

**MEMORANDUM OF AGREEMENT  
MUNICIPAL POLICE SUPERIOR OFFICERS ASSOCIATION AND CITY OF  
BOSTON SUCCESSOR CONTRACT NEGOTIATIONS**

*On May 21, 2012 the parties reached a tentative agreement subject to ratification by the Municipal Police Superior Officers Association (hereinafter "MPSOA," or "the Union") of both the July 1, 2010 through June 30, 2013 and the July 1, 2013 through June 30, 2016 agreements, and approval by the Mayor and Boston City Council. This three (3) year agreement shall not take effect unless and until the MPSOA has ratified and the Mayor and Boston City Council have approved the prior three (3) year agreement. This three (3) year agreement is the product of successor collective bargaining to the July 1, 2007 to June 30, 2010 and the July 1, 2010 to June 30, 2013 agreements between the City of Boston and MPSOA. This agreement is effective July 1, 2013 through June 30, 2016.*

*This Memorandum of Agreement ("Agreement") is made pursuant to Massachusetts General Laws Chapter 150E between the City of Boston ("City") and the Municipal Police Superior Officers' Association ("MPSOA")*

*This Memorandum of Agreement supplements and amends the Collective Bargaining Agreement effective July 1, 2010 through June 30, 2013. Except as expressly provided below, the parties agree that the terms and provisions of their Collective Bargaining Agreement effective July 1, 2010 through June 30, 2013 shall be extended without modification for the period commencing on July 1, 2013 and ending on June 30, 2016.*

1      **Article XXVII ("Compensation"), Section 1** Provide base wage increases as follows:

Effective FPP October 2013 – 3 % base wage increase

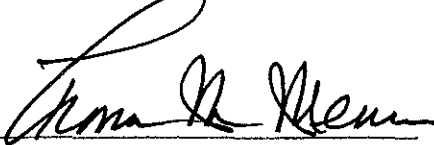
Effective FPP October 2014 – 3 % base wage increase

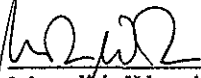
Effective FPP October 2015 – 3 % base wage increase


2      **Article XXVIII, ("Duration")** -- Amend the dates contained in Article XXVIII, § 1 to reflect a three (3) year contract with a duration from July 1, 2013 through June 30, 2016

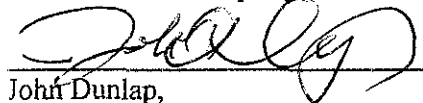
In witness hereof, the City of Boston and the Municipal Police Superior Officers' Association have caused the Agreement to be signed, executed and delivered on the \_\_\_\_\_ day of \_\_\_\_\_, 2012

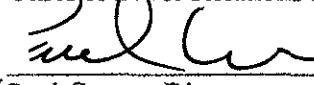
CITY OF BOSTON

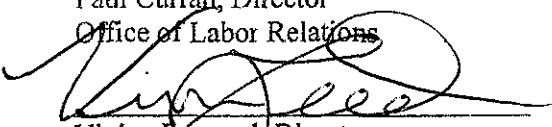
  
Thomas M. Menino, Mayor of Boston

  
Meredith Weenick,  
Chief Financial Officer

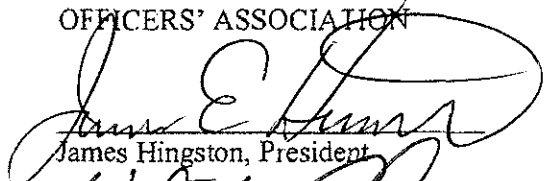
  
Michael Galvin,  
Chief of Public Property

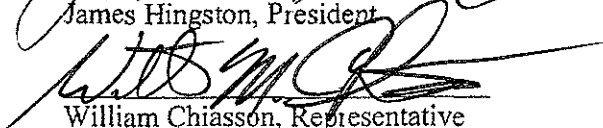
  
John Dunlap,  
Chief of Labor Relations and Personnel

  
Paul Curran, Director  
Office of Labor Relations

  
Vivian Leonard, Director  
Office of Human Resources

MUNICIPAL POLICE SUPERIOR  
OFFICERS' ASSOCIATION

  
James Hingston, President

  
William Chiasson, Representative


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Approved as to form:

  
William F. Sinnott,  
Corporation Counsel

**MEMORANDUM OF AGREEMENT  
MUNICIPAL POLICE SUPERIOR OFFICER'S ASSOCIATION AND CITY OF  
BOSTON SUCCESSOR CONTRACT NEGOTIATIONS**

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*This Memorandum of Agreement supplements and amends the Collective Bargaining Agreement effective July 1, 2007 through June 30, 2010. Except as expressly provided below, the parties agree that the terms and provisions of their Collective Bargaining Agreement effective July 1, 2007 through June 30, 2010 shall be extended without modification for the period commencing on July 1, 2010 and ending on June 30, 2013.*

**1. ARTICLE XI (Sick Leave and Personal Days),**

**Section 4.**

Add a new Paragraph 2 to Section 4 to read as follows:

"However, an employee who while in the performance of his/her duty receives bodily injuries resulting from acts of violence of a citizen, documented by a police report, and who as a result of such injury has been accepted for and is receiving Workers' Compensation payment pursuant to G L c 152, shall be paid the difference between the weekly cash benefits to which he/she would be entitled under said chapter 152 and his/her regular salary, without such absence being charged against available sick leave credits, even if such absence may be less than six (6) calendar days duration. The provisions in this section shall be limited to ninety (90) calendar days after a bargaining unit member has been accepted and is receiving Workers' Compensation. This section shall not apply to injuries caused by another City of Boston employee or injuries sustained prior to the ratification of this agreement."

**2. Amend Article XX, "Holidays" as follows:**

**Section 1.** The following days shall be considered holidays for the purpose enumerated below:

New Year's Day	Independence Day
Martin Luther King Day	Labor Day
<b>Presidents' Day</b>	Columbus Day
Patriot's Day	Veteran's Day
Memorial Day	Thanksgiving Day
	Christmas

For the purposes of this Article, the "holiday" is the twenty-four (24) hour period commencing at 7 a.m. or 7:30 a.m. of each day listed in this Section

**Section 2.** When any of the aforementioned holidays falls on an employee's scheduled workday and he is actually present and performing his assigned duties or on an employee's scheduled day off or during his vacation under this Agreement, he shall receive for each such holiday, in addition to his regular weekly compensation, either an additional day's pay, computed as one-fifth of his regular weekly compensation or an additional day off. The City reserves and retains the right to determine whether an employee who works on a holiday shall receive additional time off or additional pay. Effective the first Wednesday in July, 1994, holiday pay as defined herein shall be computed as one-fourth an employee's regular weekly compensation. Holiday pay shall be considered as regular compensation for pension/retirement purposes

**Section 3.** In addition to the holidays enumerated in Section 1 of this Article, on each January 1, full-time employees who were City of Boston employees on January 1, 2013 will be eligible for two (2) "floating holidays" that must be taken by December 31 at a time or times requested by the employee and approved by his/her immediate supervisor outside the bargaining unit. Employees who were not City of Boston employees on January 1, 2013, or who separated from service after January 1, 2013 shall not receive "floating holidays."

**Section 4** "Floating holidays" shall be subject to the same notice and approval requirements as outlined in Article XII ("Vacation Leave") of this Agreement. "Floating holidays" not used by December 31<sup>st</sup> of the year in which it was received shall not carry over into the following year and may not be redeemed for monetary compensation at any time. In the event an employee follows the appropriate notice requirements and is denied the use of his/her "floating holiday(s)" and as a result is unable to use the "floating holiday(s)" by the end of the calendar year, that employee may carry over his/her "floating holiday(s)" to the next calendar year. Any "floating holiday(s)" carried over must be used by December 31<sup>st</sup> of the following year.

**3. In Article XIII ("Vacation Leave") delete the following from Section 4:**

"For the purpose of computing "actual work" under Section 2 of this Article, up to twelve (12) weeks may be counted during the vacation eligibility year for any of the following causes:

All Paid Vacation Leave;

Paid Sick Leave up to four (4) weeks;

Military Leave up to four (4) weeks

In addition to the above, up to one (1) year of disability leave (Workers' Compensation) may be counted as 'actual work' "

**4. Amend Article XXII ("Other Leaves of Absence"), as follows:**

Amend § 2, "Military Leave," to provide: "Every employee covered by this Agreement shall be granted Military Leave consistent with the City of Boston's Military Leave Policy " (Attached).

