



Superintendent's Circular

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Version 01

EMPLOYEE SICK LEAVE POLICY

This circular will remain in effect unless rescinded or superseded by a subsequent version.

The Boston School Committee will not permit any abuse of sick leave privileges. Sick leave is a benefit only to be used for absences caused by illness, injury, or exposure to contagious diseases. Those employees who use sick leave for any other purpose do a disservice to our students, to their co-workers, and to the taxpayers. A public perception that School Department employees abuse sick leave will undermine confidence in and support for public education in Boston.

Accordingly, it is and shall be the policy of the Boston School Committee to monitor the sick leave practices of all its employees, to detect any sick leave abuse, and to discipline any employee found to have abused the sick leave privileges. No legitimate sick leave will be denied. No abuse will be tolerated.

The Superintendent shall develop and promulgate appropriate rules and procedures to implement this sick leave policy. Copies of this policy shall be prominently posted at all work locations.

Attached you will find a document entitled *Employee Sick Leave Policy Guidelines*. The document provides specific details regarding (1) the responsibility of each manager with regard to sick leave, (2) managerial intervention required, and (3)

procedures mandated to ensure the effective implementation of the Employee Sick Leave Policy. A copy of these guidelines should be posted in the school office, and a copy should be made available in teachers' rooms for review by staff.

The School Committee's Employee Sick Leave Policy and Guidelines cover all employees of the Boston Public Schools. In accordance with the guidelines, employees absent for six (6) or more consecutive working days must apply for a leave of absence through [the online application](#) and provide a WH-380-E/F form or medical certification/documentation on official letterhead from a health care provider as determined by their Collective Bargaining Agreement, as well as a fitness for duty report to return to work.

The medical certification should be on the physician's letterhead and should include:

1. A statement that the physician understands the nature of the employee's duties and that the employee is incapable of performing the duties and responsibilities of their position.
2. A statement of anticipated duration of the absence or the expected date of the return to work (if the duration is unknown, the letter should indicate when the employee will be seeing a physician again and an updated letter would be required after that visit).

► Failure to provide the proper physician's certificate when required may lead to loss of pay.

Absences interrupted by weekends and/or holidays are considered consecutive.

All managers are directed to discuss the guidelines with all staff members at the beginning of the school year to ensure mutual

understanding. Please note the guidelines are consistent with the BTU and BASAS contracts.

The Office of Human Resources has information readily available on an employee's accumulated benefits such as vacation, sick leave, and personal days. It is also able to monitor the attendance of the entire School Department workforce. Principals, heads of school, and other administrative heads will be provided with periodic attendance data for employees under their jurisdiction. These reports are expected to assist managers in providing appropriate supervision for individuals who exhibit problematic attendance patterns.

For more information about this circular, contact:

Owner:	Leave of Absence Team
Department:	Human Resources
Mailing Address:	2300 Washington Street, Roxbury, MA 02119
Phone:	617-635-9255
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Mary Skipper, Superintendent



EMPLOYEE SICK LEAVE POLICY GUIDELINES

STATEMENT

The term “manager,” as used in these guidelines, refers to positions such as academic superintendent, senior officer, head of school, principal, program director, and director. It is expected that managers may in some cases delegate authority to carry out these procedures to supervisory personnel reporting to them.

PURPOSE

The purpose of these guidelines is to improve employee attendance and eliminate any abuse of sick leave benefits. Their consistent application by managers, and compliance by all employees, will make a substantial contribution toward our ultimate goal of providing an effective and high-quality education for the students in the Boston Public Schools.

THE MANAGER HAS PRIMARY RESPONSIBILITY FOR EFFECTIVELY IMPLEMENTING THESE GUIDELINES:

1. **Managerial Responsibility:** Absenteeism is one of the primary reasons for a manager's inability to accomplish expected results, since it results in less than optimal student progress, missed deadlines, low quality of work due to inexperienced replacements, scheduling and coverage problems, and low morale of employees who must assume the absentee's workload. Employee motivation and attendance are key factors affecting the productivity of each

unit in the school system. A good attendance practice within a school or department is indicative of a well-motivated and supervised workforce. Therefore, managers should realize that it is in their own best interest to develop and to maintain good attendance practices, since their effectiveness is measured by the accomplishments of their schools and departments.

2. **Managerial Judgment:** Managers will be expected to implement these procedures, to counsel employees, and to take remedial action when a patterned abuse occurs. Each supervisor should analyze each situation based on its merits, considering such factors as length of service, total sick leave accumulation, number of occurrences (frequency), patterns of absenteeism, such as before and after weekends, holidays and vacations, severity rate (the duration of absence), and the employee's medical history that is previously known to the manager and/or from information that may be required to be on file with the School Department.

