

HARVARD UNIVERSITY CONNECTICUT PAID FAMILY AND MEDICAL LEAVE POLICY AND PLAIN LANGUAGE GUIDE

In accordance with the Connecticut Paid Family and Medical Leave Law and applicable regulations, Harvard University (“Harvard” or the “University”) will provide wage replacement benefits to eligible employees who need to take leave from work for reasons allowed under the Connecticut Family and Medical Leave (“CT FMLA”) law or the family violence leave law, specifically:

- Because of their own serious health condition;
- To care for a family member with a serious health condition;
- To bond with a newborn baby, newly adopted child or newly placed foster child;
- To care for a family member who became ill or was injured in the course of duty while on active duty in the military;
- To address specific issues associated with a parent, spouse, or child’s active duty in the military
- To address specified needs associated with family violence.

This Policy sets forth the eligibility requirements for benefits, the conditions for receiving benefits, the process for requesting benefits, and other related provisions.

The Connecticut Paid Family and Medical Insurance Program (“State Program”) is run by the Connecticut Paid Leave Authority and is funded by contributions of ½ of 1% of the wages of employees working in Connecticut. Starting on January 1, 2022, employees may apply to the Connecticut Paid Leave Authority for wage replacement benefits.

As an alternative to the publicly administered State Program, Harvard intends to offer its employees a private plan. Harvard certifies that this Policy gives its employees at least the same or greater rights, protections and benefits provided to employees under the State Program. An employee’s rights under the CT FMLA and the family violence leave law are the same, whether or not the employee receives income replacement benefits through the State Program or through an employer-provided private plan.

Harvard also must show that a majority of its employees working in Connecticut approved the proposed private plan via an anonymous vote. This Policy and Plain Language Guide provide Harvard employees with information necessary to vote.

Please note that nothing in this Policy diminishes employees’ entitlement to leave or benefits pursuant to any other applicable policy or agreement, nor does this Policy restrict Harvard’s individual Schools, units, or departments from establishing or maintaining policies or plans providing additional family or medical leave.

EXPLANATION OF THE HARVARD’S PRIVATE PLAN POLICY

What does this Policy do?	<p>The Policy provides Harvard-sponsored wage replacement benefits to eligible employees who take leave from work for a “qualifying reason,” as defined below.</p> <p>Harvard is offering this Policy is as an alternative to the State</p>
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	<p>Program.</p> <p>Harvard certifies that this Policy gives its employees at least the same or greater rights, protections and benefits provided to employees under the State Program.</p>
Who is covered by this Policy?	<p>All employees of Harvard working in Connecticut are covered by this Policy. The Policy is not limited to certain segments of the Harvard's workforce.</p> <p>The Policy covers future employees, not just employees who were working for Harvard at the time of the vote.</p> <p>The Policy covers former employees of Harvard for up to 12 weeks from the date they separated from Harvard or until they are hired by a new employer, whichever comes first. Former employees are covered no matter why they left Harvard.</p>
What are the benefits provided under this Policy?	<p>An eligible employee who is unable to work because of one of the "qualifying reasons" listed below, will receive income replacement benefits from the Policy to replace the lost wages.</p> <p>The weekly compensation offered to employees shall be equal to ninety-five per cent of their base weekly earnings (capped at the Social Security contribution base, currently \$142,800) up to an amount equal to forty times the Connecticut minimum wage. If an employee earns more than that amount, then they shall receive additional benefits equal up to sixty per cent of their base weekly earnings.</p> <p>In all circumstances, the total weekly compensation shall not exceed an amount equal to sixty times the Connecticut minimum wage. Sixty times the Connecticut minimum wage will be equal to \$780 weekly in January 2022 and will increase to \$840 weekly on July 1, 2022, and \$900 weekly on June 1, 2023.</p> <p>Harvard [does not require] employees to use employer-provided accruals to supplement the income replacement benefits provided under this Policy.</p> <ul style="list-style-type: none"> • The combined total of income replacement benefits and employer-provided accruals cannot exceed 100% of the employee's wages. • Employees have the right to retain at least two weeks of their employer-provided accruals instead of using them during their leave.

<p>Does this Policy provide employees with job-protected leave if they need time away from work?</p>	<p>An employee's rights to job protection under state and federal law are the same, whether the employee receives income replacement benefits through the State of Connecticut's Paid Family & Medical Leave Insurance Program or through an employer-provided private plan. While the Policy itself does not provide job protection, in most cases, employees receiving income replacement benefits under this law will also be entitled to job protection under a separate law called the CT FMLA. For more information about the CT FMLA, employees may consult the Connecticut Department of Labor or their local human resources representative.</p>
<p>Who is an "eligible employee" to receive income replacement benefits under this Policy?</p>	<p>Any employee of Harvard who is working in Connecticut is eligible to receive income replacement benefits from the Policy.</p>
<p>What are the "qualifying reasons" that an employee can receive income replacement benefits?</p>	<p>Employees who meet the eligibility requirements can receive income replacement benefits if they need to take time off from work for any of the following reasons:</p> <ul style="list-style-type: none"> • To care for their own serious health condition, including pregnancy and organ or bone marrow donation; • To care for a family member with a serious health condition <ul style="list-style-type: none"> ○ "Family member" means the employee's parent, spouse, son, daughter, sibling, grandparent, grandchild, or individual related to the employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships. • To bond with a newborn child, newly adopted child or newly placed foster child; • To address specific issues associated with a parent, spouse or child's active duty in the military; • To care for a family member who became ill or was injured on active duty in the military; • To address specified needs associated with family violence.

