DPFML Approved Private Plan

October 1, 2020 to September 30, 2021
The University recognizes the need for work/life balance, and as such, provides generous paid time off for all qualifying employees who meet eligibility requirements. This paid time off can be used throughout the year, which allows up to 12 weeks per benefit year of paid time off to care for the employee’s family members as defined in the plan. This Plan is also intended to comply with the Massachusetts Paid Family and Medical Leave Law, the Federal Family and Medical Leave Act, and incorporates all applicable definitions and legally required benefits which are intended to run concurrently under University policy. Employees should note that the University’s various leave policies provide a maximum of 26-weeks of leave in the aggregate per benefit year.  

Caregiver Leave Usage

Caregiver Leave may be taken within twelve (12) months from the birth, adoption, or foster placement of the employee’s child. Caregiver Leave may be taken consecutively or, by mutual agreement between the employee and the supervisor, intermittently. Caregiver Leave may be taken for the serious health condition of a qualifying family member consecutively or intermittently when a health care provider determines it is medically necessary for the care of the qualifying family member. Employees needing intermittent leave to care for a family member should coordinate with their supervisor to schedule the leave so as not to unduly disrupt operations, subject to the approval of the health care provider.

Levels of Caregiver Leave

Depending upon eligibility, an employee may be eligible for one of two types of Caregiver Leave—Basic Caregiver Leave or Enhanced Caregiver Leave. Where eligible for both types of Caregiver Leave, the employee may choose which type to use with the understanding that the Enhanced Caregiver Leave option will continue the employee’s full pay with the application of paid time off as described in this Plan.

Basic Caregiver Leave

If an employee is ineligible for Enhanced Caregiver Leave or upon the employee’s choice, the employee may apply for Basic Caregiver Leave provided the employee meets the financial eligibility requirements below.

Financial Eligibility Test for Basic Caregiver Leave

To be eligible for Basic Caregiver Leave, an employee must demonstrate receipt of total wages as an employee or payments for service as a covered contract worker from a Massachusetts employer or covered business entity that in the aggregate equals or exceeds the minimum earnings eligibility requirement ($4,700 in 2019) and thirty (30) times the individual’s weekly benefit amount. Employees may be required to provide verification of wages earned from other Massachusetts entities for purposes of determining whether the financial eligibility test is met.

Basic Caregiver Leave Weekly Wage Replacement

After satisfying a seven (7) day waiting period, the weekly wage replacement the employee will receive will be based on the employee’s average weekly wage in accordance with State requirements. The maximum that an employee may receive is sixty-four percent of the state average weekly wage as published by the Massachusetts Department of Unemployment Assistance the previous year. For 2019, the maximum

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Note: Unionized employees at Tufts University are entitled to leave and related benefits as outlined in their respective collective bargaining agreements. Similarly, faculty leave benefits are outlined in relevant faculty handbooks. Consistent with this Plan, the minimum “basic” benefits or better will be afforded to all employees notwithstanding faculty, staff or bargaining unit status.
weekly benefit is $850 per week. This amount is adjusted on an annual basis and this Plan’s benefits will be updated accordingly.

**Enhanced Caregiver Leave**

Depending on the employee’s time at Tufts, an employee may choose to take up to twelve (12) weeks of Enhanced Caregiver Leave instead of Basic Caregiver Leave.

**Benefits Eligible Employees with Less than 1,250 Hours of Service with Tufts Within a 12-Month Period Preceding the Leave**

An employee with less than 1,250 hours of service over the past 12 months at Tufts may continue in full pay status during a family caregiver leave as outlined below.

<table>
<thead>
<tr>
<th>Reason for Leave</th>
<th>Benefits Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preparing for or participating in the birth, adoption, foster placement of, or bonding with their newborn, newly adopted, or foster care child.</td>
<td>Up to ten (10) days with full pay by applying available Sick Leave. An employee may then continue full pay with available vacation or personal time. If eligible, the employee shall receive <strong>Basic Caregiver Leave Weekly Wage Replacement</strong> if an employee has an insufficient balance of accrued leave to continue in full pay status during the approved leave period.</td>
</tr>
<tr>
<td>To care for family member with a serious health condition.</td>
<td>Up to ten (10) days with full pay by applying available Sick Leave. An employee may then continue full pay with available vacation or personal time. If eligible, the employee shall receive <strong>Basic Caregiver Leave Weekly Wage Replacement</strong> if an employee has an insufficient balance of accrued leave to continue in full pay status during the approved leave period.</td>
</tr>
</tbody>
</table>

**Benefits Eligible Employees Who Have Worked for Tufts At Least Twelve Months and Have at Least 1,250 Hours Worked Within the 12-Month Period Preceding the Leave**

An employee may continue in full pay status as outlined below.