Major attendance problems facing managers are:

- a. "Pre-retirement illness" — attempts by long-time employees to exhaust their sick leave benefits before retirement
- b. "Pre-layoff illness" — attempts by employees who received a notice for layoff to exhaust their sick leave benefits before the layoff becomes effective
- c. "Post contract non-renewal illness" —attempts by employees whose contract has not been renewed prior to exhausting sick leave.

3. **Managerial Intervention:** It is important that the manager intervene as soon as an absence pattern is detectable. The manager can discuss the reasons for the pattern or the absences and can prevent the pattern of absences from becoming worse.

Each manager must review the attendance records of each employee in their organization at least on a quarterly basis to monitor attendance practices and to determine if there are patterns of sick leave abuse. Each employee whose number of days or the number of occurrences exceed five consecutive days absent, and there is reasonable cause to believe that the absence is not an appropriate use of sick leave, must be interviewed by the manager. The purpose of this interview is to determine whether there is any possibility of sick leave abuse. *A written record must be kept concerning the nature of the supervisory discussion or interview.*

PROCEDURAL REQUIREMENTS

To ensure the effective implementation of the Employee Sick Leave Policy, employees must adhere to the following procedures:

1. Notification

- a. *Employees Serving in Schools:* These employees are not entitled to sick leave without loss of pay unless they have notified their head of school or principal, in accordance with the schedule established by the appropriate head of school/principal. Each employee must indicate the nature of the illness and the period of anticipated absence. If, at the expiration of the anticipated period, the employee is not recovered, the employee must again notify the head of school/principal of the reason for the additional period of anticipated absence in accordance with established practice at their school. Each school must maintain and post in appropriate locations a standard policy for notice of absence.
- b. *Employees Not Serving in Schools:* These employees are not entitled to sick leave without loss of pay unless they have notified their manager of the absence, its cause, and anticipated duration before the expiration of the first fifteen (15) minutes after their normal reporting time or as soon as practical. If, at the expiration of the anticipated duration, the employee is not recovered, the employee must again notify the manager of the reason for the additional period of

anticipated absence the day before the employee is expected to return to work.

- c. *Illness During Work Hours:* When an employee becomes ill during regular work hours, the employee must notify the manager. The manager will record the length of absence.
 - d. *Failure to Notify:* Employees failing to give proper notice in the absence of extenuating circumstances shall be considered without authorization and are subject to progressive disciplinary action.
 - e. *Reporting time:* All managers must ensure that all time reporting is entered into the system consistent with established procedures in order that employee's absences are correctly charged and leave balances maintained. As usual, Department Time Summary Reports must be submitted to the BPS Payroll Office in accordance with the payroll schedule.
2. **Physician's Certificate:** If the absence is of six (6) or more consecutive working days' duration, a physician's certificate will be required upon return to work, or prior to return if requested. When the record of repeated absences reflects a clear pattern of abuse — such as consistent three (3) days present, two (2) days absent — the manager should request a physician's certificate, even though it may not be required under the relevant collective bargaining contract. In such circumstances, the employee should be advised that a physician's certificate may be the only adequate refutation

to the charge of sick leave abuse. The physician's certificate should include the following:

- a. A statement that the physician understands the nature of the employee's duties and that the employee is incapable of performing the duties and responsibilities of their position.
- b. A statement of anticipated duration of the absence or the expected date of return to work (if the duration is unknown, the letter should indicate when the employee will be seeing the physician again, and an updated letter would be required after that visit).

If the physician's certificate does not include these statements, the manager must notify the employee to obtain the omitted information before authorizing sick leave.

ALL MEDICAL INFORMATION SHALL BE MAINTAINED ON A CONFIDENTIAL BASIS.

If, during the interview, the supervisor learns that an employee has a chronic or disabling condition which may qualify that person for consideration as a handicapped individual, ⁽¹⁾ you should contact the Office of Equity at 617-635-9650.

(1) ¹A handicapped individual includes someone who has, has had, or is thought of as having a physical or mental condition that substantially limits a major life activity, including working. The condition may be permanent or temporary.

A handicapped individual is defined as any person who has a physical or mental impairment which substantially limits one or more major life activities, such as: caring for oneself, performing manual tasks, seeing, hearing, speaking, breathing, or learning.

The Office of Human Resources and Office of the Legal Advisor are available for advice and counsel.

While the managers are the central figures in managing attendance, the Office of Human Resources and Office of the Legal Advisor are prepared to provide them with the following technical support:

1. Advise managers in their effort to change unacceptable absence patterns.
2. Provide an early referral system for health, emotional, alcoholic, or drug-related matters.
3. Provide an effective mechanism for a centralized sick leave and vacation reporting system.
4. Interpret policy and procedures and assist in the resolution of operating problems.
5. Provide advice concerning the implementation of progressive disciplinary action.