



EXCEPTIONAL CARE. WITHOUT EXCEPTION.

Faculty Practice Foundation, Inc.

Policy and Procedure
Personnel Policies

Policy and Procedure Manual

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Purpose: To set forth the policies that cover employment by departmental faculty practice plan corporations.

Policy Statement

These policies cover employees of departmental faculty practice plan corporations with concurrent employment by Boston University. None of these policies apply to Boston Medical Center staff.

With regard to the personnel policies contained in this handbook, these policies supersede any and all prior policies, communications, and understandings, written or oral with the departmental faculty practice plan or Boston University, including, but not limited to, Boston University’s Faculty Handbook. These personnel policies apply to each and every departmental faculty practice plan. Any departmental faculty practice plan that considers diverging from these personnel policies must communicate such intent to the Faculty Practice Foundation and seek authorization from the Faculty Practice Foundation before any divergence from these personnel policies.

These policies and their language are not intended to create or constitute a contract between the departmental faculty practice plan and any of its employees. The departmental faculty practice plan reserves the right, with Faculty Practice Foundation approval, to modify, revoke, suspend, terminate or change any and all policies, procedures and benefits it may have with or without notice, at any time. The departmental faculty practice plan, with Faculty Practice Foundation approval, reserves the right to decide not to apply any particular policy in a given situation if, in its discretion, it determines that to do so should better serve its interest.

Application: All faculty practice plan corporations

Exceptions: None

FACULTY PRACTICE FOUNDATION

PERSONNEL POLICIES

This handbook contains policies which cover your employment by your departmental Faculty Practice Plan (the "Corporation") and your concurrent employment by Boston University. With regard to the personnel policies contained in this handbook, these policies supersede any and all prior policies, communications, and understandings, written or oral with the Corporation or Boston University, including, but not limited to, Boston University's Faculty Handbook.

This handbook, the policies, and their language are not intended to create or constitute a contract between the Corporation and any of its employees. The Corporation reserves the right to unilaterally modify, revoke, suspend, terminate or change any and all policies, procedures and benefits it may have with or without notice, at any time. The Corporation reserves the right to decide not to apply any particular policy in a given situation if, in its sole discretion, it determines that to do so should better serve its interest.

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II. DISCRIMINATION AND HARASSMENT POLICY

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VACATION LEAVE

Full-time employees are eligible upon hire for the accrual of four (4) weeks of Vacation Leave per academic year (July 1 - June 30). Part-time employees scheduled to work at least 50% of a full-time schedule are eligible for the accrual of four (4) weeks on a pro rata basis. The amount of Vacation Leave accrued by an employee hired after July 1 will be prorated for the academic year based on the month of hire.

Full-time employees of the Corporation accrue Vacation Leave at the rate of one and two-thirds ($1\frac{2}{3}$ or 1.67) days for each full calendar month of work based on a 5-day full-time work week (or at the appropriate pro rata rate if the full-time employee works fewer or more than five days each work week). Part-time employees accrue Vacation Leave on a pro rata basis.

The Corporation, in its sole discretion, may allow an employee to take advance Vacation Leave. The Corporation reserves the right, consistent with state and federal law, to adjust an employee's paycheck to reimburse the Corporation for time borrowed if (1) the employee has not accrued the advance Vacation Leave prior to the end of the academic year (June 30), and (2) if the employee's employment with the Corporation ceases before the advance Vacation Leave is accrued. An employee's request to take advance Vacation Leave constitutes the employee's consent for the Corporation to adjust the employee's paycheck under those circumstances.

Employees must use all their accrued Vacation Leave during each academic year, and no carry-over of Vacation Leave will be allowed unless the Corporation is solely responsible for the employee's inability to use vacation leave.

If the employee's employment with the Corporation ceases before the employee uses all accrued Vacation Leave days, the Corporation will pay the employee a sum of money equivalent to pay for the accrued, unused Vacation Leave days.

Employees may be required to submit a written request to their immediate supervisor at least two (2) months in advance of the desired Vacation Leave. The two (2) month requirement may be shortened in unusual situations. The Corporation is exclusively vested with the right to make the ultimate determination as to when Vacation Leave will be scheduled and taken. If an observed holiday occurs during an employee's scheduled vacation, the day of observance is taken as Holiday Leave.

Upon request, employees are entitled to a written statement of their Vacation Leave usage. Such requests should be made to the employee's immediate supervisor, who is responsible for keeping accurate records and responding to the requests. An employee who becomes ill while on an approved Vacation Leave may not apply Sick Leave to that period of illness.

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HOLIDAY LEAVE

Holiday Leave provides employees with authorized paid absences from work for the purpose of observing designated holidays. All full-time employees and part-time employees are eligible upon hire for Holiday Leave. The Corporation will observe the same holidays as established by Boston Medical Center. The specific dates on which the holidays will be observed are published each year in Boston Medical Center's official Schedule of Holidays.

Inpatient, Emergency Department and some Operating Rooms, as well as the departments supporting these areas are open on all holidays. Additionally, hospital clinical departments are expected to be open and providing services on Patriot's Day, Columbus Day and Veterans' Day. The Corporation will be expected to have employees available to provide appropriate services on these days. Any employee required to work on a holiday will not be entitled to additional Vacation Leave or compensation.

Employees may be granted approved time off to observe their religious holidays which do not coincide with the holidays that are officially observed by Boston Medical Center. Such time off will be charged as Vacation Leave.

Employees who are on an unpaid absence from the Corporation are not eligible for Holiday Leave.

