



## **CITY OF WORCESTER**

# **PERSONNEL RULES AND REGULATIONS**

**Revised: January 1, 2024**

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## **INTRODUCTION**

The City of Worcester employs approximately 2,000 people in various capacities, not including the Worcester School Department. The purpose of the rules and regulations set forth in this booklet is to outline uniform policy, regulations, and procedures applicable to these employees.

Most of these employees are in bargaining units represented by the six (6) recognized labor organizations, which have collective bargaining agreements with the City. If there are any conflicts between these rules and regulations and any provision of a collective bargaining agreement, the provisions of the collective bargaining agreement will prevail. Otherwise, these rules will be controlling under all circumstances. These rules and regulations shall apply to all full time, part time, permanent, provisional, intermittent, and temporary employees of the City of Worcester, exclusive of the School Department.

The City Manager is granted authority pursuant to Article Three of the Home Rule Charter. The City Manager shall enforce and administer these rules and regulations, and may make additional rules and regulations as may be deemed necessary. The City Manager may delegate the administration of such rules and regulations to department heads, boards and/or commissions. These rules and regulations shall be construed as a grant of authority and not as a limitation thereof. They are intended to be a guide to department heads and others for the application of City personnel policies. They are not intended and in no way should be interpreted to constitute a contractual relationship between the City and its employees.

Questions regarding the interpretation of these rules and regulations should be directed to the Chief Human Resources Officer.

**I. PAID TIME OFF LEAVE RULES AND REGULATIONS**

**A. PURPOSE**

The City recognizes that employees need time off from work for vacation and/or to attend to personal matters. The purpose of this policy is to (1) provide employees with a simple and flexible approach to time off by combining vacation, personal and administrative leave, and (2) provide all employees with an opportunity to earn paid time off (“PTO”) leave on a monthly basis.

**B. SCOPE**

These rules and regulations shall apply to all full time, permanent, provisional and temporary personnel. For employees subject to a collective bargaining agreement, the benefits set forth in the collective bargaining agreement shall control. Part time employees shall be eligible for PTO leave only if they are regularly scheduled to work at least twenty (20) hours per week, and such leave shall be computed on a prorated basis. Positions filled by popular election or those under the jurisdiction of the school committee are not eligible for PTO time under this rule.

**C. PROCEDURES**

***Availability:***

PTO will be awarded on the first business day of each month, based on the hours the employee worked in the prior month. Employees may use time as it is earned. Employees may not use PTO leave that they have not yet accrued.

PTO leave will be available for new employees to use in the pay period following completion of their second month of employment. For example, if an individual commences employment on January 2, they will be eligible to begin using PTO in the pay period following the pay period in which March 2 falls.

***Accrual and Payment of PTO:***

Accruals are based upon paid hours up to 2,080 hours per year, excluding overtime. Employees working less than 40 hours per week and at least 20 hours per week will earn PTO hours on a prorated basis. Length of service determines the rate at which the employee will accrue PTO. PTO does not accrue on unpaid leaves of absence. Employees become eligible for the higher accrual rate, as set forth below, on the first day of the month in which the employee’s anniversary date falls.

***Full-Time Accrual Rates:***

<b>Years of Service</b>	<b>Accrual Rate Per Month</b>	<b>Annual PTO Accrual</b>	<b>Maximum Accrual</b>
New – 4	10 hours	120 hours	160 hours
5 – 14	18 hours	216 hours	256 hours
15 +	20 hours	240 hours	320 hours
20 + EM/CM	21 hours	252 hours	320 hours

### ***Monitoring Accrued PTO Leave***

Employees are accountable and responsible for managing their own PTO hours to (1) allow for adequate reserves if there is a need to cover vacation, emergencies, appointments, or other situations that require time off from work and (2) ensure they do not exceed their designated cap, as set forth above. If an employee reaches their designated cap, the employee will not accrue additional leave until their accrual drops below the cap.

### **D. FRIDAY AFTER THANKSGIVING**

On the Friday after Thanksgiving, the City will operate on a limited schedule. Employees who work in a building, office or division that is closed will be required to use one PTO day.<sup>1</sup> The decision to use a PTO day on this day will not be made on an employee-by-employee basis. Employees who are assigned to Departments that remain open, and are scheduled to work, will earn regular pay for the day, and they will not be charged with a PTO day. If the Friday after Thanksgiving is an employee's regularly scheduled day off, the employee will not be charged with a PTO day.

### **E. RATE OF PAY**

PTO pay shall be computed based upon the employee's rate of pay while in his/her primary classification. For those employees having a secondary classification, the rate of pay shall be based on the classification in which the employee actually worked, exclusive of overtime, for a minimum of 1200 hours in the aggregate during the twelve months preceding the first day of June in any leave year, provided that, for the classifications of MEO A, B, C or D, the minimum hours shall be 1000.

### **F. PTO CREDIT FOR PRIOR EXPERIENCE**

The City Manager shall have the authority to credit employees in any position which is not governed by civil service and/or included in a collective bargaining group with all or part of the time that employee served in prior city employment, or in any other prior employment, when calculating the number of hours of annual PTO leave to be granted. The authority granted by this section may be exercised annually or permanently and in the case of employees under the jurisdiction of the city council, by the city council, and in no event shall result in any employee receiving PTO leave in excess of the maximum amount of PTO leave listed herein.

### **G. WRITTEN REQUEST TO TAKE PTO LEAVE**

Subject to any departmental policy, an employee wishing to take earned PTO leave at a particular time shall present a written request to their department head. Subject to seniority rights of another employee, the request will be granted, unless the department head, in the exercise of their discretion, determines that the employee's absence during that period would interfere with the operations of the department.

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<sup>1</sup> For the Friday after Thanksgiving only, an employee may borrow against time that the employee has not yet accrued, with the understanding that the time will be deducted from their next monthly accrual.



**H. PTO BUY BACK FOR EXECUTIVE MANAGEMENT**

Employees on the CM and EM pay schedule may buy back up to seven unused PTO leave days annually, at 75% of their then current rate of pay. The buy back opportunity will be extended annually in early January, at which time CM and EM employees may request the buy back.

**I. LEAVE IN ADVANCE OF ELIGIBILITY**

No employee shall be granted PTO leave until the employee is eligible to receive said leave. PTO leave shall not be granted in anticipation of service, unless the employee has received prior written approval by the Chief Human Resources Officer.

**J. HOLIDAY DURING PTO**

If a legal holiday falls during an employee’s PTO leave, the employee will be not be charged a day of PTO leave. However, if the holiday is celebrated on a day that would have been the employee’s regularly scheduled day off had the employee not been on PTO, then the employee shall instead receive holiday pay. (See Holiday Rules and Regulations.)

**K. TRANSFER OF PTO LEAVE**

Upon appointment or the resignation of any employee from any department in the City, including the School Department, followed by an immediate reappointment with no break in service to any other department in the City, the head of the department shall prepare an abstract of the leave records for the employee as of the last day that such employee was carried in a pay status on the payroll for such department. The department head shall forward such abstract to the head of the department to which such employee has been appointed. The head of the department to which such employee has been appointed shall enter the information contained in the abstract in the leave record for their department, and shall credit such employee with any unused PTO leave credit as of the date of the commencement of services in such department.

**L. PAYMENT UPON TERMINATION**

An employee will be paid upon resignation, separation or retirement for all PTO hours accumulated but not used. Employees whose hours regularly drop below 20 hours per week will be paid PTO on the effective date of the change in hours.

**M. EFFECTIVE DATE**

These regulations shall become effective January 1, 2024, and shall supersede all previous versions.

**N. EXCEPTIONS AUTHORIZED BY THE CITY MANAGER**

In an effort to recruit or retain an individual, and subject to any collective bargaining or civil service limitations, the City Manager may grant additional PTO to an employee or candidate for employment based on said individual’s skill level and/or experience. For example, if the City is

considering a candidate for employment who has significant work experience, the City Manager may grant more than 120 hours of PTO to said individual at the outset of his/her employment.

**O. INTERPRETATION**

Questions or interpretation of these regulations shall be directed to the Chief Human Resources Officer.

**P. MODIFICATION**

The City Manager reserves the right to make such modifications and amendments to these regulations as, in his opinion, are deemed necessary and proper.

Promulgated by the City Manager 3/28/1976

Amended and recodified 1/28/1986

Revised 4/7/1995

Revised 11/30/2000

Revised 6/1/2019

Revised 1/1/2024

## **II. SICK LEAVE RULES AND REGULATIONS**

### **A. PURPOSE**

The City recognizes that, in addition to leave time for vacation and to attend to personal matters, from time to time, employees may need time off from work to recover from illness or injury. It is imperative that employees understand that the sick leave benefit is not intended to be used as additional PTO leave, as defined above in Section I. Rather, this benefit is intended to be used, and may only be used, as defined herein.