<table>
<thead>
<tr>
<th>Reason for Leave</th>
<th>Benefits Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>To bond with a child during the first twelve months after the child’s birth, adoption, or foster placement</td>
<td>Up to twelve (12) weeks of full pay by applying available Sick Leave.</td>
</tr>
<tr>
<td>To care for family member with a serious health condition.</td>
<td>Up to ten (10) days with full pay by applying available Sick Leave. An employee may then continue full pay with available vacation or personal time. If eligible, the employee shall receive <strong>Basic Caregiver Leave Weekly Wage Replacement</strong> if an employee has insufficient leave to continue in full pay status during the approved leave period.</td>
</tr>
<tr>
<td>Miscellaneous:</td>
<td>May use up to 40 hours of available Sick Leave (not to exceed a maximum of ten (10) days allotted for care of a family member)</td>
</tr>
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<td>----------------</td>
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</tr>
<tr>
<td>• To accompany the son or daughter of the employee to routine medical or dental appointments</td>
<td></td>
</tr>
<tr>
<td>• To accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder’s care.</td>
<td></td>
</tr>
<tr>
<td>• To address the psychological, physical or legal effects of domestic violence.</td>
<td></td>
</tr>
<tr>
<td>• To travel to and from an appointment, a pharmacy, or other location related to the purpose for which sick time was taken.</td>
<td></td>
</tr>
<tr>
<td>• To participate in school activities directly related to the educational advancement of child of the employee.</td>
<td>May use up to 24 hours of unpaid leave.</td>
</tr>
</tbody>
</table>

**Applying for Leave**

Employees requesting Caregiver Leave should notify their supervisor and complete and submit an application for leave to Human Resources at Leaves@tufts.edu. Tufts will expect employees to follow department and/or University notice requirements for leaves. Once a leave application has been reviewed and eligibility for benefits has been determined, payment of claims shall be processed expeditiously with benefits paid as soon as practicable at the next payroll or insurance payment period. In processing applications, the Leave Administrator shall presume the availability of leave and the payment of leave benefits consistent with the requirements of the Massachusetts Paid Family and Medical Leave Act.

**Extensions of Leave**

If an employee seeks an extension of benefits, the employee must request an extension fourteen calendar days prior to the expiration of the original approved leave using forms provided by Tufts. A late filed request for extension may be allowed for good cause shown. A request for extension must include the reason for the extension, the requested duration of the extended leave, and must be accompanied by a newly completed certification form.

The initial seven calendar day waiting period for benefits shall not apply to an approved extension of benefits. Any extension of a leave shall be limited to the period of PFMLA leave for which the employee remains eligible in the benefit year under this Plan.

If an employee fails to return from PFMLA leave at the expiration of the leave period, and has not requested an extension as provided above, the employee may be subject to discipline.

If following an approval of leave, there is a change in relevant circumstances that would justify an extension, reduction, or other modification of the period of leave or the amount of benefits, the employee has an affirmative obligation to notify Tufts within seven calendar days using forms provided by Tufts.
Benefits While on Leave

An employee already enrolled may continue health and other insurance coverages during Paid Family Caregiver Leave subject to the terms, conditions, and limitations of the applicable plans in which the employee may participate and subject to requirement that the employee continue to pay for their portion of benefit costs.

For employees participating in the Dependent Care Flexible Spending Account (DC FSA), payroll deductions will continue during paid leave. However, under federal guidelines, the flexible spending vendor may not reimburse employees for DC FSA expenses incurred during absences greater than two weeks. Employees going on an extended leave of absence may discontinue DC FSA enrollment and deductions and re-enroll in this benefit upon return to work.

Return from Leave and Job Protection

Upon return from leave, employees will be returned to their original or equivalent positions with equivalent pay, benefits, length of service credit and seniority as of the date of the leave. In addition, accrued vacation and other benefits which stop accruing during the leave of absence will reactivate. If the employee is returning from Caregiver Leave taken in conjunction with their own serious medical condition (i.e., pregnancy or childbirth), the employee may be asked to provide a fitness for duty medical certification confirming their ability to return to work with or without reasonable accommodation(s). If an employee fails to provide such certification, the employee will not be entitled to reinstatement to their position. Further, an employee who does not provide a fitness for duty certification following an approved period of leave shall not be entitled to an extension of benefits unless the employee has affirmatively notified Tufts of the change in circumstances within seven calendar days of such change.

Paid Family Caregiver Leave After Separating from Tufts

Tufts will provide Basic Paid Family Caregiver Leave for up to 12 weeks (no more than 26 weeks of military, caregiver or sick leave in the aggregate) to any eligible former employee within 26-weeks of separation from employment or until new job begins (whichever sooner). Applications for post-separation leave may be made to: Leaves@tufts.edu.

Appeals

Employees shall have up to ten calendar days to appeal a denial of Basic Paid Sick Leave. The ten-day period may be extended where the employee establishes that circumstances beyond their control prevented the filing of a request for an appeal within ten calendar days. Appeals must be in writing and must include (a) a detailed explanation of why the employee believes that the denial was in error, and (b) copies of any available supporting documentation. Employees should submit appeals to the Plan Administrator.

Employees will be informed in writing of the outcome of the appeal and of their rights under the PFMLL and applicable regulations.

Employees are required to participate in the University’s appeal process prior to exercising their right to appeal with the DFML.

Plan Administrator

The Plan Administrator for University leave policies is:

Tufts University, VP for Human Resources
C/O Human Resources Benefits Office 200 Boston Avenue, Suite 1600
Medford, MA 02155
Employees have 10 days from the notification of denial of benefits to appeal to the Department of Paid Family Medical Leave. Employees may also request an internal review by writing to the Plan Administrator.

