, limited-term, or hold a temporary position of half time or more, you are eligible for paid sick leave. If you work a regular part-time schedule of half time or more, you are eligible for prorated sick leave based on the number of hours you are regularly scheduled to work.

Employees who do not meet the College’s benefits eligibility criteria, may accrue up to five (5) days of earned sick time in accordance with Massachusetts Earned Sick Time law. Please refer to the Massachusetts Earned Sick Time policy (Section 523) for more information regarding this law.

Sick Leave Availability

Sick leave for exempt/administrative staff holding regular or limited-term positions is outlined below:

Regular Positions: If you work a regular 12-month schedule, you are eligible for paid sick leave as outlined below.

<u>Length of college service at start of illness/injury</u>	<u>Sick Leave Availability</u>
Less than two years	Up to three months (65 work days) less the number of sick leave days used in the prior 52 weeks
Two years or more	Up to six months (130 work days) less the number of sick leave days used in the prior 52 weeks. (Note: Six months is the waiting period for long-term disability benefits.)

If you work a 9-, 10-, or 11-month schedule, your sick leave entitlement is prorated based on the amount granted to 12-month employees.

Limited-Term Positions: If you hold a limited-term position which exceeds three consecutive years, you are entitled to sick leave on the same terms and conditions as employees holding regular positions.

If you hold a limited-term position of one to three years, you accrue sick leave at the rate of one day per month of work (up to 12 days per fiscal year). Earned but unused sick leave may be accumulated from year to year.

Terms and Conditions of Sick Leave Use

Paid sick leave is based on your regular rate of pay. The length of paid sick leave to which you are entitled for a certified illness or injury will depend upon the number of days of sick leave you have available. Please note the following:

- Sick leave covers an absence due to non-job-related accidents or medical conditions (workers' compensation benefits apply in the case of a job-related accident or illness).
- A staff member is entitled to charge up to forty hours of absence in any fiscal year (July 1–June 30) to her/his accrued sick bank when the illness of a staff member's child (or legal ward), spouse, parent, or parent of a spouse who is regularly dependent on his/her care requires the staff member's absence from work. A medical statement may be required for approval.
- Paid sick leave is provided to protect you financially in the event of an illness or disability. No payment is made for unused sick leave if you leave the college.
- If your paid sick leave is exhausted, available personal time or vacation time will be used to extend the term of paid leave.

When all paid leave is exhausted, you may be eligible for an unpaid leave under one of the college's leave plans. See the sections Family Leave, Family Medical Leave Act (FMLA), Short-term Absence Without Pay, and Leave Without Pay for additional information.

Effect of Sick Leave on Other Paid Time and Benefits: While on paid sick leave, you continue to earn personal time. Vacation normally accrues during paid sick leave; however, vacation does not accrue during any combination of paid and/or unpaid leave which exceeds 12 consecutive work weeks. All benefits remain in effect. You may be eligible, subject to certification, for paid holidays, bereavement leave, and supplemental jury duty pay while you are on sick leave of up to 10 work days. Recess time cannot be rescheduled to extend paid sick leave.

Medical Certification

If you are absent for more than twenty-four consecutively scheduled hours due to illness, accident, or surgery, or at other times at the discretion of the college, the college may require you to submit a doctor's statement or other medical evidence indicating your degree of fitness and your ability to resume the duties of your job.

Your supervisor may require medical certification for an illness of any length when, in his or her judgment, there is a question of (1) illness or injury affecting your ability to perform

safely on the job; (2) possible contagion; (3) possible work-relatedness of the disability; or (4) possible abuse of sick leave benefits.

Unauthorized or excessive absences will be cause for disciplinary action, up to and including termination of employment.

Notification

If you are ill or injured and are unable to report to work, you are responsible for notifying your supervisor or department head as soon as possible.

In the case of routine minor illnesses (cold, flu, etc.), you are expected to call and inform your supervisor each day that you will not be reporting. Such notice will assist your supervisor in scheduling or reassigning work.

If your medical leave will be lengthy, you should contact your supervisor or department head on a regular basis to report on your progress and the estimated or actual date of your return to work.

Replacement of Staff on Medical Leave or Disability

Under normal circumstances, the college will hold a position open for a regular full- or part-time employee with a serious illness or disability during the first 12 months of an authorized paid or unpaid leave. During such an authorized leave, the employee's position will normally be filled on a temporary basis only. Following 12 months of absence, the staff member's employment will be terminated.

The college reserves the right to fill a position on a regular basis prior to 12 months in situations such as the following: 1) in the case of senior administrators who occupy strategic positions; 2) when the college's or the department's needs require this action; or 3) where it appears highly unlikely that the employee will be able to return to work. The decision to fill a position prior to 12 months must be approved by the Associate Vice President for Human Resources.

Medical Leave Application Process

As soon as it is apparent that you will be out of work for **10 or more consecutive work days** with any medical disability, you should obtain the following three forms:

- *Employee Application for Medical Leave*
- *Attending Physician's Statement*
- *Physician's Approval to Return to Work*

You should promptly complete the *Employee Application for Medical Leave* form and submit it to the Office of Human Resources and give the *Attending Physician's Statement* to

your doctor requesting that s/he return the completed form as soon as possible to the Office of Human Resources.

In most cases the *Attending Physician's Statement* will provide the college with the medical information necessary to administer this plan. However, in those situations where the college believes that more complete medical information is necessary, the college reserves the right to have you sign a *Medical Release Form* allowing the Office of Human Resources and/or the Office of Health Services or another college-designated physician to contact your physician directly to discuss your medical condition. Upon review of your application and your physician's statement, the Office of Human Resources will confirm, in writing, to you and your department head the terms of your medical leave and the expected date (if known) of your return to work.

Return to Work Certification

When you have been examined by your personal doctor and have been cleared to return to work, you should ask your doctor to complete the *Physician's Approval to Return to Work* form and provide it to the Office of Human Resources. The college may require you to be examined by a college-designated physician before returning to work to ensure your ability to resume the duties of your job.

Long-Term Disability

In the event of serious or permanent disability (either full or partial) which will prevent you from returning to work for an extended period of time, you should contact the Office of Human Resources regarding your potential eligibility for long-term disability (LTD) benefits. The Office of Human Resources will review your situation with you and will assist you in completing the LTD application.

The college grants paid sick leave to eligible staff who are unable to work due to personal illness or injury that is not work related.

Eligibility

If you are employed in a regular, casual, limited-term, or hold a temporary position, you are eligible for paid sick leave. If you work a regular part-time schedule of half time or more, you are eligible for prorated sick leave based on the number of hours you are regularly scheduled to work.

Employees who do not meet the College's benefits eligibility criteria, may accrue up to five (5) days of earned sick time in accordance with Massachusetts Earned Sick Time law. Please refer to the Massachusetts Earned Sick Time policy (Section 523) for more information regarding this law.

Sick Leave Availability

You accrue sick leave at the rate of one day per month of eligible service. If you work a 9-, 10-, or 11-month schedule, your sick leave entitlement is prorated based on the amount granted to 12-month employees (i.e., one day per month of eligible service). You begin to earn sick leave starting with your date of hire and earn prorated hours each month. Your sick leave accrual (in hours) appears on your pay stub. If you are a casual employee, you earn one hour of sick leave for every thirty hours of work.

The college encourages you to accumulate sick leave in order to protect yourself in the case of a lengthy illness or disability. Earned but unused sick leave may be carried forward and accumulated from year to year.

Six months is the waiting period for long-term disability (LTD) income benefits. If your accrued sick leave exceeds six months, and if you qualify for LTD benefits, the remainder of your sick leave, if any, is reserved and you begin receiving LTD benefits after completion of the waiting period.

Terms and Conditions of Sick Leave Use

Paid sick leave is based on your regular rate of pay. The length of paid sick leave to which you are entitled for a certified illness or injury will depend upon the number of days of sick leave you have available. Please note the following:

- Sick leave covers an absence due to non-job-related accidents or medical conditions (workers' compensation benefits apply in the case of a job-related accident or illness).

- A staff member is entitled to charge up to forty (40) hours of absence in any fiscal year (July 1–June 30) to her/his accrued sick bank when the illness of a staff member’s child (or legal ward), spouse, parent, or parent of a spouse who is regularly dependent on his/her care requires the staff member’s absence from work. A medical statement may be required for approval.
- If possible, you should schedule medical or dental appointments outside of regular work hours. If this is impractical, check with your supervisor in advance about adjusting your work schedule. Sick leave may be used for doctor, dentist, and other medical appointments which cannot be scheduled outside of work hours.
- Paid sick leave is provided to protect you financially in the event of an illness or disability. No payment is made for unused sick leave if you leave the college.
- If your paid sick leave is exhausted, available personal time or vacation time will be used to extend the term of paid leave.

When all paid leave is exhausted, you may be eligible for an unpaid leave under one of the college’s leave plans. See the sections Family Leave, Family Medical Leave Act (FMLA), Short-term Absence Without Pay, and Leave Without Pay for additional information.