### **B. SCOPE**

These rules and regulations shall apply to all employees in all City departments, except School Department employees.

### **C. DEFINITIONS**

The following words when used in these regulations shall have the following meaning:

1. Sick Leave – shall mean absence from duty as a result of disability arising out of sickness or injury of the employee for which no payment is made under the Workers’ Compensation Act, General Laws, Chapter 152, or the injured-on-duty provisions of General Laws Chapter 41, §111F. (For maternity leave questions, see section on Family and Medical Leave.)
2. Employee – shall mean all employees of the City of Worcester, including salaried officials and officers, but excluding School Department employees.
3. Non-bargaining unit employees – shall mean all employees not represented by a bargaining unit certified by the Commonwealth or recognized by the City.
4. Overtime - shall mean payment at one and one-half (1 1/2) times regular rate.

### **D. EARNING OF PAID SICK LEAVE**

Every permanent, full time employee, including those employees on the EM and CM pay schedule, will earn 6.75 hours of sick leave credit per month for regularly scheduled 40 hours per week for the month for a total of 81 hours annually. Temporary employees or “pool” employees do not earn sick leave. For purposes of computing sick time leave, a day will not exceed eight hours, and a week will not exceed forty hours. Holidays and all paid leave days will be considered days worked. Sick leave credit will continue to accrue while on paid sick leave status. No employee will earn more than 81 sick leave hours in any calendar year. Earned sick leave is credited on the first day of the month following its accrual and will be added to any unused portion of sick leave previously credited. Part time, permanent employees working at least 20 hours per week will earn and accrue sick leave on a pro-rated basis.

#### **E. MONTHLY SICK LEAVE ACCUMULATION**

New employees will earn sick leave credit the first day of the month after completing a full calendar month of service. For each day during the month in which the employee is in a non-pay status, 1/4 hour will be deducted from the total authorized 6.75 hours for that month.

#### **F. ACCUMULATION OF SICK LEAVE CREDIT; MAXIMUM AMOUNTS**

Earned sick leave shall be credited on the first day of the month following its accrual, and shall be added to any unused portion of sick leave previously credited. Sick leave shall not be credited in anticipation of accrual. No employee shall be allowed to accumulate unused sick leave credit in excess of 160 days for CM/EM employees and 140 days for other employees.

#### **G. SICK LEAVE USAGE**

An employee disabled from performing their regular duties as a result of sickness or accident must, as soon as he is aware of his inability to work, notify their department head or the department head's designated assignee of such disability. The department head will not grant sick leave in anticipation of credit.

Earned sick leave shall be granted for the employee's:

1. Personal injury or illness;
2. Personal medical, mental, dental or optical consultation or treatment;
3. Exposure to contagious diseases where there is reason to believe there exists actual danger that the disease may be transmitted to others during the course of official duties;
4. Pregnancy, miscarriage, personal childbirth, and recovery therefrom.

If there is reason to believe certain health factors of an employee pose a threat to the good health and well-being of the employee or others, the department head may direct the employee to utilize sick leave and to seek medical attention.

The department head or designated representative shall determine if the employee is making proper use of the authorized sick leave benefits. Proof of illness, including a certificate from a doctor who regularly treats the illness may be required.

An employee shall be subject to disciplinary action if he/she engages in outside employment at any time within a calendar day during which he/she has used sick leave. There are three exceptions to this rule:

1. When sick leave in an amount less than 4 (four) hours has been used by an employee for the sole purpose of obtaining personal medical, mental, dental or optical consultation or treatment.
2. When sick leave is used pursuant to the Family Medical Leave Act.
3. When the employee is using family sick time to care for a family member.

## **H. FAMILY SICK LEAVE**

Of the 81 hours accrued annually, an employee may use up to five (5) days annually for the illness of a parent, child, or someone within the employee's household. Family sick days do not carry over from year to year. Unused family sick days will remain a part of the employee's overall sick leave accrual for his/her own illness or injury.

## **I. EXTENDED FAMILY SICK LEAVE**

An employee who has accrued four hundred (400) or more sick hours may utilize any sick hours in excess of 400 hours to care for a family member. The family member must be covered by the provisions of the Family and Medical Leave Act ("FMLA") and the family member's medical condition must satisfy the requirements of the FMLA. If the employee drops below 400 sick hours, they will no longer be eligible for extended family sick leave.

## **J. COMPUTATION OF SICK LEAVE USE**

Absence of an employee disabled from sickness or accident payable under these rules shall be charged against the employee's sick leave credit, provided that no employee will be charged in excess of 5 days for time lost during any one week period.

Sick leave shall not be used if it results in credit for more than 8 hours pay in any one day. Whenever an employee works more than 8 hours in any one day, the use of sick leave for another day within that 40 hour work week will not affect the employee's overtime hours worked in excess of the 8 hours in one day. Examples are as follows:

1. If an employee calls in sick for their regular shift (7 a.m. to 3 p.m.), but then works later that same day from 4 p.m. to 8 p.m., he does not receive overtime pay for the hours he worked. He receives 4 hours sick leave and 4 hours regular pay.
2. If an employee works 8 hours on Monday at regular pay and 4 hours overtime that same day; works their regular 8 hours Tuesday, Wednesday, Thursday and calls in sick on Friday, he receives 32 hours regular pay, 8 hours sick leave, and 4 hours overtime pay.

## **K. EARNING OF SICK LEAVE WHILE IN SICK LEAVE STATUS**

Notwithstanding the provision of any policy to the contrary, all persons entitled to sick leave pursuant to this policy shall earn sick leave credit while being in the status of paid sick leave.

## **L. USE OF SICK LEAVE WHILE RECEIVING WORKERS' COMPENSATION**

When an employee is receiving compensation for sickness or injury pursuant to Chapter 152 (Workers' Compensation Act), and the amount of such compensation is less than their regular weekly pay, he may, upon written request, receive paid sick leave in accordance with Chapter 152, §69 to the extent that he has unused sick leave credit; provided, however, that the sum of such paid sick leave and the compensation received pursuant to Chapter 152 shall not exceed the

employee's regular weekly pay. While on workers' compensation, an employee does not continue to accrue sick leave credit.

#### **M. VERIFICATION OF ILLNESS**

##### **1. Absences of Four Days or Less**

An employee, upon return to duty after any absence as a result of sickness or accident payable under these rules for 4 days or less may be required if asked by the department head to furnish the department with a written certificate stating the nature of their disability, its duration, and if applicable, the name and address of the physician providing medical attention.

##### **2. Absences of Five or More Days**

If the disability exceeds 5 days, the employee shall submit a letter from their attending physician or surgeon stating that the employee was under the doctor's care and was seen within the time period that they were out. In the event an employee is disabled beyond the duration documented in the original certificate, he shall submit a new letter unless the disability lasts more than 10 calendar days, in which case the employee shall submit a new letter for each 10 day interval. Employees on Family Medical Leave Act will submit certification as permitted by the Act.

#### **N. EXAMINATION BY CITY PHYSICIAN**

An employee entitled to payment under the rules shall submit to an examination by the City Physician, if such examination is requested by the head of the department, Chief Human Resources Officer, or the City Manager. A report of such examination by the City Physician will be forwarded to the requesting authority.

#### **O. DENIAL OF SICK LEAVE**

Failure of an employee to comply with the notice provisions of these rules and regulations, or failure of the employee to furnish the certificates required, or failure of the employee to submit to an examination by the City Physician, if requested under these rules shall, if the department head determines such failure is willful, be sufficient grounds for denying paid sick leave.

An employee shall not be entitled to sick leave for any accident or sickness causing disability as a result of their own willful act or misconduct, or if the employee was engaged in any business, trade, profession or outside employment during the hours he was scheduled to work for the City.

The head of a department, upon learning that an employee is carried in sick leave status in violation of these rules, or that the employee is entitled to workers' compensation under the provisions of the General Laws, Chapter 152, or Chapter 41, §111F (injured-on-duty) shall, forthwith, cause the employee's status on the payroll to be corrected.

**P. TERMINATION OF CITY SERVICE**

Sick leave payments, earned sick leave credit, and sick leave accumulation will automatically cease upon an employee's resignation, retirement, death, or permanent separation, and no monetary allowance or adjustment, except as provided below, will be made for earned sick leave credit or accumulations.

**Q. CONVERSION TO ADMINISTRATIVE LEAVE UPON RETIREMENT**

An employee who is eligible to retire under the provisions of Chapter 32 may, at the time of their retirement, convert their earned sick leave in excess of 100 days, up to 160 days for CM/EM employees and 140 days for other employees, to administrative leave at a rate of seventy-five percent (75%) of their then remaining time, e.g., an employee with 140 days of sick leave may convert forty (40) of those days to thirty (30) days of administrative leave. The City shall payout this administrative leave in the employee's final paycheck.