**Applicability**

This Plan is applicable to all non-unionized staff employees. Unionized employees and faculty should review the terms of the collective bargaining agreements and faculty handbooks, respectively. However, no University employee regardless of status, will receive any benefit lesser than that afforded by the Massachusetts Paid Family and Medical Leave Act.

**Retaliation and Discrimination Prohibited**

It is prohibited to retaliate or discriminate against an employee for having exercised rights under this Plan.

**Definitions**

Definitions for this Plan may be found in Appendix A to the Employee Handbook.

For more information regarding state and federal laws upon which this Plan is based, please see:

**Federal Family and Medical Leave Act**

https://www.dol.gov/whd/fmla/

**Massachusetts Family and Medical Leave Law**


**Massachusetts Parental Leave Act**


**Massachusetts Earned Sick Time Law**

https://www.mass.gov/service-details/earned-sick-time

**Massachusetts Small Necessities Leave Act**

https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXI/Chapter149/Section52D
Military Leaves

Tufts supports those employees who serve or have served, in the Armed Forces, National Guard, Reserves and other Uniformed Services of the United States. The university therefore offers Military Leave for military service; Paid Military Exigency Leave and Paid Military Caregiver Leave.

Military Service Leave

Employees shall be granted unpaid Military Service Leave when called to active duty in the U.S. Armed Forces, National Guard, or Reserves. Eligible military service may also include service in the commissioned corps of the Public Health Service or in any other category of persons designated by the President in time of war for a national emergency.

Salary Continuation While On Military Service Leave

Employees on Military Service Leave whose military pay is less than their regular university pay will receive the difference in wages for up to two (2) weeks per calendar year; otherwise the leave is unpaid.

Employee Return from Military Service Leave

With certain exceptions, employees returning from Military Service Leave must either report to work or apply for reinstatement as follows:

- **Military Service of 1 to 30 days**
  
The employee must report to work by the beginning of the first regularly scheduled work period that begins on the next calendar day following completion of service, after allowance for safe travel home from the military duty location and an 8-hour rest period. If due to no fault of the employee, timely reporting back to work would be impossible or unreasonable, the employee must report back to work to their supervisor as soon as possible.

- **Military Service of 31 to 180 days**
  
A written request for reemployment must be submitted to the immediate manager no later than 14 days after completion of the employee’s military service. If submission of a timely request is impossible or unreasonable through no fault of the employee, the request must be submitted as soon as possible.

- **Military Service of 181 or more days**
  
A request for reemployment must be submitted to the immediate manager no later than 90 days after completion of the employee’s military service.
Return from Military Service Leave

Upon return from Military Service most employees will be returned to their original or equivalent positions with equivalent pay, benefits, length of service credit and seniority as of the date of the leave. Depending upon the length of Military Leave for active duty, Tufts will make reasonable efforts to enable employees to refresh or upgrade their skills to help them qualify for reemployment. If a returning employee is not qualified for the position to which they otherwise would have been entitled, Tufts will work with that employee to identify and place the employee into an available alternative position. Reemployment may not occur if Tufts’ circumstances have changed so as to make such reemployment impossible or unreasonable; would impose an undue hardship on the university; or an employee’s prior employment with Tufts was for a brief, non-recurring period (e.g., a temporary employee) and there was no reasonable expectation that such employment would continue indefinitely or for a significant period. In addition, reemployment cannot be guaranteed if an employee’s total cumulative Military Leave exceeds five (5) years.

Participation in Veterans’ Day or Memorial Day Exercises

Any employee who is a veteran of the United States Armed Forces (including certain full-time National Guard service), and who wishes to participate in a Veterans’ Day or Memorial Day exercise, parade or service in their community of residence on a date that the employee is scheduled to work, will be given time off to do so. In certain circumstances, the university may have to deny such a request if the employee’s services are essential to securing the health and safety of the Tufts’ community and its campuses at that time.

Paid Military Caregiver Leave

Employees may be eligible for up to twenty-six (26) weeks of leave during a benefit year to care for a family member who is a military member who requires medical care as a result of a serious injury or illness that was incurred or aggravated in the line of duty. This also extends to employees who have a family member who is a veteran with a serious injury or illness incurred or aggravated in the line of duty, so long as the veteran was a member of the Armed Forces, including National Guard or Reserves, at any time during the five (5) years preceding the leave.

Paid Military Exigency Leave

Employees may be eligible for up to twelve (12) weeks per benefit year. This leave is intended to address the needs of an employee’s family member’s active duty service, notice of call or order to active duty including but not limited to providing for the care or other needs of the military member’s child or other family member, making financial or legal arrangements for the military member, attending counseling, attending military events or ceremonies, spending time with the military member during a rest and recuperation leave or following return from deployment or making arrangement following the death of a military member.