Effect of Sick Leave on Other Paid Time and Benefits

While on paid sick leave, you continue to earn personal time. Vacation normally accrues during paid sick leave; however, vacation does not accrue during any combination of paid or unpaid leave which exceeds 12 consecutive work weeks. All benefits remain in effect. You may be eligible, upon certification, for paid holidays, bereavement leave, and supplemental jury duty pay while you are on paid sick leave of up to 10 work days. Recess time cannot be rescheduled to extend paid sick leave. You earn sick leave during all absences **except** the following:

- FMLA Leave;
- Leave Without Pay;
- Long-Term Disability Leave.

Medical Certification

If you are absent for more than twenty-four hours of consecutively scheduled work due to illness, accident, or surgery, or at other times at the discretion of the college, the college may require you to submit a doctor's statement or other medical evidence indicating your degree of fitness and your ability to resume the duties of your job.

Your supervisor may require medical certification for an illness of any length when, in his or her judgment, there is a question of (1) illness or injury affecting your ability to perform

safely on the job; (2) possible contagion; (3) possible work-relatedness of the disability; or (4) possible abuse of sick leave benefits.

Unauthorized or excessive absences will be cause for disciplinary action, up to and including termination of employment.

Notification

If you are ill or injured and are unable to report to work, you are responsible for notifying your supervisor or department head as soon as possible.

In the case of routine minor illnesses (cold, flu, etc.), you are expected to call and inform your supervisor each day that you will not be reporting. Such notice will assist your supervisor in scheduling or reassigning work.

If your medical leave will be lengthy, you should contact your supervisor or department head on a regular basis to report on your progress and the estimated or actual date of your return to work.

Replacement of Staff on Medical Leave or Disability

Under normal circumstances, the college will hold a position open for a regular full- or part-time employee with a serious illness or disability during the first 12 months of an authorized paid or unpaid leave. During such an authorized leave, the employee's position will normally be filled on a temporary basis only. Following 12 months of absence, the staff member's employment will be terminated.

The college reserves the right to fill a position on a regular basis prior to 12 months in situations such as the following: 1) in the case of senior administrators who occupy strategic positions; 2) when the college's or the department's needs require this action; or 3) where it appears highly unlikely that the employee will be able to return to work. The decision to fill a position prior to 12 months must be approved by the Associate Vice President for Human Resources.

Medical Leave Application Process

As soon as it is apparent that you will be out of work for **10 or more consecutive work days** with any medical disability, you should obtain the following three forms:

- *Employee Application for Medical Leave*
- *Attending Physician's Statement*
- *Physician's Approval to Return to Work*

You should promptly complete the *Employee Application for Medical Leave* form and submit it to the Office of Human Resources and give the *Attending Physician's Statement* to

your doctor requesting that s/he return the completed form as soon as possible to the Office of Human Resources.

In most cases the *Attending Physician's Statement* will provide the college with the medical information necessary to administer this plan. However, in those situations where the college believes that more complete medical information is necessary, the college reserves the right to have you sign a *Medical Release Form* allowing the Office of Human Resources and/or the Office of Health Services or another college-designated physician to contact your physician directly to discuss your medical condition. Upon review of your application and your physician's statement, the Office of Human Resources will confirm, in writing, to you and your department head the terms of your medical leave and the expected date (if known) of your return to work.

Return to Work Certification

When you have been examined by your personal doctor and have been cleared to return to work, you should ask your doctor to complete the *Physician's Approval to Return to Work* form and provide it to the Office of Human Resources. The college may require you to be examined by a college-designated physician before returning to work to ensure your ability to resume the duties of your job.

Long-Term Disability

In the event of serious or permanent disability (either full or partial) which will prevent you from returning to work for an extended period of time, you should contact the Office of Human Resources regarding your potential eligibility for long-term disability (LTD) benefits. The Office of Human Resources will review your situation with you and will assist you in completing the LTD application.

The college has established a Sick Leave Bank for eligible non-exempt/administrative support and service staff members who are absent from work for an extended period of time due to a non-work-related disability.

Eligibility

If you have been employed at the college for a minimum of 12 consecutive months in a regular position of half time or more, you are eligible to participate in the Sick Leave Bank.

If you hold a limited-term position which exceeds three years, you are eligible to participate in the Sick Leave Bank on the same terms and conditions as employees holding regular positions, provided the paid sick leave is taken prior to the end of the appointment.

If you have been employed at the college for less than 12 consecutive months, work less than half time, hold a limited-term position of from one to three years, or hold a temporary position, you are not eligible to participate in the Sick Leave Bank. In these instances, time lost due to a non-work-related disability where paid sick leave (if any) has been exhausted may be covered by using available personal time or vacation, or by requesting an unpaid leave. See the sections *Family Medical Leave Act (FMLA)* and *Short-Term Absence Without Pay* for more information.

Membership

The Sick Leave Bank membership year runs from January 1 through December 31.

Initial option to join or decline: One the first of the month following your one-year anniversary, you will be sent notification that you are eligible to join the Sick Leave Bank. You can either join or decline membership at that time. If you elect to join, there is an initial donation requirement of one day of your sick leave.

Annual enrollment period to join or withdraw: An open enrollment period is held annually in the fall; materials are sent to eligible employees with dates for open enrollment. During the enrollment period, eligible employees may elect to join, withdraw, or choose no change in membership from the Sick Leave Bank. If no changes are indicated during the open enrollment period, you will automatically retain your current membership status pending donation requirement, when relevant.

Member Donations

If you join the Sick Leave Bank on your initial option, on the first of the month following your one-year anniversary, the donation will be one day of sick time. In addition, throughout the membership year, the Office of Human Resources will evaluate the Sick

Leave Bank balance. Based on the quarterly balance donation guidelines (see below), a subsequent donation may be required.

If you join or renew membership at the annual enrollment period, for the upcoming membership year, the donation requirement will be as follows:

If you were previously eligible for membership in the Bank, and are not currently a member, the number of days you would have donated since you were most recently eligible will be required at this time – up to a maximum of 10 days.

In addition, throughout the membership year, the Office of Human Resources will evaluate the Sick Leave Bank balance. Based on the quarterly balance donation guidelines (see below), a subsequent donation may be required.

Quarterly Balance Donation Guidelines

<u>Sick Leave Bank Hours Balance</u>	<u>Required Donation</u>
Less than 0 or a negative balance	3 days
0 – 499 hours	2 days
500 – 1199 hours	1 day
Greater than 1200 hours	0 days

As of March 11, 2016: The balance is 1,782 hours, and no addition donation is required at this time. The balance will be updated in July.

Terms and Conditions

As a member of the Sick Leave Bank, you may apply for up to 60 days of additional sick leave per rolling twelve-month period. A request can be made at any time once it is established that your absence will extend more than two weeks.

In considering your application, the Office of Human Resources will review the amount of other paid time to which you may be entitled. An award of Sick Leave Bank days plus your own sick leave may not exceed the six-month waiting period (approximately 180 days) for the college's Long-Term Disability Insurance Plan.

You will not be denied continued membership in the Bank if you have no sick leave days to donate, when and if additional days are assessed. However, you will be considered a member “not in good standing”, until you donate the additional day(s). If a member is “not in good standing,” the member is not allowed to use days from the Sick Leave Bank. A member becomes “not in good standing” when they do not have enough sick time accrued to fulfill to donation requirement, or if they have used the maximum of 60 days of time from the Sick Leave Bank over the past 12 months.

If you are drawing on the Sick Leave Bank and accrue additional vacation or sick time, that time will be applied to your time sheet prior to adding Sick Leave Bank hours.

Application and Authorization Process

To apply for a grant of Sick Leave Bank days, you must contact the Office of Human Resources, and must be on an approved medical leave. Please note that before you may be receive days from the Sick Leave Bank, you must have exhausted all of your sick, vacation, and personal time.

Eligibility

If you are employed in a regular or limited-term position of half time or more, you are eligible for paid bereavement leave. If you work half time or more, you are eligible for prorated paid bereavement leave based on the number of hours you are regularly scheduled to work.

If you work less than half time or hold a temporary position, you may request a short-term absence without pay in the event of a death in your family or household.

Terms and Conditions

Bereavement leave is granted to allow you to participate in events related to death and burial, and is not granted if no such participation occurs. Paid bereavement leave is granted as follows:

Member of Immediate Family or Household: You will be granted up to three days of paid bereavement leave within a reasonable period following the date of death of a member of your immediate family or household. The amount of time granted will be based on family or funeral obligations and the closeness of your relationship to the deceased. One or two additional days of paid bereavement leave may be granted at the discretion of your department head if you must travel a considerable distance (i.e., outside New England or the Northeast) to attend the funeral of a member of your immediate family.

Other Relatives and Friends: In the event of the death of any other close relative, you will be granted one day of paid bereavement leave so that you may attend the funeral. With the approval of your department head, you may be allowed a reasonable number of hours to attend local funerals of close friends, neighbors, etc.

If you require additional time off for family reasons or to settle an estate, you may use personal time or vacation to extend your absence, or you may request an unpaid leave under the terms of the *Short-Term Absence Without Pay* or *Leave Without Pay* plans.

Effect of Bereavement Leave on Other Paid Time and Benefits

You are entitled to paid bereavement leave while on paid leave of 10 work days or less. Bereavement leave is not granted during unpaid leaves. While on paid bereavement leave

you continue to earn personal time, vacation and sick leave at your normal rate. All benefits remain in effect.

If an official holiday to which you are entitled falls on a day for which you have been granted paid bereavement leave, you may arrange with your supervisor or department head to take another day off with pay on a mutually convenient day within 30 days of the holiday.

