



# **Massachusetts Bay Transportation Authority**

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## **Chief Administrator's Remarks**

**Overtime, Absenteeism and FMLA YTD Update**

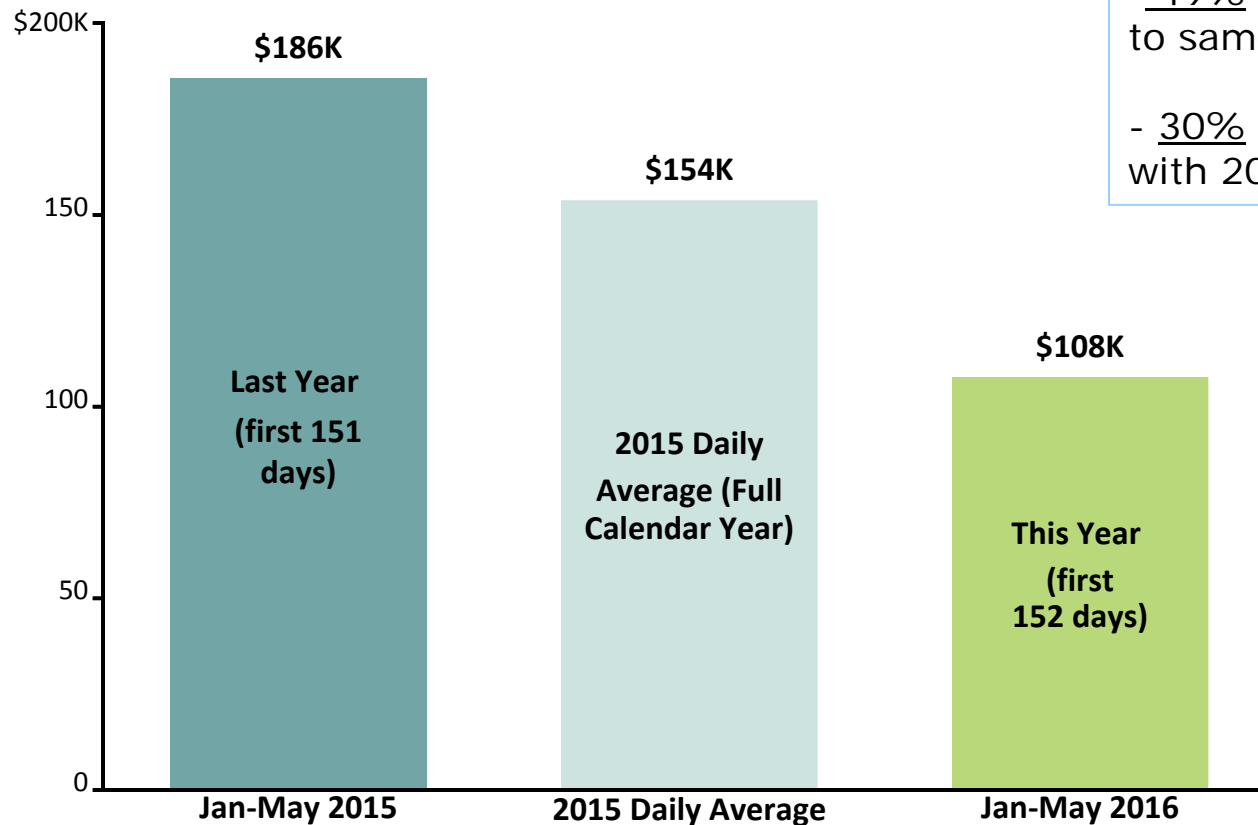
***Reporting Period: 1/1 – 5/31/16***

**6/13/2016**



# Overtime expense down 49% YTD

Average Actual Overtime Expense per Day  
(Operating)



2016 Overtime trend

- 49% decrease compared to same period last year
- 30% decrease compared with 2015 daily average

