

Sick Leave Policy (BPPA-EMS Members)

Supersedes: 01-01-08
Effective: 11-13-14

I. PURPOSE

It is the Commission's and the Boston Emergency Medical Services division's mandate to ensure the efficient and economical delivery of emergency medical services. Sick leave abuse, excessive absenteeism, and unauthorized absence undermine this mandate, disrupt operations and services, and create unwarranted costs. Sick leave is a benefit only to be used in accordance with the provisions of a governing collective bargaining agreement and Commission policy for absence caused by the employee's personal illness or injury or the serious illness of a member of the employee's immediate family.

II. POLICY

This policy sets guidelines for the proper use of sick leave benefits and consequences of sick leave abuse, excessive absenteeism, and unauthorized absence. These guidelines are not intended to proscribe an employee's legitimate use of sick leave benefits, but rather to define certain standards of behavior in an attempt to improve overall attendance, verify proper use of sick leave, and eliminate abuse. Nothing in this policy shall limit or prevent the Commission from enforcing time and attendance requirements that are not specifically referenced in this policy, including but not limited to tardiness and failing to call in absent in a timely manner.

III. PROCEDURE

A. DEFINITIONS

The definitions herein apply for the exclusive purposes of this policy.

1. **Sick Time** – Any hours of absence from work after an employee either calls-in absent or leaves work during the course of a shift for any of the following reasons: (1) the employee's own illness, injury, or exposure to contagious disease; (2) the illness or death of a member of the employee's immediate family; (3) an illness or disability arising out of or caused by pregnancy or childbirth.
2. **Medical Letter** - A medical letter is a letter from a licensed healthcare provider as defined below, who is not an employee or a member of the employee's family, which states that an employee's absence was caused by the employee's personal illness or injury or the serious illness of a member of the employee's immediate family and meets all of the following criteria. The letter must be an original letter on the health care provider official stationery that clearly specifies each of the date(s) the employee was required to be absent and bears the original signature of

the health care provider. The letter must be submitted to the Professional Standards Office or designee within seven (7) calendar days after the employee first returns to work following the absence, and any letter submitted after that time is untimely and shall not excuse the absence. Notwithstanding anything in this paragraph, the Chief of the Department/designee shall have discretion to authorize an employee to submit a medical letter at reasonable intervals to excuse absences due to serious chronic illness, provided that the Chief/designee's discretion shall not be subject to the grievance and arbitration procedures of any collective bargaining agreement. A licensed health care provider is defined as including any doctor of medicine or osteopathy, physician's assistants, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse midwives and clinical social workers who are authorized to practice under state law and who are performing within the scope of their practice under state law.

3. **Undocumented Sick Time** – Sick time hours are considered undocumented if an employee fails to submit a timely medical letter to excuse them. Notwithstanding any provision of this paragraph or policy, sick time hours shall be considered undocumented regardless of whether the employee submits a timely medical letter if and to the extent that the employee has no accrued paid sick leave. Absences that the Commission has excused as family, medical, or other approved leave shall not be considered undocumented sick time.

B. CORRECTIVE ACTION

1. The Commission shall monitor sick leave use on a quarterly basis except that discipline may be imposed during the quarter if an employee's undocumented sick leave is excessive. Employees who are regularly scheduled to work eight (8) hour shifts shall be deemed in violation of this policy and subject to corrective action in accordance with paragraph B (2) of this section if they use twenty five (25) or more hours of undocumented sick time in a quarter. Employees who are regularly scheduled to work ten (10) hour shifts shall be deemed in violation of this policy and subject to corrective action in accordance with paragraph B (2) of this section if they use thirty one (31) or more hours of undocumented sick time in a quarter.
2. Employees shall receive an oral warning the first time they violate this policy. Employees who have received oral warnings shall be subject to discipline in accordance with the following progression for each subsequent violation of this policy:
 - Written Warning
 - One (1) Day Suspension
 - Five (5) Day Suspension
 - Ten (10) Day Suspension
 - Discharge
3. A GOOD quarter is a quarter in which an employee has actually worked without violating this policy. An employee who has

received corrective action for violating this policy shall regress one level of discipline in the progression if he/she completes four (4) consecutive good quarters before violating the policy again.

C. ABSENCE WITHOUT LEAVE (AWOL)

1. An employee who fails to call-in to the designated person within thirty (30) minutes after the start of his/her scheduled shift shall be considered absent without leave (AWOL) and may not be permitted to work that day. If the employee is not permitted to work that day, he/she will not be paid and his/her absence shall count as a suspension day for the purposes of this paragraph. Discipline for AWOL shall be imposed progressively in accordance with the following progression:

One (1) Day Suspension
Three (3) Day Suspension
Five (5) Day Suspension
Ten (10) Day Suspension
Discharge

If an employee is AWOL on consecutive days, he/she shall receive one additional level of discipline in the progression set forth in paragraph C (1) for each day that he/she is AWOL upon his/her return to work and, if he/she is AWOL five (5) consecutive days, shall be discharged.

2. Notwithstanding anything in paragraph C(1) to the contrary, an employee who is AWOL for a scheduled voluntary overtime shift shall not be subject to discipline under paragraph C(1). An employee who is AWOL for a scheduled voluntary overtime shift shall receive written notice of their offense, which shall not constitute discipline, and a copy of the notice shall be sent to a representative of the Union. An employee who is AWOL for a scheduled overtime shift after having previously received a written notice pursuant to the preceding sentence shall be disqualified from all voluntary overtime opportunities for a period of time determined by the Department, not to exceed one (1) month. An employee who is AWOL for a scheduled overtime shift after having been previously disqualified from voluntary overtime opportunities pursuant to the preceding sentence shall be disqualified from all voluntary overtime opportunities for a period of time determined by the Department, not to exceed six (6) months. Nothing in this paragraph shall limit or otherwise affect an employee's obligations to perform mandatory overtime.
3. The Chief of Department/designee shall have discretion to excuse an employee from discipline under this section for being AWOL,

provided that his/her discretion shall not be subject to the grievance and arbitration procedures of any collective bargaining agreement.

D. WORK ELIGIBILITY

Any employee who has reported himself or herself absent from his or her assigned shift pursuant to Article 22 (Sick Leave) of the parties' collective bargaining agreement ("CBA") shall be ineligible to work any voluntary overtime and details (but not including swaps previously approved by the Department) for the two shifts immediately following the shift for which the employee reported himself or herself absent pursuant to Article 22 of the CBA, except in the following situations:

1. Where the employee has been subpoenaed or summoned to appear in court or at a deposition as part of his/her official duties;
2. Where the restriction on the employee from working voluntary overtime will result in another Department employee being mandated to work overtime pursuant to CBA, Article 11, Section 5(a);
3. Where an employee attends a Department-run training required to maintain his/her certification and there are no other opportunities to attend the training in the re-certification period;
4. Where an employee works a "Special Event" shift, where a "Special Event" shift is limited to an overtime shift associated with New Year's Eve, New Year's Day, the Boston Marathon, and the Fourth of July;
5. Where the Chief or his Designee has specifically authorized the employee to work notwithstanding his/her ineligibility.