Amend § 5, entitled "Family Leave" Change title to "Family & Medical Leave "

Amend section to say, "Every employee covered by this Agreement shall be granted Family and Medical Leave consistent with the City of Boston's Family & Medical Leave Policy " (Attached)

Delete § 6

**5. Article XXV ("Miscellaneous")**

Replace the existing light duty policy in Section 8 with the policy immediately below

**"Section 8 Light Duty for Employees on Workers Compensation**

- A Pursuant to applicable law, the City may provide light duty assignments to transition employees who are receiving benefits under the City's workers compensation program back to work as soon as each such employee is physically able to perform light duty work
- B When an independent medical examiner (IME) selected pursuant to G L c 152 or the employee's treating physician determines that the employee is fit for light duty, the employee must return to work, subject to the availability of a light duty assignment as determined by the City pursuant to applicable law
- C Light Duty assignments may include, but are not limited to, a shortened work day or work week, clerical or administrative duties, such as filing, operating the computer, answering phones, data input, assisting with the reception desk, minor modifications to existing job functions and/or other similar department-related duties If available, light duty assignments will be as similar to the employee's original position as possible with minor modification, consistent with the restrictions recommended by the IME or employee's treating physician
- D An employee who is assigned to light duty shall not be assigned to any duties, even temporarily, that would require the employee to perform duties that are not within the restrictions recommended by the IME or the employee's treating physician

- E An employee who fails or refuses to report for light duty is absent without leave and may be subject to discipline. If the employee's department has no appropriate tasks available for the injured employee, the Office of Human Resources Workers' Compensation Division will survey other departments to determine if they have a light duty assignment consistent with such recommended restriction. An employee may be assigned light duty work in any position within the bargaining unit even if such position is in a different department/work location/schedule so long as the position requirements are consistent with the medical restrictions recommended by either the employee's treating physician or IME, whoever determined the employee was fit to perform light duty. When necessary, the City shall also provide job specific training for those assigned outside of their department.
- F The City may require an employee who is assigned to light duty to furnish periodically a written statement from his or her treating physician or an IME.
- G Light duty assignments shall not exceed 3 months in duration, without express written agreement of the Department and the Workers' Compensation Division. Such an extension shall be consistent with the medical restrictions recommended by either the employee's treating physician or IME, whoever determined the employee was fit to perform light duty.
- H Employees on a light duty assignment will not be authorized to work overtime hours or perform out of grade assignments in a higher grade.
- I The Workers' Compensation Division shall provide the employee with written notice of his/her light duty assignment. The light duty assignment shall be consistent with the medical restrictions recommended by either the employee's treating physician or IME who determined the employee was fit to perform light duty.
- J It is understood that assignment to light duty pursuant to this Section is temporary in nature. The Department retains and reserves its right relative to involuntary disability retirement or to separate an employee consistent with applicable law. Nothing herein shall limit the City's or the employee's statutory rights. An employee's filing for voluntary disability retirement shall not prevent the Department from requiring the employee to perform light duty, if applicable."

Add new § 14, "Attendance" to provide "Every employee covered by this Agreement shall be required to comply with the City of Boston Attendance Policy beginning January 1, 2013" (attached)

**6. The parties agree that the following policies or proposals of the City of Boston may be implemented upon the effective date of their new collective bargaining agreement:**

- a Attendance Policy (3/12/12) effective January 1, 2013;
- b Military Leave (dated 4/13/12);
- c Family & Medical Leave (dated 4/20/12);

d MPSOA performance appraisal form.

7. Article XXVI ("Compensation")

Section 1A Provide base wage increases as follows:

Effective FPP October 2010 – 0 % base wage increase

Effective FPP October 2011 – 1 % base wage increase.

Effective FPP October 2012 – 2 % base wage increase

Section 1B Lump Sum Payment

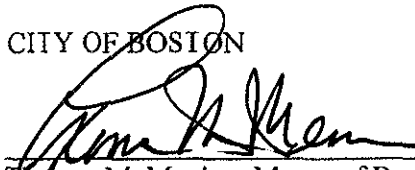
Employees who had any portion of their FY2010 base wage increase delayed for the three hundred and sixty four (364) day period will receive a lump sum payment equal to the actual dollar value of base wages not earned during the three hundred and sixty four (364) day period, less all applicable taxes and deductions. The lump sum payment will be based upon an employee's base wage and will not include any retroactive payment of overtime or additional earnings that occurred during the FY10 wage delay period.

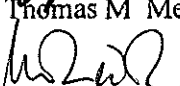
The City will compensate employees within ninety (90) calendar days from the date the City Council approves the funding of this agreement.


8. Article XXVII, ("Duration") -- Amend the dates contained in Article XXVII, § 1 to reflect a three (3) year contract with a duration from July 1, 2010 through June 30, 2013.

In witness hereof, the City of Boston and the Municipal Police Superior Officers' Association have caused the Agreement to be signed, executed and delivered on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

CITY OF BOSTON

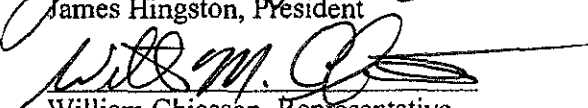
  
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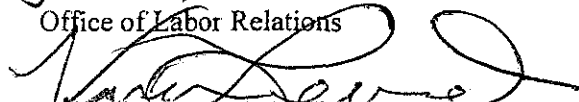
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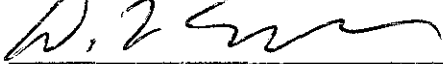
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Approved as to form:

  
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William F Sinnott,  
Corporation Counsel



## Attendance Policy (3/12/12)

1. The purpose of this policy is to ensure that all students attend school regularly and on time. 2. Students are expected to be present in school for all classes and activities. 3. Absences must be excused by a parent or guardian. 4. Tardiness is considered an absence. 5. Chronic absenteeism will result in disciplinary action. 6. This policy is subject to change without notice.



**CITY OF BOSTON**  
**OFFICE OF HUMAN RESOURCES**  
**Attendance**

Policy

**Overview and  
Scope**

Coming to work is an essential function of each employee's position. However, employees may need to be absent from work on occasion other than for scheduled vacation periods. The City provides a variety of leave benefits to employees depending on an employee's length of service and the specific reason for the leave. Various provisions related to employee attendance and absenteeism are set forth below. In addition, employees should review the following City Policies:

- Family & Medical Leave
- Small Necessities Leave
- Bereavement Leave

In addition, where applicable, the collective bargaining agreement should be reviewed.

All employees are expected to be present and ready to work at the start of their work shift unless excused from work consistent with City policy or the applicable collective bargaining agreement.

At the start of each shift, each employee must document the actual time he/she started work on his/her time sheet, or other time recording system used by the department. All employees are expected to complete all time sheets fully and accurately at all times and are strictly prohibited from falsifying their own or any other time sheet.

**Authorized Use  
of Sick Leave**

The purpose of sick leave is to provide employees with leave, without loss of pay, for absence caused by:

- An employee's illness or injury or exposure to contagious disease or an employee's illness or disability arising out of or caused by pregnancy or childbirth.
- The serious illness of a member of the employee's immediate family (Immediate family shall be defined as spouse, child living in the employee's household, parent of the employee, or as otherwise defined by the applicable Collective Bargaining Agreement)
- The employee's need to extend bereavement leave for the death of a member of the employee's immediate family consistent with the City's bereavement policy and/or the applicable Collective Bargaining Agreement
- Doctor or dentist appointments of the employee or the employee's immediate family.

Employees are strictly prohibited from using sick leave for any other purposes, unless explicitly allowed by a collective bargaining agreement.

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**CITY OF BOSTON**  
**OFFICE OF HUMAN RESOURCES**  
**Attendance**

Policy

**Sick Leave  
Usage  
Requiring  
Documentation**

An employee who meets any of the following criteria will be required to provide medical documentation substantiating the employee's use of sick leave:

- Whenever there is a pattern of sick leave usage, such as absenteeism that starts before or after weekends, holidays, vacations or around scheduled time off, and/or repeated usage on the same day of the week, and/or repeated immediate use and depletion of sick time upon crediting of sick time. It is important to note that the City may accelerate the progressive disciplinary process when an employee has exhibited patterned absenteeism.
- An employee who has used more than five (5) consecutive days/shifts of sick leave must provide documentation to substantiate his/her absence and documentation regarding the employee's fitness to return to work. If the employee remains unable to return to work then he/she will be required to provide a completed WH-380E form consistent with the Family and Medical Leave Policy, and failure to do so may result in continued use of sick leave being denied. Nothing in this section shall prevent the City from requiring or an employee from providing a WH-380E form prior to the employee being absent five consecutive days/shifts. Only employees who meet the eligibility requirements for FMLA leave will be eligible for FMLA leave.
- If an employee has requested the use of vacation, compensatory, or personal time and that request was denied by his/her supervisor and the employee thereafter utilized sick leave on the day(s) for which the employee's request for vacation, compensatory, or personal time was denied, the employee must provide documentation substantiating his/her use of sick leave on that day(s).

An employee, who has ~~eight (8)~~ten (10) instances of sick leave in the prior completed twelve (12) month period, may be required to submit medical documentation in response to any additional use of sick leave regardless of whether or not the employee provided medical documentation for any of the prior ~~eight (8)~~ten (10) instances. An instance is defined as an employee's absences of one (1) or less than one (1) work shift. An employee who is required to submit medical documentation under this subparagraph must continue to submit medical documentation until such time as his/her sick leave usage in the prior completed twelve (12) month period falls below ~~eight (8)~~ten.