Holidays:

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving
- Christmas

JURY DUTY LEAVE

Jury Duty Leave is an authorized paid absence from work that enables employees to complete compulsory jury duty service in an established Federal or State Court without sustaining financial loss. The Corporation encourages its employees to fulfill their civic responsibilities. All regular full-time employees and regular part-time employees are eligible upon hire for Jury Duty Leave. Jury Duty Leave covers the full amount of time that an employee spends on compulsory jury duty that coincides with scheduled work.

An employee who is summoned for jury duty must provide his/her supervisor with a copy of the summons as soon as possible but no later than one week after receipt. An employee who serves on a jury will receive his/her regular wages for time lost from scheduled work for up to the first three (3) days of jury duty. During the remainder of time an employee is required to serve, the employee will be paid his/her regular, straight time wages for regularly scheduled hours not worked, less the amount paid by the Commonwealth of Massachusetts or Federal Court. Employees on jury duty are expected to work any of their regular hours that they are available. Employees maintain their regular benefits while absent from work on approved Jury Duty Leave.

Upon completion of an approved Jury Duty Leave, an employee may be required to submit to his or her immediate supervisor the statement from the Clerk of the Court that details the employee's reimbursement from the community.

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MILITARY LEAVE

Military Leave is an authorized absence from work which enables employees to fulfill military service as members of the United States Armed Forces (including National or State Guard) or with a Reserve component of the United States Armed Forces in accordance with the provisions of applicable federal and state laws. All regular full-time employees and regular part-time employees who fulfill military service in the United States Armed Forces are eligible upon hire for Military Leave. The length of a Military Leave is determined by the employee's military service. Military Leave will be granted for the period of time required under the provisions of applicable federal and state laws.

Eligible employees will be paid the difference between their compensation under the Corporation's compensation policy and the amount of military pay received from the government (exclusive of travel pay) for a maximum of eleven (11) workdays in a calendar year. In order to take advantage of this payment differential, the employee shall provide the payroll office with a copy of his/her military leave and earnings statement for the period of the employee's absence.

Employees who take more than eleven (11) workdays in a calendar year to fulfill their military service have the option of charging the additional time off to Vacation Leave, if available. Employees on approved absences to fulfill military service maintain their regular benefits and, for purposes of determining the level of benefits based on length of employer service, will be treated as though there were no interruption in employment.

As required by 20 C.F.R. §1002.85(a), employee, or an appropriate officer of the uniformed service in which employee's service is to be performed, must provide notice to employee's supervisor relating employee's intent to be absent from his/her employment position in order to perform service in the uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA).

The Corporation will comply with USERRA and related Massachusetts law and asks the employee, pursuant to 20 C.F.R. §1002.85(d), to "provide notice [of military service] as far in advance as is reasonable under the circumstances" so that the scheduling of coverage may be made as appropriate.

BEREAVEMENT LEAVE

Bereavement Leave is an authorized paid absence from work granted when a death occurs in an employee's immediate family. Immediate family members are the employee's spouse, parents, parents-in-law, sons-in-law, daughters-in-law, grandparents, brothers, sisters, children and members of the same household. All full-time employees and part-time employees are eligible upon hire for Bereavement Leave.

Eligible employees may be granted up to three (3) days of Bereavement Leave for the death of an immediate family member. Employees maintain their regular benefits and compensation in accordance with the Corporation's compensation policy while absent from work on an approved Bereavement Leave.

Employees should request Bereavement Leave from their immediate supervisor by informing him or her of the death and the number of days requested. Approvals may be required to clearly define the duration of the absence and the date the employee is expected to return to work.

Under special circumstances, an employee may require more than the three-day Bereavement Leave period. An employee may request additional time off from his or her supervisor. The additional time off must be charged to accrued Vacation Leave or taken as unpaid time off with the approval of the President.

An absence from work in the event of the death of a person who is not an immediate family member will be charged to the employee's accrued Vacation Leave or taken as unpaid time off at the discretion of the President. Employees may be required to request such absences from their immediate supervisor.

Employees may be required to produce satisfactory proof of death or relationship.

EARNED SICK TIME / SICK LEAVE

Earned Sick Time / Sick Leave provides employees with an authorized paid absence from work to:¹

- 1) Care for an employee's child, spouse, parent, or parent of a spouse, grandparent, brother, or sister who is suffering from a physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care; or
- 2) Care for an employee's own physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care; or
- 3) Attend an employee's routine medical appointment or a routine medical appointment for an employee's child, spouse, parent, or parent of spouse; or
- 4) Address the psychological, physical or legal effects of domestic violence on an employee or the employee's dependent child.

All regular full-time employees and regular part-time employees scheduled to work at least 50% of a full-time schedule are eligible for a maximum of up to twelve (12) workdays of earned sick time during each academic year (July 1 – June 30). Part-time employees scheduled to work at least 50% of a full-time schedule are eligible for the twelve (12) workdays on a pro rata basis. The amount of earned sick time for employees hired after July 1 will be pro-rated for the academic year based on their month of hire. Part-time employees scheduled to work at less than 50% of a full-time schedule are eligible for a maximum of five (5) workdays each academic year. Earned sick time may be used in hourly increments.

Employees must notify the Corporation before they use earned sick time, except in an emergency. For foreseeable or pre-scheduled use of earned sick time, the employee should provide the Corporation with at least seven (7) days' notice, except where the employee learns of the need to use earned sick time within a shorter period. Employees who are unable to report to work due to illness shall be required to personally notify their immediate supervisor within four (4) hours of the start of the workday. Employees who are absent for more than one (1) day shall be required to personally or through a surrogate (e.g. spouse, adult family member or other responsible person) notify their supervisor on each day or at intervals requested by the supervisor.

