

MASSACHUSETTS PAID FAMILY AND MEDICAL LEAVE (MAPFML) - FOR ACADEMIC APPOINTEES

Harvard provides all eligible employees with Massachusetts Paid Family and Medical Leave (MAPFML) benefits. Harvard has been approved by the Massachusetts Department of Family and Medical Leave to provide these benefits directly to its employees through its own “private plan” (rather than requiring its employees to also go to the Commonwealth to seek approval and payment for such leaves, like many other employers). Below is an overview of these benefits, including Harvard’s additional enhancements to these benefits (which are all marked with a “+”), for active benefits-eligible faculty and other academic appointees.

As is noted below and described in more detail under “Leave Procedures”, Harvard’s program will be administered by Lincoln Financial Group, in coordination with each School’s Office for Faculty Affairs.

MAPFML COVERAGE FOR ACTIVE BENEFITS-ELIGIBLE FACULTY AND OTHER ACADEMIC APPOINTEES

This overview applies only to active benefits-eligible faculty (those in tenured, tenure-track, multi-year, and annual teaching ranks) and other academic appointees (academic researchers and visitors).

There are three MAPFML plans for academic appointees. Eligibility for each Plan is determined by rank, payroll job code, and Employee Class (EmplClass). The Plans are identified below as Academic Plans 1, 2, and 3. **Please see your School’s Faculty Affairs Administrator to determine which Plan corresponds to your position.**

Eligibility

- All active benefits-eligible faculty (those in tenured, tenure-track, multi-year, and annual teaching ranks) and other academic appointees (academic researchers and visitors) who perform services within Massachusetts are eligible for the MAPFML benefits and enhancements described in this overview, unless they are exempted under the Massachusetts Family and Medical Leave Law, M.G.L. c. 175M (hereinafter “employee” or “eligible employee”).
- Exemptions: These benefits do not apply to employees who do not perform services within Massachusetts, independent contractors, H-2A Visa holders, or any other categories of workers who are exempted under the Massachusetts Family and Medical Leave Law, M.G.L. c. 175M.
- MAPFML benefits for **former** benefits-eligible faculty and other academic appointees may be found here: [MAPFML Summary for Non-Benefits Eligible Employees and Former Employees](#).

Qualifying Leave Types and Benefit Periods

Eligible employees may take up to 26 weeks of MAPFML leave per benefit period,* in the aggregate, as follows:

Medical Leave – Academic Plan 1 – up to 26 weeks in total

- Beginning January 1, 2021, eligible employees in **Academic Plan 1** may take up to 26 weeks of Medical Leave per benefit period due to their own serious health condition that prevents them from performing the essential functions of their job. +.

Medical Leave – Academic Plans 2 & 3 – up to 20 weeks in total

- Beginning January 1, 2021, eligible employees in **Academic Plans 2 & 3** may take up to 20 weeks for their own serious health condition that prevents them from performing the essential functions of their job.

Family Leave – Academic Plans 1, 2, & 3 – up to 12 weeks in total (up to 26 weeks of Military Care Leave)

Family Leave includes Family Care Leave, Bonding Leave, Military Exigency Leave, and Military Care Leave. Eligible employees in **Academic Plans 1, 2 & 3** may take up to 12 weeks of Family Leave in total, across all types of Family Leave, per benefit period; provided, however, eligible employees may take up to 26 weeks of Military Care Leave per benefit period.

- Beginning January 1, 2021, eligible employees may take Family Leave to bond with a child during the first 12 months after the child's birth, adoption, or foster placement ("Bonding Leave").
- Beginning January 1, 2021, eligible employees may take Family Leave for 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 ("Military Exigency Leave").
- Beginning January 1, 2021, eligible employees may take Family Leave to provide care to a covered family member who is a covered servicemember ("Military Care Leave").
- Beginning July 1, 2021, eligible employees may take Family Leave to care for a covered family member with a serious health condition ("Family Care Leave").

*Benefit period is defined as the 52 consecutive weeks beginning on the Sunday immediately preceding the first day that the employee takes leave under this Policy.

Coordination with Other Types of Leave or Approved Time Off

If an employee takes a leave associated with an MAPFML-qualifying reason under any other Harvard policy or collective bargaining agreement (including but not limited to the Family and Medical Leave Act (FMLA), parental leave, short- and long-term disability, vacation time, sick time, personal time, PTO, or any other type of approved absence from work), MAPFML leave will run concurrently with the leave whether or not the employee applies for MAPFML leave. Please note that some Harvard policies, including vacation time, personal time, or PTO may not apply to faculty and academic appointees.

Waiting Period

Under the MAPFML Law, employers are not obligated to pay wage replacement benefits during the first seven (7) calendar days of leave – this is referred to as a "waiting period." Harvard will not require such waiting period for active benefits-eligible faculty and other academic appointees. Wage replacement benefits will be payable beginning the first day of any MPFML leave.