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**CITY OF BOSTON**  
**OFFICE OF HUMAN RESOURCES**  
**Attendance**

**Policy**

(10) instances Employees will be notified when they are required to submit medical documentation for sick leave usage pursuant to this paragraph.

Employees on an approved leave pursuant to the City's Family & Medical Leave Policy will not be required to provide this documentation but will be required to complete all necessary documentation to request and substantiate their need for such leave. In addition, all leave authorized under the FMLA and/or the City's Family & Medical Leave Policy will not be counted toward the ~~eight (8)~~ ten (10) instances. Please see the Family & Medical Leave Policy.

**Documentation**

All medical documentation required to excuse the specific absence under this policy must be submitted within ten (10) calendar days of returning to work. The following information must be contained in medical documentation required under this policy:

- The name of the employee
- The name and contact information of the medical provider
- When the absence was for the employee's own illness, injury, incapacity, the date(s) the medical provider examined the employee in connection with the employee's absence(s)
- The specific hours and/or date(s) for which the medical provider believes that the employee needed to be absent from work
- The date upon which the medical provider believes the employee will be able to return to work
- When the absence was for the illness of the employee's immediate family member, the name of the ill family member, the relationship of such individual to the employee, and the date(s) the medical provider determined the employee was needed to care for such individual

It is the employee's responsibility to obtain adequate medical documentation within the stated ten (10) calendar day time period. It is the Department's responsibility to inform an employee within ten (10) calendar days of receipt of medical documentation if it has deemed the documentation is not adequate to excuse the absence. Doctor's notes received after ten (10) calendar days will not be accepted. Employees on an approved leave pursuant to the City's Family & Medical Leave Policy will not be required to provide this documentation but will be required to complete all necessary documentation to request and substantiate their need for leave.

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**CITY OF BOSTON**  
**OFFICE OF HUMAN RESOURCES**  
**Attendance**

**Policy**

Eligible employees may be granted Family and Medical Leave in accordance with federal law and the City of Boston Family and Medical Leave Policy (OHR-2011-FML). If an employee has been granted a leave pursuant to the Family and Medical Leave Policy then he/she shall not have any sick leave usage that occurs during the authorized absence counted when determining whether he/she will need to provide medical documentation in response to sick leave usage as detailed above.

**Use of Vacation  
or Personal  
Time in lieu of  
Sick Time**

An employee may only use vacation or personal time in place of sick time if he/she follows the contractual and/or departmental requirements for requesting such leave including providing the required prior notice and obtaining authorization

Vacation requests must be in writing and submitted in compliance with the Departmental notice requirement, but at all times at least 48 hours in advance. Use of vacation without 48 hours prior notice will only be authorized in limited circumstances and must be approved by the Appointing Authority or his/her designee.

Personal leave requests must be made in compliance with the Department notice requirement and/or consistent with the applicable collective bargaining agreement.

Below are two examples; these examples are illustrative and are not intended to be exhaustive:

**Example:**

(1) An employee has only a few days of accrued, unused sick time remaining. She is scheduled to have a medical procedure in two (2) weeks. The employee requests the use of her vacation time to cover the period of time she will be absent and her supervisor authorizes this request. In this instance the employee has acted in accordance with her Department's procedures for requesting vacation time. In addition, please note that the employee may need to complete a form consistent with the Family and Medical Leave policy where the employee will be absent from work for an extended period of time.

(2) An employee has exhausted his sick time but has vacation time. He calls into work at the start of the shift and tells his supervisor he is ill and wants to use a vacation day. In this instance the employee has not complied with his Department's procedures for requesting vacation time, vacation time is not authorized and the employee will not be paid for the day and will be subject to discipline.

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**CITY OF BOSTON**  
**OFFICE OF HUMAN RESOURCES**  
**Attendance**

**Policy**

**Absent without  
Leave**

An employee is only allowed to be excused from work if he/she has available paid leave time and he/she requests to use and uses such leave time in accordance with the provisions in an applicable collective bargaining agreement and City policies, or if he/she has been granted an authorized leave of absence, such as a leave pursuant to the Family and Medical Leave Policy, or if he/she has been granted a reasonable accommodation pursuant to the Americans with Disabilities Act (ADA) and/or state law.

For example, an employee who is not on an authorized leave of absence and has no remaining sick or personal leave, calls his supervisor prior to the start of his shift and states he is sick and will not be coming to work. The employee's absence is not authorized and the employee will not be paid for the day and will be subject to discipline. This is only one example and is not intended to be exhaustive.

**Tardy**

Employees are expected to be ready to work at the start of their scheduled shift, having already attended to personal needs. In general, road construction, transportation delays, personal issues and weather are not acceptable reasons for tardiness. A record of tardiness shall be cause for disciplinary action. ~~It is important to note that the City may accelerate the progressive discipline process for excessive or patterned tardiness.~~

Furthermore, employees ~~will~~ may be subject to discipline for extending a meal or break period(s) beyond the permitted time for such meal or break period and/or for leaving prior to the end of a scheduled shift. Meal and/or break periods cannot be used to shorten the employee's work shift, without the prior written authorization of a supervisor or manager.

If an employee follows appropriate call in procedures and notifies a supervisor or manager PRIOR to the start of his/her shift of his/her tardiness and he/she has available personal time to cover the length of the absence the employee may use personal time and not have that instance count as tardy.

If an employee follows appropriate call in procedures and notifies a supervisor or manager AFTER the start of his/her shift that he/she will be tardy the employee who has available personal time may still use personal time in order to get paid for the tardy time, however, this will count as tardy.

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**CITY OF BOSTON**  
**OFFICE OF HUMAN RESOURCES**  
**Attendance**

Policy

**Discipline**

Violations will result in discipline consistent with any applicable collective bargaining agreement or law. The City agrees to apply the concept of progressive discipline in all but the most serious cases. At-will employees are reminded that they may be disciplined up to and including termination at any time. Coming to work is an essential function of an employee's position. Subject to applicable laws, employees may be disciplined for unauthorized absences, poor attendance, tardiness, and/or unavailability for work.

**NOTE**

This policy supersedes all previous Attendance Policies issued by the City's Office of Human Resources, including the "Managing Attendance Program."

DOCUMENT NUMBER	DOCUMENT REVISION	ISSUE DATE	EFFECTIVE DATE
OHR-2011-ATT	NA	DRAFT 3.12.12	
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Military Leave (dated 4/13/12)





**CITY OF BOSTON**  
**OFFICE OF HUMAN RESOURCES**  
**Military Leave**

Policy

**Overview** The benefits and protections provided for employees who take military leave depend on the length of the leave and the type of military service performed as set forth below.

**Scope** All employees may be entitled to leave for military service as stated herein and in accordance with any applicable state or federal law or collective bargaining agreement. In addition, family members of service members may be entitled to leave in certain circumstances pursuant to the Family Medical Leave Act (FMLA) and should refer to the City's Family & Medical Leave policy.

**ANNUAL  
TRAINING**

**MA National  
Guard**

If an employee serves in the Armed Forces of the Commonwealth (Massachusetts National Guard), they will receive regular pay for up to a maximum of 34 days in any state fiscal year (July 1 – June 30) for their annual tour of duty and for other purposes as set forth in M G L. c. 33, sections 38 (emergency assistance), 40 (invasion or insurrection), 41 (natural disaster), or 60 (15-day training). For sworn personnel this is not to exceed 34 work shifts.

**Reserve  
Component of  
the Armed  
Forces of the  
U.S.**

Employees in the reserve component of the armed forces of the United States will be paid for their annual tour of duty for up to 17 days in any federal fiscal year (October 1 – September 30). For sworn personnel this is not to exceed 17 work shifts.

**ACTIVE  
DUTY**

**Military  
Personnel  
Called to Active  
Duty**

Employees in the reserve component of the armed forces of the United States who are called to active duty will be paid the difference between the military pay they receive and their regular pay from the City of Boston for up to five years. Once the employee's military pay ceases the City's payment of the differential between the employee's military pay and his/her regular pay will also cease.

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**OFFICE OF HUMAN RESOURCES**  
**Military Leave**

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**Notice of Need  
for Leave**

An employee must provide advance notice of upcoming military service unless doing so is precluded by military necessity or is otherwise impossible or unreasonable. An employee seeking military leave should notify the Office of Human Resources as well as his/her Department Head and Supervisor. Official proof of military compensation in the form of military orders, DFAS Form 702 or other similar documentation will be required for those employees seeking to be paid by the City during their military leave pursuant to this policy.

**Notice to  
Return to  
Work**

At the conclusion of military service, an employee must report back to work or request reinstatement depending on the duration of the leave:

*After service of less than 31 days:* The employee must report to work no later than the first regularly scheduled workday following completion of service. The employee, however, will be permitted an eight-hour period of time after s/he returns home before s/he is required to report to work.

*After service of more than 30 but less than 181 days:* The employee must request reinstatement not later than 14 days after completion of service.