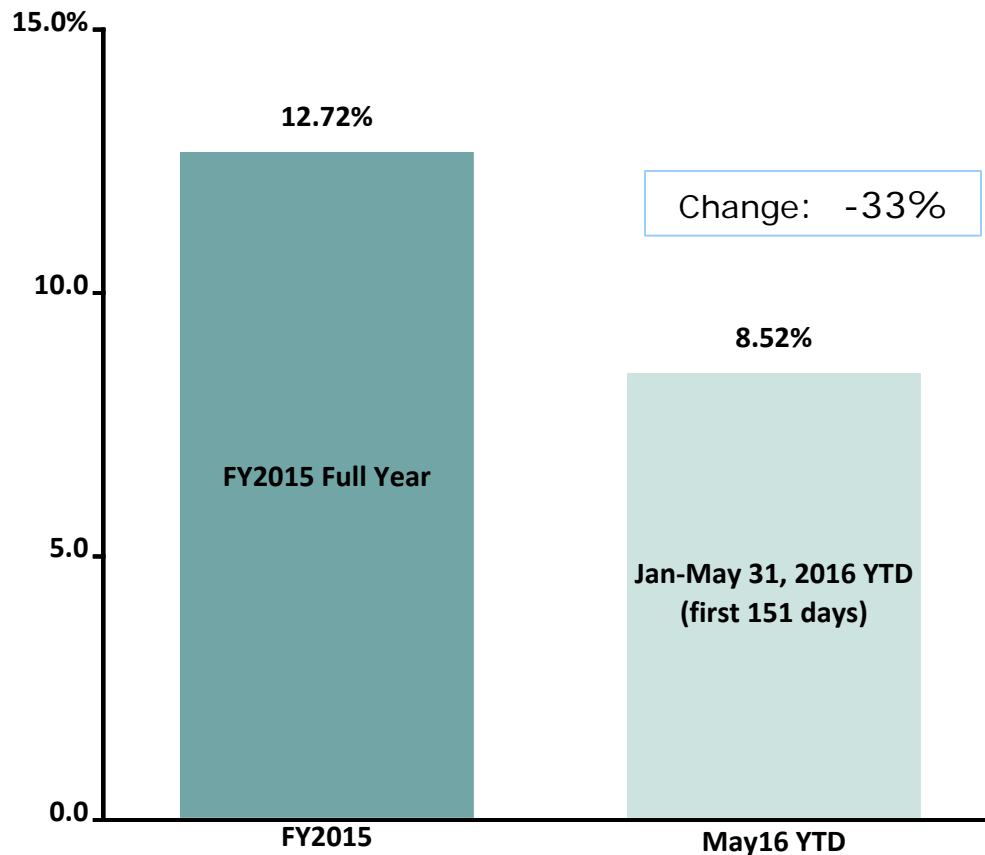
Source: MBTA Internal Data. Total overtime expense (operating) for calendar year 2015 is \$56.3M

Draft for Discussion & Policy Purposes Only



# Operator absences down 33% YTD

MBTA Unscheduled Absence %  
All Transportation Operators



Unscheduled absenteeism % calculation methodology:

In a 4 week month, there are 20 available work days

Example: If an operator missed 2 work days for unscheduled absence (does not include vacation/holiday), that would be a 10% rate ( $2 / 20 = 10\%$ )

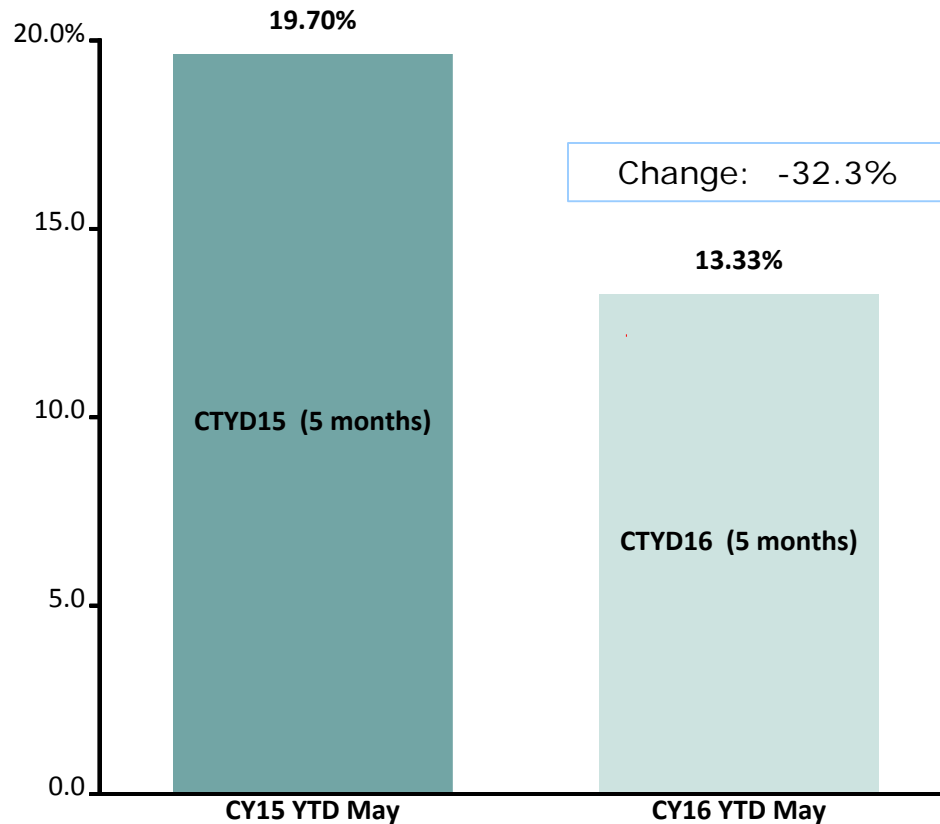
Source: Internal MBTA data

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# FMLA usage >5 days down 32% YTD