Wage Replacement Benefits

Following the initial waiting period, an employee who is taking MAPFML leave will receive a weekly wage replacement benefit as follows:

Medical Leave

Academic Plan 1:

- 100% of base wage replacement. +

Academic Plan 2:

- 100% of base wage replacement for up to eight (8) weeks per benefit period. + Thereafter, the weekly wage replacement benefit will be calculated using the formula provided by the MAPFML Law.

Academic Plan 3:

- The weekly wage replacement benefit will be calculated using the formula provided by the MAPFML Law.

Family Leave (Bonding Leave, Family Care Leave, Military Care Leave, and Military Exigency Leave)

Academic Plans 1 & 2:

- 100% of base wage replacement for up to four (4) weeks (in total, across all types of family leave) per benefit period. +
Thereafter, the weekly wage replacement benefit will be calculated using the formula provided by the MAPFML Law.¹

¹ The MAPFML Law provides that the weekly wage replacement benefit shall be calculated as follows: (a) that portion of the employee's average weekly wage at Harvard that is equal to or less than 50% of the state average weekly wage shall be replaced at a rate of 80%; and (b) that portion of the employee's average weekly wage that is more than 50% of the state average weekly wage shall be replaced at a rate of 50%. The maximum benefit shall be 64% of the state average weekly wage. An estimate of your weekly wage replacement may be found at <https://calculator.digital.mass.gov/pfml/yourbenefits/>.

Academic Plan 3:

- The weekly wage replacement benefit will be calculated using the formula provided by the MAPFML Law.

If the weekly wage replacement benefit calculated using the formula provided by the MAPFML Law exceeds the wage replacement benefit described above, the employee will be paid the greater benefit.

Employees may be eligible to receive additional wage replacement benefits under other Harvard policies and benefit programs. In such cases, they will receive the greater of the various benefits that are available for the covered reasons. In no case may the weekly wage replacement benefit exceed the compensation the employee would receive if actively at work.

Furthermore, MAPFML wage replacement benefits shall be reduced by the amount of wages or wage replacement benefits that an employee receives from any government program or law, including unemployment or workers' compensation benefits, other than for permanent partial disability incurred prior to the MAPFML leave claim; or under any other state or federal temporary or permanent disability benefits law.

Leave Procedures

To initiate a MAPFML Leave, employees must:

1. Inform their School's Faculty Affairs Administrator of their need for leave; **and**,
2. In addition, contact Lincoln Financial Group (Lincoln), Harvard's third-party administrator, to request a leave. Employees may contact Lincoln in one of several ways:

- To file a MAPFML leave request by phone, employees may call the Harvard-dedicated number at 1-844-600-3978. Intake is available 8AM – 10 PM EST, Monday – Friday.
- To file a MAPFML leave request online, employees may go to MyLincolnPortal at www.mylincolnportal.com and click on "Register for an account" under the "Log In" button. Instructions will be provided on the website throughout the leave submission process.
- Employees may also ask their School's Faculty Affairs Administrator to submit the leave request to Lincoln on their behalf if they are unable to do so themselves.

The following information must be provided to the Faculty Affairs Administrator and Lincoln at least 30 days prior to the start of the leave (or, if that is not possible, as soon as is practicable):

- Anticipated start date
- Anticipated length
- Type of leave
- Expected return date

Employees must also have the appropriate health care provider complete a Certification of Health Care Provider form for the requested type of leave (available from Lincoln). When requesting leave, employees and the health care provider must provide all information necessary for Lincoln to review and process the request, including the following:

- Identifying information
- Nature of the leave
- Start date
- Expected duration
- Whether leave will be continuous or intermittent and information regarding any need for intermittent leave
- Date notice was provided
- Statement regarding the employee's family relationship, if applicable to the leave type
- Completed certification form
- Additional specific information requested by Lincoln where reasonably necessary to review and process the claim

Please note for Bonding Leave, employees must provide proof of birth or placement such as a copy of their child's birth certificate/declaration of birth or adoption/foster care documentation.

If an employee requesting MAPFML leave would also be eligible for leave under other Harvard policies, the employee must

comply with Harvard's usual and customary notice and procedural requirements for requesting and being approved for such leaves. Employees' academic appointments may be jeopardized in the event of not following these notice and procedural requirements. Employees are further required to comply with any applicable attendance and call-in procedures.

Because Lincoln will determine eligibility for leave and benefits under MAPFML, employees seeking MAPFML leave who are not eligible or approved for leave (whether paid or unpaid) under any of Harvard's other leave policies **must** apply to Lincoln to be approved for leave and benefits. If an employee does not apply to Lincoln and is not eligible or approved for leave under any other Harvard policies, the employee's absence will be considered unapproved.

Approval of MAPFML Leave

Employees requesting leave under this policy will be notified by Lincoln within 14 calendar days if claim is approved or denied, or if additional information/documentation is needed to review and process the claim.