The Corporation may require written documentation for an employee's use of earned sick time that:

1. Exceeds twenty-four (24) consecutively scheduled work hours;
2. Exceeds three (3) consecutive days on which the employee was scheduled to work²;
3. Occurs within two (2) weeks prior to an employee's final scheduled day of work before termination of employment, except in the case of temporary employees; or
4. Occurs after four (4) unforeseeable and undocumented absences within a 3-month period.

¹ Care of a healthy immediate family member after child birth does not qualify for sick leave.

² For a "serious health condition" lasting greater than three (3) consecutive calendar days please reference FMLA provisions and short term disability benefits listed below.

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Written documentation that may be required includes: (1) documentation signed by a health care provider indicating the need for the earned sick time taken; or (2) With regard to indicating the need of leave related to domestic violence, any of the following³: (a) A restraining order or other court documentation; (b) A police report documenting the abuse; (c) Documentation that the perpetrator of the abuse has been convicted of a crime against a person where the victim was a family or household member; (d) Medical documentation of the abuse; (e) A statement provided by a counselor, social worker, health worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee in addressing the effects of the abuse on the employee or the employee's family; or (f) A signed written statement from the employee attesting to the abuse. Employees must submit requested documentation within seven (7) days after taking the earned sick time for which such documentation is required, unless, for good cause shown, an employee requires more time to provide the documentation.

The Corporation may require employees making use of earned sick time during local, state or federally declared emergencies to provide written documentation from a medical provider substantiating its use. Misuse of sick leave during declared emergencies may result in discipline.

Employees maintain their regular compensation as provided under the Corporation's compensation policy and benefits while absent from work on approved Sick Leave. It is the responsibility of the employee's immediate supervisor to maintain accurate records regarding Sick Leave usage.

Employees who are absent from work due to illness or injury sustained in the course of employment are subject to and paid in accordance with the provisions of the Massachusetts Worker's Compensation Law. Employees will be paid under the Massachusetts Worker's Compensation Law for absences that occur after the statutory waiting periods have been satisfied.

The Corporation may determine, in consultation with an employee that a reduced schedule is appropriate in order to accommodate an employee's recurring illness or injury, and compensation may be adjusted accordingly. In addition, the Corporation, in consultation with an employee may consider transferring an employee to an available alternative position. In making an accommodation determination the Corporation will consult with the appropriate human resource personnel.

Employees shall not be compensated for unused Sick Leave at the time their employment with the Corporation terminates.

³ All information of domestic violence experienced by an employee, including the employee's statement and corroborating documentation, shall not be disclosed by the Corporation unless written consent for disclosure is given by the employee at the time the documentation is provided.

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FAMILY AND MEDICAL LEAVE ACT / MASSACHUSETTS PARENTAL LEAVE ACT
(See section below for FPF Paid Leave Benefits)

Under the provisions of the Family and Medical Leave Act (FMLA) eligible members of the Faculty Practice Foundation, Inc. can take up to a total of 12 work weeks of unpaid, job protected leave during any 12-month period.

- A. Applies To: All members of the Faculty Practice Foundation, Inc. ("FPF"). Individuals covered by this policy are considered employees of the individual Department and are hereafter referred to as "Employees".
- B. Eligibility: Any Employee who has been employed by a Department of the FPF for at least twelve (12) months and has worked at least 1,250 hours during the twelve (12) months before the leave begins is eligible for a maximum of twelve (12) weeks of family and medical leave⁴ for one or more of the following reasons:
- (1) The birth or placement for adoption⁵ or foster care of a new son or daughter and to care for that child;
 - (2) To care for a parent, spouse, son or daughter with a serious health condition;
 - (3) Or your own serious health condition;

A "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. The "continuing treatment" test for a serious health condition under the regulations may be met through (1) a period of incapacity of more than three consecutive, full calendar days plus treatment by a health care provider twice, or once with a continuing regimen of treatment, (2) any period of incapacity related to pregnancy or for prenatal care, (3) any period of incapacity or treatment for a chronic serious health condition, (4) a period of incapacity for permanent or long-term conditions for which treatment may not be effective, or (5) any period of incapacity to receive multiple treatments (including recovery from those treatments) for restorative surgery, or for a condition which would likely result in an incapacity of more than three consecutive, full calendar days absent medical treatment.

- (4) To care for a spouse, son, daughter, parent, or next of kin who is a current member or veteran of the Armed Forces (including the National Guard or Reserves) with a serious injury or illness incurred in the line of duty on active duty (or that existed before the member's active duty began and was aggravated by service in the line of duty on active duty in the Armed Forces) that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating;⁶ or

⁴ This policy is intended to comply with the Family and Medical Leave Act of 1993 and will be implemented accordingly.

⁵ An Employee who does not meet these eligibility requirements may still be eligible for maternity or adoption leave under the Massachusetts Parental Leave Act (See Section J).

⁶ For veterans, the serious injury or illness is one that manifested itself before or after the member became a veteran. The veteran must have been a member of the Armed Forces (including the National Guard or Reserves) during the five years preceding the date of medical treatment, recuperation, or therapy.

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- (5) For "qualifying exigencies"⁷ arising out of the fact that the Employee's spouse, son, daughter, or parent is on covered active duty or has been called to covered active duty status as a member of the Armed Forces, National Guard, or Reserves.