% of total MBTA employees using 5 or more days of FMLA



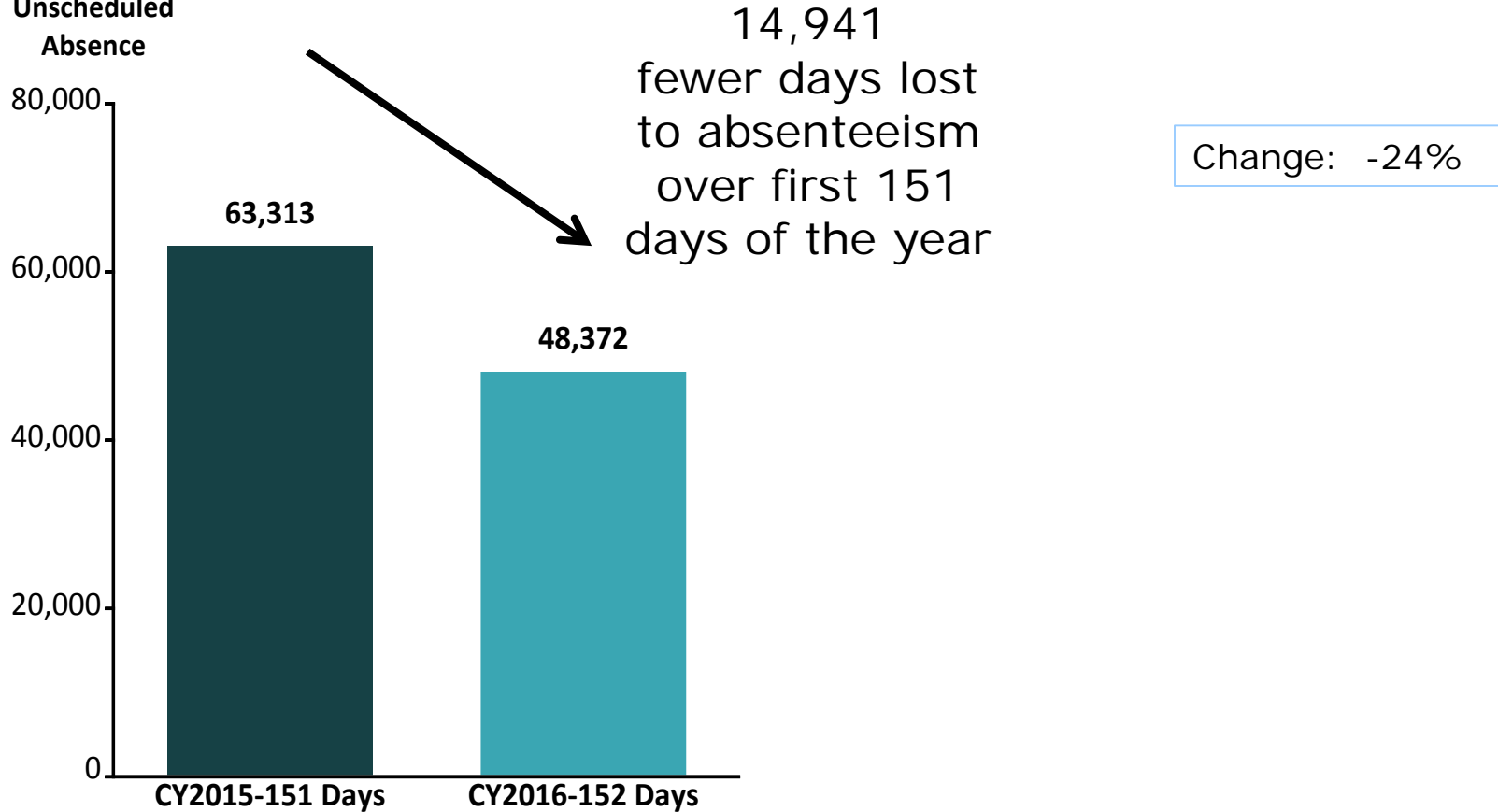
Source: Internal MBTA data

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# 15,000 fewer work days lost to absenteeism YTD