*After service of more than 181 days:* The employee must request reinstatement not later than 90 days after completion of service.

**Reinstatement  
After Leave  
Longer than 90  
Days**

The employee will be reinstated to the position in which the employee would have been employed but for military service or a position of like seniority, status and pay consistent with the provisions of the Uniformed Services Employment and Reemployment Rights Act ("USERRA"). If not qualified to perform his/her job due to a military disability, the employee will be reinstated to the nearest comparable job available for which the employee is qualified with like seniority, status or pay or its closest approximation. An employee hired for a brief, nonrecurring period with no reasonable expectation of continued employment or employment for a significant period is not eligible for reinstatement. An employee may not be eligible for reinstatement or other benefits under USERRA if his/her cumulative length of leave due to military service exceeds five years.

**Position  
Unavailable**

If during the military leave the employee's position is eliminated, the returning employee shall be reemployed to layoff status. In addition, reinstatement may not be granted if circumstances have so changed as to

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make such reemployment impossible or unreasonable or if, in certain circumstances provided by USERRA ~~the Uniformed Services Employment and Reemployment Rights Act~~ ("USERRA"), such reinstatement would impose an undue hardship.

**Impact of  
Military leave  
on Accrual of  
Paid Time**

An employee will continue to accrue his/her regular vacation, sick and personal days during his/her military leave paid by the City, consistent with any applicable collective bargaining agreement and USERRA. In addition, accrual rates and service credits will be treated as though the employee was continuously employed during the period of military leave. Employees will be allowed to carry accrued time and participate in buyouts consistent with the applicable collective bargaining agreement or policy. Any payment to the employee for such accrued time will be based on the employee's regular pay rate at the time the employee accrued such time and consistent with the applicable collective bargaining agreement or policy.

**Health Benefits**

An employee's existing coverage under the City's group health plan will continue during any military leave less than 31 days. Activated military reservists on leave for longer than 31 days may continue to participate in the City's group health plan and the City will continue to make its regular contributions for such coverage for up to five years. If the employee does not elect to continue his/her participation in the City's group health plan during his/her military leave, the City will reinstate the employee's coverage without any waiting period upon his/her reinstatement.

**Flexible  
Spending  
Accounts**

Employees on an unpaid military leave that have a qualifying family status change may be allowed a mid-year revocation of their elections. In the absence of such mid-year revocation, flexible spending accounts will continue to be funded to the extent the employee receives pay from the City.

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Family & Medical Leave (dated 4/20/12)



**CITY OF BOSTON**  
**OFFICE OF HUMAN RESOURCES**  
**Family & Medical Leave**

Policy

**Overview**

The City provides a variety of different leave periods depending on an employee's length of service and the specific reason for the leave of absence. The different provisions applicable to family and medical leaves are set forth below.

**Scope**

An employee who has completed his/her probationary period may be eligible for up to twelve (12) months of unpaid leave when necessary due to a medical condition, to care for a new baby, or for adoption of a child. An employee's eligibility for such leave and its duration is dependent upon the City's operational needs. The leave may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances as specified in this policy.

In addition, in accordance with the federal Family and Medical Leave Act ("FMLA"), the City will provide eligible employees with a family or medical leave for up to twelve (12) work weeks in any "rolling" 12-month period, measured backward from the date an employee uses any FMLA leave. Eligible employees may take up to twenty-six (26) weeks of FMLA leave in a single 12-month period to care for a relative who incurs a serious injury or illness in the course of active military duty as set forth below. FMLA leave may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances as specified in this policy.

If an employee is not eligible for a 12-week FMLA leave or a 12-month parental leave, an eight (8) week maternity or adoption leave may be granted in accordance with Massachusetts state law.

Additional medical leave may be granted in appropriate circumstances to an employee as a reasonable accommodation for a disability.

All leaves above will run concurrently to the extent the employee's time off falls within the parameters of any of the various leaves of absence provided by this policy. For example, if an employee is eligible for an eight-week maternity leave, a twelve-week FMLA leave, and a twelve-month parental leave, all leaves will begin on the first day of the leave and run concurrently.

Time off due to a work-related injury will also run concurrently with any other applicable leave provided by this policy.

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Leave Up to 12 Months due to *Medical Condition*

**Eligibility** Employees who have completed the probationary period may be eligible to take up to twelve (12) months of continuous leave measured forward from the date the employee first uses this leave when the employee has a medical condition that causes him/her to be unable to work. This leave (and its duration) is subject to the City's operational needs. This leave cannot be used intermittently.

**Concurrent Leave** To the extent that the employee's medical leave also qualifies as FMLA leave (as set forth below) or the leave is due to a work-related injury for which the employee receives worker's compensation benefits, such leave will run concurrently, and the employee will be expected to comply with the notice and documentation requirements necessary for those types of leave.

**Documentation** Employees must provide documentation from a health care provider that substantiates their need for a medical leave of absence. The City retains the right to ask for a second opinion. The City will pay for any medical exam it requires the employee to undergo.

**Substitution of Paid Time** During a medical leave, an employee must use any accumulated paid time for which the employee's leave qualifies. For instance, an employee who takes a 12-month leave due to illness or injury must first use his/her accumulated sick time and then any additional accumulated vacation and personal time. An employee may choose to retain up to two (2) weeks (seventy (70) hours for employees who work a thirty five (35) hour week or eighty (80) hours for employees who work a forty (40) hour week) of sick time to cover absences that may be necessary after return from a medical leave. If an employee's paid leave balance is insufficient to cover the duration of leave, the employee may elect to use his/her available paid leave in increments less than his/her regularly scheduled workweek. In no event may an employee use less than twenty (20) hours paid leave per week. Any additional leave time will be unpaid. Paid time cannot be used to extend the leave period beyond twelve months

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**Health  
Benefits**

The City will continue to make its regular contributions to the employee's group health plan premiums while an employee is on a medical leave. The employee's contributions will continue to be deducted from the employee's pay during any portion of the leave for which the employee uses his/her accrued paid time off. During any unpaid portion of the leave, the employee must make arrangements to pay his/her regular share of the premiums to the City. If payment is more than thirty (30) days late, the employee's health insurance may be dropped for the duration of the leave. When the employee returns to work after his/her health insurance has been discontinued, s/he may be required to wait until the next open enrollment period before s/he may re-enroll in the City's group health plan if his/her leave of absence extended beyond any applicable 12-week FMLA leave as provided below

**Notice of Need  
for Leave**

Employees seeking a medical leave of absence pursuant to this policy provision should contact the Office of Human Resources. To the extent that the employee's medical leave also qualifies as FMLA leave (as set forth below), such leave will run concurrently, and the employee will be expected to comply with the notice and documentation requirements necessary for FMLA leave.

**Effect of Leave  
on Vacation  
Accrual**

Once an employee has been on paid or unpaid leave for over twelve (12) weeks (paid or unpaid excluding up to two (2) weeks (seventy (70) hours for employees who work a thirty five (35) hour week or eighty (80) hours for employees who work a forty (40) hour week) of authorized vacation), s/he will be eligible to accrue his/her annual vacation only upon the completion of actual work equal to the length of the authorized absence or completion of six (6) months of actual work, whichever is less. Actual work equal to the length of the authorized absence or six (6) months shall begin to run on the day the employee returns from the last period of absence. For example, an employee takes a medical leave for six months commencing August 1, using accrued vacation time during the first month of the leave. When the employee returns to work on February 1, the employee must work for six months (until August 1) before he will earn the vacation that he would have earned January 1 had he been at work at that time. Any period or periods during this six months for which an employee is not paid shall extend the six months by that amount of time.

In addition, an employee will no longer accrue service credit toward his/her

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vacation accrual rate once the employee has been on a leave of absence (paid or unpaid) for more than twelve (12) weeks.

**Effect of Leave  
on Accrual  
Rate**

An employee who is on a paid or unpaid leave of absence for twelve (12) weeks or less (excluding up to two (2) weeks, seventy (70) hours for employees who work a thirty five (35) hour week or eighty (80) hours for employees who work a forty (40) hour week, of authorized vacation) will continue to earn service credit toward his/her vacation accrual rate. However, an employee will cease to earn service credit, for purposes of calculating the employee's vacation accrual rate, until an employee returns from a leave of absence longer than twelve (12) weeks (excluding up to two (2) weeks, seventy (70) hours for employees who work a thirty five (35) hour week or eighty (80) hours for employees who work a forty (40) hour week, of authorized vacation).

In addition, up to one (1) year of workers' compensation may be counted toward service credit for purposes of calculating the employee's vacation accrual rate.

**Sick Time  
Accrual**

Once an employee on a medical leave of absence is unpaid, or paid via a sick pool, the employee will cease accruing any sick time.

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**Leave up to 12 Months due to *Childbirth or Adoption***

**Eligibility**

Employees who have completed the probationary period may be eligible to take up to twelve (12) months of continuous leave measured forward from the date the employee first uses this leave when such leave is due to childbirth or adoption. This leave (and its duration) is subject to the City's operational needs. This leave cannot be used intermittently.

