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Section I: Intent

MVCS acknowledges that employees may need time away from work to address medical, family, personal, military, or other qualifying circumstances. This policy establishes clear standards for requesting, approving, and returning from leaves of absence in a manner that protects employee rights, maintains organizational continuity, and complies with applicable federal, state/provincial, and local laws.

Section II: Policy

MVCS offers a range of leave options to eligible employees including leave options under MVCS policy and leave options created through state and federal law. MVCS will provide information and support to employees on options available that will best fit their individual needs and circumstances. This policy applies to all regular, benefited employees of MVCS. It governs leaves of absence, whether paid or unpaid, that are not covered by short-term disability, workers' compensation, or other separate programs. Temporary or contract employees may be subject to different terms as required by law or separate agreements.

Definitions

Leave of Absence: A non-working period granted to an employee for a qualifying reason under this policy.

Eligible Employee: An employee who has met any statutory or organizational criteria for specific leaves (e.g., eligibility for FMLA or equivalent local laws).

Medical Certification: Documentation from a licensed health care provider substantiating the need for medical leave.

Return-to-Work: The process by which an employee resumes duties at MVCS after a leave, including any required clearances or accommodations.



Intermittent Leave: Leave taken in separate blocks of time due to a single qualifying reason, rather than a continuous block.

Section III: Types of Leave and Procedures

1. Personal Leave of Absence

The agency recognizes that at times personal circumstances may create situations that necessitate a leave of absence, and while such leaves are rare, every effort will be made to accommodate the employee should the circumstances warrant it. A personal leave of absence is an unpaid period of time that an employee is absent from work without loss of employment for reasons that do not qualify under the Family Medical Leave Act (FMLA) or MA Paid Family Medical Leave (MA PFML).

All personal leaves of absence are at the discretion of the Agency. Requests for such a leave must be in writing to your supervisor and include the circumstances surrounding the request. All leaves of absence are without pay, unless an employee has available paid time off. Employees taking a leave of absence must use available paid time off before the unpaid leave portion of the leave begins. Should a leave be granted, the employee is still responsible for the usual benefit contributions during this time and vacation accrual will stop during any unpaid periods. Employee is responsible to prepay 100% of employee benefit contribution.

Requesting a Personal Leave of Absence

An employee seeking a leave of absence must submit a written request for leave to his/her supervisor. The request for leave must include:

- Name of employee;
- Name of manager;
- Date of request;
- General reason for leave;
- Anticipated timing and duration of leave; and
- Signature of employee.

Employees must provide thirty (30) days' advance notice of the need to take a leave of absence when the need is foreseeable. When thirty (30) days' notice is not possible, the employee must provide notice as soon as practicable, which should be on the same day or next business day of the date the employee becomes aware that the leave is needed.

Employee Obligations during a Leave of Absence

Employees on a personal leave of absence are required to report to the Agency if they feel that their leave is going to extend beyond the approved date. Any extensions of the leave of absence is at the discretion of the agency.



If an employee fails to report to work on the first day after the expiration of the personal leave of absence, he/she will be considered as voluntarily terminating his/her employment.

2. Family and Medical Leave of Absence Policy

Eligibility for FMLA Leave

Employees are eligible for FMLA leave if they have worked for the Agency for at least 1 year, for 1,250 over the previous 12 months and if at least 50 employees are employed by the Agency within 75 miles. Periods of absence from work due to military leave covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA) are counted in determining an employee's eligibility for FMLA leave.

Types of FMLA Leave

Employees may take up to 12 weeks of unpaid FMLA leave in a 12 month period for any of the following reasons:

- The birth of a child and in order to care for that child (leave must be completed within 1 year of the child's birth)
- The placement of a child with the employee for adoption or foster care and in order to care for the newly placed child (leave must be completed within 1 year of the child's placement)
- To care for a spouse, child or parent with a serious health condition
- To care for the employee's own serious health condition, which makes them unable to perform any of the essential functions of their position
- A qualifying exigency of a spouse, child or parent who is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty)
- To care for a child, parent or next of kin who is a covered service member who has a serious injury or illness incurred in the line of duty

Length of FMLA Leave

Employees may take up to 26 weeks of Military Caregiver leave during a single 12 month period. For all other types of FMLA leave, each employee may be granted leave for a period up to 12 weeks (during any 12 month period). In determining eligibility for leave, the Agency will measure the 52-week period looking forward from the Sunday immediately preceding the date the employee first takes FMLA leave.