Except as otherwise provided in this policy, an Employee may take no more than twelve (12) weeks of family and medical leave during any one year period. Each one year period is measured backward from the date an Employee uses any family and medical leave.

C. Notice of Leave

In order to take Family and Medical Leave under this policy, an Employee must notify the Department Chairman and the Human Resources Department at the Boston University Medical Campus ("BU HR") at least thirty (30) days before commencing leave. A form for requesting leave is available from BU HR. The Department Chairman and/or BU HR may waive this notice requirement if they determine that an Employee did not give notice because of emergency or other unforeseeable circumstances. When the need for leave is not foreseeable thirty (30) days in advance, an Employee must give notice to the Department Chairman and BU HR within two (2) working days after learning of the need for leave, absent extraordinary circumstances.

D. Conditions on the Use of Leave

- (1) An employee must take any leave for the birth and care of a new son or daughter, or placement of a new son or daughter for adoption or foster care, consecutively during a period of not more than twelve (12) weeks and must conclude the leave within one (1) year of the birth or placement for adoption or foster care. Leave may not be taken on an intermittent (two or more separated leave periods) basis. With the agreement of the Department, the Employee may take birth, adoption or foster care leave on a reduced work schedule (where an Employee continues to work, but for fewer hours per day or for fewer days per week). An Employee must still take a reduced work schedule leave for birth, adoption or foster care during a period of no more than twelve (12) consecutive weeks and must conclude the leave within one (1) year of the birth or placement for adoption.
- (2) An Employee may take up to twenty-six (26) weeks of military caregiver leave during the "single 12-month period" that begins on the first day the Employee takes leave for this reason. The Employee is limited to a combined total of 26 weeks of leave for any FMLA-qualifying reason during the "single 12-month period" (although only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member).
- (3) An Employee may take intermittent or reduced leave when medically necessary, as a result of the Employee's serious health condition or serious health condition of a parent, spouse, son or daughter; to care for a covered service member with a serious injury or illness; or for a qualifying exigency arising out of the active

⁷ "Qualifying exigencies" include, but are not limited to, preparing for a short notice deployment, attending military events, arranging for alternative childcare, addressing financial and legal arrangements, attending counseling, and attending post-deployment activities.

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duty status or call to active duty of a covered military member. In those, the total number of hours or days of leave is limited to the equivalent of twelve (12) weeks for that Employee. If an Employee desires to take intermittent or reduced schedule leave, the Employee must provide his/her Department with medical certification that it is medically necessary for the Employee to be absent from work on an intermittent or reduced basis, and the expected duration and schedule of intermittent or reduced leave. Employees needing intermittent or reduced leave must attempt to schedule their leave so it does not unduly disrupt the Department's operations. The Department may transfer the Employee during the period of intermittent or reduced schedule leave to an available alternative position with equivalent pay and benefits for which the Employee is qualified if that position can accommodate recurring periods of leave better than the Employee's regular position.

- (4) If both spouses are employed by the same Department, they are together entitled to a combined maximum of twelve weeks of leave for the birth, adoption or foster care placement of a child or to care for a parent or child with a serious health condition. They are limited to a combined total of 26 weeks in a "single 12-month period" if the leave is to care for a covered service member with a serious injury or illness.
- (5) For FMLA covered leave, an Employee may elect to use any accrued vacation or sick leave.⁸ It is the employee's discretion to use accrued time or to take the leave unpaid. The Department will not require the employee to use accrued vacation or sick time.

E. Benefits During Leave

An Employee on a family and medical leave may remain a participant in the Department's insurance benefit plans throughout the duration of the leave.⁹ During the leave, the Department will continue to pay its share, if any, of the premiums. If the Employee does not return to work after his/her leave, the Department may require the Employee to reimburse the Department for the full cost of health insurance premiums it paid while the Employee was on leave. The Department will also continue to make pension contributions (subject to all eligibility requirements) during any period of paid leave under this policy.

F. Medical Certification

An Employee requesting leave because the Employee or the Employee's parent, spouse or child has a serious health condition, or for a military qualifying exigency or to care for covered service member with a serious injury or illness, must furnish BU HR with appropriate medical certification. The certification must be signed by the appropriate health care provider on the form which may be obtained from BU HR. BU HR may also require a second opinion from a health care provider of its own choosing, and, if necessary, a third opinion from a health care provider jointly chosen by

⁸ The use of accrued paid leave will not increase the total length of the leave beyond FMLA's twelve (12) weeks. For example, if an Employee takes leave for the birth or adoption of a child, s/he will be entitled to eight weeks of paid leave. If that Employee has four weeks of accrued vacation time, s/he may elect to use her/his accrued vacation pay for weeks nine (9) through twelve (12) of the leave. Regardless of whether or not the Employee uses vacation pay for weeks nine (9) through twelve (12), the maximum length of her/his leave is twelve (12) weeks.

⁹ Vacation leave accrues during periods of paid leave. Vacation time will not accrue during periods of unpaid leave.

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BU HR and the Employee. If BU HR requires an Employee to obtain a second or third opinion, the department will pay the costs associated with obtaining that opinion.

When an Employee is on leave, BU HR may require subsequent re-certifications periodically or in other appropriate circumstances, such as when the Employee seeks to extend the leave or there is a change in the Employee's serious health condition. BU HR may also require periodic updates of the Employee's health status and intent to return to work.

G. Return to Work

The Department will restore an Employee who takes family and medical leave to his/her same position or to an equivalent position when the Employee returns from leave.