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**Concurrent  
Leave**

To the extent that the employee's parental leave also qualifies as FMLA leave or leave under the Massachusetts Maternity Leave Act (as set forth below), such leave will run concurrently, and the employee will be expected to comply with the notice and documentation requirements necessary for FMLA/MMLA leave.

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**Substitution of  
Paid Time**

During a parental leave, an employee must use any accumulated paid time for which the employee's leave qualifies except during the first eight (8) weeks of an employee's leave following childbirth. During this initial eight-week maternity leave, the employee may in his/her discretion use his/her paid time off to cover the absence.

For purposes of determining eligibility for use of accrued sick time during a leave of absence due to childbirth, a new mother will be considered to be disabled for the initial twelve weeks following the birth, thus entitling her to use her sick time during this twelve-week period. Paid time cannot be used to extend the leave period.

For example, an employee who takes a 12-month leave of absence after she has a new baby may choose to use her sick time for the first eight weeks. Thereafter, if she has any remaining sick time, she must use such sick time for the next four weeks, and thereafter must use her accumulated vacation and personal time unless she can provide documentation of continuing medical issues that would justify use of her sick time. An employee may choose to retain up to two (2) weeks (seventy (70) hours for employees who work a thirty five (35) hour week or eighty (80) hours for employees who work a forty (40) hour week) of sick time to cover absences that may be necessary after return from a leave. If an employee's paid leave balance is insufficient to

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cover the duration of leave, the employee may elect to use his/her available paid leave in increments less than his/her regularly scheduled workweek. In no event may an employee use less than twenty (20) hours paid leave per week, except for the initial eight (8) week maternity or adoption leave in accordance with Massachusetts state law. Any additional leave time will be unpaid.

Employees seeking a parental leave of absence pursuant to this policy provision should contact the Office of Human Resources

**Effect of Leave**  
**on Vacation**  
**Accrual**

Once an employee has been on paid or unpaid leave for over twelve (12) weeks (paid or unpaid excluding up to two (2) weeks, seventy (70) hours for employees who work a thirty five (35) hour week or eighty (80) hours for employees who work a forty (40) hour week, of authorized vacation), s/he will be eligible to accrue his/her annual vacation only upon the completion of actual work equal to the length of the authorized absence or completion of six (6) months of actual work, whichever is less. Actual work equal to the length of the authorized absence or six (6) months shall begin to run on the day the employee returns from the last period of absence. For example, an employee takes a parental leave for six months commencing August 1; using accrued vacation time during the first month of the leave. When the employee returns to work on February 1, the employee must work for six months (until August 1) before she will earn the vacation that she would have earned January 1 had she been at work at that time. Any period or periods during this six months for which an employee is not paid shall extend the six months by that amount of time.

In addition, an employee will no longer accrue service credit toward his/her vacation accrual rate once the employee has been on a leave of absence (paid or unpaid) for more than twelve weeks.

**Sick**  
**Time Effect of**  
**Leave on**  
**Accrual Rate**

Once an employee on a parental leave of absence is unpaid the employee will cease accruing any sick time. An employee who is on a paid or unpaid leave of absence for twelve (12) weeks or less (excluding up to two (2) weeks, seventy (70) hours for employees who work a thirty five (35) hour week or eighty (80) hours for employees who work a forty (40) hour week, of authorized vacation) will continue to earn service credit toward his/her vacation accrual rate. However, an employee will cease to earn service credit for purposes of

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calculating the employee's vacation accrual rate, until an employee returns from a leave of absence longer than twelve (12) weeks (excluding up to two (2) weeks, seventy (70) hours for employees who work a thirty five (35) hour week or eighty (80) hours for employees who work a forty (40) hour week, of authorized vacation).

In addition, up to one (1) year of workers' compensation may be counted toward service credit for purposes of calculating the employee's vacation accrual rate.

Sick Time  
Accrual

Once an employee on a parental leave of absence is unpaid the employee will cease accruing any sick time

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*Leave of Up to 12 or 26 Weeks Under the  
Family & Medical Leave Act (FMLA)*

**Eligibility**

The City provides employees with time off pursuant to the requirements of the federal Family & Medical Leave Act.

To be eligible for FMLA leave, an employee must be employed by the City for at least 12 months or 52 weeks (not necessarily consecutive) and have worked at least 1,250 hours (actual work) during the previous 12-month period (consecutive). For employees who are not eligible for FMLA, the City will provide leave in accordance with Massachusetts law as well as City policy, and medical leaves as a reasonable accommodation. All leaves will run concurrently.

Part-time employees who meet the eligibility requirements will be granted FMLA leave on a pro-rata basis. In other words, an employee who is regularly scheduled to work eight hours per day, four days per week and who has worked 1,250 hours in the previous twelve months will be granted twelve weeks of leave consisting of four days per week or a maximum of 48 days/384 hours.

**Covered Leaves** FMLA leave may be taken for one or more of the following reasons:

- for the birth or placement of a child for adoption or foster care;
- to care for a spouse, child, or parent with a serious health condition;
- to take a medical leave when the employee is unable to perform the functions of his/her position because of a serious health condition;
- to care for a covered military servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember; or
- due to a qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active

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duty (or has been notified of an impending call or order to active duty)  
in support of a contingency operation.

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**Leave For a "Serious Health Condition"**

**Serious Health Condition**

A "serious health condition" is an illness, injury, impairment, or physical or mental condition affecting the employee's or family member's health to the extent that inpatient care is required in a hospital, hospice, or residential medical care facility, or a condition that requires continuing treatment by a health care provider. It includes a serious and long-term illness which results in recurrent or lengthy absences for treatment or recovery.

A serious health condition involving "continuing treatment" by a health care provider includes: (1) a period of incapacity of more than three (3) consecutive calendar days and any subsequent treatment or period of incapacity relating to the same condition; (2) any period of incapacity due to pregnancy or prenatal care; (3) any period of incapacity or treatment due to a chronic serious health condition (*e.g.*, diabetes, asthma, epilepsy); and (4) a period of incapacity which is permanent or long-term and for which treatment may not be effective (*e.g.*, Alzheimer's disease).

Employees with questions about whether a particular situation qualifies as a serious health condition should consult with the Office of Human Resources.

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**Notices for Leave Due to Serious Health Condition**

To receive FMLA leave because of an employee's own serious health condition or to care for a spouse, child or parent with a serious health condition, employees should give the following notices and/or certifications:

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**Advance Notice**

A 30-day advance notice of the need to take FMLA leave is required when the need is foreseeable. If the need for a leave is not foreseeable because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, then the employee must give as much notice as is possible under the particular circumstances involved.

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**Effective Notice**

Notice is given when the employee submits a written request for a leave to the Office of Human Resources with a copy to the Personnel Officer for his/her department. If written notice is not possible because the need for the leave was not foreseeable, oral notification should be given immediately to an employee's

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supervisor and followed up in writing as soon as possible thereafter. Employees are not required to name the FMLA when asking for time off or notifying a supervisor of the need for leave. FMLA leave should be considered in situations in which an employee requires extensive use of sick time or if a supervisor receives feedback from other employees about the employee's serious health condition or family circumstances.

**Medical  
Certification**

Satisfactory medical certification must be submitted with the leave request or at least within 15 days of the request for the leave. The certification must support the need for leave due to a serious health condition affecting the employee or the employee's spouse, child or parent, and include the date the serious health condition began, its anticipated duration, diagnosis, and a brief statement of treatment, along with a statement of the employee's intent to return to work.

**Authentication  
& Clarification**

The Office of Human Resources may communicate with the employee's health care provider for authentication or clarification of the contents of the medical certification document. Employees will be expected to authorize such discussions as necessary for their health care providers to provide information necessary to complete the medical certification.

**Failure to  
Provide  
Required  
Documentation**

An employee's failure to provide required notice of the leave or the certification necessary to designate the leave under the FMLA may result in the request for time off being denied. Alternatively, the City may designate an employee's absence as FMLA leave when it has information sufficient to make the designation even if the employee fails to provide the required certification or documentation.

**Inability to  
Work**

If the request for leave is due to the employee's own serious health condition, the required medical certification must also include a statement that the employee is unable to perform the essential functions of the employee's position and should note any type of activities the employee can perform.

**Need to Provide  
Care/Assistance**

If the request for leave is to care for a seriously ill family member, the certification must include a statement that the patient requires assistance and

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that the employee's presence would be beneficial or desirable.

**Periodic  
Reports**

Periodic reports may be required during FMLA leave regarding the employee's status, anticipated duration of leave, and intent to return to work. Medical certification is required to cover all periods of absence while on leave.