In circumstances where both spouses work for the Agency, the employees may be limited to a combined total of 12 weeks of leave for parental leave or for leave to care for the employee's parent with a serious health condition or a combined total of 26 weeks of military caregiver leave.

Interaction with State and Local Laws

Where state or local family and medical leave laws offer more protections or benefits to employees, the protections or benefits that are more favorable to the employee, as provided by these laws, will apply.



Leaves taken pursuant to other agency policies (for example, workers' compensation, Parental Leave, sick time) or if an employee's leave under FMLA is also available under MA Paid Family Medical Leave (MA PFML), the leaves shall run concurrently with FMLA leave.

Required Certifications

Employees seeking leave due to their own or a family member's serious health condition will be required to submit appropriate medical certification, which can be obtained upon request from Human Resources. When an employee requests leave, the Agency will notify them of the requirement for medical certification and its due date (at least 15 days after the leave request). Failure to provide requested medical certification in a timely manner may result in denial of FMLA-covered leave until it is provided.

MVCS also reserves the right to require certification from a covered military member's health care provider if an employee is requesting military caregiver leave and certification in connection with military exigency leave.

In all cases of leave due to the employee's or a family member's serious health condition, the Agency reserves the right to request a second medical opinion at Agency expense and further medical opinion, where appropriate. Periodic recertification also may be required for requested extensions of medical leave, lengthy leaves of absence and other appropriate circumstances.

Compensation During FMLA Leave

Employees on FMLA leave must apply any accrued sick, vacation, and personal time while taking FMLA leave. Employees must comply with the Agency's normal policies for use of accrued paid time off. However, if FMLA runs concurrently with MA PFML, the employee is not required to apply paid time off towards the leave.

If an employee does not have any accrued paid time, and is not eligible for other benefits, such as workers' compensation payments, MA PFML, the FMLA leave will be unpaid.

Benefits During FMLA Leave

An employee on FMLA leave will be retained on the Agency's health plan on the same condition as active employees, except that the employee must make arrangements with Human Resources for timely payment of the employee's portion of the premium in order to continue such coverage. If any premium payment is more than 30 days late, coverage may be lost during the remainder of the leave. In circumstances where an employee is on paid leave, the appropriate deductions will be made in the same manner as the employee's regular paycheck.

Arrangements may also be made with Human Resources for the continuation of certain other benefits during the period of leave. The employee will not be eligible for the accrual of seniority or earn additional employee benefits (e.g. sick, vacation, and personal time) during the period of the leave. However, any FMLA leave will be treated as continued service for purposes of the Agency's other plans, such as retirement plans.

An employee on an FMLA leave of absence will not be eligible for holiday pay during a designated holiday observed during the leave. If a holiday falls during a full week of FMLA leave, the holiday



will count towards the employee's annual FMLA total. If the employee is taking less than a full week of FMLA leave, the holiday will only count as FMLA leave if the employee would have been scheduled and expected to work on the holiday.

If an employee fails to return from leave, the employee may be liable for the employer's share of the insurance premiums unless: (1) the employee's failure to return to work stems from the continuation, recurrence or onset of a serious health condition of the employee or a family member; or (2) the failure to return stems from circumstances beyond the control of the employee.

Reduced Work Schedule/Intermittent FMLA Leave

For all types of FMLA leave, except Parental Leave, an employee does not need to use the leave entitlement in 1 block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary.

Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the Agency's operations. Further, where a reduced work schedule or intermittent leave is foreseeable based on planned medical treatment, the Agency reserves the right to temporarily transfer the employee to a position that better accommodates the employee's recurring periods of leave.

Agency Notifications Regarding FMLA Leave

Employees requesting leave will be notified regarding whether they are eligible or not under FMLA, as well as the employee's rights and responsibilities, if eligible for FMLA.

Designation of Leave

If the Agency becomes aware of any qualifying reason for FMLA leave, the Agency will designate it as such. An employee may not refuse FMLA designation under this policy.

Return from FMLA Leave

Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms, except that the employee will not be entitled to any employment rights or benefits greater than those employee would have had in the absence of taking such a leave.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

If an employee is unable to return from FMLA leave on the date set forth in the leave request and/or certification of healthcare provider, the employee is expected to contact the Agency *prior* to the anticipated return to work date. If an employee fails to return from FMLA leave when scheduled and does not contact the Agency in advance, the employee may be deemed to have resigned.

