GCCAG - CAMBRIDGE PUBLIC SCHOOLS
FAMILY AND MEDICAL LEAVE, PARENTAL LEAVE AND
SMALL NECESSITIES LEAVE POLICY

This policy covers employee eligibility for leave under the related Family Medical Leave Act (FMLA), Parental Leave Act, and Small Necessities Act.

Family and Medical Leave Eligibility

To be eligible for Family and Medical Leave, employees must have been employed by the Cambridge Public Schools for at least twelve (12) months and have worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the leave. The Family Medical Leave Act does not supersede any provision of any state law that provides greater family or medical leave rights established under the federal law. The Cambridge Public School's Family Medical Leave Act Policy is intended to comply with applicable federal or state law. Leaves covered by the Family Medical Leave Act are subject to special regulations that relate to instructional employees as defined below.

Family and Medical Leave

In accordance with the Family and Medical Leave Act of 1993 ("FMLA") eligible employees are entitled to a total of twelve (12) weeks unpaid leave during any twelve (12) month period (calculated by measuring the amount of leave over the twelve (12) months preceding the date of any leave) for the following reasons:

- The birth of a child and in order to care for such child, provided any such leave concludes within twelve (12) months of the birth of a child;
- The placement of a child with the employee for adoption or foster care provided such leave concludes within twelve (12) months of the placement of the child;
- In order to for care for an employee's spouse/partner, child, parent, sibling, grandparent or member of the immediate household, with a serious health condition;
- Because of the employee's own serious health condition that makes the employee unable to perform the essential functions of the position.

Leaves covered by the law, including parental leave, will be referred to in this policy as FMLA leave. Any leave taken by an eligible employee for any of the reasons covered by this policy will be considered FMLA leave even if the employee does not specifically identify it as FMLA leave.

Leave entitlements under state law and the federal FMLA run concurrently where both laws cover the same type of leave. For example, time spent on parental leave under Massachusetts law will simultaneously be counted toward an employee's FMLA leave eligibility.

Length of Leave

- FMLA leave may last for a total of up to twelve (12) weeks during any twelve (12) month period, measured backward from the date any leave is used. Leave for the serious

illness health condition of a spouse/partner, child, parent, sibling, grandparent or member of the immediate household, or of the employee may be taken intermittently or on a reduced schedule, if medically necessary. This means, where appropriate, taking leave in blocks of time, or by reducing normal weekly or daily work schedules, so long as FMLA leave does not exceed the twelve (12) week maximum. Accrued sick leave, vacation, compensatory time, and/or personal days, if any, may be applied.

• Intermittent leave for the birth, adoption or placement of a child may be taken on an intermittent basis only by prior arrangement and approval by the Office of Human Resources. Accrued sick leave, vacation, compensatory time, and/or personal days, if any, may be applied.

• Instructional employees, who include teachers and certain aides, are subject to special rules concerning when they can take intermittent or reduced schedule leave, and when they can take leave within the five (5) weeks prior to the end of an academic term. The Office of Human Resources should be contacted to discuss such leave.

• Twelve (12) weeks of unpaid leave during any 12-month period for "any qualifying exigency" when the employee's spouse/partner, child or parent is on active duty or is notified of an impending call or order to active duty or when the service member is already on active duty in the Armed Forces, including the reserves and National Guard in support of a contingency operation. Accrued sick leave, vacation, compensatory time and/or personal days, if any, may be applied.

• Twenty-six (26) weeks of unpaid leave during one 12-month period for the employee to care for a spouse/partner, child, parent or next of kin who is a service member undergoing medical treatment, recuperation or therapy, is on out-patient status, or is on the temporary disabled retired list for a serious injury or illness that occurred any time during the five years preceding the date of treatment. Accrued sick leave, vacation, compensatory time and/or personal days, if any, may be applied.

Covered Health Conditions

In accordance with the FMLA, a "serious health condition: means an illness, injury, impairment or physical or mental condition that involves one of the following:

• Hospital Care: Inpatient care (e.g., overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care, as well as home hospice care.

• Absence Plus Treatment: A period of incapacity of more than three (3) consecutive days including any subsequent medical treatment relating to the same condition.

• Pregnancy: Any period of incapacity due to pregnancy, or for prenatal care.

• Chronic Conditions Requiring Treatment: A condition which requires periodic visits for treatment by a health care provider, continues over an extended period of time, and may cause sporadic rather than continuing incapacity (e.g., asthma, diabetes, epilepsy, treatment for drug abuse, etc.).

• Permanent Long-Term Conditions Requiring Supervision: A period of incapacity which is permanent or long term for which treatment may not be effective. The employee 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, severe stroke or the terminal stages of a disease.

• Multiple Treatments (Non-Chronic Conditions): Any period of absence to receive multiple treatments (or to recover therefrom) by a health care provider, or a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three (3) calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.) severe arthritis (physical therapy), kidney disease (dialysis).

Leave Request Arrangements and Medical Certification

• Employees are expected to submit a written request for leave as far in advance as possible to the Office of Human Resources. Notice should also be provided to the employee's immediate supervisor.