If a death in your immediate family occurs while you are on vacation, you will be granted bereavement leave and may arrange, with the approval of your supervisor, to take an additional day of vacation for each day of funeral leave.

Questions about bereavement leave should be directed to your supervisor or department head, or to the Office of Human Resources.

The college recognizes the civic responsibility of employees to serve on juries. If you are called for jury duty, you are eligible for jury duty pay. Under current Massachusetts law, jury service is generally limited to one day or the length of one trial, and virtually no one is exempt from service. Jurors are summoned at least three months prior to the date of service and are entitled to one postponement of up to one year. Employers normally are required to pay regular wages to those serving as jurors for the first three days of jury service. On the fourth day and thereafter, each trial juror receives jury duty pay from the Commonwealth of Massachusetts.

Regular and Limited-Term Employees

If you are employed in a regular or limited-term position of half time or more, you are eligible for supplemental jury duty pay in addition to the three days of pay stipulated under Massachusetts law. If you work half time or more but less than full time, you will be reimbursed for regular work hours missed during jury service for up to 10 work days per year. Continued reimbursement for long-term jury duty leave will be reviewed on a case-by-case basis.

When the college continues to pay your regular salary while you are serving on jury duty, you must endorse over to the college any checks received from the Commonwealth. You are entitled to keep any mileage or parking reimbursement payments. Upon completion of the service, you should submit to the Office of Human Resources the court-issued statement verifying the dates and times of your appearance or service and the amount of any jury duty pay received.

Temporary Employees

If you work less than half time or hold a temporary position, you will be paid for your usual number of hours for the first three days of jury duty, provided that the hours you would have worked can be determined based on the average of your previous three months of employment at the college. On the fourth day and thereafter, you retain the jury duty pay received from the Commonwealth.

General Procedures

If you are called for jury duty and will miss work, you should notify your supervisor and send a copy of the selection notice to the Office of Human Resources as soon as possible.

Jury duty may be postponed where significant inconvenience to the department may occur. If a work-related postponement is deemed necessary, you or your supervisor should alert the Office of Human Resources as soon as you receive the selection notice and you will be assisted in requesting a postponement.

Under the one-day/one-trial system, jurors are often dismissed early in the day. If you are required to attend court for less than a full day, you are expected to return to work to complete the remainder of your regular schedule.

Effect of Jury Duty on Other Paid Time and Benefits

While serving on jury duty leave, you continue to earn personal time, vacation, and sick leave at your normal rate. Benefits remain in effect.

If you are required to perform jury duty during a college holiday or a previously scheduled vacation, you may arrange with your supervisor or department head to take an alternative day off with pay on a mutually convenient day within 30 days of the holiday, or to reschedule your vacation.

Supplemental jury duty pay is granted during paid leaves of up to 10 work days; it is not granted during paid leaves of more than 10 days and during unpaid leaves.

Situations Not Covered by This Policy: If you become involved in a legal matter as a result of the performance of your duties at the college and must appear in court or attend related proceedings, you are considered to be on college business and this leave plan does not apply. If you are required to appear in court as a plaintiff, defendant, or witness in any action unrelated to college business, you are expected to use personal time or vacation time, or to request unpaid leave.

If you are a member of the National Guard or a military reserve unit, you will be granted unpaid time off for periods of required reserve training in accordance with federal law. The college provides a military pay differential to eligible employees.

Military Differential Pay

Regular Employees: Time off for military reserve training is unpaid; however, if you are employed in a regular position of half time or more, you may be eligible for military differential pay for up to 10 work days in a calendar year. If you work half time or more, you are eligible for prorated differential pay based on the number of hours you are regularly scheduled to work.

Military differential pay is available only if you are scheduled for reserve training during the period of time you would normally be at work (e.g., if you work an academic-year schedule, you would not be eligible for differential pay for reserve training during the summer).

Upon receipt of the appropriate documentation, the college will pay the difference between your regular salary and your military pay for the period of required reserve training up to a maximum of 10 work days in a calendar year, provided that your military pay is less than your regular college pay for the work days missed. For the purpose of calculating differential pay, military pay includes base pay and allowances for subsistence, quarters, and travel (unless the allowances are offset by out-of-pocket expenses).

To request military differential pay, submit to the Office of Human Resources your military pay voucher which verifies the dates you were on reserve training and which includes a detailed breakdown of military pay and allowances.

Limited-Term Employees: If you hold a limited-term position which exceeds three years, you are entitled to military differential pay on the same terms and conditions as employees holding regular positions. If you hold a limited-term position of from one to three years, you are not eligible for military differential pay.

Temporary Employees: If you work less than half time, or hold a temporary position, you are not eligible for military differential pay.

Effect of Military Leave on Paid Time Off and Benefits

While on military reserve training leave, you continue to earn personal time, vacation time, and sick leave at your normal rate. Time off for military reserve training will not be charged against your vacation time or personal days; however, you may elect to use vacation and/or personal time for this purpose.

If an official holiday to which you are entitled falls on a day for which you have been granted time off for military reserve training, you may arrange with your supervisor or department head to take another day off with pay on a mutually convenient day within 30 days of the holiday.

You may continue to participate in the college's benefit plans during military reserve training. (NOTE: Some benefit plans have contractual exclusions for some injuries or illnesses which result from military service.) The college will continue its premium contributions toward your coverage for health, dental, life, and long-term disability insurance, and you will be responsible for your share of the cost. Retirement contributions are not made during unpaid time off for military reserve training (except on differential pay).

Procedures

When you have received notice to report for military reserve training, you are required to inform your supervisor and department head. Provide a copy of your orders to your supervisor and to the Office of Human Resources as soon as possible.

Military reserve training leave may sometimes be postponed where significant inconvenience may occur. If a work-related postponement is deemed necessary, you or your supervisor should alert the Office of Human Resources as soon as you receive your training orders. A Human Resources staff member will assist you in requesting a postponement.

In the case of exempt staff, supervisors must notify the Office of Human Resources and forward the duty orders immediately so pay can be withheld for the exact dates the employee will be on unpaid military training leave. In the case of non-exempt staff, supervisors should identify unpaid military training leave and the number of hours the employee was regularly scheduled to work on each work day missed.

Upon completion of active duty, staff members who are eligible for military differential pay should submit the military pay voucher which verifies the dates and times of military reserve training and the detailed breakdown of military pay to the Office of Human Resources.

If you are a member of the National Guard or a military reserve unit and are called to active military duty during a national, state, or local emergency, you will be granted unpaid military leave in accordance with applicable federal and state law. Such leave protects an employee's seniority and right to return to the same or a comparable position. The college provides a military pay differential to eligible employees.

Military Differential Pay

Regular Employees: Military leave is unpaid; however, if you are employed in a regular position of half time or more, you may be eligible for military differential pay for up to 10 work days in a calendar year. If you work half time or more, you are eligible for prorated differential pay based on the number of hours you are regularly scheduled to work. If military leave exceeds one calendar year, the differential is paid in the first year only.

Military differential pay is available only if you are called to active duty during the period of time you would normally be at work (e.g., if you work an academic-year schedule, you would not be eligible for differential pay for military leave during the summer).

Upon receipt of the appropriate documentation, the college will pay the difference between your regular salary and your military pay for the period of required active duty up to a maximum of 10 work days, provided that your military pay is less than your regular college pay for the work days missed. For the purpose of calculating differential pay, military pay includes base pay and allowances for subsistence, quarters, and travel (unless the allowances are offset by out-of-pocket expenses).

You are not entitled to back pay during military leave, but upon your return your salary will reflect any salary increases you would have received had you not been called to active duty.

To request military differential pay, submit to the office of Human Resources your military pay voucher which verifies the dates you were on active duty and which includes a detailed breakdown of military pay and allowances.

Limited-Term Employees: If you hold a limited-term position which exceeds three years, you are entitled to military differential pay on the same terms and conditions as employees holding regular positions. If you hold a limited-term position of from one to three years, you are not eligible for military differential pay.

Temporary Employees: If you work less than half time, or hold a temporary position, you are not eligible for military differential pay.

Terms and Conditions

If you are called to active military duty during a national, state, or local emergency you will be granted military leave. Upon separation from active duty, you will normally be returned

to your former position or to a comparable position, subject to the provisions and limitations of the Uniformed Services Employment and Reemployment Rights Act.

Under normal circumstances, the college will hold a position open for a regular full- or part-time employee for the first 12 months of military leave, during which the employee's position will normally be filled on a temporary basis only. Following 12 months of absence, the staff member's employment will be terminated. Termination of employment will not affect the employee's right to be reinstated following military service as outlined above.

The college reserves the right to fill a position on a regular basis prior to 12 months in situations such as the following: 1) in the case of senior administrators who occupy strategic positions; or 2) when the college's or the department's needs require this action. However, the replacement must be informed of the staff member's right to reemployment upon separation from active duty. The decision to fill the position prior to 12 months must be approved by the Associate Vice President for Human Resources.

Effect of Military Leave on Paid Time Off and Benefits

Paid Time Off: Time off for military duty will not be charged against your vacation time or personal days. However, you may elect to use vacation and/or personal time for this purpose.