An Employee who takes leave as a result of his/her own serious health condition must provide a fitness for duty certification signed by a health care provider before returning to work. An Employee may not return to work until he/she provides the certification.

H. Extension of Leave

Requests for extension of leave beyond the twelve (12) weeks provided for in this policy will be considered on a case-by-case basis by the Employee's Department Chairman. The department must notify the FPF Chief Administrative Officer when extensions of leave are granted.

I. Termination

An Employee who does not return from his/her leave, and is not granted additional time off will be terminated effective as of the earlier of the date the Department learned that the Employee did not intend to return to work and/or the date of the last day of the leave.

J. Massachusetts Parental Leave Act

An Employee who has completed the initial probationary period or at least three (3) consecutive months of full-time employment, whichever is shorter, will be entitled to eight (8) weeks¹⁰ of parental leave for the purpose of giving birth or for the placement of a child under eighteen (18) years of age, or under twenty-three (23) years of age if the child is mentally or physically disabled, with the Employee adopting or intending to adopt or for the placement of a child with the Employee pursuant to a court order provided, however, that any two (2) employees of the same Department shall only be entitled to eight (8) weeks of parental leave in aggregate for the birth, adoption or placement of the same child.

Note: In order to be eligible for FMLA leave, an Employee must have been employed by a Department of the FPF for at least twelve (12) months and have worked a minimum of 1,250 hours during the past twelve (12) months. An Employee who does not meet these requirements may nonetheless be eligible for parental leave under the

¹⁰ Massachusetts law requires that eight (8) weeks of leave be provided under these circumstances.

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Massachusetts Parental Leave Act (MPLA) as further described in this section, provided s/he has met the eligibility requirements described above. Likewise, an Employee who has already exhausted her/his FMLA leave benefits during the previous twelve (12) months for other qualifying reasons (not parental) may be eligible for leave under the MPLA. In order to be eligible for such a leave, the Employee must give the designated Department representative at least two (2) weeks notice of her/his anticipated date of departure and intention to return to work. Salary and benefit continuation during said leave shall be as described in this policy provided, however, no Employee shall be entitled to more than a total of eight (8) weeks leave under MPLA y in any twelve (12) month period.

At the conclusion of this parental leave, the Employee will be reinstated to her/his previous or similar position with the same salary that s/he received at the commencement of the leave. The Department, however, shall not be required to restore an Employee on parental leave to her/his previous or a similar position if other employees of equal length of service credit and status in the same or similar position have been laid off due to economic conditions or other changes in operating conditions affecting employment during the period of such parental leave; provided, however, that such employee on parental leave shall retain any preferential consideration for another position to which s/he may be entitled as of the date of her/his leave.

K. Effect of Leave On Periodic Duties

Annual administrative, on-call, teaching and academic duties may be reduced in proportion to the number of weeks that an Employee is on leave under this policy. Whenever possible, duties, such as on-call, should be traded with another Provider who is working her/his annual allocation of duties during the year. Specific implementation of this provision shall be determined by individual Department policies.

L. Relationship to Other Types of Leave

For any FMLA leave, an employee may elect to use any accrued vacation or sick leave but the employee also has the discretion to take the approved FMLA unpaid. The department will not require the employee to use accrued vacation or sick time. All leaves shall run concurrently with FMLA to the extent permitted by law. The maximum length of the leave is twelve (12) weeks.

An employee granted unpaid Family Medical leave is responsible for paying only the employee portion of medical and dental premiums during their entire leave.

FPF PAID LEAVE BENEFITS

Although FMLA and MPLA are unpaid leaves of absence, the FPF provides paid leave under the following circumstances (see FMLA/MPLA eligibility above):

A. MATERNITY / CHILDBIRTH LEAVE

A female employee of a Department of the FPF taking leave for the purposes of giving birth will be considered as disabled for a period of eight (8) weeks and will receive paid leave for such period. During the eight (8) week period of maternity leave, an employee will be paid her average monthly total compensation, which is made up of the employee's salary, incentive and bonus amounts paid over the twelve (12) month period preceding the month in which the leave commences. If the employee has been employed for less than a twelve (12) month period the total compensation will be annualized to determine the average. Medical certification is not required for this period. Unpaid leave for pregnancy and childbirth available through the FMLA or MPLA will be deemed to run concurrently with paid leave granted for these purposes.

B. PAID PARENTAL LEAVE (other than Maternity/Childbirth Leave)

Any Employee of a Department of the FPF is eligible for paid parental leave if the requestor will be the primary care giver for a new child.

Paid Parental Leave is available for an employee who is: (a) the (1) birth parent; (2) adoptive or foster parent of a child (or children) under eighteen years of age or under twenty-three years of age if the child is mentally or physically disabled; (3) spouse of birth parent or (4) the legal custodian of a newborn or newly placed child (or children) and (b) who will be the child's primary care giver.

A primary caregiver is the person who will have primary responsibility for the care of the child immediately following the birth, adoption or placement of the child into the custody, care and control of the parent for the first time. This definition applies to birth, adoption and other legal placements, such as surrogacy and foster care arrangements. In order to exercise the paid parental leave benefit, an employee must be the "Primary Caregiver" and therefore the primary person responsible for the care of the child. This policy depends on, and assumes, the good faith of its participants. Any falsification of information related to the status of Primary Caregiver may lead to disciplinary action up to and including termination.