• In instances where leave is foreseeable, employees must provide thirty (30) days advance notice of the leave request. In cases of planned medical treatment, the employee should consult with their immediate supervisor in an attempt to schedule the leave so as not to disrupt Cambridge Public Schools' operations. Where leave is not foreseeable, such as during a medical emergency, notice must be given as soon as is practicable, and ordinarily within one or two business days of when the employee learns of the need for the leave.

• Where the leave is for a serious medical condition of the employee or the employee's spouse/partner, child or parent, sibling, grandparent or member of the immediate household, for parental leave, or other leaves included in this policy, the employee must submit written medical documentation supporting the need for the leave from the employee's (or other affected family member's) health care provider to the Office of Human Resources. The school department may require the employee to submit medical recertification during a leave at thirty (30) day intervals unless the original certification indicates an incapacity of more than thirty (30) days, and may require employees to report periodically on their status and intent to return to work. In cases of leave due to the employee's own serious health condition which exceeds sixty (60) days, employees may be required to submit a fitness for duty report from their health care provider as a condition to restoration of their job.

• In certain instances, at Cambridge Public Schools' expense, a second medical certification may be required by a physician the school department designates, and in instances where a dispute remains, a third medical certification may be required. An employee will not be permitted to commence or remain on FMLA leave unless a valid certification form is provided as described above.

• In the case of a foreseeable intermittent leave for planned medical treatment or during a period of recovery from a serious health condition, the school department may require an

employee to transfer temporarily to an available alternative position, at the equivalent pay and benefits, for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position

Pay During Leave

Accrued sick leave, vacation, compensatory leave and/or personal days if any, and, as applicable, eligible employees may access paid parental leave, may be applied during a covered FMLA leave for maternity, the birth of a child, the placement of a child with the employee for adoption or foster care. Accrued sick leave, vacation, compensatory leave and/or personal days if any, may be applied during a covered FMLA leave for an employee's own serious health condition. Eligible regularly appointed employees of the Cambridge Public Schools who qualify for FMLA leave are allowed to apply accumulated sick leave days, if any, during an approved FMLA leave in the event of the serious health condition of a covered family member (spouse/partner, child or parent), up to a combined maximum of 12 weeks (60 work days). Such leave would be applied for and granted in accordance with the "Leave Arrangements and Medical Certification" provisions of this policy as set forth below. Employees are not eligible to apply for days from the Sick Leave Bank for family reasons.

FMLA leave will be unpaid unless the employee has accrued sick leave, vacation, compensatory leave and/or personal days, or as applicable for eligible employees, paid parental leave, that they wish to apply.

Benefits During Leave

- The Cambridge Public Schools will maintain group health insurance during a covered FMLA leave on the same terms as if an employee had continued work. The amount of health insurance premiums (including medical, life, dental and disability insurance) will be deducted through payroll deduction(s) during the period of leave which is paid.

- During a period of unpaid FMLA leave, the employee must submit to the Benefits Department by the 15th of each month a check made payable to the City of Cambridge for the amount of the employee portion of the medical insurance premium. Separate checks must also be submitted in the amount of the employee's portion of the premium for life, dental and disability insurance, it applicable.

- If an employee's health plan premium is more than thirty (30) days late, employee coverage may be dropped upon fifteen (15) days advance written notice to the employee that the payment has not been received and that coverage will be dropped on a specific date unless payment is received.

- Employees may choose not to pay their health insurance premium portion, in which case their health insurance coverage will lapse during their leave. On return to work, health insurance benefits will be fully restored and payroll deductions will resume, should they wish to continue such coverage.

- In the event that an employee does not return from a covered FMLA leave for reasons other than the continuation or onset of a serious health condition, or circumstances beyond the control of the employee, the amount of any health insurance premiums paid by the School Department will be recovered by deducting such amount from amount due

to the employee, if any, or by otherwise seeking recovery of the premium through legal process.

• Alternatively, the School Department may choose to pay the full premium during a covered unpaid FMLA leave, in which case the full amount of the premium will be recovered by payroll deduction following the employee's return to work; or, if the employee does not return, by deducting the premium amounts from amounts due to the employee, if any, or by otherwise seeking recovery of the premium through the legal process.

Reinstatement Following Leave

• Employees who return from covered FMLA leaves will be reinstated to their same or equivalent job with equivalent pay, benefits and other employment terms as required by the applicable state or federal law. However, time spent on leave does not count towards length of service credit, except for purposes of retirement or other purposes as identified within applicable collective bargaining agreements.

Parental Leave

The Cambridge Public Schools' Parental Leave Act Policy is intended to comply with applicable state and federal law. Leaves covered by the Parental Leave Act are subject to regulations defined below.

Under the Parental Leave Act, employees who have been employed for at least three consecutive months are eligible to take up to eight (8) weeks of paid parental leave for the birth of a child, the adoption of a child under the age of eighteen (18), the adoption of a mentally or physically disabled child under the age of twenty-three (23), or having a child placed with the eligible employee pursuant to a court order.

Leave entitlements under the state's Parental Leave Law and the FMLA run concurrently where both laws cover the same type of leave. For example, time spent on parental leave for the birth of a child under Massachusetts law will simultaneously be counted toward an employee's FMLA leave eligibility.