For employees subject to a collective bargaining agreement, the terms of said agreement will apply.

**R. EXHAUSTION OF SICK LEAVE**

No portion of sick leave credit will be credited to PTO leave of any employee. However, in most cases, where an employee disabled because of sickness or accident payable under these rules has no sick leave credit, the City will require the employee to remain on the payroll using PTO leave. If an employee has exhausted all available paid leave, he may, at the City's discretion, continue on a leave without pay. In the event that an employee is to be carried on the payroll in a "no-pay" status, he must make application in writing, on a Request for Leave of Absence form, to be approved by the department head and the Chief Human Resources Officer. Requests by department heads for a leave of absence must be approved by the City Manager. The rules set forth herein are subject to the FMLA and/or Massachusetts Maternity Leave Act.

**S. SICK LEAVE FOR EXTENDED ILLNESSES**

If, prior to the first day of an extended illness, an employee with 10 years of service has accumulated at least 70 days of accumulated sick leave, then upon the exhaustion of all sick leave and other paid leaves; the employee shall be compensated at 50% of their regular weekly salary or wage until the first anniversary date of the extended illness.

For employees with at least 5 years of service and at least 35 days of accumulated sick leave prior to their extended absence, upon exhaustion of their sick leave, they will be compensated at 50% of their regular weekly salary or wages up until the six month anniversary of their absence.

Weekly earnings shall not include payments for overtime or holiday pay in lieu of holiday leave.

This subsection shall not apply to any employee in a collective bargaining agreement unit unless specifically provided for in the bargaining agreement.

Employees subject to this section shall accrue sick leave at the same rate as specified in Section D.

**T. SICK LEAVE INCENTIVE PROGRAM FOR EXECUTIVE MANAGEMENT (EM & CM EMPLOYEES):**

In January of each year, employees on the EM and CM schedule who used five or less sick leave days during the prior calendar year, shall have the option to convert up to seven unused sick days minus the number of sick days actually used during the prior calendar year at the rate of 75% of their then current pay.

**U. SICK LEAVE RECORDS**

The head of each department shall maintain a permanent individual record which shall show, with respect to each employee, the monthly sick leave credited, the amount of unused sick leave at the expiration of the preceding leave year, and the dates on which such leave has been taken during the current year. This record shall be made available for the inspection of the employee, and any duly authorized agent of the Auditing Department or the Human Resources Department. It shall not otherwise be open for inspection.

**V. TRANSFER OF SICK LEAVE**

Upon the appointment of any employee from any City department to any other City department, including the School Department, the head of the department from which the employee is leaving shall prepare an abstract of the leave record for the employee as of the last day that such employee was carried in a pay status on the payroll for such department. The department shall forward such abstract to the head of the department to which such employee has been appointed. The head of the department to which such employee has been appointed shall enter the information contained in the abstract in the leave record for their department, and shall credit such employee with any unused sick leave credit as of the date of the commencement of service in such department.

**W. MISUSE OF SICK LEAVE**

***The City of Worcester is committed to providing sick leave for its employees, to be used in the case of an actual disability, illness, or illness prevention. The City takes the misuse and/or abuse of this benefit very seriously, and such conduct will result in discipline, up to and including the termination of employment.***

In no event shall earned days for illness or accident be construed or used as additional PTO allowance. The City has no obligation to grant leave to an employee that has used all of his or her sick leave accrual, unless the employee is on an approved leave pursuant to the Family & Medical Leave Act.

Sick leave cannot be used as an excuse to be late for work without advance notice of a proper use, and except in an emergency, employee must notify their employer before using sick leave.



The City will determine whether an employee is abusing sick leave by reviewing their use of sick leave. In some cases, one instance of sick leave will be deemed misuse, and in others, it may be the result of a pattern of behavior. Examples of sick leave abuse include, but are not limited to, the following:

1. Employee uses an excessive amount of sick leave with no history of chronic or FMLA qualifying condition.
2. Employee has a pattern of calling in sick to extend PTO leaves and/or weekends.
3. Employee calls in sick one time in July, but is later discovered to have gone to the beach for the day.

**X. EFFECTIVE DATE**

These regulations shall become effective January 1, 2024, and shall supersede all previous versions.

**Y. INTERPRETATION**

Questions on interpretation of these rules shall be directed to the Chief Human Resources Officer.

**Z. MODIFICATION**

The City Manager reserves the right to make such modifications and amendments to these regulations as, in his/her opinion, are deemed necessary or proper.

Promulgated by City Manager 9/7/51  
Amended (Rule 6) 11/22/55  
Reprinted 7/1/72  
Recodified 9/1/76  
Amended 9/1/79 (Rules 3 and 18)  
Amended 2/85  
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Revised 4/7/95, Revised 11/30/00  
Revised 6/1/2019  
Revised 1/1/2024

### **III. PARENTAL LEAVE**

#### **A. PURPOSE**

The City seeks to cultivate an atmosphere where its employees can thrive professionally without sacrificing essential family obligations. The purpose of this Policy is to give parents time to bond with their new child and adjust to their new family situation.

#### **B. ELIGIBILITY**

To be eligible for Parental Leave pursuant to this Policy, the employee must meet the following conditions:

1. The employee must have been employed by the City for at least one year and be classified as a full-time or part-time regular employee, as defined by the City.
2. The employee must also meet one of the following criteria:
  - a. Have given birth to a child; or
  - b. Be a spouse of a person who has given birth to a child;
  - c. Be a biological and legal parent of the child; or
  - d. Have adopted a child who is 17 years old or younger. This provision does not apply to the adoption of a stepchild by a stepparent.
3. Parental leave will run concurrent with state/federal leave law, e.g., FMLA
4. The employee must agree that they will not work a second position while using Parental Leave
5. The employee must agree that, if employee does not return to duty following the leave, the employee will repay the City for the benefit time used

#### **C. SCOPE OF PARENTAL LEAVE**

1. Eligible employees will be permitted to take up to 320 hours (8 weeks) of paid leave, once per rolling twelve month period
2. All leave must be consecutive, not intermittent
3. Employee will not be required to return to duty immediately following the eight week paid leave, provided the employee is entitled to additional leave pursuant to state/federal law
4. If the employee's employment with the City is terminated during the leave, the employee shall not be eligible for payment for any unused Parental Leave.

#### **D. EXTENDED PAID PARENTAL LEAVE**

Following the eight (8) week paid Parental Leave, if the employee is eligible for additional leave pursuant to state/federal law, the employee may use their own accrued sick and/or PTO leave for up to four (4) additional weeks of paid Parental Leave, subject to state/federal law. All leave must be consecutive, not intermittent.

**E. MISUSE OF PARENTAL LEAVE**

The City may take disciplinary action, up to and including termination, against an employee who uses leave pursuant to this policy for purposes other than those described in this Policy.

**F. EFFECTIVE DATE**

These rules and regulations shall become effective January 1, 2024.

**G. INTERPRETATION**

Questions on interpretation of these rules shall be directed to the Chief Human Resources Officer.

**H. MODIFICATION**

The City Manager reserves the right to make such modifications and amendments to these regulations as, in his/her opinion, are deemed necessary or proper.

Promulgated by City Manager 1/1/2024

#### **IV. OVERTIME RULES AND REGULATIONS**

##### **A. AUTHORITY**

These rules are promulgated pursuant to Massachusetts General Laws, c. 149, §33B.

##### **B. SCOPE**

These rules shall apply to all employees of the City of Worcester, except:

1. Uniformed members of the Fire and Police Departments.
2. Department heads.
3. Executive, administrative and professional personnel.
4. Other personnel whose job classifications have been excluded from overtime by the City Manager.

##### **C. COMPUTATION AND DEFINITIONS**

Overtime pay shall be computed as required by law, and words and phrases used in these rules and regulations shall have the definitions and meanings set forth in law. In addition, the following words, when used in these rules and regulations, shall have the following meaning:

1. Day: a period of 24 consecutive hours, commencing at midnight and ending at 11:59 p.m.
2. Week: a period of 7 consecutive days, commencing on 12:00 a.m. on Sunday and ending at 11:59 p.m. the following Saturday.
3. Department Head: the head of any City department. Whenever in these rules and regulations an act, a determination, or a decision is required to be done or made by a department head, the term “department head” shall be construed as including that department head's duly authorized or designated representative.
4. Overtime: time and one-half of the straight rate of pay.

##### **D. OVERTIME FOR EMPLOYEES WITH TWO CLASSIFICATIONS**

Whenever an employee with two or more classifications is required to perform overtime duties, the head of the department shall state at the time the request for overtime is made, and notice is given, by which classification such duties are to be performed. Upon completion of such duties, the hours will be entered on the payroll under the classification so stated.

