

Massachusetts PFML Notice for Undergraduates

Notice of Rights and Obligations Under the

Massachusetts Family and Medical Leave Law

M.G.L. Chapter 175M

The Massachusetts Family and Medical Leave Law (the Law) takes effect on January 1, 2021. This Notice provides information about the Law and the benefits that will be available from Boston University for eligible student employees. You are required to acknowledge (or note your refusal to acknowledge) that you have received this Notice within 30 days of your date of hire.

Benefit Summary

As of January 1, 2021, eligible employees may be entitled to up to:

- 12 weeks of paid family leave in a benefit year
 - To care for a family member with a serious health condition
 - For the birth, adoption, or foster care placement of a child
 - For a qualifying exigency arising out of the fact that a family member is on active duty or has been notified of an impending call to active duty in the Armed Forces
- 20 weeks of paid medical leave in a benefit year if
 - They have a serious health condition that incapacitates them from work
- 26 weeks of paid family leave in a benefit year
 - To care for a family member who is a covered service member undergoing medical treatment or otherwise addressing consequences of a serious health condition relating to the family member's military service.

Eligible students are entitled to 26 total weeks, in the aggregate, of paid family and medical leave in a single benefit year.

Eligible students are entitled to receive a weekly benefit amount based on their earnings, with a maximum benefit amount of \$1,129.82 per week (*for 2023, the maximum benefit amount was \$1,129.82 per week; this amount is adjusted annually*).

Eligibility

An “***eligible student employee***” is a person who

- meets the definition of “employee” under the Law,
- is employed by the University to perform services in Massachusetts on a full-time, part-time, temporary, or seasonal basis, and
- has, over the previous 12 months,
 - earned the minimum State published earnings requirement while working for the University or any other Massachusetts employer (*for 2023, the minimum state published earnings requirement was \$6,000; this amount is adjusted annually*), and,
 - the amount of those earnings meets or exceeds 30 times the weekly benefit amount the student would receive under the Law.
 - For 2023, the maximum weekly benefit amount was \$1,129.82; this amount is adjusted annually
 - Information on how to calculate the weekly benefit amount is available at this link on the Massachusetts Department of Family and Medical Leave website: <https://calculator.digital.mass.gov/pfml/yourbenefits/>

Exemptions. Student employees cannot be eligible for PFML if they are (1) exempt from FICA/FUTA, and (2) enrolled in the University, and (3) taking classes/doing supervised research, and (4) the services they are performing are incident to and for the purpose of pursuing a course of study. Eligible student employees do not include H-2A visa holders, any students who do not perform services in Massachusetts, and any other student employees exempted under the Law.

Private Plan Exemption

Boston University has an approved private plan for both family and medical leave. The details of Boston University's private plan may be found at the University's Paid Family and Medical Leave Law: <https://www.bu.edu/policies/bu-paid-family-and-medical-leave-law-policy/>.

Contribution Rates

Boston University will contribute 100% of the family and medical leave contribution for eligible student employees.

Job Protection, Continuation of Health Insurance, and No Retaliation

Job Protection: Generally, if an eligible student takes family or medical leave under the Law, they must be restored to their previous position or to an equivalent position, with the same status, pay, employment benefits, length-of-service credit and seniority as of the date of leave.

Continuation of Health Insurance: An employer must continue to provide for, and contribute to, an eligible student's employment-related health insurance benefits, if any, at the level and under the conditions coverage would have been provided if the student had continued working continuously for the duration of such leave.

No Retaliation: It is unlawful for any employer to discriminate or retaliate against a student employee for exercising any right to which the student is entitled under the Law. A student employee or former student employee who is discriminated or retaliated against for exercising rights under the Law may institute a civil action in the superior court within three (3) years after the violation occurs.

How to File a Claim

Under BU's private plan, students will apply for leave through the Student Employment Office.

Interested student employees are required to provide a notification of intent to apply for PFML benefits to the employer, Boston University Student Employment Office, stating the anticipated starting date of any leave, the anticipated length of the leave, and the expected date of return, at least 30 days prior to the desired start date of the leave. An eligible student employee who is unable to provide 30 days' notice due to circumstances beyond their control is required to provide notice as soon as practicable.

[Boston University Notification of Intent to Apply for Paid Family Medical Leave Benefits for Student Employees form](#)

Questions and Additional Information

Please note that BU's receipt of the notification of intent form, referenced in the above section, does not guarantee eligibility for benefits under the Law.

For full eligibility requirements and more detailed information, please consult the Department's website at <https://www.mass.gov/orgs/departments-of-family-and-medical-leave>

Questions may be directed to:

Boston University

Student Employment Office

881 Commonwealth Avenue, 2nd floor

Boston, MA 02215

seo@bu.edu

Phone: 617-353-3594

Fax: 617-353-9200

<https://www.bu.edu/seo/>

***Massachusetts Department of Family and
Medical Leave***

Charles F. Hurley Building
19 Staniford Street, 1st Floor
Boston, MA 02114
(617) 626-6565

<http://www.mass.gov/DFML>

Notice

This Notice constitutes the University's notice of rights and obligations under the Massachusetts Family and Medical Leave Law, M.G.L. c. 175M for University undergraduate students. Boston University's Paid Family and Medical Leave Notice to Employees is also [available here](#).

Boston University Contact Information and Identification Number

Trustees of Boston University

25 Buick Street

Boston, MA 02215

EIN # 04-2103547