While on military leave, you continue to earn personal time. Vacation and sick leave accruals continue during the first 12 weeks of military leave for those staff who are eligible to receive military differential pay. However, vacation and sick leave do not accrue during any combination of paid and/or unpaid leave which exceeds 12 consecutive weeks. Upon your return to work, vacation and sick leave accruals will resume as if there had been no interruption in service.

You are not entitled to holiday pay, recess pay, jury duty leave, bereavement leave, or any other paid leave while you are on unpaid military leave.

Benefits: You may continue to participate in the college's benefit plans during military leave (NOTE: Some benefit plans have contractual exclusions for some injuries or illnesses which result from military service.) The college will continue its premium contribution toward your coverage for health, dental, life, and long-term disability insurance for up to 12 weeks, and you will be billed for your share of the premiums. Retirement contributions are not made during unpaid military leave (except on differential pay) and tuition benefits are normally not available.

After 12 weeks you may retain membership in the college's group health, dental, life, and LTD insurance plans, but the college will discontinue its contributions and you must assume the full cost.

Procedures

If you have advance notice of orders to report to active duty, you are required to inform your supervisor and department head and to request a military leave if appropriate. However, the law does not require that notice be provided in instances where the orders for active duty cannot be issued in advance. You must provide a copy of your orders to your supervisor and to the Office of Human Resources as soon as possible.

In the case of exempt staff, supervisors must notify the Office of Human Resources and forward the military orders immediately so pay can be withheld for the exact dates the employee will be on unpaid military leave.

In the case of non-exempt staff, supervisors should identify unpaid military leave and the number of hours the employee was regularly scheduled to work on each work day missed on the biweekly time sheets.

Upon completion of active duty, staff members who are eligible for military differential pay should submit the military pay voucher which verifies the dates and times of military reserve training and the detailed breakdown of military pay and allowances to the Office of Human Resources.

Eligibility

If you have been employed at the college for a minimum of 12 consecutive months in a regular position of half time or more, you are eligible for paid parental leave. If you work half time or more, you are eligible for prorated parental leave based on the number of hours you are regularly scheduled to work.

If you hold a limited-term position which exceeds three years, you are entitled to paid parental leave on the same terms and conditions as employees holding regular positions, provided the paid parental leave is taken prior to the end of your appointment or expiration of the grant.

If you have been employed at the college for less than 12 consecutive months, work less than half time, hold a limited-term position of from one to three years, or hold a temporary position, you are not eligible for paid parental leave. You may, however, qualify for unpaid parental leave. See the eligibility requirements in the section *Family Medical Leave Act (FMLA)*.

Male and female staff who are not eligible for a Family and Medical Leave of twelve weeks to care for their child, but who have completed their initial *Orientation and Review Period* at the College may be entitled to the benefits of the Massachusetts Maternity Leave Act (MMLA). MMLA grants employees up to 8 weeks of unpaid leave incident to the birth or adoption of a child under three years of age, provided that s/he provides required notice of the departure date and intention to return to work (Adoptive parents, see *Adoption Leave* policy). The College will continue to pay its share of the individual's benefit costs during such leave as long as the individual pays his/her share.

Up to five (5) days of earned sick time may be applied for this purpose.

Terms and Conditions

Parental leave is available for the birth of your child. If both you and your spouse/partner are college employees, only one primary caregiver leave can be granted. You are eligible for paid leave only if you are returning to work for at least a three month period following the leave.

Primary Caregiver

An employee who takes primary responsibility for the care of a newborn child is eligible for twelve-weeks leave with normal pay for benefits during the period immediately following the birth. A primary caregiver should be that person who takes primary responsibility for the care of an infant the majority of the time. In order to exercise the primary care giver benefit, an employee must complete an *Affidavit of Parental Leave* stating that he or she is the primary person responsible for the child. This policy depends on, and assumes, the good faith of its participants. If at any time it is determined that any information in an Affidavit of Parental Leave is not true, or if leave circumstances change and you are no longer qualified

for paid parental leave, all benefits will cease, and you will be responsible to repay the value of any wages or benefits derived. Salary continuation for parental leave is available only for the period of time you would normally be at work (i.e., if you work an academic-year schedule, you would not be eligible for paid parental leave during the summer).

Non-Primary Caregiver

An employee may apply for up to four weeks of paid parental leave at your normal weekly rate of pay. Leave benefits will be paid only for the periods in which the employee would otherwise have worked.

The College contributions to health, dental, life, and disability insurance in which the employee is enrolled will continue for 12 weeks to the extent provided by the Family and Medical Leave Act. In addition, retirement plan contributions will continue during any period of paid leave.

Application and Approval Process

You should notify your department head as soon as possible but no later than four months before the baby is due or as soon as an adoption is confirmed. You should then obtain from the Office of Human Resources the following:

- *Affidavit of Parental Leave*
- *Attending Physician's Statement (if applicable)*

Promptly complete the Affidavit of Parental Leave and submit it to the Office of Human Resources. Give the Attending Physician's Statement form to your doctor and request that s/he return the completed form to the Office of Human Resources as soon as possible. In the event you adopt a child age five or under into your immediate family, you are eligible for twelve weeks of paid adoption leave at your normal rate of pay beginning on the date the child enters your household. Employees who are adopting more than one child at one time may be entitled to extra leave time and should consult the Office of Human Resources for more information. To be eligible for paid leave, you must be the adopted child's primary caregiver as defined by the adoption agency.

After review of your application and the physician's statement (if applicable), the Office of Human Resources will send a notice to you and your department head confirming the expected dates of your parental leave and of your return to work.

Pre- or Post-Delivery Disability

Sick Leave (to the extent you have it available) will be granted if you are certified by your doctor to be medically disabled either before or after your Parental leave. See Application for Medical Leave under *Sick Leave for Exempt/Administrative Staff* or *Non-Exempt/Administrative Support Staff*.

Additional Leave

Normally the maximum leave period is twelve weeks. Requests for additional time for medical or personal reasons will be considered on a case-by-case basis and depending on operational needs. For more information regarding unpaid leave options, see *Family Leave* and *Family Medical Leave Act (FMLA)*.

Lactation Accommodation

Smith College promotes a respectful and healthy work environment for all employees. In response to the Fair Labor Standards Act and the 2018 Pregnant Workers Fairness Act, a regular employee may request time away from work to express breast milk following the birth of a child. Reasonable efforts will be made to provide a private room or other location in close proximity to the work area for this accommodation. Supervisors and/or Human Resources will ensure that employees are aware of these workplace accommodations prior to parental leave.

Smith College will provide a breastfeeding employee a private space where she can express milk at work if she does not have a private and sanitary space in her department. The private room will include an electrical outlet for the use of an electric breast pump and be situated near a convenient water source for washing hands and rinsing breast pump equipment. Departments are to ensure, to the extent reasonably possible, the availability of cold storage space. The employee may provide her own portable cold storage device or have access to a refrigerator located in the department or building.

The time needed to express milk is paid time if it occurs during work hours. The expectation is that the employee can express milk during break periods and during lunch breaks. If additional time is needed, supervisors are encouraged to grant reasonable flexible scheduling to accommodate the need.

For further inquiries, contact Human Resources at 413-585-2270.

The college offers paid adoption leave to an employee who is the primary caregiver of a newly adopted child.

Eligibility

If you have been employed at the college for a minimum of 12 consecutive months in a regular position of half time or more, you are eligible for paid adoption leave. If you work half time or more, you are eligible for prorated adoption leave based on the number of hours you are regularly scheduled to work.

If you hold a limited-term position which exceeds three years, you are entitled to paid adoption leave on the same terms and conditions as employees holding regular positions, provided the adoption leave is taken prior to the end of your appointment.

If you have been employed at the college for less than 12 consecutive months, work less than half time, hold a limited-term position of from one to three years, or hold a temporary position, you are not eligible for paid adoption leave. You may, however, qualify for unpaid adoption leave. See the eligibility requirements in the section ***Family Medical Leave Act (FMLA)***.

Male and female staff who are not eligible for a Family and Medical Leave of twelve weeks to care for their child, but who have completed their initial **Orientation and Review Period** at the college may be entitled to the benefits of the Massachusetts Maternity Leave Act (MMLA). MMLA grants employees up to 8 weeks of unpaid leave incident to the birth or adoption of a child three years of age, provided that s/he provides required notice of the departure date and intention to return to work. The College will continue to pay its share of the individual's benefit costs during such leave as long as the individual pays his/her share.

Up to five (5) days of earned sick time may be applied for this purpose.

Terms and Conditions

In the event you adopt a child age five or under into your immediate family, you are eligible for twelve weeks of paid adoption leave at your normal rate of pay beginning on the date the child enters your household. Employees who are adopting more than one child at one time may be entitled to extra leave time and should consult the Office of Human Resources for more information. To be eligible for paid leave, you must be the adopted child's primary caregiver as defined by the adoption agency.

Salary continuation for adoption leave is available only for the period of time you would normally be at work (i.e., if you work an academic-year schedule, you would not be eligible for paid adoption leave during the summer). Recess time cannot be rescheduled to extend adoption leave beyond twelve weeks. Adoption leave for academic-year employees cannot be split between two academic years. Your position will be held for the period of your

absence. If you apply for an adoption leave, you are expected to return to active employment at the end of your leave.