Leave Request Arrangements and Medical Certification

• Employees are expected to submit a written request for leave as far in advance as possible to the Office of Human Resources. Notice should also be provided to the employee's immediate supervisor.

• In instances where leave is foreseeable, employees must provide at least two (2) weeks advance notice of the leave request, including the anticipated date of departure and the employee's intention to return to work. Where leave is not foreseeable, notice must be given as soon as practicable, if the delay is for reasons beyond the individual's control, and ordinarily within one or two business days of when the employee learns of the need for the leave.

• If a child is not discharged from the hospital within five (5) days of the birth due to the child's medical condition, the birth parent may request up to eight (8) weeks of medical

leave after FMLA leave has been exhausted. The medical leave must be taken immediately following the conclusion of the FMLA leave. The medical leave will be equal to the number of days the child remained hospitalized after birth but not to exceed eight (8) weeks. The birth parent must present sufficient medical documentation to the Executive Director of Human Resources. This is unpaid medical leave. Accrued sick leave, vacation, compensatory time and/or personal days, if any, may be applied.

Pay During Leave

Accrued sick leave, vacation, compensatory days and/or personal days may be applied during a covered parental leave for the birth or adoption of a child, and, as applicable, eligible employees may access paid parental leave. Additionally, eligible regularly appointed employees of the Cambridge Public Schools are allowed to apply accumulated paid sick leave, if any, during an approved parental leave in the event of placement of a child under the age of eighteen (18) with the eligible employee pursuant to a court order. Such leave would be applied for and granted in accordance with the "Leave Arrangements Certification" provisions of this policy as set forth below. Employees would not be eligible to apply for days from the Sick Leave Bank for this reason. Except as detailed above, all other parental leave will be unpaid unless the employee has accrued vacation, sick, compensatory leave and/or personal days that they wish to apply.

Benefits During Leave

- The Cambridge Public Schools will maintain group health insurance during a covered parental leave on the same terms as if an employee had continued to work. The amount of health insurance premiums (including medical, life, dental and disability insurance) will be deducted through payroll deduction during the period of leave which is paid.

- During a period of unpaid parental leave, the employee must submit to the Benefits Department by the 15th of each month a check may payable to the City of Cambridge for the amount of the employee portion of the medical insurance premium. Separate checks must also be submitted in the amount of the employee's portion of the premium for life, dental and disability insurance, if applicable.

- If an employee's health plan premium is more than thirty (30) days late, employee coverage may be dropped upon fifteen (15) days advance written notice to the employee that the payment has not been received and that coverage will be dropped on a specific date unless payment is received.

- Employees may choose not to pay their health insurance premium portion, in which case their health insurance coverage will lapse during their leave. On return to work, health insurance benefits will be fully restored, should they wish to continue such coverage.

- In the event that an employee does not return from a covered parental leave for reasons other than the continuation or onset of a serious health condition, or circumstances beyond the control of the employee, the amount of any health insurance premiums paid by the School Department will be recovered by deducting such amount from the amount due to the employee, if any, or by otherwise seeking recovery of the premiums through legal process.

• Alternatively, the School Department may choose to pay the full premium during a covered unpaid parental leave, in which case the full amount of the premium will be recovered by payroll deduction following the employee's return to work; or, if the employee does not return, by deducting the premium amounts from amounts due to the employee, if any, or by otherwise seeking recovery of the premium through the legal process.

Small Necessities Leave

Eligible employees may be permitted to take a total of 24 hours of leave during any calendar year for purposes of attending to certain family appointments, as set forth below. These 24 hours are in addition to the 12 weeks allowed under the Federal Family and Medical Leave Act.

Leave Entitlement. In order to be eligible for this leave, an employee must have been employed by the Cambridge Public Schools at least twelve months and have worked at least 1,250 hours in the past twelve months. The 24 hours of leave may be taken by an eligible employee for any of the following purposes:

• to participate in school activities directly related to the educational advancement of the child of the employee, such as parent-teacher conference or interviewing for a new school;

• to accompany the child of the employee to a routine medical or dental appointment, such as check-ups or vaccinations;

• to accompany an elderly relative of the employee to routine medical or dental appointments or other professional services related to the elder's care, such as interviewing at nursing or group homes.

Definitions. The term "child" is defined as biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis. The child must either be under 18 years of age or 18 years of age or older and incapable of self-care because of mental or physical disability. The term "elderly relative" is defined as an individual at least 60 years of age who is related by blood or marriage to the employee. The term "school" is defined as a public or private elementary school; a Head Start program assisted under the Head Start Act; or a children's day care facility.

Notices: To be entitled to the leave period, employees must provide notice to their supervisor as follows:

• if the need for leave is foreseeable, the employee must request the leave not later than seven (7) days in advance;

• if the need is not foreseeable, the employee must notify the employer as soon as practicable under the particular circumstances of the individual case.

Pay During Leave

Such leave time shall be charged to an employee's accrued sick, vacation, compensatory leave and/or personal days, if any. Where none exists, the time will be unpaid.

Adopted: January 17, 2023