Employees should note that the University’s various leave policies run concurrently and provide a maximum of 26-weeks of leave in the aggregate per benefit year.
Military Caregiver Leave

An employee may choose to receive **Basic Military Caregiver or Exigency Leave Weekly Wage Replacement** (below), or alternatively, Enhanced Military Caregiver Leave Wage Replacement, as follows: Up to ten (10) days with full pay by applying available Sick Leave. An employee may continue with full pay by applying available vacation or personal time. If eligible, the employee shall receive **Basic Military Caregiver or Exigency Leave Weekly Wage Replacement** if an employee has an insufficient balance of accrued leave to continue in full pay status during the approved leave period.

Military Exigency Leave

An employee may choose to receive **Basic Military Caregiver or Exigency Leave Weekly Wage Replacement** (below), or alternatively, Enhanced Military Exigency Leave Wage Replacement, as follows: An employee may continue with full pay with available vacation or personal time. If eligible, the employee shall receive **Basic Military Caregiver or Exigency Leave Weekly Wage Replacement** if an employee has an insufficient balance of accrued leave to continue in full pay status during the approved leave period.

Participation in Veterans’ Day or Memorial Day Exercises

If the exercise falls on a university holiday, the employee will be paid holiday time for the period of the absence. Otherwise, the period of absence will be unpaid or, if the employee chooses, paid from any accrued vacation or personal time. Please also see Military Exigency Leave policy.

Financial Eligibility Test for Military Caregiver or Exigency Leave Wage Replacement

To be eligible for wage replacement, an employee must demonstrate receipt of total wages as an employee or payments for service as a covered contract worker from a Massachusetts employer or covered business entity that in the aggregate equals or exceeds the minimum earnings eligibility requirement ($4,700 in 2019) and thirty (30) times the individual’s weekly benefit amount. Employees may be required to provide verification of wages earned from other Massachusetts entities for purposes of determining whether the financial eligibility test is met.

**Basic Military Caregiver or Exigency Leave Weekly Wage Replacement**

After satisfying a seven (7) day waiting period, the weekly wage replacement the employee will receive will be based on the employee’s average weekly wage in accordance with State requirements. The maximum that an employee may receive is sixty-four percent of the state average weekly wage as published by the Massachusetts Department of Unemployment Assistance the previous year. For 2019, the maximum weekly benefit is $850 per week. This amount is adjusted on an annual basis and this Plan’s benefits will be updated accordingly.

Applying for Any Military Leave

Employees requesting Military Leave should notify their supervisor and complete and submit an application for leave to Human Resources at Leaves@tufts.edu. Tufts will expect employees to follow department and/or University notice requirements for leaves. Once a leave application has been reviewed and eligibility for benefits has been determined, payment of claims shall be processed expeditiously with benefits paid as soon as practicable at the next payroll or insurance payment period. In processing applications for Paid Military Caregiver or Exigency Leave, the Leave Administrator shall presume the availability of leave and the payment of leave benefits.

Extensions of Leave
If an employee seeks an extension of benefits, the employee must request an extension fourteen calendar days prior to the expiration of the original approved leave using forms provided by Tufts. A late filed request for extension may be allowed for good cause shown. A request for extension must include the reason for the extension, the requested duration of the extended leave, and must be accompanied by a newly completed certification form.

The initial seven calendar day waiting period for benefits shall not apply to an approved extension of benefits. Any extension of a leave shall be limited to the period of PFMLA leave for which the employee remains eligible in the benefit year under this Plan.

If an employee fails to return from PFMLA leave at the expiration of the leave period, and has not requested an extension as provided above, the employee may be subject to discipline.

If following an approval of leave, there is a change in relevant circumstances that would justify an extension, reduction, or other modification of the period of leave or the amount of benefits, the employee has an affirmative obligation to notify Tufts within seven calendar days using forms provided by Tufts.

**Benefits While on Leave**

An employee already enrolled may continue health and other insurance coverages during Paid Military Exigency or Caregiver Leave subject to the terms, conditions, and limitations of the applicable plans in which the employee may participate and subject to the requirement that the employee continue to pay for their portion of benefit costs.

For employees participating in the Dependent Care Flexible Spending Account (DC FSA), payroll deductions will continue during paid leave. However, under federal guidelines, the flexible spending vendor may not reimburse employees for DC FSA expenses incurred during absences greater than two weeks. Employees going on an extended leave of absence may discontinue DC FSA enrollment and deductions and re-enroll in this benefit upon return to work.

**Return from Military Caregiver or Exigency Leave and Job Protection**

Upon return from Military Caregiver or Exigency Leave, most employees will be returned to their original or equivalent positions with equivalent pay, benefits, length of service credit and seniority as of the date of the leave. In addition, accrued vacation and other benefits which stop accruing during the leave of absence will reactivate.

**Paid Military Caregiver or Exigency Leave After Separating from Tufts**

Tufts will provide up to 26 weeks of Basic Paid Military Caregiver or up to 12 weeks Exigency Leave (no more than 26 weeks of military, caregiver or sick leave in the aggregate) to any eligible former employee within 26 weeks of separation from employment or until new job begins (whichever sooner). Applications for post-separation leave may be made to: Leaves@tufts.edu.