Effect of Adoption Leave on Other Paid Time and Benefits

You continue to earn personal time, sick leave, and vacation time at your normal rate while on adoption leave. Holiday pay, recess pay, supplemental jury duty pay, and bereavement leave are not available while you are on adoption leave. All benefits remain in effect, and the college will continue to make its usual contribution to your benefits during paid adoption leave.

Application and Approval Process

A request for adoption leave must be discussed with your department head as soon as the adoption is confirmed. This discussion should occur as early in advance of the adoption as possible. You need to obtain an *Application for Adoption Leave* from the Office of Human Resources and submit it along with a letter from the adoption agency establishing the expected date of adoption to your department head and the Office of Human Resources.

The Office of Human Resources is responsible for reviewing and approving the terms of adoption leaves. Upon receipt of your application form and the letter from the adoption agency, the Office of Human Resources will confirm the terms of your adoption leave and the date of your expected return to work.

As final adoption dates cannot always be determined in advance, it is your responsibility to keep your department head informed about the specific date on which your adoption leave will begin. Your department head is responsible for informing the Office of Human Resources about the exact dates of your leave.

Additional Leave

Normally the maximum leave period is twelve weeks. Requests for additional time for personal reasons will be considered on a case-by-case basis and depending on operational needs. For more information regarding unpaid leave options, see *Family Leave and Family Medical Leave Act (FMLA)*.

The college offers an unpaid family leave of absence and/or a temporary work schedule adjustment so that you may devote time to your family during a period of crisis (such as a serious long-term illness or the death of a child, spouse/partner, or parent) or following a major life event (such as birth or adoption).

Eligibility

If you have been employed at the college for a minimum of 12 consecutive months in a regular position of half time or more, you are eligible to apply for family leave.

If you hold a limited-term position which exceeds three years, you are entitled to family leave on the same terms and conditions as employees holding regular positions.

If you have been employed at the college for less than 12 consecutive months, work less than half time, hold a limited-term position of from one to three years, or hold a temporary appointment, you are not eligible for family leave under this plan. You may, however, qualify for unpaid family leave under the terms of the *Family Medical Leave Act (FMLA)*. In these cases, FMLA will run concurrently with Smith College's Family Leave.

You may be entitled to charge up to forty (40) hours of absence in any fiscal year (July 1-June 30) to your accrued sick bank when the illness of child (or legal ward), parent, spouse, or a parent of a spouse, who is regularly dependent on your care, requires your absence from work. A medical statement may be required for approval. See Earned Sick Time policy (Section 523)

Terms and Conditions

Two options are available under family leave: an unpaid leave of absence or a work schedule adjustment. The two options may be combined, providing the total does not exceed 12 weeks in any two-year period.

Supervisors and staff considering these options should contact the Office of Human Resources for more information.

Family Leave of Absence: You may request an unpaid family leave of absence of up to 12 consecutive work weeks. Your position will be held during the time you are gone. If you are granted a family leave of absence, you are expected to return to active employment at the end of your leave. Academic-year employees cannot split a family leave of absence between two academic years. Recess time cannot be rescheduled to extend the 12-week period.

You continue to earn personal time, vacation, and sick leave at your normal rate of pay while on a family leave of absence. However, vacation does not accrue during any combination of paid or unpaid leave which exceeds 12 consecutive weeks. You are not

entitled to holiday pay, recess pay, supplemental jury duty pay, or paid bereavement leave while you are on unpaid family leave.

The college will continue to make its usual contribution to your benefits (except for retirement contributions). You are responsible for paying your normal share of the costs. If you do not return to work following a family leave of absence, your college-paid benefits will cease as of your last day of work.

Work Schedule Adjustment: You may request a work schedule adjustment of up to 12 consecutive work weeks. Options for work schedule adjustments can include a modified daily schedule, a compressed work week, or a reduction in work hours. In the case of a reduction in work hours, your salary is prorated but benefits and paid-time accruals continue to be earned as though you were working your normal schedule.

Application Procedures

You may obtain an *Application for Family Leave* from the Office of Human Resources and submit the completed form to your department head. The request for family leave must be discussed with your supervisor and department head. Issues which must be addressed include the impact of the proposed leave and/or adjusted schedule on the department's workload and on co-workers.

If your department head supports your request, s/he will formalize the terms of the leave or adjusted work schedule and forward the request to the Office of Human Resources.

The Office of Human Resources is responsible for approving family leaves of absence and adjusted work schedules. If your request is approved, the Office of Human Resources will confirm the terms and duration of your leave of absence or adjusted work schedule.

Questions regarding family leave should be addressed to your supervisor or department head, or to the Office of Human Resources.

In accordance with the federal Family and Medical Leave Act of 1993 (FMLA), the college provides eligible employees with up to 12 weeks of family and medical leave during any 12-month period. FMLA leave may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances and as specified in this policy. FMLA leave runs concurrently with other college-sponsored leave plans.

Eligibility

In order to qualify for leave under FMLA, you must meet **both** of the following conditions:

- You must have worked for the college at least 12 months (52 weeks). The 12 months (52 weeks) need not have been consecutive. For eligibility purposes, you will be considered to have been employed for an entire week even if you were on the payroll for only part of a week or if you were on leave during the week.
- You must have worked at least 1,250 hours during the 12-month period immediately before the date that the leave would begin.

Reasons for Leave

In order to qualify for FMLA leave under this policy, you must be taking the leave for one of the following reasons:

- the birth of a child and to care for that child;
- the placement in your home of a child for adoption or foster care;
- the care of a spouse, child (or legal ward), or parent with a serious health condition;
- your own serious health condition (described below); or
- for exigent services leave when the employee's spouse, child or parent is called up to or on active military service.

Military Family Exigency

Eligible employees with a spouse, son, daughter or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation are eligible for 12 weeks of leave. Employees may use up to 8 weeks of earned sick time during this 12 week period, as well as any earned vacation time, or take leave without pay. During any portion of the leave that is unpaid, employees will be responsible for the cost of their benefits. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, etc.

Military Service Member Illness or Injury

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. Employees may use up to 8 weeks of earned sick time, and 4 weeks of vacation time during the first 12 weeks of this leave; the remainder of the leave is unpaid. During any portion of the leave that is unpaid, employees will be responsible for the cost of their benefits. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who had a serious injury or illness incurred in the line of duty while on active duty that may render the service member medically unfit to perform his/her duties for which the service member is undergoing medical treatment, recuperative, or therapy; or is in outpatient status, or is on the military's temporary disability retired list.

FMLA Leave Entitlement

You may take up to 12 weeks of FMLA leave during any 12-month period. The college will measure the 12-month period as a rolling 12-month period measured back from the date you use any leave under this policy. Each time you take leave, the college will compute the amount of leave you have taken under this policy and subtract it from the 12 weeks of available leave, with the remaining balance as the amount you are entitled to take at that time.

The following leaves will generally count towards your FMLA entitlement:

- Sick Leave
- Parental Leave
- Adoption Leave
- Family Leave
- Short-Term Absence Without Pay
- Leave Without Pay
- Long-Term Disability Leave
- Workers' Compensation Leave

If you and your spouse both work for the college and each of you wish to take leave for the birth of a child, or due to the placement in your home of a child for adoption or foster care, the two of you together may take a total of 12 weeks of FMLA leave.

Substitution of Paid and Unpaid Leave

If you have accrued paid leave, you must use paid leave first and take the remainder of the 12 weeks as unpaid leave. For example:

- If you are taking FMLA leave because of your own serious health condition or the serious health condition of a family member, you must use all paid sick leave (for your

own health condition) and paid vacation or personal time before you become eligible for unpaid FMLA leave for the remainder of the 12 weeks.

- If you are taking FMLA leave for the birth of a child, you must use parental leave for physical recovery following childbirth. You must then use all paid vacation, personal time, or family leave before you become eligible for unpaid FMLA leave for the remainder of the 12 weeks.
- If you are taking leave due to the placement in your home of a child for adoption or foster care, you must use all paid vacation, personal time, or paid leave before you become eligible for unpaid FMLA leave for the remainder of the 12 weeks.
- Workers' compensation leave will also count as FMLA leave under this policy.

You are entitled to charge up to forty (40) hours of absence in any fiscal year (July 1-June 30) to your accrued sick bank when the illness of someone in your immediate family or household, who is regularly dependent on your care requires your absence from work. A medical statement may be required for approval.

Intermittent Leave or a Reduced Work Schedule

For the birth, adoption, or foster care of a child, FMLA leave must be taken over 12 consecutive weeks. Leave for birth, adoption, or foster care of a child must be taken within one year of the birth or placement of the child.

If you are taking leave for your own serious health condition or because of the serious health condition of a family member, you may take FMLA leave in 12 consecutive weeks, use the leave intermittently (take a day periodically when needed over the year), or, under certain circumstances, use the leave to reduce the work week or work day which would result in a reduced-hour work schedule. In all cases, the leave may not exceed a total of 12 weeks over a 12-month period.

You and the college must mutually agree to an intermittent leave or reduced-hour schedule. If an agreement is not possible, you must prove that the use of the leave is medically necessary. The college may require certification of the medical necessity as discussed below.

The college may temporarily transfer you to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate an intermittent or reduced schedule.