**Clearance to  
Return to  
Work**

Medical documentation will be required certifying the employee's ability to return to work from a leave due to an employee's serious health condition

**Intermittent  
and Reduced  
Schedule Leave**

When medically necessary, employees may take FMLA leave on an intermittent basis, or by reducing their normal weekly or daily work schedule to care for a sick spouse, child or parent, or because the employee is seriously ill and unable to work. To be eligible for an intermittent or reduced schedule leave, the employee must give thirty (30) days notice, if the leave is foreseeable, and the medical certification must include dates and the duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule. Further, the employee must discuss with his/her supervisor the scheduling of such leave to minimize disruption to the City's operations, and the City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate leave on an intermittent or reduced schedule basis.

**Leave for Birth, Adoption, or Foster Care Placement of a Child**

The FMLA provides eligible employees with up to 12 weeks of leave for the purpose of childbirth or for placement of a child for adoption. An employee who is not eligible for FMLA leave may nonetheless be eligible for up to 8 weeks of leave for childbirth or adoption provided by the Massachusetts Maternity Leave Act ("MMLA").

**Notices for  
Leave for birth,  
adoption or  
foster care**

To receive time off because of a birth, adoption, or placement of a child in foster care, employees should give the following notices and/or certifications:

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placement

**Advance Notice**

A 30-day advance notice of the need to take FMLA leave is required when the need is foreseeable. If the need for a leave is not foreseeable because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, then the employee must give as much notice as is possible under the particular circumstances involved.

**Content of Notice**

The notice must include the employee's intention to return to work following the leave, and appropriate documentation from a physician for childbirth, or other appropriate entity for adoption or foster care placement should accompany the notice and request for leave. A birth certificate will suffice as sufficient proof of childbirth.

Sufficient proof of adoption includes a certified birth certificate or U.S. citizenship documentation and a certified copy of the original final judgment or decree of adoption. If the child is adopted internationally, sufficient proof of adoption includes a certified copy of the original foreign adoption decree (and a certified English translation) and an original foreign birth certificate (and a certified English translation) along with one of the following: the child's green card or foreign passport with I-551 stamp.

Sufficient proof for foster care placement is the employee's certified foster care license and certified paperwork showing the child's placement.

**Effective Notice** Notice is given when the employee submits a written request for a leave with appropriate documentation to his/her supervisor and/or the Office of Human Resources.

**Use of Time Off With Pay** While on an approved maternity leave due to childbirth, an employee may use any accrued sick days during the period of the maternity leave when the employee is physically unable to work. Employees may also use earned but unused vacation pay during the leave. After the first eight weeks of leave due

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to childbirth or adoption, an employee must use any accrued but unused vacation and personal time. Use of any paid time may not be used to extend the leave period.

**Continuous  
Leave During  
12-Month  
Period**

A leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. Such a leave must be taken all at once

**Spouses Both  
Employed by  
City**

If both spouses are employed by the City, they are entitled to a combined total of twelve weeks/months of leave for the birth or placement of a child for adoption or foster care.

**Reinstatement**

Upon return from a twelve-week maternity/adoption/foster care leave under the FMLA, the employee will be reinstated to his/her previous, or a similar position with the same status, pay and length of service credit, wherever applicable, as of the date of the leave, unless there has been a layoff or other changes in operating conditions affecting employment during the period of such leave

**FMLA Leave to Care for an Injured or Ill Servicemember**

Eligible employees may take up to twenty-six (26) weeks of leave in a single 12-month period to care for a current member of the Armed Forces, including the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status. Leave may also be taken to care for a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces at any time during the period of five (5) years preceding the date on which the veteran undergoes that treatment.

An eligible employee's FMLA leave entitlement is limited to a combined total

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of 26 weeks of FMLA leave for any qualifying reason; the employee is entitled to no more than 12 weeks of leave for FMLA-qualifying reasons other than to care for an injured or ill servicemember. For example, an eligible employee may take 14 weeks of FMLA leave to care for an injured servicemember and 12 weeks of FMLA leave to care for a newborn child, for a combined total of 26 weeks of leave.

**Serious Illness  
or Injury of a  
Servicemember**

A "serious injury or illness" means an injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank or rating.

**Family  
Member**

In order to care for a covered servicemember, an eligible employee must be the spouse, child, parent, or next of kin of a covered servicemember.

**Leave Period**

The "single 12-month period" in which the 26 weeks of leave can be taken begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date.

**FMLA Leave Due to Qualifying Exigencies for Families of Members of  
the Armed Forces**

An eligible employee may take twelve weeks of FMLA leave while the employee's spouse, child, or parent is on covered active duty for certain qualifying exigencies.

**Covered Active  
Duty**

"Covered active duty" for a member of the regular Armed Forces means deployment in a foreign country and, for a member of the reserves, deployment to a foreign country under a call to active duty under certain federal laws.

**Qualifying  
Exigencies**

Leave may be taken for one of the following "qualifying exigencies" as defined by the applicable regulations: (1) short notice deployment issues, (2) military events and related activities, (3) to arrange alternative childcare and

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**Policy**

school activities, (4) to make financial or legal arrangements, (5) to attend counseling, (6) to spend time with a resting or recuperating servicemember, or (7) to attend post-deployment activities.

**Conditions  
Applicable to  
ALL FMLA  
Leaves**

An eligible employee can take up to 12 weeks of leave under this policy during any 12- month period. For leaves that do not involve an injured servicemember, the City will measure the twelve month period as a rolling 12- month period measured backward from the date an employee uses any leave under this policy. For leaves involving an injured servicemember, the City will measure the single 12-month period beginning on the first day the employee takes the leave and continuing for twelve months thereafter.

Each time the employee takes a leave for one of the reasons covered by the FMLA, the City will deduct the leave from the 12 (or 26) weeks available FMLA leave may include absences for which the employee has received paid sick or other leave, or all or part of absences for conditions which progress into serious health conditions to the extent that the leave meets FMLA requirements.

**Substitution of  
Paid Leave**

If the employee has accrued paid leave, the employee must use paid leave first and take the remainder of the twelve (12) weeks as unpaid leave. An employee may choose to retain up to two (2) weeks (seventy (70) hours for employees who work a thirty five (35) hour week or eighty (80) hours for employees who work a forty (40) hour week) of sick time to cover absences that may be necessary after return from a medical leave (except for a female employee's first eight weeks of maternity leave during which the employee may choose to use such paid leave or not).

While on an approved FMLA leave, an employee must use any earned but unused paid time off available if the reason for the leave qualifies for the paid time off benefit. If the leave is on account of the placement of a child for adoption or foster care, to care for a spouse, child or parent with a serious health condition or the employee has used all of his/her available earned sick time for his/her own serious health condition, the employee must use vacation or any other paid holiday, "compensatory time" or personal time available. If an employee's paid leave balance is insufficient to cover the duration of leave, the employee may elect to use his/her available paid leave in increments less than his/her regularly scheduled workweek. In no event may an employee use

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less than twenty (20) hours paid leave per week, except for the initial eight (8) week maternity or adoption leave in accordance with Massachusetts state law. However, use of paid time, including sick, vacation or personal paid time, may not be used to extend the leave period.

Benefit  
Continuation

The City's contribution toward group health insurance will be continued during an FMLA leave. If the employee has paid time available, the employee's required contribution toward group health insurance, if any, will continue to be deducted from the employee's pay. However, in the event that the leave of absence is unpaid, the employee must make timely payment of his/her required contribution prior to the first day of the month for which coverage is extended, but no later than thirty (30) days following the beginning of the month. If payment is more than thirty (30) days late, the employee's health insurance may be dropped for the duration of the leave. In some instances, if an employee fails to return from a FMLA leave, the City may recover premiums it paid to maintain health coverage for the employee.

Effect of Leave  
on Vacation  
Accrual

Once an employee has been on paid or unpaid leave for more than twelve weeks (paid or unpaid excluding up to two (2) weeks (seventy (70) hours for employees who work a thirty five (35) hour week or eighty (80) hours for employees who work a forty (40) hour week) of authorized vacation), s/he must actually work for the lesser of the length of the leave or six (6) months before s/he will be eligible to accrue his/her annual vacation. Actual work equal to the length of the leave of absence or six (6) months shall begin to run on the day the employee returns from the last period of absence. For example, an employee takes a medical leave for six months commencing August 1, using accrued vacation time during the first month of the leave. When the employee returns to work on February 1, the employee must work for six months (until August 1) before he will earn the vacation that he would have earned January 1 had he been at work at that time. Any period or periods during this six months for which an employee is not paid shall extend the six months by that amount of time.

~~In addition, an employee will no longer accrue service credit toward his/her vacation accrual rate once the employee has been on a leave of absence (paid or unpaid) for more than twelve weeks.~~

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**Effect of Leave  
on Accrual  
Rate**

An employee who is on a paid or unpaid leave of absence for twelve (12) weeks or less (excluding up to two (2) weeks, seventy (70) hours for employees who work a thirty five (35) hour week or eighty (80) hours for employees who work a forty (40) hour week, of authorized vacation) will continue to earn service credit toward his/her vacation accrual rate. However, an employee will cease to earn service credit, for purposes of calculating the employee's vacation accrual rate, until an employee returns from a leave of absence longer than twelve (12) weeks (excluding up to two (2) weeks, seventy (70) hours for employees who work a thirty five (35) hour week or eighty (80) hours for employees who work a forty (40) hour week, of authorized vacation).