An employee who takes primary responsibility for the care of a newly born, adopted or placed child is eligible for eight (8) weeks of Paid Parental Leave. During the eight (8) week period of parental leave, the employee will be paid based upon her/his average monthly total compensation, which is made up of the employee's salary, incentive and bonus amounts paid over the 12 month period preceding the month in which the leave commences. If the employee has been employed for less than a twelve (12) month period the total compensation will be annualized to determine the average. Paid Parental Leave must be taken in one uninterrupted block from the time of birth, adoption, or placement of the child with the employee. Only one paid parental leave per child per household within a twelve month period will be granted to the primary caregiver of the child. If both parents are employed by a Department of the Faculty Practice Foundation, only one parent can be designated as the primary caregiver. If only one parent is employed by a Department of the Faculty Practice Foundation, he or she must

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be the primary caregiver to qualify for paid parental leave. An employee identifies her/himself as the primary caregiver when completing the request for leave of absence form. Parental Leave does not include the secondary caregiver of a new child. Maternity/Childbirth leave, where applicable, and unpaid leave through the FMLA or MPLA will be deemed to run concurrently with paid leave granted for these purposes.

C. SHORT TERM DISABILITY LEAVE

Eligibility

- The Corporation provides partial salary continuance to all regular full-time medical faculty employees and regular part-time medical faculty employees scheduled to work at least 50% of a full-time schedule during limited periods of disability resulting from injury or sickness while employed by the Corporation.
- Disability means the inability of the employee, as a result of sickness or injury to perform the regular duties of his or her employment with the Corporation. Disability is determined by the Corporation's third party administrator. See Short Term Disability Administration Policy for details 22_07_020
- Short term disability will apply to absences from work of more than ten (10) consecutive workdays.

Length and Conditions of Benefits

The maximum periods for which benefits will be paid and the amount of benefits are in accordance with the following table:

Length of Employment	Maximum Period of Salary Continuance in Accordance with the Corporation's Compensation Policy
Less than 3 years	3 months
3 years or more	6 months

Conditions:

- The maximum periods of benefits in the table above are maximum limits within any consecutive twelve months and during any single period of disability.
- A single period of disability includes two or more periods of disability resulting from the same causes if separated by less than three consecutive months of active service on the basis of the employee's regular work schedule.
- No benefits will be paid after an employee has retired.
- At any time, the Corporation has the right to require an employee to submit objective medical evidence that either establishes illness or establishes its expected duration and/or require a medical examination by a physician chosen by the Corporation.

Benefit Amount

The employee will receive a benefit payment of 67% of the employee's total compensation up to the annual IRS maximum compensation amount used for figuring contributions and benefits (The 2015/2016 limit is \$265,000; See www.irs.gov/publications/p560/ar01.html).

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The employee's total compensation for purposes of this benefit payment is equal to her/his average monthly total compensation, which is made up of the salary, incentive and bonus amounts paid to the employee over the 12 month period preceding the month in which the leave commences up to the IRS limit. If the employee has been employed for less than a 12 month period the total compensation will be annualized to determine the average.

Reduction in Benefit Amount

Short Term Disability benefits for any period of disability covered under this policy will be reduced by any of the following benefits received or receivable by or for the employee for the same period.

1. Disability benefits under the Social Security Act.
2. Benefits, compensation, or other allowances (other than worker's compensation benefits for a permanent partial disability occurring prior to the disability for which benefits are payable under this policy) under a Worker's Compensation Law. If a controversy should arise as to whether an employee is entitled to Worker's Compensation benefits for any period of disability, temporary disability benefits will be paid under this plan in the first instance, and the Corporation will be entitled to reimbursement from any award of Worker's Compensation benefits.
3. Any benefit under paragraphs 1 or 2 will be deemed to be receivable if the only condition remaining to be fulfilled by the employee is application or filing for the benefit as required by the applicable law.
4. If any benefit under paragraphs 1 or 2 is paid in arrears for a period when the Corporation has already paid temporary disability benefits, then the Corporation will be entitled to reimbursement from the employee for those temporary disability benefits paid.

Benefit Funding

Short Term Disability benefits are funded by each Faculty Practice Plan ("FPP"). No funding will come from individual faculty employees.

Limited Return to Work

There may be instances when a provider can return to work in a limited capacity. This is handled on a case by case basis. The provider may be eligible for a benefit payment of 67% of the employee's total compensation, as outlined above, for the aspects of her/his responsibilities that cannot be completed and full compensation for the aspects of her/his responsibilities that can be completed. This is only allowed with departmental faculty practice plan and Faculty Practice Foundation approval.

D. LONG TERM DISABILITY

For absences from work lasting longer than a six (6) month period, the employee should contact Boston University Human Resources who is responsible for governing the long term disability benefit as summarized below: (For full details please reference

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the Boston University Human Resources website: <http://www.bu.edu/hr/benefits/health-wellness/disability/long-term-disability/>)

The Long-Term Disability Plan is designed to provide a continuing income to you and your family if you are unable to work for longer than six months because of a total disability or if you are disabled and are suffering a 20% or greater earnings loss. The general BU long-term disability benefit states full-time employees with an appointment of nine months are enrolled after three years of continuous full time service. However, the three year requirement is waived if you have full time appointment of at least nine months and can prove coverage by your previous employer (supporting documentation must be submitted by the employee within 30 days from orientation). Totally disabled eligible employees receive 60% of base up to a cap of \$14,500 per month. Partially disabled eligible employees receive 75% of difference between full-time monthly base salary and monthly base salary while disabled.

