



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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**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 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 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 ten (10) instances.

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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 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.

Eligible employees may be granted Family and Medical Leave in accordance

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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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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.

Furthermore, employees 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.

Discipline

Violations will result in discipline consistent with any applicable collective bargaining agreement or law. The City agrees to apply the concept of

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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."

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