##### **E. OVERTIME ONLY FOR HOURS ACTUALLY WORKED**

No department head shall enter overtime payment on any payroll for any employee, unless that employee has actually performed work in excess of eight hours in one day and/or forty hours in one week, provided that paid holiday, PTO and compassionate leave, not in excess of eight hours in any one week, shall be regarded as hours actually worked. No other paid leave shall be regarded as hours actually worked. A department head shall not request, require, or permit any employee to perform duties on any day, if by so doing the employee will be entered on any payroll in a duty status concurrent with an entry on the same or another payroll in a PTO leave or

sick leave status in excess of an aggregate of eight hours in any day. Nor shall the City Auditor or the City Treasurer pay any amount in excess of eight hours in the aggregate for PTO leave, sick leave, or duty performed concurrently in any one day.

**Example:** The employee is scheduled to work eight hours each day, Monday through Friday. He is called in to work for four hours on the preceding Sunday. On Friday he takes ill on the job after working three hours and is sent to the hospital. He does not return to the job. He has actually worked only 39 hours and is not eligible for overtime pay. He should be paid 44 hours at regular pay, provided he has sufficient sick leave accumulated. Five hours should be deducted from their sick leave credits.

	Sun	Mon	Tues	Wed	Thurs	Fri	
Hours Worked	4	8	8	8	8	3	= 39 hours
Hours Sick						5	= 5 hours
Total Compensation							= 44 hours

**F. OVERTIME FOR NON-BARGAINING UNIT PERSONNEL AT THE LIBRARY**

Non-bargaining unit personnel, other than management level staff, at the Worcester Public Library who work at other than their regularly scheduled time on Sundays and half day summer Saturdays, will be paid at an overtime rate, regardless of their pay status for the remainder of the week.

**G. SUPERVISORY PERSONNEL**

No supervisor shall authorize their own overtime without prior written approval of the department head.

**H. NO SUBSTITUTION FOR OVERTIME**

No reimbursement or other allowance for meals shall be authorized in lieu of or in addition to pay for overtime, nor shall any time during which an employee was excused for meals be entered on a payroll as overtime.

**I. COMPENSATORY TIME FOR OVERTIME SERVICE**

Compensatory time off for overtime service may be granted by a department head on the following limited basis:

1. Non-Exempt Employees Under Fair Labor Standards Act: If a department has no funds budgeted for overtime payments, and an agreement exists between an employee and the department head that the employee will accept compensatory time off in lieu of payment prior to the department head requesting overtime service from the employee, an employee may receive compensatory time off at the rate of one and one-half (1 1/2) hours time off for each hour worked to a

maximum accumulation of sixty (60) hours per year. Employees may use compensatory time by requesting its use in writing to the department head, and such request will be granted, unless the department head, in the exercise of their discretion, determines that this employee's absence would interfere with the operations of the department.

2. Exempt Employees Under Fair Labor Standards Act: Exempt employees (pay grade 38M or above) are generally not entitled to compensatory time off. However, in accordance with the Revised Ordinances of the City of Worcester, 1996; chapter 3, §34 (Overtime Compensatory Leave), exempt non-union employees, if they have worked at least 120 hours of overtime in the previous calendar year, may earn compensatory time, as follows: Exempt employees with between one (1) and five (5) years of service will earn two (2) weeks of compensatory time to be used as PTO leave in the current calendar year.

Examples of time worked that will be approved as comp time:

- Night meetings such as a City Council meeting, or committee meeting, etc.
- Working on the weekend if you are not regularly scheduled.
- The employee must be at work over 9 hours in any one day to be considered for comp time. (8hrs. regular - 1hr. lunch)

Examples of time worked that will not be approved as comp time:

- Working through lunch.
- Hours worked between 8:30 a.m. and 6:00 p.m. if the employee hasn't been at work for at least 9 hours.
- Any request where the employee has used earned time (PTO, sick, and admin) in the same day as comp time is requested.

3. Overtime leave shall not be accumulated or carried over to another calendar year.
4. Overtime leave shall not be granted unless he/she has actually completed one year of full-time continuous service with the city.

## **J. COMPENSATORY TIME, BREAKS**

If an employee's lunch hour or break is rescheduled to a different time that same day to accommodate the operating needs of the department, this does not create an entitlement to compensatory time off.

This rule shall not apply to any member of a collective bargaining unit, unless specifically adopted in collective bargaining.

## **K. MAXIMUM DAILY OVERTIME**

A department head shall not request, require, or permit an employee to actually perform duties in excess of sixteen (16) hours in any one day, nor shall he enter any employee on any payroll in a

pay status in excess of 16 hours in any one day, nor shall the City Auditor approve, or the City Treasurer, pay any amount in excess of 16 hours in any one day. In the event of an emergency, a department head may waive application of this rule.

**L. MAXIMUM ANNUAL OVERTIME**

No department head shall authorize any employee to perform overtime work, if such overtime would cause the wages of that employee earned in overtime status during the fiscal year to exceed 10% of the maximum annual rate of pay for their job classification. No department head shall assign any person in a salary grade whose maximum is \$20,000 or more to overtime where such person has received overtime of 5 % of his/her base maximum annual rate without prior approval of the department head.

For essential employees having no substitute, an exception to this rule may be recommended by the department head to the City Manager. No employee shall be permitted to perform work in excess of that allowed without the prior written approval of the City Manager, nor shall the City Auditor approve, or the City Treasurer, pay any amount in excess of said 10% for overtime compensation without the prior written approval of the City Manager.

**M. RECORDS**

The head of each department, irrespective of the number of employees in such department, shall maintain a separate, permanent record which shall show all overtime performed by each employee under his/her jurisdiction.

**N. DECLARATION OF EMERGENCY**

Whenever emergency duty has been authorized by the City Manager, or otherwise required by the head of the department, the department head shall, by any means available, notify the employee or employees designated for such duty to report at a definite time and place for such duty, and shall inform them that the nature of duty has been necessitated by the emergency.

**O. FAILURE TO REPORT FOR EMERGENCY OVERTIME**

Failure to report for emergency duty after receipt of notice to so report shall be reported by the department head to the Chief Human Resources Officer for entry on the personnel record of the employee for further disciplinary action, unless a written reason satisfactory to the department head is given.

**P. UNAUTHORIZED LEAVE WITHOUT PAY**

Any absence from regular duty which has not been authorized by these administrative rules and regulations, general or special law, shall be unauthorized leave without pay.

Any non-civil service employee who is absent from their regular duty for a period of one week (seven consecutive calendar days) in the aggregate without specific authorization for such absence and any civil service employee who is absent from his/her regular duty for a period of two weeks (fourteen consecutive calendar days) in the aggregate without specific authorization

shall be deemed to have resigned from the service of the city and to have vacated permanently his/her position unless authorization is subsequently granted by the City Manager.

**Q. EFFECTIVE DATE**

These rules and regulations shall become effective June 1, 2019, and shall supersede the Overtime Rules and Regulations amended November 30, 2000.

**R. INTERPRETATION**

Questions on interpretation of these rules shall be directed to the Chief Human Resources Officer.

**S. MODIFICATION**

The City Manager reserves the right to make such modifications and amendments to these regulations as, in his opinion, are deemed necessary or proper.

Promulgated by City Manager 5/20/52; 10/1/70

Amended (Rule 12, 5116171; Rule 8, 5/16/71 (now Rule, 7); Rule 12A, 11/10/76)

Reprinted 7/1/72

Recodified 9/1/76

Amended 9/1179 (Rule 12A)

Amended and Recodified 1/28/86

Amended and Recodified 311188

Revised 4/7/95

Revised 11/30/00

Updated 7/1/18

Revised 6/1/2019

Revised 1/1/2024



**V. HOLIDAY RULES AND REGULATIONS**

**A. AUTHORITY**

These rules are promulgated pursuant to General Laws, Chapter 40, §21A, General Laws, 4, §7, as amended.

**B. ELIGIBILITY**

Every qualifying employee who is regularly scheduled to perform service for the City for a minimum of twenty (20) hours per week, shall be eligible for holiday pay.

**Exceptions:**

These rules and regulations SHALL NOT APPLY to:

1. Uniformed members of the Police and Fire Departments;
2. Employees under the jurisdiction of the School Department;
3. Persons receiving workers' compensation

**C. LEGAL HOLIDAYS**

The following legal holidays shall be observed by the City of Worcester, and all eligible employees shall be granted paid leave for those days in accordance with these rules:

New Year's Day	1 <sup>st</sup> day in January
Martin Luther King's Birthday	3 <sup>rd</sup> Monday in January
Washington's Birthday	3 <sup>rd</sup> Monday in February
Patriots' Day	3 <sup>rd</sup> Monday in April
Memorial Day	Last Monday in May
Juneteenth	19 <sup>th</sup> day in June
Independence Day	4 <sup>th</sup> of July
Labor Day	1 <sup>st</sup> Monday in September
Columbus Day	2 <sup>nd</sup> Monday in October
Veterans' Day	11 <sup>th</sup> day in November
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Christmas Day	25 <sup>th</sup> of December

Whenever the legal holiday falls on a Saturday, the day preceding shall be observed as the holiday, and holiday pay for Saturday shall not be allotted for those required to work on that day in such instances. Whenever the legal holiday falls on a Sunday, the following day shall be observed as the holiday, and holiday pay for Sunday shall not be allowed for those required to work on that day in such instances.