Effect of FMLA Leave on Paid Time and Benefits

While on FMLA leave, you continue to earn personal time. You do not accrue sick leave or vacation, and you are not entitled to recess pay, holiday pay, bereavement leave, jury duty

leave, or any other paid leave. Upon your return to work, vacation and sick leave accruals will resume at the rates in effect at the time the leave began.

While on FMLA leave, you may continue membership in the college's health care program. The college will continue its contribution during the leave period at the same level and under the same conditions as if you had continued to work. You will be billed for your share of the premiums. If you elect not to return to work for reasons other than a continued serious health condition, you must reimburse the college the amount it contributed for your health insurance premiums during the unpaid FMLA leave period.

You may also retain membership in the college's group dental, life, and long-term disability insurance plans during a FMLA leave. The college will continue its contribution during the leave period at the same level and under the same conditions as if you had continued to work. You will be billed for your share of the premiums. Retirement contributions are not made during unpaid FMLA leave and tuition benefits are normally not available.

Serious Health Condition

You may take leave because of a serious health condition that makes you unable to perform the functions of your position. A serious health condition is defined as a condition which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature which would result in recurring or lengthy absences. Generally, a chronic or long-term health condition which, if left untreated, would result in a period of incapacity of more than three days, would be considered a serious health condition. If you have questions about what illnesses are covered under this FMLA policy or under the college's sick leave policy, you are encouraged to consult the Office of Human Resources. The college may require you to provide a doctor's certification of a serious health condition. The certification process is outlined later in this policy.

If you take paid sick leave for a condition that progresses into a serious health condition and you then request unpaid FMLA leave, the college will designate all or some portion of the sick leave as FMLA leave to the extent that the earlier paid leave meets the necessary qualifications.

Medical Certification of a Serious Health Condition

If you request FMLA leave for a serious health condition, the college may ask for medical certification of the condition. You should try to respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification may be provided by submitting the *Attending Physician's Statement* form available from Human Resources.

Certification of a serious health condition includes the date when the condition began, its expected duration, the diagnosis, and a brief statement of treatment. For medical leave for your own medical condition, the certification must also include a statement that you are unable to perform work of any kind, or a statement that you are unable to perform the essential functions of your position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and that your presence would be beneficial or desirable.

If you plan to take intermittent leave or work a reduced schedule, the certification must also include the dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

The college has the right to ask for a second opinion if it has reason to doubt the certification. The college will pay for the certification from a second doctor selected by the college. If necessary to resolve a conflict between the original certification and the second opinion, the college will require the opinion of a third doctor. The college and you will jointly select the third doctor, and the college will pay for the opinion. This third opinion will be considered final.

Return to Work Certification

To be cleared to return to work (whether full- or part-time) following FMLA leave for personal illness, you must provide your department head with the *Physician's Approval to Return to Work* form completed by your doctor. The college may require that employees be examined by a college-designated physician before returning to work to ensure fitness for duty.

Procedures for Requesting Leave

When you plan to take leave under this policy, you must give the college 30 days of notice. If it is not possible to give 30 days of notice, you must give as much notice as is practicable. If you are undergoing planned medical treatment, you are required to make a reasonable effort to schedule the treatment to minimize disruptions to the college's operation. If you fail to provide 30 days of notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date the college receives notice.

Under this policy you must, except where leave is not foreseeable, submit your request in writing to your immediate supervisor, with a copy to the Office of Human Resources.

While on leave, you are requested to report periodically to the Office of Human Resources regarding the status of the medical condition and your intent to return to work.

Employment Status after FMLA Leave

If you take FMLA leave, you will be able to return to the same job or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which entails equivalent skill, effort, responsibility and authority.

Questions regarding the interpretation of FMLA leave should be directed to the Office of Human Resources.

Eligible staff can take up to 24 hours of unpaid leave per year to participate in school activities directly related to the educational advancement of the employee's dependent or to accompany the employee's dependent to routine medical or dental appointments. The college will measure the 12-month period as a rolling 12-month period measured back from the date you use any leave under this policy. This law also covers eligible employees who need to accompany an elderly relative to routine medical, dental, or other appointments related to professional care of the relative. An elderly relative is defined as an individual 60 years of age or older who is related to the employee by blood, marriage, or same-sex domestic partnership.

Eligibility

To be eligible, employees must have worked at Smith College for 12 months and accrued 1,250 hours in the year immediately preceding the leave. Employees are asked to give at least one week of notice if the need for this leave is foreseeable. If leave is unforeseeable, the employee must give as much notice as is practical under the circumstances. As in the case of the FMLA, you may elect to substitute any available paid vacation or personal time for the unpaid leave. Earned sick time may be applied for this purpose.

Departments may require that leave requests be supported by certification.

A short-term absence without pay may be granted to permit you to attend to urgent personal business or for other compelling personal reasons not covered under another of the college's leave plans.

Eligibility

Any staff member is eligible to apply for a brief unpaid absence not to exceed 10 work days in any 12-month period.

Terms and Conditions

Approval of short-term absence without pay is at the discretion of the department head. Such approval may be granted when the employee is ineligible for or has insufficient personal time or vacation to cover the time needed. Normally all accrued vacation, personal time, etc., must be used before a short-term absence without pay can be approved.

While on short-term absence without pay, you are eligible for holiday pay and you continue to earn personal time, vacation time, and sick leave at your normal rate. Benefit coverage remains in effect.

Application Procedures

To apply for short-term absence without pay, you must complete an *Application for Short-Term Absence Without Pay* form and submit it to your supervisor or your department head in advance of the requested absence. The request must include the reasons for and the specific dates of the expected absence. If your supervisor and department head support your request, they will sign the form and forward it to the Office of Human Resources.

In the case of exempt staff, supervisors must notify the Office of Human Resources and forward the application form immediately so that pay can be withheld for the exact dates the employee is excused without pay.

On the time sheets for non-exempt staff, supervisors should identify excused, unpaid time and the number of hours the employee was regularly scheduled to work on each work day missed.

A leave without pay is defined as an excused unpaid absence that lasts longer than 10 work days but does not exceed six months. A leave without pay may be granted for compelling personal reasons when time off is not available under one of the college's other leave plans or under the federal Family and Medical Leave Act.

A leave without pay is a privilege that involves responsibility on your part and on the part of your department, and it is therefore not granted automatically or as a courtesy. In recommending a leave without pay, your department is asserting that it will accommodate your absence and hold open your position because your services are of particular value to the department and the college. In turn, you must give assurance that you will return to active employment at the end of the leave. Under certain circumstances, with notice, an individual may be asked to return early from an approved leave without pay.

Eligibility

If you have been employed at the college for a minimum of 12 consecutive months in a regular position of half time or more, you are eligible to apply for a Leave Without Pay of up to six consecutive months.

If you hold a limited-term or temporary position, or if you have been employed at the college for less than 12 consecutive months, or work less than half time, you are not eligible for leave without pay.

Terms and Conditions

On occasion, unavoidable circumstances or extraordinary opportunities may occur which require your full attention for a period of several consecutive weeks or months. If you need to take time off from work, you are expected to first use all available paid time to cover your absence. After all your paid time has been used, you may request a leave without pay for the following reasons:

- prolonged illness or injury;
- personal problems or family obligations;
- education related to your career at Smith College;
- other compelling circumstances not covered by another college leave plan.

A leave without pay will not be granted if the primary purpose is to enable you to seek or maintain employment elsewhere.

Length and Frequency of Leave Without Pay

The length of a leave without pay is determined on an individual basis as circumstances warrant; however, leaves of more than six consecutive months are normally not granted. Please note the following:

- A leave without pay which is initially granted for less than six months may be extended prior to expiration for up to a total of six months.
- For academic-year employees, summer months and recess periods count as part of the six consecutive months.
- A leave without pay cannot be used to extend the length of a parental, adoption, or family leave, and may not be split between two academic years.
- If you are granted a leave without pay, you must complete two years of consecutive service before you will be eligible to apply for another leave without pay.

Effect of Leave Without Pay on Paid Time Off and Benefits

While on leave without pay, you continue to earn personal time. You do not accrue sick leave or vacation, and you are not entitled to recess pay, holiday pay, bereavement leave, jury duty leave, or any other paid leave. Upon your return to work, vacation and sick leave accruals will resume at the rates in effect at the time the leave began.

You may retain membership in the college's group health, dental, life, and long-term disability insurance plans during a leave without pay. The college will discontinue its contributions and you must assume the full cost of premium payments for any plans you wish to continue. No retirement contributions will be made. Tuition benefits are normally not available during a leave without pay.

Return from Leave Without Pay

Your position at the college will be held for the period of your leave without pay. You are expected to return to active employment at the end of your leave.

You should contact your supervisor or department head at least two weeks prior to the specified date of return to confirm arrangements for your return to active status. Failure to return to work from an authorized leave will result in termination of employment.

Review of Leave Without Pay Requests

A leave without pay is not an entitlement. The review of your request will include consideration of your service and performance record and the department's needs and constraints. Your department head is under no obligation to recommend a leave without pay if the leave would create operational problems for the department or would result in undue hardship to other staff members.

If your department cannot accommodate your request for a leave without pay, you may have to resign from the college. However, if you are subsequently rehired, your prior service time

will be reinstated provided that you meet the criteria outlined in Reinstatement of Previous Service Time.