3. MA Paid Family Medical Leave (MAPFML Policy)

Most Massachusetts (MA) employees may be eligible to receive up to:

- 20 weeks medical leave for employee's own serious health condition



- 12 weeks for the birth, adoption or foster care placement of a child (bonding)
- 12 weeks for the care of a family member
- 26 weeks for care of a covered service member
- 12 weeks qualifying exigency for military leave under this policy

Eligible employees may take a combined maximum of 26 weeks per benefit year. All leaves are job protected.

If an employee's leave under MA PFML is also eligible under FMLA or another applicable policy, the leaves will run concurrently.

Eligibility for MA PFML Leave

Employees are eligible for MA PFML if they work in MA or are considered a MA employee and meet the state minimum earnings requirement for the last 12 months. There are no length of service or minimum hours' requirements to be eligible for leave under MA PFML. Employees may be required to provide proof of eligibility. If the employee refuses to provide any requested documentation to the insurer or employer directly, benefits under MA PFML may be denied.

Types of MA PFML Leave

Eligible employees can take MA PFML for the following reasons:

Leave Due to the Employee's Own or a Family Member's Serious Health Condition

Employees may take MA PFML leave for a serious health condition that makes the employee unable to perform the employee's job. Employees may also take leave to care for the employee's spouse, child, parents (including in loco parentis), sibling, step-child, domestic partner, in-law, grandparent, grandchild and other qualified family members who have a serious health condition.

The law defines a serious health condition as "an illness, injury, impairment or physical or mental condition that involves (i) inpatient care in a hospital, hospice or residential medical facility; or (ii) continuing treatment by a health care provider."

Bonding

Leave may be taken to bond with the employee's child during the first 12 months after the child's birth or the first 12 months after the placement of the child for adoption or foster care with the employee.

Qualifying Exigency Leave

Eligible employees with a family member on active duty or who has been notified of an impending call or order to active duty in the Armed Forces, may use leave to address certain qualifying exigencies.

Care of a Service Member

Eligible employees may take leave to care for a family member who is a covered service member.

Length of Leave

The benefit year is a 12 month period of 52 consecutive weeks beginning on the Sunday immediately preceding the first day of MA PFML covered leave.



If an employee is eligible for MA PFML leave, and takes time off for a qualifying purpose, such as Leaves taken pursuant to other agency policies (for example, workers' compensation, parental leave, small necessities leave, vacation, FMLA) shall be counted as MA PFML and run concurrently with MA PFML leave.

Compensation During Leave

There is a 7 calendar-day elimination period (the period before weekly compensation benefits begin), which is unpaid. Each new leave event will have a 7 calendar-day elimination period associated with it (except for when medical leave precedes bonding leave, in which the elimination period for the bonding leave is "waived"). The elimination period counts against an employee's total leave entitlement.

Employees taking MA PFML may, but are not required to, apply any accrued vacation, sick time or personal days to the elimination period. Employees may also use any accrued vacation, sick time or personal days to 'top off' their MA PFML benefit to pay the difference between MA PFML and the employee's average weekly wage for a duration of the employee's approved leave, capped at 100% of prior earnings. Please know that amounts collected over the 100% threshold will be offset by Met and will not be recoverable.

Employees also have the option of substituting accrued vacation, sick time or personal days instead of receiving compensation under MA PFML. Employees must comply with the Agency's normal policies for use of accrued vacation, sick time or personal days. Any accrued time taken will count towards the MA PFML allotment.

Weekly benefit amounts are calculated as a percentage of employee earnings. This means weekly benefits may be different for each employee. The Agency will not provide employee with an estimate of weekly benefits and cannot guarantee a weekly benefit amount.

In addition to formally requesting a leave with the Agency, an employee will need to open a claim with MetLife. MetLife will make a final determination of the employee's eligibility and the weekly benefit entitlement.

Benefits During Leave

An employee on MA PFML will be retained on the Agency's health plan on the same condition as active employees, except that the employee must make arrangements with Human Resources for timely payment of the employee's portion of the premium in order to continue such coverage. In circumstances where an employee is on paid leave, the appropriate deductions will be made in the same manner as the employee's regular paycheck.

Reduced Work Schedule/Intermittent MA PFML

Employees may take leave intermittently. Increments of intermittent leave for the employee's own serious health condition, will be determined based on the recommendation of the health care provider. The smallest amount of intermittent leave an employee can take for all other leaves is one hour.