**Appeals**

Employees shall have up to ten calendar days to appeal a denial of Basic Paid Sick Leave. The ten-day period may be extended where the employee establishes that circumstances beyond their control prevented the filing of a request for an appeal within ten calendar days. Appeals must be in writing and must include (a) a detailed explanation of why the employee believes that the denial was in error, and (b) copies of any available supporting documentation. Employees should submit appeals to the Plan Administrator.

Employees will be informed in writing of the outcome of the appeal and of their rights under the PFMLL and
applicable regulations.

Employees are required to participate in the University’s appeal process prior to exercising their right to appeal with the DFML.

**Plan Administrator**

The Plan Administrator for University leave policies is:

Tufts University, VP Human Resources  
C/O Human Resources Benefits Office 200 Boston Avenue, Suite 1600  
Medford, MA 02155  
(617) 627-7000

Employees have 10 days from the notification of denial of benefits to appeal to the Department of Paid Family Medical Leave. Employees may also request an internal review by writing to the Plan Administrator.

**Applicability**

This Plan is applicable to all non-unionized staff employees. Unionized employees and faculty should review the terms of the collective bargaining agreements and faculty handbooks, respectively. However, no University employee regardless of status, will receive any benefit lesser than that afforded by the Massachusetts Paid Family and Medical Leave Act.

**Retaliation and Discrimination Prohibited**

It is prohibited to retaliate or discriminate against an employee for having exercised their rights under this Plan.

**Definitions**

Definitions for this Plan may be found in Appendix A to the Employee Handbook.

For more information regarding state and federal laws upon which this Plan is based, please see:

**Postdoctoral Scholars’ Handbook:**

[https://viceprovost.tufts.edu/postdoc/handbook/](https://viceprovost.tufts.edu/postdoc/handbook/)

**Federal Family and Medical Leave Act:**

[https://www.dol.gov/whd/fmla/](https://www.dol.gov/whd/fmla/)

**Massachusetts Family and Medical Leave Law:**


**Uniformed Services Employment and Reemployment Rights Act** [https://www.dol.gov/vets/programs/userra/](https://www.dol.gov/vets/programs/userra/)
Sick Leave

The University recognizes the need for work/life balance, and as such, provides generous paid time off for all qualifying employees who meet eligibility requirements. This paid time off can be used throughout the year, which allows paid time off for employees to engage in self-care as defined in the Plan. This Plan is intended to comply with the Massachusetts Paid Family and Medical Leave Law, the Federal Family and Medical Leave Act, the Massachusetts Earned Sick Time Law, and incorporates all applicable definitions and legally required benefits which are intended to run concurrently under University policy.

Paid Sick Leave

The University provides up to 20 weeks per benefit year of paid Sick Leave for an employee with a serious health condition as described below or another qualifying sick leave reason. Employees should note that the University’s various leave policies provide a maximum of 26-weeks of leave in the aggregate per benefit year.

Levels of Paid Sick Leave

Depending upon eligibility and the reasons for Sick Leave, an employee may be qualified for one of two types of paid Sick Leave: Basic or Enhanced. Where eligible for both types of Sick Leave, the employee may choose which type to use.

Basic Sick Leave

For Sick Leave for a serious health condition, if an employee is ineligible for Enhanced Sick Leave or upon the employee’s choice, the employee may apply for Basic Sick Leave provided the employee meets the financial eligibility requirements below.

Financial Eligibility Test for Basic Sick Leave for a Serious Health Condition

To be eligible for wage replacement, an employee must demonstrate receipt of total wages as an employee or payments for service as a covered contract worker from a Massachusetts employer or covered business entity that in the aggregate equals or exceeds the minimum earnings eligibility requirement ($4,700 in 2019) and thirty (30) times the individual’s weekly benefit amount. Employees may be required to provide verification of wages earned from other Massachusetts entities for purposes of determining whether the financial eligibility test is met.

Basic Sick Leave Weekly Wage Replacement for a Serious Health Condition

After satisfying a seven (7) day waiting period, the weekly wage replacement the employee will receive will be based on the employee’s average weekly wage in accordance with State requirements. The maximum that an employee may receive is sixty-four percent of the state average weekly wage as published by the Massachusetts Department of Unemployment Assistance the previous year. For 2019, the maximum weekly benefit is $850 per week. This amount is adjusted on an annual basis and this Plan’s benefits will be updated accordingly.
Enhanced Paid Sick Leave

For paid sick leave for a serious health condition, eligible and qualifying employees may choose to take Enhanced Paid Sick Leave as outlined below which will enable the employee to take sick leave at full pay. If eligible, the employee shall receive **Basic Sick Leave Weekly Wage Replacement** if an employee has an insufficient balance of leave to continue in full pay status under the Enhanced Paid Sick Leave or if the allocation of sick leave is limited under the Enhanced Paid Sick Leave option during the approved leave period. As described below, employees who require short term sick time off for reasons unrelated to a serious health condition (e.g., cold, flu) may also use Enhanced Paid Sick leave for this reason or take unpaid leave as the Basic Sick Leave benefit is not available.

