

BPS Parental Leave Policy

Two laws govern parental leave in Massachusetts that are applicable to Belmont Public School employees:

1. Massachusetts Parental Leave Act (MPLA) state law
2. Family Medical Leave Act (FMLA) federal law

MPLA

The MPLA covers full-time employees who, upon the birth or adoption of a child, are entitled to take up to eight weeks of leave. While this leave is unpaid, you may apply accrued sick days to this leave. The eight weeks of leave begin at the birth of the baby, or placement of the child. The leave is consecutive and does include any holidays/school vacation days that fall during the leave. *Example:* if an employee takes eight weeks of leave and February vacation week falls during the eight weeks, that week is included in the eight weeks. The employee cannot extend their leave by an additional week. However, for any holiday or school vacation day that the employee would not otherwise been scheduled to work, the employee will not be “charged” a sick day.

If the birth or adoption occurs during the summer vacation, if any, the leave commences at the birth or adoption of the child and impacts the school year only to the extent that the eight-week leave extends into the school year. *Example:* The birth or adoption occurs on August 1st, the leave extends for eight consecutive weeks, ending in September.

FMLA

The FMLA entitles eligible employees (of any gender) to take up to 12 weeks of unpaid leave during a 12 month period for (1) a serious health condition of the employee which renders the employee unable to perform the functions of their job; (2) to care for certain family members (spouse, child, parent) who have a serious health condition; or (3) to care for a newborn, adopted, or foster child. Family members of an individual in the armed services may be eligible for additional leave under certain circumstances. To be eligible for FMLA leave, you must have been employed for the previous twelve months and worked at least 1,250 hours during the 12-month period prior to the start of leave.

Although this leave is unpaid, you may apply accrued paid leave time to this leave. FMLA leave and MPLA leave runs concurrently. FMLA leave does not include periods of time when employees do not regularly work such as, if applicable, during winter break, school vacation weeks, or during the summer between academic terms. The Belmont Public Schools reserves the right to require you to use accrued paid leave during your FMLA absence.

Special rules may apply to employees taking leave in close proximity to the beginning or end of an academic term. Please consult a Human Resources representative for more information.

Note: If an eligible employee takes 8 weeks of MPLA leave to care for a baby, the employee is still eligible to take up to 4 additional weeks of FMLA leave, if eligible, during that 12 month period, for a separate purpose, e.g. to care for a seriously ill parent.

If a couple is employed by the district and are both eligible under the FMLA, they may take a combined 12 weeks of FMLA leave to care for a newborn or adopted child. They are not eligible for 12 weeks each. Where the couple both use a portion of the total 12-week FMLA leave entitlement for either the birth or adoption of a child the couple would each be entitled to the difference between the amount each has taken individually and 12 weeks for FMLA leave for other purposes. Example: if each spouse took 6 weeks of leave to care for a healthy, newborn child, each could use an additional 6 weeks due to their own serious health condition or to care for a parent with a serious health condition.

Consistent with the MPLA (MGL c. 149, §105D), if both parents work for the Belmont Public Schools, they shall only be entitled to 8 weeks of MPLA leave in the aggregate for the birth or adoption of the same child.

If leave is foreseeable, employees are expected to provide written notice of requested leave as early as possible, and no later than 30 days, prior to the beginning of the requested leave. If 30 days notice is not practicable, such as because of a lack of knowledge, a change in circumstances, or a medical emergency, written notice must be given as soon as practicable.

Medical certification is required for any FMLA leave, except for parental leave.

Insurance Benefits

Health insurance benefits are maintained throughout an MPLA and/or FMLA leave. During the leave, the employee continues to pay the employee portion of the premiums, while the Belmont Public Schools pays the employer portion of the premiums. In the event that the Belmont Public Schools permits an employee to take an extended parental leave of absence (longer than 12 weeks) the employee may maintain their insurance, however the employee is responsible for the entire cost of the health insurance.