PAID FAMILY AND MEDICAL LEAVE (PFML) POLICY

Effective Date: July 1, 2026

I. Purpose

The Town of West Tisbury participates in the Massachusetts Paid Family and Medical Leave (PFML) program following the Town's election to participate pursuant to G.L. c. 175M, § 10. The program provides qualifying covered individuals with partial wage replacement and employment protections during eligible family and medical leave.

Coverage extends to individuals covered by the Town's election and applicable law. Elected officials and certain other statutorily excluded positions may not be covered. This policy summarizes employee procedures and does not enlarge or diminish statutory entitlements. The Town administers leave consistently with applicable law, its Personnel By-Laws, and applicable collective bargaining agreements.

II. Qualifying Reasons for Leave

Subject to eligibility requirements and applicable statutory limits, qualifying leave includes:

- Up to 20 weeks of medical leave for an employee's own serious health condition, including pregnancy, childbirth, and recovery.
- Up to 12 weeks of family leave to bond with a child within 12 months of birth, adoption, or foster placement.
- Up to 12 weeks of family leave to care for a family member with a serious health condition.
- Up to 12 weeks for a qualifying exigency related to a family member's covered military service.
- Up to 26 weeks to care for a covered service member with a qualifying serious health condition.

An employee may receive no more than 26 combined weeks of PFML family and medical leave in a benefit year. Leave may be continuous, intermittent, or on a reduced schedule as authorized by law; intermittent bonding leave generally requires the Town's agreement. The employee-specific benefit year ordinarily comprises 52 consecutive weeks beginning on the Sunday preceding the first day of leave.

III. Eligibility and Benefits

Eligibility, benefit approval, weekly benefit amounts, and benefit-year limits are determined by the Massachusetts Department of Family and Medical Leave (DFML) under the state program. Eligibility for PFML is not the same as eligibility for the federal Family and Medical Leave Act (FMLA). The Town cannot guarantee that DFML will approve a claim or award a particular benefit amount.

A seven-calendar-day waiting period generally applies before wage-replacement benefits become payable, subject to statutory exceptions, including certain transitions from medical leave to bonding leave. Available accrued paid time off may be used during the waiting period under applicable rules.

IV. Requesting Leave

Employees should notify their Department Head and the Personnel Department as soon as they anticipate a need for leave. For foreseeable leave, employees should ordinarily give at least 30 days' notice when practicable; otherwise, notice must be provided as soon as practicable in the circumstances. Employees must apply for PFML benefits through DFML and provide information required by DFML.

Employees should communicate anticipated dates and scheduling needs to their Department Head, without disclosing unnecessary confidential medical details. Medical certifications and related confidential records shall be submitted to DFML or the Personnel Department as appropriate and maintained separately from ordinary personnel records, with access limited as required by law. The Town may request information reasonably necessary for administration without requiring disclosures prohibited by law.

V. Coordination with Other Leave

When an absence qualifies under both PFML and FMLA, the leaves will run concurrently to the extent permitted by law. Other potentially applicable protections, including disability accommodation and Massachusetts leave laws, will be considered separately. Applicable Town leave rights, Personnel By-Laws, and collective bargaining agreements will be administered consistently with controlling law.

Employees receiving PFML benefits may elect to supplement (top off) their PFML payments using available accrued sick leave, vacation, personal leave, or other eligible paid time off. Combined weekly PFML benefits and qualifying Town-paid leave shall not exceed the employee's Individual Average Weekly Wage (IAWW) as determined for PFML purposes. Employees are not ordinarily required to exhaust accrued paid leave before requesting PFML. The Town and employee must coordinate the weekly top-off calculation and correct any overpayments through lawful arrangements.

VI. Pay and Benefits During Leave

PFML wage-replacement benefits are paid under the state program on claims approved by DFML. Accrual and use of Town leave benefits during an absence are governed by applicable law, Personnel By-Laws, collective bargaining agreements, and applicable benefit plan terms.

PFML benefit payments themselves are not regular compensation for retirement purposes under G.L. c. 32. Effective July 1, 2025, qualifying accrued sick, vacation, and personal leave payments used to supplement PFML benefits are treated as regular compensation, subject to retirement deductions and creditable-service determinations consistent with G.L. c. 32 and the applicable retirement board's regulations (PERAC Memorandum No. 21 of 2025).

During qualifying protected PFML leave, the Town will maintain employment-related health insurance benefits on the same terms and conditions as if the employee had remained actively working, as required by law. Employees ordinarily remain responsible for their customary 25% share of health insurance premiums, assuming the Town's existing 75%/25% contribution allocation remains applicable. If payroll deductions are insufficient, the employee shall coordinate alternative monthly payments with the HR & Payroll Administrator, consistent with applicable legal and plan requirements.

Before taking any action affecting coverage for unpaid premiums, the Town will provide appropriate written notice and comply with all applicable notice, cure, grace-period, health-plan, and statutory requirements. Any amounts advanced by the Town on the employee's behalf may be recovered only through lawful repayment arrangements. Coverage will not be terminated automatically merely because a payment is late.

VII. Job Protection and Non-Retaliation

The Town prohibits interference with, discrimination against, or retaliation toward any person for requesting, applying for, or taking PFML or otherwise exercising protected rights. On return from protected leave, an employee generally shall be restored to the former position or an equivalent position with equivalent pay, employment benefits, status, and seniority, except as applicable law permits. The Town may undertake legitimate personnel actions unrelated to protected leave, subject to applicable legal requirements.

VIII. Return to Work

Employees should advise their Department Head and the Personnel Department of their expected return-to-work date and reasonably promptly update any change. Medical clearance or fitness-for-duty documentation may be required only where authorized by applicable law and reasonably related to essential job functions or legitimate safety needs. The Town will consider any applicable reasonable accommodation obligations under the ADA and G.L. c. 151B and will maintain the confidentiality of medical information.

IX. Administration and Additional Information

The Personnel Department coordinates leave administration, payroll, benefits, required notices, recordkeeping, and interaction with other applicable leave programs. The Town will provide required PFML notices and workplace postings and designate authorized DFML leave administrator(s).

Employees may consult www.mass.gov/pfml or contact DFML at 833-344-7365 for benefit information, applications, and appeals. This policy shall be administered in accordance with controlling federal and Massachusetts law; controlling law governs in the event of a conflict.