Application Procedures

An *Application for Leave Without Pay* form must be completed as soon as the need for the leave is known, but generally no less than 30 days prior to the requested starting date of the leave. You may obtain this application from the Office of Human Resources. Submit the completed form to your department head. The request for leave without pay must be discussed with your supervisor and department head. Issues which must be addressed include the impact of the proposed leave on the department's workload and on co-workers.

If your department head supports your request, s/he will formalize the terms of the leave or adjusted schedule and forward the request to the appropriate senior staff member and to the Office of Human Resources.

The Office of Human Resources, in consultation with the senior staff member, is responsible for approving leaves without pay. If your request is approved, Human Resources will confirm the terms and duration of the leave.

When you receive confirmation, you should contact the Office of Human Resources to discuss benefit coverage and payment procedures during your leave. In order to extend a leave without pay beyond its original term (but not to exceed a total absence of six months), you must submit a written request to your department head or complete a new application form. After consulting with your department head and senior staff member, the Office of Human Resources will advise you in writing of any extension or changes in the terms of your leave without pay.

Should a serious illness or injury prevent you from working on a partial or total basis for an extended period of time, you may be eligible for long-term disability (LTD) leave, with income benefits paid by the college's LTD insurance carrier. If eligible, LTD benefits begin after the first six months of disability.

For specific details about the LTD benefit, see the Summary Plan Description (SPD).

Eligibility

If you are employed in a regular or limited-term position of half time or more, you are covered under the college's LTD insurance plan. If you work less than half time or hold a temporary position, you are not eligible for LTD insurance coverage.

If you have been certified as eligible to receive benefits under the college's LTD insurance plan, you are considered to be on partial or total LTD leave. LTD leave begins on the date you are eligible to begin receiving LTD income benefits.

Pay Status: LTD income benefits are paid by the insurance company, and the college makes no supplemental salary payments (except in the case of partial disability where an employee may continue to work part-time). You may use sick, vacation, and/or personal time up to six months prior to applying for LTD leave. Once on an approved LTD leave, you are no longer eligible to use accrued paid time off. If you have not accumulated enough paid time to cover the entire six-month period between the date you are disabled and the date you are eligible for LTD income benefits, you may apply for extended sick leave under the Sick Leave Bank (where applicable), FMLA leave, or a leave without pay.

Benefit and Leave Eligibility

While on LTD leave for total disability, you are not eligible to accumulate credit toward paid holidays, vacation, personal time, sick leave, bereavement leave, jury duty leave, or any other paid leave. While on LTD leave for partial disability, you accumulate and are eligible for paid time off in proportion to the number of hours you actually work.

While on LTD leave for partial or total disability, you are entitled to employee benefits as follows. You remain subject to the specific terms of each insurance contract.

Health, Dental, Life, and LTD Insurance Plans: You may continue to participate in the college's group health, dental, life, and LTD insurance plans for up to two years from the beginning of an LTD approval, so long as you are deemed disabled by the LTD Carrier. Your life and LTD insurance will continue at the salary level in effect at the time the LTD leave began. You remain subject to the specific terms of each insurance contract.

The college will continue to pay its normal share of the premiums toward your coverage and you will be billed for your share. You must pay your share of the premiums within 30 days of the billing date to ensure continued coverage.

After two years you may qualify for Medicare benefits or you may elect to participate in the health and dental plans under COBRA. You also have the option to convert to non-group life and LTD insurance policies.

Tuition Assistance Program: You continue to be eligible for tuition benefits for up to two years from the beginning of an LTD leave.

Retirement Plan: If you were participating in the college's retirement plan at the beginning of your LTD leave, you may continue to participate for up to two years. The college will continue to contribute to your retirement contracts at the rate in effect at the time your disability occurred or at the time you go off paid sick leave, whichever is later.

Application Procedures

If you are partially or totally disabled for 30 days and it appears that you will continue to be disabled for more than six months, you should contact the Office of Human Resources to discuss your situation. An LTD leave, like any extended leave of absence for medical reasons, must be supported by medical statements and arranged with your department head in consultation with the Office of Human Resources.

It is important for supervisors and department heads to maintain contact with a disabled employee, both to monitor the disabled employee's progress and likelihood of returning to work and to provide him or her with support and a continuous connection to the college. If you are absent on LTD leave, you should maintain contact with your supervisor to discuss your situation and inform him/her of your progress.

Return to Work Certification

If you are cleared to return to work (either full-time or part-time), you should ask your doctor to complete the *Physician's Approval to Return to Work* form. You must provide your department head with this completed form.

To ensure your ability to resume the duties of your job, the college may require an examination by a college-designated physician before your return to work.

Replacement of Staff on Medical Leave or Disability

Under normal circumstances, the college will hold a position open for a regular full- or part-time employee with a serious illness or disability during the first 12 months of an authorized paid or unpaid leave. During such an authorized leave, the employee's position will normally be filled on a temporary basis only. Following 12 months of absence, the staff member's

employment will be terminated. Termination of employment will not affect an employee's eligibility to continue receiving LTD income benefits.

The college reserves the right to fill a position on a regular basis prior to 12 months in situations such as the following: 1) in the case of senior administrators who occupy strategic positions; 2) when the college's or the department's needs require this action; or 3) where it appears highly unlikely that the employee will be able to return to work. The decision to fill a position prior to 12 months must be approved by the Associate Vice President for Human Resources.

Eligibility

All employees of Smith College are covered by the Massachusetts Workers' Compensation Insurance Law. Workers' Compensation Insurance provides partial income replacement and medical care payments for employees who experience a job-related injury or illness. If death results, benefits are payable to a surviving spouse and dependents or to the employee's estate as defined by law. Coverage is automatic upon employment. Workers' Compensation Insurance is paid for entirely by the college.

Reporting an Accident

If you are injured at work or while performing a job-related function required by the college, you must report the accident to your supervisor as soon as possible and complete a *First Report of Job-Related Accident* form within 24 hours.

The college must report all accidents to the workers' compensation insurance company. The insurance company has the responsibility for investigating all claims and determining eligibility for workers' compensation benefits.

Reimbursement for Medical Treatment

If you are determined by the insurance company or the Massachusetts Department of Industrial Accidents to be entitled to workers' compensation, you will be reimbursed by the insurance company for any necessary medical treatment and care that you receive.

If a job-related accident requires treatment, you may be seen and treated by an occupational health specialist retained by the college. If you subsequently choose to be seen by another physician, that physician must be advised that the visit and any treatment are work related. The physician is required to fill out workers' compensation forms in order to receive payment for services.

If you receive medical treatment for a work-related injury at a hospital, doctor's office, or health center, you should:

- inform the provider of services that the injury is work related and request that all bills for services be forwarded to: Meadowbrook, 10 New England Business Center, Suite 303, Andover, MA 01810;
- submit receipts for prescription medications, crutches, or other medical equipment to: Meadowbrook, 10 New England Business Center, Suite 303, Andover, MA 01810 for reimbursement by the insurance company;
- provide the Office of Human Resources with documentation regarding referrals, treatment, and work notes.

Charges or bills for medical treatment or prescriptions resulting from a work-related injury should not be submitted to your medical insurance carrier.

Workers' Compensation Leave

Should a work-related injury prevent you from working, you may be eligible for workers' compensation leave, with disability payments and injury-related medical benefits paid by the college's workers' compensation insurance carrier.

Reimbursement for Lost Wages

Should your injury result in time off from work, you may qualify for disability payments to compensate you for lost wages. The disability payments from the insurance company are set by law at approximately 60% of your average weekly earnings (plus allowances for dependents) up to a maximum benefit which is subject to change. Weekly disability payments are nontaxable.

The college will advance your regular salary for the first week of disability. Should you ultimately receive workers' compensation benefits for the first week from the carrier, you must repay to the college the amount advanced.

Supplemental payments: For regular full- and part-time administrative and administrative support staff, the college will, upon request, pay any differential required to continue regular salary up to 80% for the first three months of the disability from any accrued sick time. Supplemental payments will be discontinued after three months; however, employees will continue to receive workers' compensation payments from the insurance company for the duration of any approved absence for a work-related injury, or as long as provided by law.

Eligibility for Paid Time Off and Benefits

During a workers' compensation leave, you continue to be eligible for paid time off as follows:

- you continue to accrue personal time;
- you accrue vacation and sick leave during the first 12 weeks;
- you are not eligible for paid holidays, paid funeral or jury duty leave, or any other paid leave.

You continue to receive employee benefits for up to six months, as outlined below. If you are on workers' compensation for longer than six months, you are expected to apply for long-term disability (LTD) insurance; if your LTD application is approved, you will be granted an LTD leave, and benefits may continue under the terms of that plan.

Health, Dental, Life, and LTD Insurance Plans: You may continue to participate in the college's group health, dental, life, and LTD insurance plans for up to six months from the

beginning of a workers' compensation leave. Your life and LTD insurance will continue at the salary level in effect at the time the workers' compensation leave began. You remain subject to the specific terms of each insurance contract.

The college will continue to pay its normal share of the premiums toward your coverage and you will be billed for your share. You must pay your share of the premiums within 30 days of the billing date to ensure continued coverage.

If you do not qualify for LTD leave after six months, you may elect to participate in the health and dental plans under COBRA, and you have the option to convert to nongroup life and LTD insurance policies.