**D. PAY STATUS REQUIREMENT**

To be eligible for paid holiday leave, an employee must be in paid status either working and on the regular payroll, or on paid leave for a full scheduled work day on his/her assigned workdays immediately before and after the day on which the holiday is observed. An employee who is not

in pay status on both the last scheduled work day preceding the holiday, and the next scheduled work day following the holiday, shall not be eligible for holiday pay.

Irrespective of the reason that an employee may be in no-pay status, no compensation shall be granted to an individual in no-pay status for the observance of a holiday. No-pay status is any uncompensated absence from work and includes authorized as well as unauthorized leave without pay.

**Examples:**

#1 New Year's Day holiday is January 1. An employee terminates his/her employment and December 31 is the last day he/she is in pay status with the City. He/she is not eligible for New Year's Day holiday pay because he/she is not in pay status on the next scheduled work day after the holiday.

#2 An employee has been on extended sick leave since June 8th. His/her paid sick leave becomes exhausted on July 1. He/she is carried in no-pay status (sick leave without pay) on July 2 and 3. He/she is not eligible for holiday pay for the 4th of July holiday because he/she is not in pay status the last scheduled work day before the holiday.

#3 The Labor Day holiday is the first Monday in September. An employee is scheduled to work on the Friday preceding the holiday and the Tuesday following the holiday. The employee does not show up for work on Friday and is carried in no-pay status for the day. The employee reports to work as scheduled on Tuesday. The employee is not eligible for holiday pay because he was not in pay status the day before the holiday.

**E. RATE OF PAY**

Eligible employees shall receive paid leave at their regular rate of pay for each of the observed holidays enumerated in Part C of this section without the performance of any duties on that day provided that:

1. For any one twenty-four (24) hour legal holiday, holiday pay shall not be more than eight hours at the employee's regular rate of pay.
2. Any eligible employee whose regular work schedule is less than forty (40) hours per week, but not less than twenty (20) hours per week, shall receive holiday pay on a pro rata basis.

**Examples:**

#1 A regular scheduled work week of twenty-four (24) hours, i.e. three (3) eight (8) hour days, four (4) six (6) hour days, etc. would be calculated as follows: 24/40 times 8 hours equals 4.8 hours holiday pay.

#2 If such employee's work days are of irregular length, the number of hours to be paid for holiday pay shall be determined by averaging the number of hours in his/her weekly work schedule during the four (4) week period prior to the week

in which said holiday falls. For example, if an employee worked 30, 22, 26 and 18 hours respectively in the four weeks prior to a holiday, the employee's holiday pay should be calculated as follows:  $30 + 22 + 26 + 18 = 96$  total hours worked.  $96$  hours divided by  $4$  weeks =  $24$  hours average per week.  $24$  divided by  $40 \times 8 = 4.8$  hours holiday pay.

#### **F. WORK ON HOLIDAY**

Should an employee be required to work on a holiday observed by the City, he/she will be compensated at his/her regular rate of pay for each hour worked that day, and shall also receive holiday pay not to exceed eight (8) hours at his/her regular rate of pay. (See exception below for Thanksgiving Day, Christmas and New Year's Day.) (See overtime rules and regulations for work in excess of forty (40) hours in one week.)

In the event of an emergency, as determined by the department head, an employee is called in to work after having been scheduled for holiday leave, he/she shall be compensated at his/her regular rate of pay as time worked for a minimum of four (4) hours.

Should an employee be required to work on the day of Thanksgiving, Christmas or New Year's Day, such employee shall be compensated at one and one-half his/her regular rate of pay for each hour worked that day and shall also receive holiday pay not to exceed eight (8) hours at his/her regular rate of pay.

#### **G. FAILURE TO WORK ON A HOLIDAY**

An employee scheduled to work on a legal holiday, who failed to report to work without being excused, shall be considered absent without leave and shall receive no pay for that day. An employee who is scheduled to work on a legal holiday, who is excused due to sickness or compassionate leave, shall receive compensation not to exceed eight (8) hours at his/her regular rate of pay for the holiday only. No other paid leave shall be authorized for that day in conjunction with holiday pay.

**Example:** An employee who is on sick leave on the holiday shall not be eligible for sick leave pay, but may receive holiday pay.

#### **H. HOLIDAY DURING PTO**

If a legal holiday falls during an employee's PTO leave, the employee will be not be charged with a PTO day on the day of the holiday.

**Example:** An employee asks to take the week including Thanksgiving as PTO. The employee is paid for four days of PTO leave: Monday, Tuesday, Wednesday, Friday, and paid holiday leave for Thursday (Thanksgiving Day).

**I. HOLIDAY DURING SICK LEAVE**

If a legal holiday is celebrated while an employee is on paid sick/parental leave, no deduction shall be made for the holiday from the employee's sick leave credit. Instead, the employee shall be granted paid holiday leave.

**J. SUPERVISORY EMPLOYEES**

No supervisory employee shall receive extra compensation in addition to holiday pay for work performed on a holiday, except upon the recommendation of their department head and with the City Manager's approval.

**K. COMPENSATORY TIME OFF NOT PERMITTED**

Compensatory time off will not be granted in lieu of cash payments for work on a holiday.

**L. EFFECTIVE DATE**

These rules and regulations shall become effective January 1, 2024.

**M. INTERPRETATION OF HOLIDAY REGULATIONS**

Questions on interpretation of these rules shall be directed to the Chief Human Resources Officer.

**N. MODIFICATION**

The City Manager reserves the right to make such modifications and amendments to regulations as he deems necessary and proper.

Promulgated by City Manager 1/1/69 Amended 3/8/70 (former Rule 17 repealed)

Reprinted 7/1/72

Recodified 9/1/76

Amended and Recodified 1/28/86

Revised 4/7/95

Revised 11/30/00

Revised 6/1/2019

Revised 1/1/2024

## **VI. FAMILY AND MEDICAL LEAVE**

### **A. SCOPE**

In accordance with the Family and Medical Leave Act and the Massachusetts Parental Leave Act, the City will grant job-protected unpaid family and medical leave to eligible employees, for up to 12 weeks per 12-month period for any one or more of the following reasons:

1. The birth of a child, and to care for a child following the child's birth, adoption, or placement in foster care with the employee;
  - a. Leave must be taken within the 12-month period following the child's birth or placement with the employee; and
  - b. If married spouses both work for the City, their total leave in any 12-month period may be limited to an aggregate of 12 weeks if the leave is taken for the birth or placement of a child.
2. In order to care for an immediate family member (spouse, child, or parent) of the employee if such immediate family member has a serious health condition;
3. The employee's own serious health condition that makes the employee unable to perform the functions of his/her position; or
4. The employee must attend to a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on covered active duty or has been notified of an impending call or order to covered active duty in the Armed Forces.
5. To address his or her own serious health condition, or to care for a qualifying family member with a serious health condition, that resulted from domestic violence.

### **B. SERVICE MEMBER FAMILY LEAVE**

Eligible employees who are the spouse, child, parent, or next of kin of a covered Service member are entitled to up to 14 weeks of additional leave during a single 12-Month Service member Period (for a total of 26 weeks if combined with other FMLA leave), to care for such covered Service member who incurred a serious injury or illness in the line of active duty in the Armed Forces. Available leave not taken during the 12-Month Service member Period, which begins on the first day leave is taken, will be forfeited. No more than 26 weeks of leave may be taken in a single 12-Month Service member Period, and no additional extended leaves may be taken in other years for the same injury or illness. If married spouses both work for the City, their total Service member Family Leave may be limited to an aggregate of 26 weeks.

### **C. DEFINITIONS**

1. 12-Month Period: shall mean a rolling 12-month period measured backward from the date leave is taken.
2. 12-Month Service member Period: shall mean a single 12-month period measured forward from the first day Service member Family Leave is taken.
3. Child: shall mean a child either under 18 years of age, or older than 18 who is incapable of self-care because of a disability, for whom the employee has actual day-to-day responsibility for care, including a biological, adopted,

foster or step-child. For purposes of a son or daughter on covered active duty or call to covered active duty, or for Service member Family Leave, the child may be of any age.