In addition, up to one (1) year of workers' compensation may be counted toward service credit for purposes of calculating the employee's vacation accrual rate.

**Sick Time  
Accrual**

Once an employee on a leave of absence is unpaid, or paid via a sick pool, the employee will cease accruing any sick time.

**Restoration to  
Position**

All employees on an approved FMLA or family leave will be restored to an equivalent or the same position at the conclusion of the twelve or twenty-six weeks of leave with the same pay, benefits and other employment terms and conditions. The position will be the same or one which entails substantially equivalent skill, effort, responsibility and authority. However, an employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave period.

If an employee returns from a leave of longer than twelve/twenty-six weeks (as applicable) or 12 months, as applicable, his/her position may not be available. However, the City will make an effort to find a comparable position. Failure to return from a leave of absence on the anticipated date of return will constitute a resignation.

The City retains its right to place an employee on unpaid leave while he/she appeals discontinuation of Workers' Compensation benefits, if applicable.

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**Forms**

The City requires the following certification forms depending on the type of leave at issue:

Parental Leave:

- Form WH 380E (for the birth of a child)
- Form WH 380F (for adoption, foster care placement, parental leave)

Employee Medical Leave:

- Form WH 380E

Leave to Care for Family Member With Serious Health Condition

- Form WH 380F

Military Caregiver Leave:

- Form WH 385

Qualifying Exigency Leave:

- Form WH 384

The City issues the following forms to employees in response to requests for FMLA leave:

Form WH 381 – Notice of Eligibility, Rights & Responsibilities

Form WH 382 – Designation Notice

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## MPSOA performance appraisal form

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**CITY OF BOSTON**  
**MPSOA PERFORMANCE REVIEW SYSTEM**

**EMPLOYEE INFORMATION**

Employee's Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

Department: \_\_\_\_\_

Evaluator's Name: \_\_\_\_\_ Date: \_\_\_\_\_

How Long Under Your Supervision: \_\_\_\_\_

Period of Evaluation: \_\_\_\_\_

**INTRODUCTION**

The PRS Evaluation Form was developed to meet the following goals:

- 1) to provide an objective, consistent, and fair system for measuring employee performance;
- 2) to inform employees of the quality of their work, to identify those areas needing improvement, to set specific objectives for employees, and to provide employees an opportunity to discuss their career goals and the support they need to meet those goals; and
- 3) to assist department heads and managers in evaluating their workforce, identifying employee potential, and establishing priorities for training and education.

**Instructions for Evaluators**

The Rating Guide will provide the basis on which all employees will be rated. Each category and the criteria must be objectively applied to each employee to ascertain whether or not the standards have been met. Follow these guidelines in evaluating the employee:

- Judge each employee on the basis of work now being performed
- Place a check in the box beside the phrase which best describes the individual being evaluated
- Use the Comment/Explanation area to explain your rating or to describe an employee's strengths in the area.
- If you have given the employee a rating of "does not meet expectations" or "partially meets expectations" in any category, you must identify the areas for improvement in order for the employee to successfully meet expectations. Clarify your expectations.
- Use the Development Action Plan section to outline new goals, training and development suggestions, additional skills, coaching you'll provide, possible mentoring, etc.
- Allow employee sufficient time to provide comments to the evaluation if the employee wishes to do.

## Section 1: CORE PERFORMANCE CATEGORIES AND CRITERIA

### JOB KNOWLEDGE/TECHNICAL SKILLS

<input type="checkbox"/> Significantly Above Expectations	<input type="checkbox"/> Above Expectations	<input type="checkbox"/> Successfully Meets Expectations	<input type="checkbox"/> Partially Meets Expectations	<input type="checkbox"/> Does Not Meet Expectations	<input type="checkbox"/> Not Applicable
Demonstrates extensive knowledge required to perform the job, including new technology where applicable; easily applies principles & procedures to complex assignments, needs little supervision; keeps informed of new developments; readily acquires new skills and technology where applicable	Has become expert in requirements of the job; can anticipate work needs and always follows appropriate procedure	Demonstrates knowledge and skills required to perform the job; understands principles & procedures and can apply to work assignments without close supervision	Needs to obtain more professional, administrative, supervisory and/or specialized knowledge to satisfactorily perform the job	Lacks knowledge to be able to perform the job; does not understand principles & procedures; applies knowledge only after repeated explanation or with close supervision	

#### Comments/Explanation:

*If Partially Meets Expectations or Does Not Meet Expectations is selected, please identify areas for improvement*

### PRODUCTIVITY & USE OF TIME

<input type="checkbox"/> Significantly Above Expectations	<input type="checkbox"/> Above Expectations	<input type="checkbox"/> Successfully Meets Expectations	<input type="checkbox"/> Partially Meets Expectations	<input type="checkbox"/> Does Not Meet Expectations	<input type="checkbox"/> Not Applicable
Produces volume of work above the requirement on or ahead of established deadline Demonstrates exceptional ability to manage several responsibilities simultaneously; manages time to produce and often exceed required results	Produces and sometimes exceeds volume of work required or completes ahead of deadline; manages several responsibilities simultaneously, effectively manages time to produce required results	Produces volume of work required by the job and meets deadlines consistently Demonstrates ability to manage responsibilities simultaneously; manages time to produce required results	Demonstrates reluctance or difficulty completing assigned workload; needs assistance working on several responsibilities at once; needs assistance with managing time to meet deadlines	Work is below expected output; often fails to meet deadlines; does not work on several responsibilities simultaneously but tends to do one at a time	

#### Comments/Explanation:

*If Partially Meets Expectations or Does Not Meet Expectations is selected, please identify areas for improvement*

### QUALITY OF WORK

<input type="checkbox"/> Significantly Above Expectations	<input type="checkbox"/> Above Expectations	<input type="checkbox"/> Successfully Meets Expectations	<input type="checkbox"/> Partially Meets Expectations	<input type="checkbox"/> Does Not Meet Expectations	<input type="checkbox"/> Not Applicable
Demonstrates innovation and creativity in doing work; work is always accurate and thorough and does not need revisions or involvement of supervisor; often develops new and improved ways of working	Work is consistently accurate and thorough and rarely needs revisions or further direction of supervisor; sometimes develops improved new and better ways of doing the work	Work is accurate and thorough, rarely requiring revisions or further direction from supervisor; accepts and implements new ideas for doing the work	Work is generally accurate and thorough, but occasionally inaccurate or lacking in thoroughness; needs additional direction or assistance from supervisor	Quality of work is below required standards of accuracy and thoroughness; supervisory direction ignored or not sought	

#### Comments/Explanation:

*If Partially Meets Expectations or Does Not Meet Expectations is selected, please identify areas for improvement*

### INITIATIVE & RESPONSIBILITY

<input type="checkbox"/> Significantly Above Expectations	<input type="checkbox"/> Above Expectations	<input type="checkbox"/> Successfully Meets Expectations	<input type="checkbox"/> Partially Meets Expectations	<input type="checkbox"/> Does Not Meet Expectations	<input type="checkbox"/> Not Applicable
Seeks out new or additional tasks, projects or responsibilities; follows through on actions items, exerting effort well beyond what is expected; anticipates problems or opportunities and works to devise solutions or improvements	Sometimes seeks out new or additional tasks, projects or responsibilities; willingly accepts additional work with positive attitude; follows through on action items, suggests improvements for efficiency	Monitors tasks, projects or responsibilities independently, with minimal need for supervision, follows through on action items in timely manner; accepts additional work as requested	Sticks closely to job routine; reluctant to take on additional duties as required; needs assistance in monitoring projects; follow through on action items is slow and sometimes holds up results	Sometimes does not perform responsibilities within job requirements, even when directed; requires prodding and monitoring to finish projects, duties or responsibilities; does not follow through on action items in a timely fashion to ensure results on the job	

#### Comments/Explanation:

*If Partially Meets Expectations or Does Not Meet Expectations is selected, please identify areas for improvement*

### CUSTOMER SERVICE

<input type="checkbox"/> Significantly Above Expectations	<input type="checkbox"/> Above Expectations	<input type="checkbox"/> Successfully Meets Expectations	<input type="checkbox"/> Partially Meets Expectations	<input type="checkbox"/> Does Not Meet Expectations	<input type="checkbox"/> Not Applicable
Demonstrates exceptional empathy and understanding with customers, internal & external; response to customer needs is always timely and thorough; takes action beyond what is required to help the customer when appropriate	Demonstrates empathy and understanding toward customers, internal & external; provides complete and accurate information and service to customers; places a priority on customer needs, and always responds within 24 hours	Demonstrates respect and acceptance toward customers, internal & external at all times; provides complete and accurate information and service to customers; makes self available to respond to customer needs; demonstrates a willingness to help the customer; resolves complaints/problems promptly; usually returns calls/responds within 24 hours	Sometimes communicates with lack of patience or empathy with customers, internal & external; information and service not always complete or accurate the first time; occasionally fails to follow up on problems/complaints; not always available to assist the customer; needs improvement in responding within 24 hours	Sometimes uses inappropriate or unprofessional language, conduct or demeanor when communicating with customers, internal & external; gives inadequate service or information; lack of willingness to help customers; lacks follow through on complaints, does not return calls in timely manner	