Enhanced Paid Sick Leave is not payable upon separation of employment.

| Benefits Eligible | **
|-------------------|---
| Nonexempt | Salaried Nonexempt | Exempt |
| Paid Sick Time Assignment Rate | 1 hour for every 30 hours worked | 13 days** Year* | 20 Weeks** per 12- month period* | 20 Weeks** per 12- month period* |
| Maximum paid sick time | 40 Hours* per fiscal year (July – June) | 20 weeks | 20 weeks | 20 weeks |
| Rollover of Unused Paid Sick Time | Yes | Yes | Yes |
| Forfeited if not used within one fiscal year | | | |
| When new Paid Sick Time awarded? | As earned (1 hour for every 30 hours worked) | On anniversary date | On rolling basis (replenished 12 months from time used) | On rolling basis (replenished 12 months from time used) |
| Paid Out Upon Separation | No | No | No |

*Employees working at least 20 % effort on a federal Service Contract Act-covered contract may have available up to 56 hours per federal fiscal year (October 1st – September 30th).

**= Prorated for part-time and academic-year employees.

Intermittent Sick Leave Usage

If possible, employees must provide reasonable notice of their need to use Sick Leave and should coordinate with their supervisor to schedule the leave so as not to unduly disrupt operations, subject to the approval of the health care provider. Paid Sick Leave may be used intermittently for full or partial day absences.
Applying for Sick Leave

Employees requesting Paid Sick Leave for less than three (3) days should notify their supervisor. Employees in need of Paid Sick Leave greater than three (3) days or Unpaid Medical Leave should notify the employee’s supervisor and complete and submit an application for leave to Human Resources at Leaves@tufts.edu. Tufts will expect employees to follow department and/or University notice requirements for leaves. Depending on the nature of and reasons for your Paid Sick Leave, Human Resources may require further documentation from your health care provider. Once a leave application has been reviewed and eligibility for benefits has been determined, payment of claims shall be processed expeditiously with benefits paid as soon as practicable at the next payroll or insurance payment period. In processing applications, the Leave Administrator shall presume the availability of leave and the payment of leave benefits.

Extensions of Leave

If an employee seeks an extension of benefits, the employee must request an extension fourteen calendar days prior to the expiration of the original approved leave using forms provided by Tufts. A late filed request for extension may be allowed for good cause shown. A request for extension must include the reason for the extension, the requested duration of the extended leave, and must be accompanied by a newly completed certification form.

The initial seven calendar day waiting period for benefits shall not apply to an approved extension of benefits. Any extension of a leave shall be limited to the period of PFMLA leave for which the employee remains eligible in the benefit year under this Plan.

If an employee fails to return from PFMLA leave at the expiration of the leave period, and has not requested an extension as provided above, the employee may be subject to discipline.

If following an approval of leave, there is a change in relevant circumstances that would justify an extension, reduction, or other modification of the period of leave or the amount of benefits, the employee has an affirmative obligation to notify Tufts within seven calendar days using forms provided by Tufts.

Benefits While on Leave

An employee already enrolled may continue health and other insurance coverages during Paid Medical or Sick Leave subject to the terms, conditions, and limitations of the applicable plans in which the employee may participate and subject to requirement that the employee continue to pay for their portion of benefit costs.

For employees participating in the Dependent Care Flexible Spending Account (DC FSA), payroll deductions will continue during paid leave. However, under federal guidelines, the flexible spending vendor may not reimburse employees for DC FSA expenses incurred during absences greater than two weeks. Employees going on an extended leave of absence may discontinue DC FSA enrollment and deductions and re-enroll in this benefit upon return to work.

Return from Leave and Job Protection

Upon return from leave, most employees will be returned to their original or equivalent positions with equivalent pay, benefits, length of service credit and seniority as of the date of the leave. In addition, accrued vacation and other benefits which stop accruing during the leave of absence will reactivate. If the employee is returning from Paid Medical Leave for their own serious health condition the employee may be asked to provide a fitness for duty medical certification confirming their ability to return to work with or without reasonable accommodation(s).
If an employee fails to provide such certification, the employee will not be entitled to reinstatement to their position. Further, an employee who does not provide a fitness for duty certification following an approved period of leave shall not be entitled to an extension of benefits unless the employee has affirmatively notified Tufts of the change in circumstances within seven calendar days of such change.

**Paid Sick Leave After Separating from Tufts**

Tufts will provide up to 20 weeks of Basic Paid Sick Leave (no more than 26 weeks of military, caregiver or sick leave in the aggregate) to any eligible former employee within 26 weeks of separation from employment or until new job begins (whichever sooner). Applications for post-separation leave may be made to: Leaves@tufts.edu.

**Appeals**

Employees shall have up to ten calendar days to appeal a denial of Basic Paid Sick Leave. The ten-day period may be extended where the employee establishes circumstances beyond their control prevented the filing of a request for an appeal within ten calendar days. Appeals must be in writing and must include (a) a detailed explanation of why the employee believes that the denial was in error, and (b) copies of any available supporting documentation. Employees should submit appeals to the Plan Administrator.

Employees will be informed in writing of the outcome of the appeal and of their rights under the PFMLL and applicable regulations.

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Tufts University, VP Human Resources  
C/O Human Resources Benefits Office 200 Boston Avenue, Suite 1600  
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Employees have 10 days from the notification of denial of benefits to appeal to the Department of Paid Family Medical Leave. Employees may also request an internal review by writing to the Plan Administrator.