4. Parent: shall mean a biological, adoptive, step or foster parent of an employee or an individual who stood in place of a parent to an employee when the employee was a child.
5. Next of Kin: shall mean the nearest blood relative of a Covered Service member.
6. Covered Active Duty: shall mean: 1) in the case of a member of a regular component of the Armed Forces, duty during the deployment with the Armed Forces to a foreign country; and 2) in the case of a member of a reserve component of the Armed Forces, duty during the deployment with the Armed Forces to a foreign country where they may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force.
7. Covered Service member: shall mean: 1) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing recuperation for a serious injury or illness; or, 2) a veteran who is undergoing recuperation for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the preceding period of five years.
8. Veteran: shall mean a person who served in the active military, naval, or air service, and who was discharged or released under conditions that were not dishonorable.
9. Serious Injury or Illness: shall mean an injury or illness that was incurred by a member or veteran of the Armed Forces in the line of duty while on active duty (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty) and, in the case of a member, renders the member medically unfit to perform his or her duties, or in the case of a veteran, manifested itself before or after becoming a veteran.
10. Qualifying Exigency: includes: 1) notification of a call to covered active duty seven or fewer days from date of deployment; 2) military events and related activities, including post-deployment activities (e.g. official ceremonies, support programs, counseling, etc. related to covered active duty or a call to such); 3) attending to childcare and school activities; 4) attending to financial and legal matters; 5) to spend up to fifteen days with a military member who is on short-term, temporary rest and recuperation leave during the period of deployment; and, 6) any additional activities related to the call to covered active duty otherwise agreed to by the employer and employee.
11. Serious Health Condition: shall mean an illness, injury, impairment, or a physical or mental condition that involves 1) inpatient care (overnight stay); 2) incapacity requiring absence from work for more than three calendar days and that involves continuing treatment (two or more visits within 30 days) by a health care provider; 3) continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days; or 4) prenatal care by a health care provider

12. Needed to care for a family member or covered service member: shall mean that it is necessary for the employee to be absent to provide physical and/or psychological care. It includes situations where, for example, because of a serious health condition, the family member is unable to care for his or her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport himself or herself to the doctor. The term also includes providing psychological comfort and reassurance which would be beneficial to a child, spouse or parent with a serious health condition who is receiving inpatient or home care. Where two or more employees seek to care for the same family member on the same date(s), the employees must demonstrate that multiple individuals are needed to care for the family member on said date(s).
13. Parental Leave: shall mean leave for the purpose of giving birth or for the placement of a child under the age of 18, or under the age of 23 if the child is mentally or physically disabled, for adoption with the employee who is adopting or intending to adopt the child.

#### **D. COVERAGE AND ELIGIBILITY**

To be eligible for family/medical leave an employee must have worked for the City for at least 12 months total and have worked at least 1250 hours over the previous 12-month period.

For the purpose of giving birth, the placement of a child under the age of 18, or under the age of 23 if the child is mentally or physically disabled, for adoption with the employee who is adopting or intending to adopt the child, an employee who has completed the initial probationary period or has been employed with the City for at least 3 consecutive months as a full-time employee, shall be entitled to 8 weeks of parental leave.

#### **E. USE OF PAID LEAVE**

An employee will be required to use accrued paid leave (including paid PTO, sick leave, compensatory time and workers' compensation) for any part of a family/medical leave, except for employees on parental leave. An employee may not use sick time for absences related to the care of another individual. When an employee has used all of his or her accrued paid leave, the employee may remain on leave in an unpaid status so that the total paid and unpaid leave provided equals 12 weeks (or 26 weeks if combined with Service member Family Leave time).

Employees on parental leave may voluntarily use accrued leave for the first 8 weeks of leave. For any absence greater than 8 weeks, employees on parental leave will be required to use accrued paid leave.

#### **F. INTERMITTENT OR REDUCED LEAVE**

An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule, when such leave is medically necessary. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave. An employee may not take intermittent leave following the birth or placement of a child except at the discretion of the City.

## **G. EXEMPT EMPLOYEE**

If an exempt employee is on Family and Medical Leave of Absence (FMLA), hours not worked due to FMLA will be charged against an employee's paid leave balance or will be leave without pay. Thus, the City may "dock" the pay of otherwise-exempt, salaried employees for FMLA leave taken for partial day as well as full day absences.

## **H. EMPLOYEE NOTICE REQUIREMENT**

1. An employee must give 30 days' notice in the event of a foreseeable leave, except for parental leave. Employees requesting parental leave must give the City at least 2 weeks' notice of the anticipated date of departure and the employee's intention of to return, or provide notice as soon as practicable if the delay is for reasons beyond the individual's control. A "*Request for Family/Medical Leave*" form should be completed by the employee and returned to the City. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, followed by the completed form. The notice must indicate that (1) the employee is unable to perform the functions of the job or that a covered family member is unable to participate in regular daily activities; (2) the anticipated duration of the absence; and (3) whether the employee intends to visit a health care provider or is receiving continuing treatment.
2. If an employee fails to give 30 days' notice of foreseeable leave with no reasonable excuse, leave may be denied until 30 days after the employee provides notice.
3. When planning medical treatment, an employee must make a reasonable effort to schedule the leave so as not to unduly disrupt the City's operations.
4. In the event of leave to attend to a qualifying exigency, the employee shall provide as much notice as is reasonable and practical under the circumstances.

## **I. EMPLOYER NOTICE REQUIREMENTS**

1. Notice of Eligibility Rights: Within five days after the employee requests leave or after the City learns the leave may be for an FMLA-qualifying reason, the City will provide written notice stating whether the employee is eligible for FMLA leave, and if not eligible, at least one reason why.
2. Notice of Designation of Leave: Within five days after the employee requests or the City learns of the need for FMLA leave, the City will provide a written notice stating whether leave is available, how much leave has been designated as FMLA leave, and how much leave remains. For a leave of unspecified duration, the City will update the notification every 30 days as to how much leave was designated FMLA and how much leave remains. If any part of the requested leave is not designated as FMLA leave, the City will provide written notice of and reason for denial.



## **J. MEDICAL AND MILITARY CERTIFICATION**

1. *Certification of Serious Health Condition:* For leaves taken because of the employee's or a covered family member's serious health condition, the employee, upon request, must submit a completed "**Physician or Practitioner Certification**" form and return the certification to the City. The medical certification must contain sufficient medical facts to establish that a serious health condition exists, and must be provided by the employee within 15 days after requested. If the employee fails to provide adequate certification within this time period, then the City will inform the employee, in writing, what additional information is necessary and will allow the employee at least seven days to correct the certification. The City may delay leave until such certification is produced. In the case of medical emergency, the employee must submit certification as soon as is reasonably possible. The City may request re-certification or a new medical certification in accordance with the FMLA and related regulations, except for matters involving qualifying exigency leave.
2. *City May Require Second/Third Opinion:* The City may require a second or third opinion (at its own expense), periodic reports on status and intent to return to work, and a fitness-for-duty report to return to work.
3. *Certification Related to Covered Active Duty or Call to Covered Active Duty:* The employee requesting leave related to a family member's covered active duty or call to covered active duty shall provide supporting documentation of such status issued by the applicable Armed Services branch.
4. *Certification for Extended Service member Family Leave:* Employees requesting extended Service member Family Leave must provide documentation of the injury, recovery or need for care, such as an official Armed Forces communication, showing that the injury or illness was incurred on active duty and, in the case of a member, renders the member medically unfit to perform military duties, or in the case of a veteran that the veteran was a member of the Armed Forces within the preceding five years.
5. *Confidentiality of Medical Records:* Documentation related to the employee's or family member's medical condition will be held in strict confidence and maintained in the employee's medical records file.

## **K. EFFECT ON BENEFITS**

1. An employee granted a leave under this policy will continue to be covered under the City's group health insurance plan with the same conditions as if the employee had been continuously employed during the leave period.
2. Employee contributions will be required either through payroll deduction or by direct payment to the City. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to any change in rates that occurs while the employee is on leave.
3. If an employee's contribution is more than 30 days late, the City may terminate the employee's insurance coverage.
4. If the City pays the employee contributions missed by the employee while on leave, the employee will be required to reimburse the City (on a payroll deduction

schedule) upon return from leave. The employee will be required to sign a written statement at the beginning of the leave period authorizing the payroll deduction for delinquent payments.

5. If the employee fails to return from unpaid leave for reasons other than (1) the continuation of a serious health condition of the employee or a covered family member or (2) circumstances beyond the employee's control (certification required within 30 days of failure to return for either reason), the City may seek reimbursement from the employee for the portion of the premiums paid by the City on behalf of that employee (employer contribution) during the period of leave.
6. An employee is not entitled to seniority or benefit accrual during periods of unpaid leave, but will not lose benefits already accrued prior to the start of the leave. Paid time off does not accrue while on unpaid leave.