Tuition Assistance Program: You continue to be eligible for tuition benefits for up to six months from the beginning of a workers' compensation leave.

Retirement Plan: For eligible employees, the college will pay retirement contributions on any supplemental payments. Contributions are not made on workers' compensation income benefits.

Application Procedures

The Office of Human Resources is responsible for the filing and processing of workers' compensation claims and for monitoring workers' compensation leaves.

If you are absent on workers' compensation leave, you should contact your supervisor at least once a week to report on your estimated or actual return-to-work date, unless you and your supervisor agree to another reporting schedule.

Whenever possible, the duties of a position may be modified temporarily to enable employees to return to work during a lengthy recovery period.

The date the individual returns to work and any subsequent absences from work due to the work-related injury or illness must be reported to the Office of Human Resources so that benefits can be coordinated and state-mandated records accurately maintained.

Return to Work Certification

If you are cleared to return to work (whether full- or part-time), you should ask your doctor to complete the *Physician's Approval to Return to Work* form. You must provide your department head and the Office of Human Resources with this completed form prior to returning to work. To ensure your ability to resume the duties of your job, the college may require an examination by a college-designated physician before your return to work.

Extended Absence

Extended absences due to work-related injuries, illness, and/or inability to meet the requirements of the position can be reason to file for long-term disability insurance benefits, or may prompt other action as deemed necessary by the department and/or the college.

In the case of a job-related disability which may extend beyond six months:

- employees eligible for the college's LTD insurance plan should consult with the Office of Human Resources about filing for LTD benefits;
- employees not eligible or approved for LTD benefits may be eligible for a leave without pay (see *Leave Without Pay*);
- employees who are not eligible for LTD benefits or a leave without pay will have their employment terminated. However, termination of employment will not affect the employee's continued eligibility for workers' compensation benefits and other rights under the workers' compensation statute.

Replacement of Staff on Medical Leave or Disability

Under normal circumstances, the college will hold a position open for a regular full- or part-time employee with a serious illness or disability during the first 12 months of an authorized paid or unpaid leave. During such an authorized leave, the employee's position will normally be filled on a temporary basis only. Following 12 months of absence, the staff member's employment will be terminated. Termination of employment will not affect the employee's eligibility to continue receiving workers' compensation benefits and other rights under the workers' compensation statute.

The college reserves the right to fill a position on a regular basis prior to 12 months in situations such as the following: 1) in the case of senior administrators who occupy strategic positions; 2) when the college's or the department's needs require this action; or 3) where it appears highly unlikely that the employee will be able to return to work. The decision to fill a position prior to 12 months must be approved by the Associate Vice President for Human Resources.

Each employee may use one regular workday in any twelve-month period (paid by the college) to volunteer in a community service event, project, or activity in Northampton or the city or town in which he/she lives. Your community service day must be scheduled and approved in advance by your supervisor.

In accordance with Massachusetts law, job-protected leave time is available for employees who have been the victim of domestic violence or sexual abuse.

Eligibility

All regular, part-time, casual, and limited-term employees of the college, upon hire, are entitled to this leave if they have been the victim of domestic violence or sexual abuse. The leave must be used to address issues directly related to the abusive behavior, such as seeking medical attention, counseling, or victim services. The leave may also be taken to obtain legal assistance, to attend or appear in court proceedings, or to meet with a district attorney or law-enforcement personnel.

Terms and Conditions

You may take up to 15 days of unpaid time off in any 12-month period if either you or a family member is:

- The victim of abusive behavior such as domestic violence, stalking, sexual assault, or kidnapping
- Seeking medical attention, counseling, or legal or other victim services directly related to the abusive behavior against you or a family member

The time off available under this law does not apply to an employee who is the perpetrator of the abusive behavior against her or his family member.

In this regard, “family” means not only legally married spouses but also:

- People in a substantive dating or engagement relationship who live together
- People who have a child in common regardless of whether they have ever married or lived together
- A parent, stepparent, child, stepchild, sibling, grandparent, or grandchild
- People in a guardianship relationship

Employees will normally use their vacation time, sick time, and personal days before taking leave under this law.

Up to five (5) days of earned sick time may be applied for this purpose.

Notice

You are required to provide notice whenever possible, but if there is a threat of imminent danger, notice is not required. You must inform Human Resources within three (3) work days that the time taken was due to domestic violence or sexual abuse. Notice can be provided by you, a family member, or a professional assisting you.

Time off taken pursuant to this law is protected provided you produce supporting documentation within 30 days of the last day of an absence if such absence was due to domestic violence or other reasons covered by the law.

Effective July 1, 2015, Massachusetts voted into law the right for all employees in the state to earn sick-leave time. This policy establishes guidelines for the accrual and use of earned sick time by employees who were previously ineligible to receive paid sick time. This policy is designed to provide such employees with an opportunity to earn up to 40 hours of paid sick time per benefit year (July 1 through June 30). This policy also delineates the appropriate use of sick time and outlines how to request time off.

Eligibility

This policy applies to all employees of Smith College, such as certain non-benefits eligible employees, casual employees, temporary employees, and summer student employees.

Terms and Conditions of Use of Earned Sick Time**Accrual of Sick Time**

All employees subject to this policy will be eligible to accrue and use paid sick time. Sick time for employees will accrue at the rate of one (1) hour for every thirty (30) hours worked per fiscal year, from July 1 to June 30, up to a maximum of 40 hours. Employees may carry into the next fiscal year up to 40 hours of unused sick time, but may never earn, accrue, or hold more than 40 hours in their bank of earned sick time.

Use of Sick Time

Employees may not use more than 40 hours of earned sick time per fiscal year, nor may they earn more than 40 hours of sick in a fiscal year. Accrual of sick time begins on July 1 but may not be used until ninety (90) days after the individual's start date. Earned sick time may be used for full- or partial-day absences.

Earned sick time is provided to enable employees to:

- Care for a child (or legal ward), parent, spouse, or parent of a spouse who is suffering from a physical or mental illness, injury, or other medical condition that requires home, preventive, or professional care;
- Care for the individual's own physical or mental illness, injury, or other medical condition that requires home, preventive, or professional care;
- Address the psychological, physical, or legal effects of domestic violence;
- Travel to and from an appointment, a pharmacy, or another location related to the purpose for which the time was taken.

Absence Notification Procedures

If an employee determines that he or she needs to be absent, to be late, or to leave work early, the employee must give advance notice to his or her supervisor. Notice should be provided in person or by telephone, e-mail, or text. If the employee is unable to provide notice personally, notice may be provided by a spouse, another family member, or another responsible party.

If the absence is foreseeable (for example, if the employee plans to go to a previously scheduled appointment), the employee must provide seven (7) days' advance notice, or more if possible. If the absence is not foreseeable, the employee must provide notice to his or her supervisor at least one (1) hour before the start of the employee's shift. If one (1) hour's notice is not feasible due to sudden illness or emergency, notice must be provided as soon as is practicable. If an employee is going to be absent on multiple days, the individual should provide notice for each day of absence.

Documentation of Use of Sick Time

If an employee uses sick time for a period that lasts more than twenty-four (24) consecutively scheduled hours or three (3) consecutive workdays, Smith College will generally require the employee to submit within seven (7) days of taking the time off a note from a healthcare provider that confirms the need to use earned sick time. The employee's manager should notify Human Resources of absences that last longer than twenty-four (24) consecutively scheduled hours or three (3) consecutive workdays.

The college may also require written documentation from the employee's healthcare provider if the absence occurs within two (2) weeks of the employee's scheduled termination date or if the employee has had four (4) unforeseeable and undocumented absences within a three-month period. If the earned sick time is taken for permissible nonmedical reasons, the college may require the employee to submit a written statement or other documentation providing evidence of the need to use earned sick time.

If an employee is asked to submit documentation but fails to do so in a timely manner, the college may recoup the sum of the earned sick time from future pay as an overpayment and may also delay or deny the future use of accrued sick time until the documentation is provided.

Expectations Regarding Attendance

Employees should remember that regular, reliable attendance and timeliness is expected. If an employee commits fraud or abuse by engaging in an activity that is not consistent with allowable purposes for sick time, the employee may be subject to disciplinary action, including termination of employment.

If an employee is exhibiting a clear pattern of taking leave on days just before or after a weekend, vacation, or holiday, the college may discipline the employee for misuse of earned sick time, unless the employee provides verification of authorized use.

Interaction with Other Types of Leave

If any time off covered under this policy is also covered under Smith College's leave-of-absence policies (FMLA, Parental Leave, Adoption Leave, Family Leave, Small Necessities Leave Act, and Domestic Violence Leave), sick time will run concurrently with such leave.

Employees may choose to use, and the college may also require them to use, earned sick time to receive pay for absences under other leave policies if those absences would otherwise be unpaid.

Break in Service

Employees who experience a break in service of up to one (1) year and return to work at the college within that time period will receive, according to their new status, sick time or their earned-sick-time balance of up to five (5) days, whichever is greater. Such employees can use their earned-sick-time balance of up to five (5) days immediately upon returning to work.

If you have questions relating to the new law, please contact the Office of Human Resources, at 585-2213.

Earned Sick Time Notice:

<http://www.mass.gov/ago/docs/workplace/earned-sick-time/est-employee-notice.pdf>