To Request a Leave

To request leave from the Agency the employee should:

- Notify Human Resources at least 30 days in advance when the need for leave is foreseeable. When the need for leave is not foreseeable, notify Human Resources as soon as practicable
- Complete and return the MA PFML request form and any applicable certifications to Human Resources

Return from Leave

Upon return from MA PFML, most employees must be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms, except that the employee will not be entitled to any benefits greater than those they would have had in the absence of taking such a leave. MA PFML is job-protected. Employees will not be retaliated against for exercising their paid leave rights under this law or for filing a complaint under anti-retaliation provisions.

Fitness for Duty

Employees returning from medical leave must present a fitness for duty certification upon the conclusion of leave that addresses their ability to perform the essential functions of their job. If the employee does not present the certification following conclusion of the approved leave, reinstatement may be denied.

4. Massachusetts Small Necessities Leave

Under Massachusetts' Small Necessities Leave Act, employees who have been employed for 12 months and worked at least 1,250 hours during the previous 12-month period are entitled to up to 24 hours of unpaid leave during any 12-month period for the purposes of:

1. Attending a child's (which includes biological, adopted, or foster child, a stepchild, a legal ward, or child of a person standing in loco parentis) school-related activities;
2. Accompanying a child to routine medical or dental appointments; or
3. Accompanying an elderly relative to routine medical or dental appointments or appointments for other professional services related to the elder's care.

Employees should provide seven days' notice if the need for leave is foreseeable. Otherwise, employees should provide such notice as soon as possible. Additionally, employees may be required to submit certification verifying the reason for the leave.

Employees may elect to use accumulated personal or vacation time to be paid for this leave. Leave may be taken intermittently or on a reduced leave schedule.

If the Small Necessities Leave runs concurrently with MA PFML, the employee is not required to apply paid time off towards the leave.

Employees should contact Human Resources for more information about the Small Necessities Leave.



5. Massachusetts Parental Leave

Massachusetts provides up to eight weeks of unpaid leave in a 12-month period to employees for the birth or adoption of a child. An employee must be full time and have three consecutive months of employment with MVCS to qualify.

Leave may be taken for the purpose of giving birth, for adopting a child under the age of 18 (23 if the child is mentally or physically disabled), for placement of a child under the age of 18 (23 if the child is mentally or physically disabled) or for the placement of a child pursuant to a court order. If 2 employees working for the Agency are eligible for Parental Leave for the same child, they may be eligible for a combined total of 8 weeks of unpaid Parental Leave between them.

An employee on Parental Leave will be retained on the Agency's health plan on the same condition as active employees, except that the employee must make arrangements with Human Resources for timely payment of the employee's portion of the premium in order to continue such coverage. If any premium payment is more than 30 days late, coverage may be lost during the remainder of the leave. In circumstances where an employee is on paid leave, the appropriate deductions will be made in the same manner as the employee's regular paycheck. In the event that an employee fails to return from leave, the employee may be liable for the employer's share of the insurance premiums.

Employees must provide at least two weeks' notice to their supervisor of the anticipated date of departure and the employee's intention to return or provide notice as soon as practicable if there are reasons beyond the employee's control.

Employees returning to work at the end of leave will be placed in their original job or an equivalent job with equivalent pay and benefits. Employees will not lose any benefits that accrued before leave was taken. However, there are no greater rights provided because of the leave than if the employee were not on leave. MVCS reserves the right not to reinstate an employee on Parental Leave to their previous or similar position if other employees of equal seniority and status in the same or similar position have been laid off due to economic or other conditions affecting employment during the period of the leave.

If an employee fails to report to work on the first day after the expiration of the leave of absence, and has not applied for an extension, MVCS will consider this a voluntary termination of employment, as is the policy with any leave. If unable to return to work at the end of a leave because of an extended disability due to recovery from childbirth, an employee will be treated in accordance with appropriate disability program provisions.

Parental Leave may also be covered under the Family and Medical Leave Act (FMLA) and MA Paid Family Medical Leave (MA PFML). When an employee is eligible for Parental Leave under multiple policies, the leaves will run concurrently. Employees should refer to those sections for more information.

Employees taking leave will be required to exhaust any unused vacation or sick time. However, if this leave runs concurrently with MA PFML, the employee is not required to apply paid time off towards the leave. Vacation and sick time benefits will not accrue during leave.



6. Massachusetts Domestic Violence Leave

MVCS provides up to 15 days of paid leave in any 12-month period to victims of abusive behavior, domestic violence, sexual assault, kidnapping, and/or stalking, and certain family members, for purposes directly related to the abusive behavior. Such purposes may include seeking legal or medical services, counseling, or victim's services; securing housing; obtaining a protective order; appearing in court or before a grand jury; or addressing other issues directly related to the abusive behavior against the victim or family member of the victim.

