



CITY OF BOSTON
OFFICE OF HUMAN RESOURCES
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 (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.

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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 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.

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.

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 (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.

**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

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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.

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:

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.

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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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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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 less than twenty (20) hours paid leave per week, except for the initial eight (8)

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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 (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.

**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

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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.

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)

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- 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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