Notice of approval will include the following:

- Reason for the approved leave
- Duration of the approved leave
- For intermittent leave, the frequency and duration of the leave
- End date of the approved leave

Notice of denial will include information about the employee's right to appeal under the policy as well as the rights afforded pursuant to the MAPFML Law and applicable regulations.

Payment of MAPFML benefits will begin no less than 14 calendar days after the request is approved unless the approval occurs more than 14 calendar days before the onset of eligibility, in which case payment will begin at the onset of eligibility. MAPFML benefits will be paid in accordance with Harvard's usual payroll practices applicable to the employee receiving the benefits.

Health Benefits During MAPFML Leave

Provided the employee remains active, Harvard will continue the employee's Harvard-sponsored health benefits at the same level and cost as when they were actively at work, and benefit premiums will continue to be deducted from the employee's Harvard paycheck.

Reinstatement Following MAPFML Leave

Current employees shall be entitled to return to their previous or equivalent position with the same status, pay, employment benefits, length-of-service credit, and seniority as of their leave date, consistent with the MAPFML Policy linked at the end of this summary.

Employees should refer to the policies applicable to their position for more information about whether leave periods under MAPFML are treated as credited service for purposes of accrual, vesting, and eligibility to participate in other benefit programs, including but not limited to retirement benefits, etc.

Return to Work Documentation

Employees returning from any type of leave must contact their School's Faculty Affairs Administrator at least two weeks before their anticipated return to work date to discuss the return to work process.

Employees approved for leave due to their own serious health condition will be provided, within ten (10) business days of approval, with a list of essential functions of their job. Employees who are approved for leave due to their own serious health condition will be required, before returning from leave, to present their School's Faculty Affairs Administrator with certification from their health care provider that they are able to resume work. The return to work documentation must indicate the employee's return to work date, clearance to resume the essential functions of their job or if any accommodations or restrictions are required. A Return to Work form will be included with the leave communications sent to employees by Lincoln.

Employees will not be permitted to return to work without authorization from their School's Faculty Affairs Administrator. If the employee does not provide documentation clearing them to return to work, they will not be entitled to reinstatement. They also will not be entitled to an extension of leave benefits unless they have notified Lincoln within seven (7) calendar

days of the change in circumstances (Harvard may allow a late filed request for extension for good cause shown). Employees should contact their School's Faculty Affairs Administrator with any questions about Harvard's return to work requirements.

Extensions of Amendments of Leave and Changed Circumstances

If seeking an extension of benefits, the employee must notify Lincoln no less than 14 calendar days prior to the expiration of the original approved leave (Harvard may allow a late filed request for extension for good cause shown). The employee must also notify their School's Faculty Affairs Administrator of the need for an extension. Any extension of a leave will be limited to the period of MAPFML for which the employee remains eligible in the benefit year. A request for extension must include the following:

- Reason for the extension
- Requested duration of the extended leave
- Newly completed Certification of Health Care Provider Form

If, following the approval of a leave, there is a change in relevant circumstances that would justify a modification of the period of leave or the amount of benefits, the employee **must** notify their School's Faculty Affairs Administrator and Lincoln within seven (7) calendar days of such change (Harvard may allow a late filed request for extension for good cause shown).

If an employee fails to return from leave at the expiration of the leave period and has not requested an extension, the employee's academic appointment may be jeopardized.

Reduced Work Schedule/Intermittent MAPFML Leave

Employees may take Military Exigency Leave intermittently or on a reduced leave schedule.

Employees may take Family Care Leave, Military Care Leave, or Medical Leave intermittently or on a reduced leave schedule when medically necessary. Employees will notify their School's Faculty Affairs Administrator, on request, why the intermittent/reduced leave schedule is necessary and of the treatment schedule, if applicable.

Employees may take Bonding Leave intermittently or on a reduced leave schedule only if the employee and their School mutually agree. Employees should notify their School's Faculty Affairs Administrator as to why the intermittent/reduced leave schedule is necessary.

Intermittent leaves cannot be in increments of less than fifteen minutes.

An intermittent or reduced leave schedule will result in a proportionate reduction in the employee's available allotment of leave. For intermittent leave or a reduced leave schedule, the weekly wage replacement benefit amount will be prorated.

For employees taking an intermittent leave, a Return to Work form may be required once every 30 days if reasonable safety concerns exist regarding the employee's ability to perform their duty.

For more information, including other important terms and conditions of your MAPFML benefits, please review the [MA Paid Family and Medical Leave Law Policy \(MAPFML Policy\)](#).

This Overview has been designed to acquaint you with some of the features of the MAPFML Policy, including Harvard's additional enhancements to these benefits. We have made every attempt to summarize it accurately. If there is any inconsistency between this Overview and Harvard's formal Policy, the actual provisions of the formal Policy will govern.