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SMALL NECESSITIES LEAVE

Any employee who has completed 12 months of service and at least 1,250 hours of service during the twelve (12) months preceding the commencement of the leave is eligible for Small Necessities Leave. In accordance with the Small Necessities Leave Act, an eligible employee may request up to twenty-four (24) hours of “small necessities” leave during a year for the following reasons:

1. Participating in school activities directly related to the educational advancement of a son or daughter of the requesting employee, such as a parent-teacher conference or interviewing for a new school. (School is defined as a public or private elementary or secondary school; a Head Start program assisted under the Head Start Act, 42 U.S.C. sections 9831 et seq.; and a children’s child care facility licensed under chapter 15D.);
2. Accompanying a son or daughter of the requesting employee to routine medical or dental appointments, such as check-ups or vaccinations; or
3. Accompanying an elderly relative of the requesting employee to routine medical or dental appointments or appointments for other professional services related to the elder’s care, such as interviewing at nursing or group homes. (An Elderly Relative is defined as an individual of at least sixty (60) years of age who is related by blood or marriage to the employee, including a parent.)

All requests for leave must be submitted in writing. If possible, Small Necessities leave should be taken during an employee’s administrative time. If the necessity for this leave is foreseeable, in order to minimize conflicts with patient scheduling, an employee should try to schedule the use of Small Necessities Leave sixty to ninety [60-90] days in advance of using the leave. If an employee is not able to avoid a patient scheduling conflict, then s/he should attempt to find cross-coverage for any scheduled patient visits that conflict with the requested leave, if possible. Unless the need is not foreseeable, the employee must submit a request for small necessities leave to her/his supervisor at least seven (7) days in advance of taking the leave. If the need for this leave is unforeseeable, the request must be submitted as soon as practicable. Employees may be required to provide certification from an appropriate person or entity to certify the basis for the requested leave.

Small Necessities leave is unpaid leave; however an employee has the option of substituting any accrued paid vacation leave, personal leave, or sick leave available to the employee or taking the Small Necessities leave unpaid. Leave under this section may be taken intermittently.

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INTERSESSIONS AND SABBATICALS

The Corporation does not recognize intersession. Therefore, all employees will be expected to work between Christmas Day and New Year's Day unless Vacation Leave has been scheduled.

An employee may be granted a sabbatical leave at the discretion of the President, subject to the operating needs of the Corporation. Any compensation paid to the employee during such sabbatical leave will be at the discretion of the President.

DISCRIMINATION AND HARASSMENT POLICY

A. General Anti-Discrimination and Harassment Policy

It is the Corporation's policy that all employees enjoy a work environment free of discrimination and harassment of any type. This requires that all managers and employees treat each other and every individual with whom they have contact in the course of their employment with courtesy and respect. The Corporation strictly forbids discrimination or harassment of any kind, including discrimination based on race, color, religion/religious creed, sex, sexual orientation, gender identity and/or expression, pregnancy, marital status, national origin, ancestry, age, disability, genetic information, veteran/active military status, or any other category protected under applicable federal, state or local law, referred to in this policy as "protected categories." Forms of harassment may include verbal comments or derogatory remarks or unwelcome physical conduct, including touching, assaulting, impeding or blocking movements.

This policy extends to all organizational levels of the Corporation. Accordingly, any form of discrimination or harassment, including, as set forth below, sexual harassment, whether by a fellow employee, manager, supervisor, or by a third party doing business with the Corporation, will not be tolerated. In support of the Corporation's policy to provide each employee with a work environment free from discrimination and harassment, including, as set forth below, sexual harassment, supervisors and managers will act to prevent and eliminate all forms of harassment within their respective areas.

Examples of conduct, focused on a person's membership in a protected category, that may constitute discrimination and/or harassment, include:

- Offensive or degrading remarks, verbal abuse, or other hostile behavior such as insulting, teasing, mocking, degrading or ridiculing another person or group;
- Racial slurs, derogatory remarks about a person's accent, or display of racially offensive symbols;
- Unwelcome or inappropriate physical contact, comments, questions, advances, jokes epithets or demands;
- Physical assault or stalking;
- Displays or electronic transmissions of derogatory, demeaning or hostile materials;
or
- Unwillingness to train, evaluate, assist, or work with an employee.

If an employee believes he or she has been the subject of any form of unlawful discrimination or harassment or has witnessed it in the workplace, that employee should follow the Complaint Procedure of this policy. If an employee feels that a patient is discriminating against or harassing him or her, the employee should contact the employee's immediate manager or Administrative Director to report the occurrence. Personality differences or conflicts, general mistreatment not based on the above protected categories, or a response to poor performance are usually employee relations issues, not discrimination matters. Contact your Administrative Director or Human Resources Business Partner to discuss an employee relations matter.

B. Policy Against Sexual Harassment

The Corporation's policy is to provide all employees with a work environment free from harassment, which includes, but is not limited to, harassment on the basis of sex. Sexual harassment is a form of sex discrimination, which is illegal under state and federal law.

State and federal law define "sexual harassment" as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions (quid pro quo harassment) or (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment (hostile environment harassment). All employees and managers are expected to be aware of this policy and of the types of conduct that may constitute unlawful harassment, as well as the avenues of assistance the Corporation provides for addressing complaints of sexual harassment.