#### **L. JOB PROTECTION**

1. If the employee returns to work within 12 weeks following a family/medical leave (or 26 weeks if combined with Service member Family Leave), he/she will be reinstated to his/her former position or an equivalent position in terms of pay, benefits, status, and authority.
2. The employee's restoration rights are the same as they would have been had the employee not been on leave. If the position would have been eliminated or the employee would have been terminated but for the leave, the employee does not have the right to reinstatement upon return from leave.
3. If the employee fails to return to work by the previously agreed upon date, in absence of further communication, he/she will be considered to have abandoned the job.

#### **M. UNLAWFUL ACTIONS AND ENFORCEMENT OF FMLA RIGHTS**

It is unlawful for the City to interfere with, restrain, or deny the exercise of FMLA rights, or to discharge or discriminate against anyone for opposing such unlawful practices or for participating in a proceeding relating to FMLA. An employee may file a complaint with the U.S. Department of Labor's Wage and Hour Division or may bring a private lawsuit against an employer for violating his/her rights under the FMLA.

Revised 4/7/95  
Amended 11/30/00  
Amended 6/1/2019

## **VII. JURY SERVICE RULES AND REGULATIONS**

### **A. AUTHORITY**

These rules and regulations are promulgated pursuant to the provisions of Massachusetts General Laws, Chapter 234A, §48 and 51.

### **B. SCOPE**

These regulations are applicable to all employees in all departments, and are intended to provide uniform policies, responsibilities and procedures to be followed in the application of jury duty leave for employees of the City of Worcester.

### **C. SUMMONS TO APPEAR**

The employee must present to the department head or his/her designated representative the original, or a clear photocopy, of the summons requiring the employee to appear for jury service.

### **D. PAYMENT FOR JURY SERVICE – FIRST THREE DAYS**

Each regularly employed employee shall be paid his or her regular wages by the City for the first three (3) days, or part thereof, of jury service during his or her work day. Regular employment shall include part time, temporary, and casual employment as long as the employment hours may be reasonably determined by a schedule or by custom and practice established during the three month period immediately preceding the term of jury service.

### **E. PAYMENT FOR JURY SERVICE – AFTER THREE DAYS**

If the jury service is for more than three (3) days, the State will pay the employee on a per diem basis AFTER the third day. If the employee is required to serve more than three (3) days, the City shall pay the difference between the per diem rate received for jury duty and the employee's regular wage due him or her for each day of jury duty during a work day. No payment shall be made for any other expense incurred during jury service.

### **F. SERVICE CERTIFICATE**

Each week, the Office of Jury Commissioner will mail juror service certificates to those jurors who have performed juror service during the previous week. Upon receipt of such certificate, the employee must give the City's copy to his/her department head or payroll clerk as soon as practical.

### **G. CONTINUATION OF LEAVE CREDITS**

Employees on jury duty shall continue to accrue credits toward other leave entitlements in a manner similar to that accorded while on other leaves for which there is compensation.

## **H. APPLICATION**

This regulation shall not be construed as applying in any manner to those City employees exempted from actual jury service by statute or by leave of the court.

## **I. INTERPRETATION**

Questions on interpretation of these rules shall be directed to the Chief Human Resources Officer.

## **J. MODIFICATION**

The City Manager reserves the right to make such modifications and amendments to these regulations as, in his opinion, are deemed necessary and proper.

Promulgated by the City Manager 3/1/85  
Amended and Recodified 1128/86  
Revised 4/7/95  
Revised 11/30/00  
Revised 1/1/2024

## **VIII. TRAVEL RULES AND REGULATIONS**

### **A. SCOPE**

These rules apply to all full time or part time, temporary, or intermittent employees of the City of Worcester, its officials, and any guest of the City.

### **B. DEFINITION OF GUEST**

A guest is any person who has been invited, requested, directed or ordered by the City Council and/or the School Committee, the Mayor, the City Manager, the Superintendent of Schools, or any person on behalf of the City of Worcester, to appear or to be present at some designated place, and who cannot be otherwise classified as an official or employee of the City of Worcester.

### **C. TRAVEL AUTHORIZATION**

Prior to any job related travel, the employee must fill out a travel authorization, have it signed by their department head and circulated to Human Resources and the Budget Office for approval.

### **D. REIMBURSEABLE EXPENDITURES**

Eligible persons, as defined above, may be reimbursed only for the following expenditures, if all other conditions are met:

1. Use of privately owned automobiles
2. Fares paid to a common carrier
3. Meals
4. Hotel accommodations
5. Registration fees
6. Telephone charges
7. Service charges
8. Parking fees

Reimbursement will not be approved under any conditions for the following expenditures:

1. Alcoholic beverages (However, a liquor charge on a meal receipt does not nullify the entire request, but only that portion which is charged for alcohol)
2. Cigars, cigarettes or other tobacco products
3. Laundry and dry cleaning
4. Barber, manicurist or bootblack
5. Entertainment
6. Toiletries
7. Articles of apparel
8. Gratuities in excess of 15%
9. Any expenditure for washing, polishing, repair or maintenance of personal items
10. Mileage between an employee's place of abode and their assigned place of

employment, including mileage to attend meetings in the City, if attendance at the meeting is considered part of one's job duties (i.e. City Council meetings)

#### **E. APPROVAL OF REIMBURSEMENT**

Reimbursement shall be approved only if the following conditions are strictly complied with:

1. Travel outside the Commonwealth must be approved in advance in writing by the department head and the City Manager, on the travel authorization form.
2. Expenditures must be made by an eligible person in the performance of essential official duties, the benefit from which accrues to the City of Worcester, or for the official entertainment of distinguished guests of the City for whose entertainment an appropriation has been specifically made.

#### **F. REQUEST FOR REIMBURSEMENT**

In order to receive reimbursement, the approved travel authorization and a written request for reimbursement must be submitted to the appropriate department on an expense voucher provided for this purpose, properly executed.

#### **G. DENIAL OF REIMBURSEMENT**

A request for reimbursement will be denied under any of the following circumstances:

1. Expenditure was not made by either an official or employee of the City of Worcester, or an official guest of the City.
2. Expenditure is not connected to the performance of the official duties of an official or employee of the City of Worcester.
3. Benefit of such expenditure does not accrue to the City of Worcester.
4. Expenditure is a violation of local, state, or federal laws or regulations.
5. In the case of travel outside the Commonwealth, prior approval of the City Manager was not received.
6. Expenditure is not reasonable or necessary.
7. Expenditure exceeds maximum allowance.

#### **H. REIMBURSEMENT FOR USE OF PRIVATELY OWNED AUTOMOBILE**

Employees are reimbursed for the use of their privately owned automobiles subject to the conditions previously stated at the rate in effect at the time of travel, per IRS regulations, plus amounts for tolls and reasonable parking fees when traveling outside the City of Worcester. Parking fees inside the City when not for regular place of employment will be allowed.

## **I. USE OF AUTOMOBILE FOR DAILY PERFORMANCE OF JOB DUTIES**

Employees who have been specially designated by the City Manager, in writing, as having a position where availability of the use of the employee's car is essential for the daily performance of their duties, will be reimbursed through travel authorization request and paid for mileage based on the Employees having the job classification of Building Inspector, who are eligible for reimbursement under this section, may elect to be reimbursed for travel expenses, as provided for under the general rule currently in effect for Local 495.

## **J. HOTEL ACCOMMODATIONS**

Reimbursement for hotel accommodations subject to the following requirements:

1. Whenever it is deemed expedient to do so, a purchase order will be issued for hotel accommodations, and payment method may be used as required by the hotel and expedient for the City. The City will pay the standard single occupancy (or double occupancy rate if two City employees share the same hotel room) at a hotel in which a conference, convention, or meeting is scheduled, if the employee has been authorized to attend, or at a hotel near a scheduled meeting if the hotel rate is reasonable for the area.
2. The maximum duration of the stay should not exceed the actual number of days authorized to accomplish the purpose for which the travel was authorized, unless travel arrangements dictate an additional stay.
3. Receipts showing the type of accommodation, the number of persons, the rate per day, the date(s) of occupancy, and the total amount paid, must be submitted in support of a request for reimbursement.

## **K. REIMBURSEMENT FOR MEALS**

Reimbursement for meals shall be in accordance with IRS allowances for the location to which the employee has traveled, which are set at a daily maximum and not a per meal maximum. However, if an employee is seeking reimbursement for a single meal, said reimbursement shall not be in excess of 50% of the daily maximum.

If the meal was consumed onsite at a hotel as a part of a meeting, conference, convention, etc., which the employee is authorized to attend and is being held at that same hotel, the allowance maximum will be waived, subject, however, to the employee providing written receipt in support of their claim for reimbursement.