#### Comments/Explanation:

If Partially Meets Expectations or Does Not Meet Expectations is selected, please identify areas for improvement

### ATTENDANCE & PUNCTUALITY

<input type="checkbox"/> Significantly Above Expectations	<input type="checkbox"/> Above Expectations	<input type="checkbox"/> Successfully Meets Expectations	<input type="checkbox"/> Partially Meets Expectations	<input type="checkbox"/> Does Not Meet Expectations	<input type="checkbox"/> Not Applicable
Has had one or more quarters of perfect attendance, rarely absent; observes breaks or occasionally works during breaks in a heavy workload; always punctual at meetings and appointments	Acceptable # of absences within Attendance Policy guidelines; rarely absent from work; seldom late if at all; punctual at meetings and appointments	Acceptable # of absences within Attendance Policy guidelines; rarely late if at all; observes break times and lunch times; usually punctual at meetings and appointments	Exceeds # of absences acceptable within Attendance Policy guidelines; late arrival at work sometimes causes hardship to department; occasionally takes extended breaks	Exceeds # of absences acceptable within Attendance Policy guidelines; frequently late; absences cause hardship to department; does not consistently adhere to breaks or lunch times	

#### Comments/Explanation:

If Partially Meets Expectations or Does Not Meet Expectations is selected, please identify areas for improvement

### TEAMWORK & RELATING TO OTHERS

<input type="checkbox"/> Significantly Above Expectations	<input type="checkbox"/> Above Expectations	<input type="checkbox"/> Successfully Meets Expectations	<input type="checkbox"/> Partially Meets Expectations	<input type="checkbox"/> Does Not Meet Expectations	<input type="checkbox"/> Not Applicable
Excellent work relationship with supervisor and coworkers to accomplish goals; has a noticeably positive effect on work group; voluntarily assists and supports others	Maintains positive work relationship with supervisors and coworkers to accomplish goals; assists and supports others as requested with enthusiasm	Maintains effective work relationship with supervisors and coworkers to accomplish goals; assists and supports others as requested	Sometimes shows reluctance or friction in working with supervisors and/or coworkers	Does not work well with others to accomplish group goals; often creates friction in working with supervisor or coworkers; has been disciplined for behavior	

#### Comments/Explanation:

If Partially Meets Expectations or Does Not Meet Expectations is selected, please identify areas for improvement

### RESPECTFUL INTERACTIONS & VALUING DIVERSITY

<input type="checkbox"/> Significantly Above Expectations	<input type="checkbox"/> Above Expectations	<input type="checkbox"/> Successfully Meets Expectations	<input type="checkbox"/> Partially Meets Expectations	<input type="checkbox"/> Does Not Meet Expectations	<input type="checkbox"/> Not Applicable
Demonstrates a very high level of sensitivity in language and behavior toward all members of the workforce and public regardless of racial or ethnic origin, gender, age, sexual orientation, religion or disability; Works to promote understanding of diversity by others at work	Demonstrates sensitive and respectful language and behaviors toward all members of the workforce regardless of racial or ethnic origin, gender, age, sexual orientation, religion or disability	Displays ability to interact appropriately with all members of the workforce and public regardless of racial or ethnic origin, gender, age, sexual orientation, religion or disability	Needs assistance or education in understanding how to interact appropriately with members of the workplace and public concerning racial or ethnic origin, gender, age, sexual orientation, religion or disability	Falls short of standards for sensitive and respectful behavior toward all members of the workforce and public; Demonstrates inappropriate language or behaviors dealing with racial or ethnic origin, gender, age, sexual orientation, religion or disability	

#### Comments/Explanation:

If Partially Meets Expectations or Does Not Meet Expectations is selected, please identify areas for improvement.

## Section 2: PERFORMANCE CATEGORIES AND CRITERIA FOR SUPERVISORS AND MANAGERS

Fill out this portion of the form only if the employee's responsibilities include supervising or managing people.

### PERFORMANCE MANAGEMENT

<input type="checkbox"/> Significantly Above Expectations	<input type="checkbox"/> Above Expectations	<input type="checkbox"/> Successfully Meets Expectations	<input type="checkbox"/> Partially Meets Expectations	<input type="checkbox"/> Does Not Meet Expectations	<input type="checkbox"/> Not Applicable
Does exceptional job of setting and communicating high standards of performance; identifies employee strengths and develops them through training, coaching and mentoring; provides developmental coaching as well as annual review	Sets and communicates high standards of performance; develops employees through training and coaching; provides ongoing performance coaching as well as annual review	Sets and clearly communicates realistic performance expectations; evaluates performance objectively; provides timely, candid feedback; provides on the job coaching as needed; conducts regular performance reviews	Needs to more clearly establish performance expectations; should provide more on the job training and coaching; does not give adequate and timely feedback to employees on a regular basis; needs to conduct more thorough performance reviews	Fails to adequately train new employees or adequately provide needed on the job training; does not assist employees in improving work habits; does not provide counseling for progressive discipline when needed; fails to conduct regular performance reviews	

#### Comments/Explanation:

If Partially Meets Expectations or Does Not Meet Expectations is selected, please identify areas for improvement

### PLANNING & ORGANIZING SKILLS

<input type="checkbox"/> Significantly Above Expectations	<input type="checkbox"/> Above Expectations	<input type="checkbox"/> Successfully Meets Expectations	<input type="checkbox"/> Partially Meets Expectations	<input type="checkbox"/> Does Not Meet Expectations	<input type="checkbox"/> Not Applicable
Exceptionally good at planning and organizing work/projects; forecasts needs and plans accordingly; innovative in managing the workload; schedules work for self and employees to meet and sometimes exceeds organizational goals	Fully plans & organizes work/projects; resourceful in managing the workload; schedules work for self and employees to meet organizational goals	Sufficiently plans and organizes work/projects; able to manage an unusual workload when required; schedules work for self and employees to meet organizational goals	Sometimes does not plan and organize work/projects adequately; occasionally falls behind in workload; needs assistance with setting priorities and controlling progress of the work/project	Often fails to plan and organize work/projects effectively; work/projects fall behind regularly; very slow to complete objectives; does not adequately schedule own time or employees work; works on low priorities instead of more important work	

#### Comments/Explanation:

If Partially Meets Expectations or Does Not Meet Expectations is selected, please identify areas for improvement

### SUPERVISORY LEADERSHIP & DELEGATION

<input type="checkbox"/> Significantly Above Expectations	<input type="checkbox"/> Above Expectations	<input type="checkbox"/> Successfully Meets Expectations	<input type="checkbox"/> Partially Meets Expectations	<input type="checkbox"/> Does Not Meet Expectations	<input type="checkbox"/> Not Applicable
Involves staff in building goals and objectives and establishing expectations; solicits and uses new ideas; delegates work in a way that inspires subordinates to go beyond what is expected in achieving organizational objectives	Articulates goals, objectives and expectations; is able to delegate work to inspire subordinates to willingly achieve organizational objectives	Clearly communicates goals, objectives and expectations to meet organizational objectives; able to get subordinates to follow directives to achieve organizational objectives	Needs to better communicate goals, objectives and expectations for work unit; subordinates tend to resist direction; needs to delegate work more effectively	Lacks goals, objectives and expectations for the work unit and/or does not effectively communicate them; does not delegate work effectively; subordinates resist participation	

#### Comments/Explanation:

If Partially Meets Expectations or Does Not Meet Expectations is selected, please identify areas for improvement.

Date for follow up of any Areas for Improvement \_\_\_\_\_

### Section 3: DEVELOPMENT PLAN (Optional)

Discuss with the employee opportunities for how they might develop their strengths and skills. Identify 2-3 SMART goals (Specific, Measurable, Attainable, Relevant, Time-Based). This may involve setting priorities, new projects or responsibilities, training (on the job, courses offered by the City), coaching that you offer, mentoring, etc.

#### 1. Goal/Action Steps

#### 2. Goal/Action Steps

3. Goal/Action Steps

Date for follow up of Development Action Plan \_\_\_\_\_



**Section 4: SIGNATURES AND COMMENTS**

I have reviewed this evaluation and it has been discussed with me. I understand that I may answer all or any part of this evaluation and that my answer will be attached to this review.

Employee's Signature: \_\_\_\_\_

Manager/Supervisor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Non-MPSOA Manager/Supervisor: \_\_\_\_\_ Date \_\_\_\_\_  
(only where applicable)

**EMPLOYEE COMMENTS: IF DESIRED**

I have read my performance evaluation and wish to add the comments below. These will be attached to the evaluation. I agree to return the copy of the evaluation with any comments by \_\_\_\_\_  
(date)