**Applicability**

Unionized employees and faculty should review the terms of the collective bargaining agreements and faculty handbooks, respectively. However, no University employee regardless of status, will receive any benefit lesser than that afforded by the Massachusetts Paid Family and Medical Leave Act.
Retaliation and Discrimination Prohibited

It is prohibited to retaliate or discriminate against an employee for having exercised rights under this Plan.

Definitions

Definitions for this Plan may be found in Appendix A to the Employee Handbook.

For more information regarding state and federal laws upon which this Plan is based, please see:

Federal Family and Medical Leave Act

https://www.dol.gov/whd/fmla/

Massachusetts Family and Medical Leave Law


Massachusetts Parental Leave Act


Massachusetts Earned Sick Time Law

https://www.mass.gov/service-details/earned-sick-time

Massachusetts Small Necessities Leave Act

https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXI/Chapter149/Section52D

This Plan is applicable to all non-unionized employees. Unionized employees should refer to their Collective Bargaining Agreements for applicable benefits. The University will adhere to applicable leave laws for all unionized employees.
Appendix A to Employee Handbook
Definitions

For the purposes of Caregiver Leave, Sick Leave, and Military/Service Leave, the following words shall have the following meanings, unless the context clearly requires otherwise.

“Adoption”, legally and permanently assuming the responsibility of raising a child as one’s own. The source of an adopted child (i.e., whether from a licensed placement agency or otherwise) is not a factor in determining eligibility for leave.

“Child”, a biological, adopted or foster child, a stepchild or legal ward, a child to whom the covered individual stands in loco parentis, or a person to whom the covered individual stood in loco parentis when the person was a minor child.

“Continuing treatment by a health care provider”, includes any one or more of the following:

(a) Incapacity and treatment. A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(1) Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
(2) Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider. Treatment includes examination to determine if there is a serious health condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. A regimen of continuing treatment includes a course of prescription medication or therapy requiring specialized equipment to resolve or alleviate the health condition.
(3) The requirement in paragraphs (a)(1) and (2) of this section for treatment by a health care provider means an in-person or telehealth visit to a health care provider. The first (or only) in-person or telehealth treatment visit must take place within seven days of the first day of incapacity.
(4) Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30-day period shall be determined by the health care provider.
(5) The term extenuating circumstances means circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. For example, extenuating circumstances exist if a health care provider determines that a second in-person visit is needed within the 30-day period, but the health care provider does not have any available appointments during that time period.

(b) Pregnancy or prenatal care. Any period of incapacity due to pregnancy, or for prenatal care.

(c) Chronic conditions. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(1) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;
(2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
(3) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
Permanent or long-term conditions. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee, covered individual or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

Conditions requiring multiple treatments. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:

1. Restorative surgery after an accident or other injury; or
2. A condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

Absences attributable to incapacity under paragraph (b) or (c) of this definition qualify for leave even though the employee, covered individual or the covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days.

Cosmetic treatments are not serious health conditions unless inpatient hospital care is required or unless complications develop.

“Covered individual”, either:

1. an employee who meets the financial eligibility test; provided, however, that all such employment shall have been with an employer in the commonwealth;

2. a self-employed individual:

   A) who has elected coverage under M.G.L. c. 175M, § 2(j);
   B) whose reported earnings to the department of revenue from self-employment meet the financial eligibility test as if the individual were an employee; and
   C) who has made contributions as required by M.G.L. c. 175M, section 6, for at least two of the previous four calendar quarters; or

3. a former employee who has:

   A) met the financial eligibility test at the time of the former employee's separation from employment; provided, however, that all such employment shall have been with an employer in Massachusetts; and
   B) been separated from employment for not more than 26 weeks at the start of the former employee's family or medical leave.

“Covered service member”, either:

1. a member of the Armed Forces, as defined in section 7 of M.G.L. c. 4, including a member of the National Guard or Reserves, who is (A) undergoing medical treatment, recuperation or therapy; (B) otherwise in outpatient status; or (C) is otherwise on the temporary disability retired list for a serious injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces, or a serious injury or illness that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces; or
a former member of the Armed Forces, including a former member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy for a serious injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces, or a serious injury or illness that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces and manifested before or after the member was discharged or released from service.

“Domestic partner”, a person not less than 18 years of age who:

(i) is dependent upon the covered individual for support as shown by either unilateral dependence or mutual interdependence that is evidenced by a nexus of factors including, but not limited to: (A) common ownership of real or personal property; (B) common householding; (C) children in common; (D) signs of intent to marry; (E) shared budgeting; and (F) the length of the personal relationship with the covered individual; or

(ii) has registered as the domestic partner of the covered individual with any registry of domestic partnerships maintained by the employer of either party, or in any state, county, city, town or village in the United States.

“Employment benefits”, all benefits provided or made available to employees by an employer, including, but not limited to, group life insurance, health insurance, disability insurance, sick leave, annual or vacation leave, educational benefits and pensions.