The number of days for which the meal allowance is permitted for travel outside the City of Worcester should not exceed the actual number of days authorized to accomplish the purpose, or for which the travel outside the City was authorized.

Meals consumed within the City of Worcester by an employee, for which reimbursement or payment in advance is required, will be approved only if the meal was scheduled as a part of the meeting, conference, convention, etc., and if the required attendance of the employee at the

scheduled time directly interfered with and prevented him from being present at their normal place for meals.

Reimbursement or payment shall not be approved for meals consumed by anyone, except those individuals covered in paragraph C, nor for an employee who consumes meals on work time (e.g. overtime).

**L. EFFECTIVE DATE**

These regulations shall become effective June 1, 2019, and shall supersede the Travel Regulations amended November 30, 2000.

**M. INTERPRETATION**

Questions on interpretation of these rules shall be directed to the Chief Human Resources Officer.

**N. MODIFICATION**

The City Manager reserves the right to make such modifications and amendments to these regulations as in his opinion are deemed necessary or proper.

Promulgated by City Manager 1/1/71

Reprinted 7/1/72

Recodified 7/1/74

Amended 9/1/76 (Rules 7, 9 and 11)

Amended 7/1/80 (Rules 7, 9 and 11)

Amended and Recodified 1/28/86

Revised 4/7/95

Revised 11/30/00

Revised 1/1/2024



## **IX. MILITARY RULES AND REGULATIONS**

### **A. AUTHORITY**

These rules and regulations are promulgated pursuant to M.G.L. c.33 § 59.

### **B. SCOPE**

These rules and regulations shall apply to all employees in all City departments, except School Department employees.

### **C. RULE**

A department head shall grant to any employee in the service of the armed forces of the Commonwealth or a reserve component of the armed forces of the United States, a leave of absence of up to forty (40) days in any federal fiscal year for service in the uniformed services, annual training, and drills and parades.<sup>2</sup> An employee on such a leave of absence shall be paid his/her regular base salary without reduction in PTO leave credit, sick leave credit, or personal leave credit.

In certain emergency situations, an employee in a reserve component of the armed forces of the United States who is ordered to service for more than thirty (30) consecutive days shall be paid his/her regular base salary, reduced by any amount received from the United States or the Commonwealth as base pay for military service.<sup>3</sup> Such leave shall be without reduction in PTO leave credit, sick leave credit or personal leave credit.

### **D. PROCEDURES**

The employee will furnish to department head an authenticated copy of the orders issued to him/her, and shall furnish an authenticated certificate showing the date or dates on which such duty was performed.

### **E. EXTENDED MILITARY LEAVE**

For reinstatement after extended military leave:

1. Request for reemployment must be made to the Human Resources Department in accordance with the timelines set forth in the Uniformed Services Employment and Reemployment Rights Act (USERRA) after the conclusion of military service.
2. The employee must provide to the Human Resources Department documentation establishing that his/her separation or dismissal from service was not disqualifying for reemployment.

The above requirements must be met or the employee's reinstatement will not become effective.

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<sup>2</sup> For purposes of this paragraph, the word "day" shall mean any 24-hour period regardless of calendar day.

<sup>3</sup> For purposes of this paragraph, "base pay for military service" shall not include any housing, incentive, bonus, skills pay, allowance or other stipend or benefit paid for military service."

**F. EFFECTIVE DATE**

These rules and regulations shall become effective November 1, 2018.

**G. INTERPRETATION**

Questions on interpretation of these rules shall be directed to the Chief Human Resources Officer.

**H. MODIFICATION**

The City Manager reserves the right to make such modifications and amendments to these regulations as, in his opinion, are deemed necessary and proper.

Added 4/7/95  
Revised 11/30/00  
Revised 11/1/2018  
Revised 1/1/2024

**X. COMPASSIONATE LEAVE RULES AND REGULATIONS**

**A. AUTHORITY**

These rules and regulations are promulgated pursuant to the provisions of the City Charter, Article 3, §3-2.

**B. SCOPE**

These rules and regulations shall apply to all full and temporary, permanent, and provisional employees of the City of Worcester in all departments, except the School Department, unless specifically provided by collective bargaining agreement to the contrary.

**C. GRANTING OF COMPASSIONATE LEAVE**

A department head shall grant a leave of absence without loss of pay or reduction of any other leave to an employee so requesting in writing to allow the employee to attend the mourning and funeral of certain persons. The amount of leave granted shall be in accordance with the schedule in Section D below.

**D. COMPASSIONATE LEAVE SCHEDULE**

Compassionate leave shall be granted in accordance with the following schedule:

1. Five (5) working days compassionate leave for the death of a spouse of the employee
2. Five (5) working days compassionate leave for the death of the employee's child or stepchild
3. Five (5) working days compassionate leave for the death of the employee's parent or stepparent
4. Three (3) working days compassionate leave for the death of the parent or stepparent of the employee's spouse
5. Three (3) working days compassionate leave for the employee for the sibling of the employee
6. Three (3) working days compassionate leave for the death of a person who has been placed by the authority of law under the care of the employee as guardian
7. One (1) working day compassionate leave for the death of the employee's child's spouse
8. One (1) working day compassionate leave for the death of the sibling of the employee's spouse
9. One (1) working day compassionate leave for the death of the blood aunt, blood uncle or blood cousin of the employee. Such compassionate leave shall not be available for the death of the blood aunt, blood uncle or blood cousin of the employee's spouse
10. One (1) working day compassionate leave for the death of the grandparent or grandchild of the employee or the employee's spouse.

The City may take disciplinary action, up to and including termination, against an employee who uses leave pursuant to this policy for purposes other than those described in this policy.

**E. COMPASSIONATE LEAVE FOR THE DEATH OF EMPLOYEES**

A department head may grant, when requested in writing by an employee, up to one-half (1/2) day leave without loss of pay or reduction in other leave credits to attend the funeral of another employee or retired employee, provided such absence does not inconvenience or add to the expenditures of the City.

**F. FUNERAL OF VETERANS**

A department head may grant, when requested in writing by an employee, up to one-half (1/2) day leave without loss of pay or reduction in other leave credits to attend the funeral or memorial service for a veteran, or any person who died while serving in the armed forces of the United States in time of war or insurrection, other than under dishonorable circumstances. Such leave may not be granted to more than one employee in a department for the same funeral. Such leave may be granted only if it does not inconvenience or cause additional expense to the City.

**G. EFFECTIVE DATE**

These regulations shall become effective January 1, 2024.

**H. INTERPRETATION**

Questions on interpretation of these regulations shall be directed to the Chief Human Resources Officer.

**I. MODIFICATION**

The City Manager reserves the right to make such modifications and amendments to these regulations as, in his opinion, are deemed necessary or proper.

Revised Ordinances of the City of Worcester 9/2/86

Revised 4/7/95

Revised 11/30/00

Revised 6/1/2019

Revised 1/1/2024

## **XI. DAY OF COMMUNITY SERVICE**

### **A. SCOPE**

The purpose of this policy is to allow employees to provide volunteer service to a community and/or nonprofit organization (“Organization”) of their choosing one day each year, with no loss of pay or other accrued time.

### **B. ELIGIBILITY**

The employee must have been employed by the City for at least one year and be classified as a full-time or part-time regular employee, as defined by the City.

### **C. REQUIREMENTS**

1. The Organization must either be located in the City or provide services within the City.
2. The employee must provide at least thirty (30) days notice of the date that the service will be provided.
3. Included in the notice, the employee must provide the following:
  - a. Name of Organization
  - b. Name, telephone number and/or email address of Contact at Organization
  - c. Date services will be provided
  - d. Hours services will be provided
  - e. Description of services to be provided
4. Upon receipt of the appropriate documentation, the employee will be provisionally approved for this benefit, subject to them completing and providing the City with documentation of their service.
5. Following the day of service, the Employee must provide to (WHO??) a form signed by an authorized representative of the Organization confirming that the service hours/work were completed.
6. Upon receipt of the signed documentation, the employee’s day of service will be formally approved.
7. If the employee fails to provide the required documentation within five (5) working days of the date of service, the provisional approval will be withdrawn and the employee will be charged with a PTO day for the date that the service was supposed to be performed.

### **D. MISUSE OF COMMUNITY SERVICE LEAVE**

The City may take disciplinary action, up to and including termination, against an employee who uses leave pursuant to this policy for purposes other than those described in this Policy.

### **E. EFFECTIVE DATE**

These rules and regulations shall become effective January 1, 2024.

**F. INTERPRETATION**

Questions on interpretation of these rules shall be directed to the Chief Human Resources Officer.

**G. MODIFICATION**

The City Manager reserves the right to make such modifications and amendments to these regulations as, in his/her opinion, are deemed necessary or proper.

Promulgated by City Manager 1/1/2024