MBTA Total  
Days of  
Unscheduled  
Absence





# New leave/attendance policy 1/1/16

Focus Area	Recommendations	Status 5/31/16
Training	<ol style="list-style-type: none"> <li>1. Require employees to adhere to MBTA call-in procedures</li> <li>2. Use a “call-taker” script when taking calls from employees for unscheduled absences to: a) Gather more accurate information about the basis for the unscheduled employee absence (sick, FMLA-self, FMLA-family), b) Improve the accuracy of coding absences, c) Ensure compliance with leave laws and CBA terms</li> <li>3. Code unscheduled absences correctly, with multiple codes to ensure leaves run concurrently</li> <li>4. Identify Pattern Absenteeism and FMLA absences in excess of approved frequency and duration</li> <li>5. Apply new Attendance Policy (<i>Minor revision scheduled for July 2016</i>)</li> </ol>	<ol style="list-style-type: none"> <li>1. I/O</li> <li>2. I/O</li> <li>3. I/O</li> <li>4. I/O</li> <li>5. D</li> </ol>
Process (now)	<ol style="list-style-type: none"> <li>1. Run leaves concurrently, where appropriate</li> <li>2. Recertify FMLA, where appropriate</li> <li>3. Initiate FMLA process where a possible “serious health condition” is evident from contractual sick pay medical documentation</li> <li>4. Commence leave as a reasonable accommodation under the ADAAA process promptly</li> </ol>	<ol style="list-style-type: none"> <li>1. I/O</li> <li>2. I/O</li> <li>3. I/O</li> <li>4. I/O</li> </ol>
<b>Process (2016)</b>	<ol style="list-style-type: none"> <li>1. Move from a minimally-resourced FMLA administrative process to a fully-resourced, compliant, fair, and consistent FMLA process</li> <li>2. Use DOL Forms for FMLA Administration</li> <li>3. Implement FMLA tracking system</li> <li>4. Delay or deny FMLA designations where employee, despite notice, fails to timely provide complete medical certification</li> <li>5. Fully review medical certifications for validity, and seek second opinions, where appropriate</li> <li>6. Ensure chiropractic certifications meet FMLA standards</li> <li>7. Require FMLA recertification every 6 months; more often for pattern absenteeism, and for use beyond approved frequency and duration</li> <li>8. Require employees to use accrued sick pay when taking FMLA or other statutory leave under new Attendance Policy</li> <li>9. Shift from the current, fixed year to a true “rolling year,” after 60 day notice period, under revised FMLA policy</li> </ol>	<ol style="list-style-type: none"> <li>1. D</li> <li>2. D</li> <li>3. D</li> <li>4. I/O</li> <li>5. I/O</li> <li>6. I/O</li> <li>7. Co-TPA</li> <li>8. I/O</li> <li>9. D</li> </ol>
Contract/ Policy/ Procurement	<ol style="list-style-type: none"> <li>1. Expand the purposes for which contractual sick time may be used to match up with EST purposes, to care for an injury, illness, or medical condition of the employee and his or her child, spouse, parent, or parent of spouse</li> <li>2. Pay contractual sick time for all “sick” absences before requiring documentation for: Excused and unexcused absences and for the employee or for his or her child, spouse, parent, or parent of spouse</li> <li>3. Issue a Request for Proposals (RFP) for a Third Party Administrator (TPA) to operate a call center and provide case management support of unscheduled employee absences</li> </ol>	<ol style="list-style-type: none"> <li>1. D</li> <li>2. I/O</li> <li>3. D</li> </ol>

**Status key: I/O = Implemented and On-going D = Done Co-TPA = Co-sourced with TPA**



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## Concurrency - core principle of leave policy

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### **Concurrent Usage of Leave:**

*The Authority requires Concurrent Usage of Leave, which means that employees will be required to use (i.e., run concurrently) their accrued but unused paid leave—including, e.g., available Massachusetts Earned Sick Time (EST), Contractual Sick Leave (including any Sick Paid Protected or SPP, where available), personal leave, and vacation leave—during any otherwise unpaid leave—including, e.g., designated Family and Medical Leave Act (FMLA) leave; Americans with Disabilities Act (ADAAA) leave; Domestic Violence Leave Act (DVLA) leave; and/or leave under the Small Necessities Leave Act (SNLA), to the extent applicable, until (1) exhaustion of the employee’s accrued but unused paid leave bank, or (2) exhaustion or termination of any approved unpaid leave, whichever occurs first.*



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## Next phase: TPA for leave management

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MBTA contracted with **WorkPartners** for call center and case management services

### **Centralized 24x7 Absence Call Center**

- Easy self-service access employees using multiple media
- Near-instant notification of employee's supervisors

### **Detailed Information Collection and Data Management**

- Absence specifics
- Attendance records and history
- Medical information and documentation

### **Rigorous Absence Cases Management**

- Actionable metrics and administrative tools
- Auditable record of employee interactions and return-to-work dates