Examples of conduct that may constitute sexual harassment, depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness, include:

- direct or implied requests by a manager for sexual favors in exchange for actual or promised job benefits (favorable reviews, promotions, salary increases);
- making or threatening reprisals after a negative response to sexual advances;
- unwelcome touching of any part of another employee's body;
- displaying or transmitting sexually suggestive materials or using sexually explicit language or gestures;
- visual conduct, including, but not limited to, leering, making sexual gestures, displaying sexually suggestive objects or pictures, photographs, cartoons or posters;
- verbal or written conduct, including, but not limited to, making or using derogatory comments, epithets, slurs, sexually explicit jokes, comments about an employee's body or dress; suggestive or obscene letters, notes or invitations; or provoking remarks about or relating to an employee's gender, sexual orientation or sexual activity;
- continuing to ask an employee to socialize on or off duty when that person has indicated an unwillingness to do so;
- coerced sexual acts; or
- off-duty conduct that falls within the above definition and affects the work environment.

Such conduct is prohibited, whether by verbal or written means, including, but not limited to, through e-mail, voice mail or other electronic or hard-copy forms.

It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment on the job is unlawful whether it

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involves coworker harassment, harassment by a supervisor or manager, or by persons doing business with or for the Corporation.

Please note that while this policy sets forth the Corporation's goal of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit the Corporation's authority to discipline or take remedial action for unacceptable workplace conduct, regardless of whether that conduct satisfies the definition of sexual harassment.

C. Complaint Procedure

Unlawful discrimination and sexual harassment have a disruptive effect on employees' abilities to perform their jobs properly. The Corporation takes allegations of unlawful discrimination and harassment very seriously, and will actively investigate all complaints. If it is determined that unlawful discrimination or harassment has occurred, management will take appropriate action against the offending persons, up to and including termination of employment.

If any employee believes that he or she has been the subject of any form of unlawful discrimination or harassment or has witnessed it in the workplace, the Corporation urges that employee to bring the concerns to the attention of management immediately in any of the following ways:

- Report the conduct to his/her immediate manager;
- Report the conduct to the President; or
- If the employee is not comfortable reporting the conduct to his/her immediate manager or to the President, the employee may report the conduct to any member of the management of the Corporation or the Faculty Practice Foundation with whom the employee feels comfortable.

IMPORTANT NOTE: If the particular circumstances make a discussion with or a complaint to the employee's manager inappropriate (if, for example, the complaint involves the employee's manager), the employee should not hesitate to immediately bring the matter to the attention of the President or any other member of the management of the Corporation or the Faculty Practice Foundation.

All complaints of unlawful discrimination or harassment will be handled with appropriate care and discretion and will be subject to a thorough investigation. When an employee brings a complaint to the attention of any member of management, the Corporation will promptly begin an investigation of the allegations, which shall generally include, at a minimum, interviews with all persons identified as having direct and personal knowledge of the incident(s) in question.

If the investigation reveals that inappropriate workplace conduct has occurred, management will take prompt and effective remedial action to put an immediate stop to the harassment as well as prevent its recurrence. Therefore, management retains the right to take whatever action it believes appropriate under the circumstances, up to and including terminating the employment of the offending person.

D. Confidentiality

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The Corporation will maintain the confidentiality of the complaint, and the privacy of the persons involved, to the greatest extent possible, consistent with its goal of conducting a thorough and complete investigation and to the extent permitted by law.

E. Retaliation Prohibited

Retaliation against employees for reporting or complaining of discrimination or harassment, including sexual harassment, or for cooperating in the investigation of a report or complaint, is a serious violation of this policy, as well as federal, state and local law. Retaliation will not be tolerated. Any witness, complainant or respondent involved in an investigation ought not to be retaliated against for their participation in the fact finding process or any stage of litigation. Anyone who believes he/she is a victim of retaliation should report the matter immediately according to the same procedure provided in this policy for making complaints of discrimination or harassment. Any person found to have retaliated against another individual will be subject to the same disciplinary action, up to and including terminating the employment of the offending person.

F. Reporting Resources

Discrimination and Sexual harassment is unlawful under both federal and state law. The Corporation is committed to responding quickly and effectively to any internal report of discrimination or harassment, and hopes that employees will be comfortable coming forward so that the Corporation can pursue an internal investigation of the matter. The Corporation encourages prompt reporting of complaints so that it may respond appropriately and conduct an investigation while the matter is freshest in witness' memory and other evidence is most likely available. Because it is not always easy to interpret words or actions, employees are further encouraged to bring forward any concerns under this policy before they rise to the level of violating the law. Using the complaint procedure does not prohibit an employee from filing a complaint with the federal and/or state agencies set forth below.

The state agency that enforces the law is the Massachusetts Commission Against Discrimination (MCAD). The MCAD prohibits employment discrimination based on race, color, religion/religious creed, national origin, ancestry, sex, gender identity, age, criminal record (applications only), disability, retaliation, sexual harassment, sexual orientation, genetic information, and active military personnel. The statute of limitations for filing a complaint is 300 days from the last date of discrimination. The MCAD's Boston Office is located at:

John McCormack Building
One Ashburton Place
Sixth Floor, Room 601
Boston, MA 02108
(617) 994-6000

The federal agency that enforces the law is the Equal Employment Opportunity Commission (EEOC). The EEOC prohibits employment discrimination based on race, color, religion, sex, age, disability, retaliation and national origin. The statute of limitations for filing a complaint is 300 days from the last date of discrimination. The EEOC's Boston Office is located at:

John F. Kennedy Federal Building
475 Government Center
Boston, Massachusetts 02203

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(800) 669-4000

Both of these agencies can be contacted by any employee who wishes to file a formal charge of sexual harassment or unlawful discrimination