

POLICY # A4-3.2

PARENTAL LEAVE POLICY ALL EMPLOYEES

It is the policy of the Town of Wayland to provide employees with applicable rights to Parental Leave. The scope of the Massachusetts Maternity Leave Act (MMLA), M.G.L. Chapter 149, s 105D was expanded to include coverage for full-time male employees in addition to full-time female employees. Rights for maternity and paternity leave are also found in the Federal Family and Medical Leave Act (FMLA). The rights under M.G.L. Chapter 149, s 105D and FMLA have differences.

Under Massachusetts General Law, full-time employees may be eligible for up to 8 weeks of unpaid parental leave for:

- (1) the birth or adoption of a child;
- (2) the placement of a child under 18 years old; or
- (3) the placement of a person under 23 years old who is mentally or physically disabled; or
- (4) the placement of a child pursuant to a court order.

To be eligible for parental leave under this policy, the following conditions must be met:

- (1) the employee must have worked for the Town of Wayland on a regular full-time basis for at least 3 consecutive months as a full-time employee; and
- (2) the employee must give at least two weeks' notice to the Town of Wayland of the expected departure date and state an intention to return to work after the parental leave, or provide notice as soon as practicable if the delay is for reasons beyond the employee's control.

If two employees are employed by the Town of Wayland and require leave for the birth or placement of the same child, they are entitled to a combined total of 8 weeks.

While on leave under this policy, employees may elect to use any accrued paid time off in accordance with existing policies or collective bargaining agreements.

The Town of Wayland will maintain group medical insurance coverage and any other applicable insurance coverage during a covered Parental Leave on the same terms as if the employee had continued to work. While receiving pay during a portion of the leave, the Town of Wayland will continue to make payroll deductions to collect the employee's share of the premium for health benefits. During any unpaid portion of the leave, the employee will be required to submit his/her share of the health insurance premium to the Town of Wayland at the same time as it would be made if by payroll deduction. If the employee does not continue these payments, the Town of Wayland may discontinue coverage during the leave.

If the Town of Wayland agrees to grant parental leave for longer than 8 weeks, the Town of Wayland will not deny restoration rights and other rights and benefits unless it has informed the employee in writing prior to the leave and extension of that leave that it cannot guarantee reinstatement.

After the leave, employees will be reinstated to their former or similar position with the same status, pay, length of service credit and seniority as the date of the leave, unless the position has been eliminated through a reduction in force. In that case, the employee on parental leave will have preferential consideration for another vacant position for which the employee is qualified as of the date of the leave. Exceptions to this policy may be made in accordance with applicable state and federal disability laws. Other applicable leave including but not limited to the FMLA shall run concurrently with leave under this policy. The leave will not be carried over from one year to the next and will not be paid in lieu of taking the leave or upon termination of employment for any reason.

Nothing in this policy shall be construed to diminish or impair the obligation of the Town of Wayland to comply with any contract, collective bargaining agreement or employee benefit program or plan in effect on the effective date of the Parental Leave Law.

Personnel Board Approved: November 18, 2015