What is the maximum amount of time an employee can receive income replacement benefits?	<p>The Policy will provide up to 12 weeks of income replacement benefits within a 12-month period for the reasons listed above, with the following exceptions:</p> <ul style="list-style-type: none"> • The Policy provides for 2 additional weeks of income replacement benefits for a serious health condition or serious health condition resulting in incapacitation that occurs during a pregnancy. • An employee can receive income replacement benefits for a maximum of 12 days out of the 12 weeks if the reason for leave is to address specific needs associated with family violence.
Do employees have to be out of work for a certain amount of time before they can receive income replacement benefits under the Policy?	No. There is no waiting period. An eligible employee may receive income replacement benefits under this Policy on the first day the employee is unable to work because of one of the “qualifying reasons” listed above.
Can an employee receive income replacement benefits for absences of less than a full week?	<p>Yes. The Policy provides income replacement benefits to employees who need to take time off from work for periods of time that are less than a full week.</p> <p>Benefits can be received on a pro-rated basis for absences that are less than a full day.</p> <p>Under the CT FMLA, there are rules regarding when an employee can take job-protected leave for less than a full week. This Policy does not change those rules.</p>
Do employees have to pay for these benefits?	No, employees are not required to contribute to this Policy to receive income replacement benefits once this Policy is approved by the state of Connecticut.
How do employees apply for income replacement benefits?	<p>Harvard has selected Lincoln Financial Group (“Lincoln”) to serve as a third-party administrator for income-replacement benefits. Employees can make requests for income-replacement to Lincoln via www.MyLincolnPortal.com.</p> <p>Employees may also use the Harvard-dedicated intake line at 1-844-600-3978. Human Resources and/or Faculty Affairs may also submit requests to Lincoln on behalf of employees by telephone or online.</p>

<p>What is a “serious health condition”?</p>	<p>For the purpose of determining entitlement to income replacement benefits because of an employee’s serious health condition or to care for a family member with a serious health condition, “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves (A) inpatient care in a hospital, hospice, nursing home or residential medical care facility; or (B) continuing treatment, including outpatient treatment, by a health care provider.</p>
<p>Who counts as a health care provider?</p>	<p>In order to qualify for income replacement benefits because of the need to take time away from work because of an employee’s own serious health condition or to care for a family member with a serious health condition, the employee may need to provide medical documentation from a health care provider.</p> <p>The Policy shall accept any of the following as a “health care provider”:</p> <ul style="list-style-type: none"> • A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; • A podiatrist, dentist, psychologist, optometrist or chiropractor authorized to practice by the state in which such person practices and performs within the scope of the authorized practice; • An advanced practice registered nurse, nurse practitioner, nurse midwife or clinical social worker authorized to practice by the state in which such person practices and performs within the scope of the authorized practice; • A Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; • Any health care provider from whom an employer or a group health plan’s benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; • A health care provider as defined above who practices in a country other than the United States, who is licensed to practice in accordance with the laws and regulations of that country; or • Such other health care provider as the Labor Commissioner determines, performing within the scope of the authorized practice.

Can employees have income taxes deducted from any benefits they receive?	To the extent permissible by law, if the employer reasonably believes that in order for it to comply with its own tax obligations, it is necessary to mandate that state or federal tax withholdings are deducted from employees' private plan benefits, then the employer is permitted to take such withholdings in accordance with the W4 filed by the employee with the employer. Under no circumstances can an employer refuse to deduct tax withholdings if requested to do so by the employee.
If an employee and their spouse both work for Harvard, will they have to share income replacement benefits?	No. Spouses who both work for Harvard are each entitled to compensation under this Policy; they do not have to share the number of weeks of compensation. It also should be noted that spouses who work for Harvard and who are both eligible for FMLA leave and CT FMLA also are not required to share job-protected leave entitlements.
What rights do employees have if they are denied income replacement benefits?	Employees are entitled to appeal any denial of benefits to Lincoln. If Employees are not satisfied with the results of that appeal, they may file an appeal with the Connecticut Department of Labor.
Who may employees contact if they have questions about this Policy?	<u>Benefits Office</u> Call center: 617-496-4001; M, T, Th, F, 9 a.m.-5 p.m.; W, 10 a.m.-5 p.m. Email: benefits@harvard.edu Fax: 617-496-3000