

Effective: January 2016

Bruner/Cott & Associates, Inc.
130 Prospect Street
Cambridge, Massachusetts 02139
tel: 617 492 8400 | fax: 617 876 4002

TIME OFF

Section 6.8: Family & Medical Leave Act

Bruner/Cott

The Family and Medical Leave Act (FMLA) entitles eligible employees of BCA to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health and dental insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to:

12 workweeks of leave in a 12 month period for:

- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job;
- any qualifying exigency arising out of the fact that the employee's spouse, domestic partner, child, or parent is a covered military member on "covered active duty;"

Or

- 26 workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave).

To be considered eligible, an employee must have worked for the firm for at least 12 months or 52 weeks and worked at least 1,250 hours.

BCA employees needing to use FMLA are required to provide 30 day notice in advance of the leave when such need is foreseeable and such notice is practicable. The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently, or may use the leave to reduce the workweek or workday resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member).

If two married employees from the firm wish to take time off for the same leave purpose, they will only be able to take a total of 12 weeks of leave combined.

When a leave of absence is taken for a reason that qualifies for leave under both FMLA and MMLA, the leave will be counted concurrently as both FMLA and MMLA leave. However, when the employee takes FMLA leave for reason other than birth or adoption and has exhausted the 12 week allotment for FMLA leave, the employee may still take an additional 8 weeks of MMLA leave for the birth or adoption of a child.

JUST Applicable Section

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Employee Medical and Dental benefits will be maintained for the duration of the leave under the same terms and conditions prior to the commencement of family FMLA. BCA reserves the right to recover the cost paid for Medical and Dental insurance on behalf of the employee during the family leave if an employee decides not to return to work upon the expiration of family leave for reasons other than the continuation or onset of a serious health condition or other circumstances beyond the employee's control.

At the end of approved FMLA leave, an employee will be reinstated into the same or equivalent position. In the situation that BCA has valid business reasons to eliminate the position or conduct a layoff within the firm, an employee of FMLA may still be considered for termination.

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Section 6.9: Parental Leave

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BCA provides employees parental leave benefits according to those outlined in the Massachusetts Maternity Leave Act (MMLA) and Massachusetts Parental Leave Law.

BCA will grant 8 weeks of unpaid, job-protected leave to an employee for the purpose of:

- the birth of a child;
- adopting a child under 18 years of age (or under 23 if the child is disabled) or
- the placement of a child pursuant a court order.

To be considered eligible, the employee must have been employed by the company for a minimum of 90 calendar days. The employee must provide 2 weeks' written notice of the anticipated date of departure and state in writing the intention to return to his/her position.

Parental leave is unpaid, except to the extent that an employee has other paid time off available to them. During this period of leave, employees do not accrue vacation, sick, or personal time. Group health and dental insurance coverage will continue under the same terms and conditions as if the employee was not on leave. Other benefits resume as of the date the employee returns to full-time employment. This leave will not affect the employee's rights to receive vacation leave or other benefits for which she or he was eligible at the date of her/his departure. An employee returning to work at the completion of the eight-week leave will be restored to her/his previous position or a similar position unless other employees in the same or similar positions have been laid off during the employee's leave due to economic or operation conditions.

Any 2 employees of the firm shall be entitled to 8 weeks of parental leave in total for the birth or adoption of the same child.

When a leave of absence is taken for a reason that qualifies for leave under both FMLA and MMLA, the leave will be counted concurrently as both FMLA and MMLA leave. However, when the employee takes FMLA leave for reason other than birth or adoption and has exhausted the 12 week allotment for FMLA leave, the employee may still take an additional 8 weeks of MMLA leave for the birth or adoption of a child.