“Family leave”, leave taken to care for a family member with a serious health condition, to bond with a child during the first twelve months after the child’s birth, adoption, or foster care placement, to care for a family member who is a covered service member, or because of a qualifying exigency arising out of the fact that a family member is on active duty or has been notified of an impending call or order to active duty in the Armed Forces.

“Family member”, the spouse, domestic partner, child, parent or parent of a spouse or domestic partner of the covered individual; a person who stood in loco parentis to the covered individual when the covered individual was a minor child; or a grandchild, grandparent or sibling of the covered individual.

“Financial eligibility test”, a demonstration that, over the 12 months preceding an individual’s claim for benefits, the individual has received total wages as an employee or payments for service as a covered contract worker from Massachusetts employers or Massachusetts covered business entities that in the aggregate equal or exceed 30 times the individual’s weekly benefit amount as determined under 458 CMR 2.12, and that in the aggregate are not less than the dollar amount calculated annually by the Massachusetts Department of Unemployment Assistance pursuant to M.G.L. c. 151A, § 24(a). Wages received from multiple employers or covered business entities within the base period can be aggregated to determine financial eligibility for leave.

“Foster care”, 24-hour care for children in substitution for and away from their parents or guardian. Such placement is made by or with the agreement of Massachusetts or any other state, commonwealth, or territory as a result of a voluntary agreement between the parent and guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster care, and involves agreement between Massachusetts or any other state, commonwealth, or territory and foster family that the foster family will care for the child. Although foster care may be with relatives of the child, State action is involved in the removal of the child from parental custody.

“Grandparent”, a parent of the covered individual’s parents.
“Health care provider”, an individual licensed by the State in which the individual practices to practice medicine, surgery, dentistry, chiropractic, podiatry, midwifery or osteopathy, and including the following:

(i) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in by a State and performing within the scope of their practice as defined under the law of that state, commonwealth, or territory;

(ii) Nurse practitioners, nurse-midwives, clinical social workers and physician assistants who are authorized to practice under State law and who are performing within the scope of their practice as defined under the law of that state, commonwealth, or territory;

(iii) Christian Science Practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts.

(iv) A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

“Incapable of self-care”, the individual requires active assistance or supervision to provide daily self-care in several of the "activities of daily living" (ADLs) or "instrumental activities of daily living" (IADLs) as described in 29 CFR §825.300.

“Incapacity”, an inability to perform the functions of one's position, or where the covered individual is a former employee, to perform the functions of one's most recent position or other suitable employment as that term is defined under M.G.L. c. 151 A, § 25(c), due to the serious health condition, treatment therefor, or recovery therefrom.

“Inpatient care” an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity, or any subsequent treatment in connection with such inpatient care.

“Intermittent leave”, leave taken in separate periods of time due to a single qualifying reason, rather than for one continuous period of time, and may include leave periods from an hour or more to several weeks. Examples of intermittent leave include leave taken on an occasional basis for medical appointments or leave taken several days at a time spread over a period of months. Tufts University permits employees to take intermittent leave on 15-minute increments or more.

“Medical leave”, leave taken by a covered individual due to a serious health condition.

“Parent”, the biological, adoptive, step- or foster mother or father of the covered individual.

“Qualifying exigency”, a need arising out of a covered individual’s family member’s active duty service or notice of an impending call or order to active duty in the Armed Forces, including, but not limited to, providing for the care or other needs of the military member’s child or other family member, making financial or legal arrangements for the military member, attending counseling, attending military events or ceremonies, spending time with the military member during a rest and recuperation leave or following return from deployment or making arrangements following the death of the military member.

“Qualifying Earnings”,

(i) wages paid to an employee;
(ii) payments by covered business entities to covered contract workers; and
(iii) earnings from self-employment on which a self-employed individual is making contributions pursuant to state law.
“Qualifying reason”, any of the following reasons for which a covered individual is eligible for family or medical leave benefits: to bond with a child during the first twelve months after the child’s birth, adoption, or foster care placement; to care for a family member’s serious health condition; to care for a family member who is a covered service member; a qualifying exigency arising out of a family member’s active duty or impending call to active duty in the Armed Forces; or the covered individual’s own serious health condition that incapacitates the individual from performing the essential functions of his or her job.

“Reduced leave schedule”, a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of a covered individual.

“Self-employed individual”, a sole proprietor, sole member of a limited liability company or limited liability partnership or an individual whose net profit or loss from a business is required to be reported to the Massachusetts department of revenue; provided, however, that such individual resides in Massachusetts.

“Serious health condition”, an illness, injury, impairment or physical or mental condition that involves (i) inpatient care in a hospital, hospice or residential medical facility; or (ii) continuing treatment by a health care provider.

“Sibling”, the biological, adoptive, step-brother or step-sister of a covered individual.

“State average weekly wage”, the average weekly wage in Massachusetts as calculated under subsection (a) of section 29 of M.G.L. c. 151A and determined by the Director of the Massachusetts Department of Unemployment Assistance.

“Weekly benefit amount”, the amount of wage replacement paid to a covered individual on a weekly basis while the covered individual is on family or medical leave.

Note: Presumptions under this plan shall be made in favor of the availability of leave and the payment of leave benefits.