The employee may take domestic violence leave if they are a victim of abusive behavior, or due to the abuse of a covered family member, including a spouse/partner, parent, child, sibling, grandparent or grandchild, or persons in a guardian relationship. Perpetrators or accused perpetrators of abuse are not entitled to domestic violence leave.

The employee must provide advance notice of the need for leave whenever possible, but this requirement does not apply if the employee or a covered family member faces imminent danger to their own or their family member's health or safety. Should the employee be unable to provide advance notice based on a risk of imminent danger, the employee must notify their supervisor and/or Human Resources within three business days that the time off was related to domestic violence. Should the employee be unable to notify MVCS, a family member, counselor, clergy, or assisting professional may do so on their behalf.

MVCS may require documentation supporting a claim for domestic violence leave. Such documentation can consist of a protective order or other court document, police report, police witness statement, documents reflecting the perpetrator's conviction or admission of guilt, documentation of medical treatment, and/or a victim advocate, counselor, social worker, health care worker, member of the clergy, or other assisting professional's sworn statement. In lieu of the documents listed above, the employee may also submit their own sworn signed statement. Any documentation supporting the need for domestic violence leave must be submitted within 30 days of the last date of absence.

An employee on leave of absence will not be eligible for holiday pay during a designated holiday observed during the leave. If a holiday falls during a full week of leave, the holiday will count towards the employee's 15 days of total leave.

The employee is entitled to return to the same or a substantially equivalent position once the leave has ended. The employee will not be terminated, retaliated against, or receive a reduction in benefits based on their use of domestic violence leave. All information related to the leave will be kept in the strictest confidence.

7. Military Leave (USERRA)

MVCS complies with applicable federal and state law regarding military leave and re-employment rights. Unpaid military leave of absence will be granted to members of the uniformed services in



accordance with the Uniformed Services Employment and Reemployment Rights Act of 1994 (with amendments) and all applicable state law. Documentation of the need for the leave is required to be submitted to Human Resources. An employee returning from military leave of absence will be reinstated to his or her previous or similar job in accordance with state and federal law. You must notify your manager of your intent to return to employment based on requirements of the law. For more information regarding status, compensation, benefits and reinstatement upon return from military leave, please contact Human Resources.

8. Jury Duty Leave

Martha's Vineyard Community Services encourages employees to fulfill their civic duties related to jury service. Employees summoned for jury duty are entitled to paid time off for the first three days of jury service.

If you receive a jury summons, you must inform your supervisor as soon as possible to make arrangements for a leave of absence. Martha's Vineyard Community Services reserves the right to require employees to provide proof of jury duty service to the extent authorized by law. You are expected to return the same work day if you are excused from jury duty during regular working hours or released from jury duty earlier than expected.

9. Witness Duty

Employees may be granted unpaid time off to appear in court as a witness when requested by a party other than MVCS. Employees may use any available vacation or personal time to receive compensation for this time off.

When an employee needs to take leave, they should notify their manager as soon as practicable. The Agency reserves the right to require employees to provide proof of witness duty service. The employee is expected to report for work whenever the court schedule permits.

10. Voting Leave

If your work schedule prevents you from voting on Election Day, MVCS will allow you a reasonable time off to vote. The time when you can go to vote will be at the discretion of your supervisor, consistent with applicable legal requirements.

11. Bereavement Leave

The Agency provides paid bereavement leave for regularly scheduled full-time employees and regularly scheduled part-time employees working 20 hours or more per week. Up to five (5) days pay is provided for absence because of death of an immediate family member (spouse, domestic partner, child, parent, parent-in-law, brother, sister, grandparent or grandchild of the employee). Three-day bereavement pay may be granted for the death of a brother-in-law or sister-in-law, aunt, uncle, cousin, niece or nephew of the employee. This policy includes flexibility in timing of how the leave is used following discussion with HR.



Section IV: Distribution and Training

The Policy and associated attachments are distributed on the Employee Portal. Notifications related to new, amended, or reviewed policies will be communicated to MVCS leadership and program directors for dissemination to their staff as appropriate. The policy may be directly disseminated to appropriate staff and/or staff groups via email notification after initial dissemination to leadership as per direction of the CEO or designee. The dissemination will be performed by the Chief Operating Officer or designee.

Section V: Legal, Regulatory, Accrediting, and Other Related References and Resources