

Offered by Councilors Ed Flynn, Coletta, Durkan, Flaherty, Lara, Fernandes Anderson, Louijeune, Mejia, Murphy, Worrell, Breadon and Arroyo

CITY OF BOSTON



IN THE YEAR TWO THOUSAND TWENTY-THREE

HOME RULE PETITION

- WHEREAS,* Our City employees who are military reservists and members of the National Guard have made tremendous sacrifices not only in service to our City, but also to our country, they not only participate in drills and parades, but are also required to report for active duty when activated on Title 32 or Title 10 orders; *and*
- WHEREAS,* Under MGL Chapter 33, §59, members on active-duty orders for over 31 consecutive days shall receive paid leave for the first 40 days of active duty, not just for regularly scheduled drills and parades; *and*
- WHEREAS,* The City's current revised military leave policy provides 40 days of paid leave only to those who are participating in military drills and parades, not to members who are activated or deployed; *and*
- WHEREAS,* City employees on active duty in the National Guard or Reserves who are activated on Title 32 or Title 10 only receive differential pay between their City salary and military compensation for the entirety of their active duty, effectively being denied the paid leave they are entitled to if they are participating in drills and parades; *and*
- WHEREAS,* Reservists and National Guard members activated under Title 10 or Title 32 orders face the greatest personal and financial hardship and should be entitled to paid military leave during their full time activation; *and*

WHEREAS, City employees who serve their country on active duty should be entitled to paid leave without concerns about financial hardship, and there is no justification for them to be paid significantly less than non-deployed service members; *and*

WHEREAS, There have been multiple documented instances of inconsistent and unfair application of the city's current paid leave policy leading to financial hardship to employees that were activated to active duty under Title 10 and Title 32; *and*

WHEREAS, The city has made changes and updates to its paid military leave policy without notifying employees creating confusion and hardship; *and*

WHEREAS, Adoption of MGL Chapter 33, §59 will provide both the city and its employees a solidified policy that will prevent confusion about the paid leave policy and stop inconsistent interpretation and implementation; *and*

WHEREAS, Providing appropriate paid military leave in a consistent manner to city employees increases retention in the reserves and National Guard which keeps our community safe during natural disasters and civil unrest; *and*

WHEREAS, The City's current revised military leave policy is also inconsistent with MGL Chapter 33, §59, even as the City's military leave policy references this statute, and the language suggests that this statute applies to City employees; *and*

WHEREAS, MGL Chapter 33, §59 automatically applies to state employees, but municipalities can adopt the benefits outlined in Section 59 by vote; *and*

WHEREAS, Adopting MGL Chapter 33, §59 will ensure that city employees on active duty receive fair pay, and that the City's military leave policy is consistent with state statute; *THEREFORE BE IT THEREFORE BE IT*

ORDERED: That a petition to the General Court, accompanied by a bill for a special law relating to the City of Boston, to be filed with an attested copy of this Order be, and hereby is, approved under Clause One (1) of Section Eight (8) of Article Two (2), as amended, of the Amendments to the Constitution of the Commonwealth of Massachusetts, to the end that legislation be adopted precisely as follows, except for clerical or editorial changes of form only:

PETITION FOR A SPECIAL LAW RE: AN ACT REGARDING MILITARY LEAVE POLICY IN THE CITY OF BOSTON PURSUANT TO CHAPTER 33, SECTION 59 OF THE GENERAL LAWS

SECTION 1. City Employees in the National Guard or a reserve component of the armed forces of the United States activated on Title 32 or Title 10 orders shall receive paid leave for the

first 40 days of active duty. City employees in the National Guard or a reserve component of the armed forces of the United States participating in drills or military parades shall receive paid leave for the first 40 days of their military activities. The Office of Human Resources in the City of Boston shall implement the provisions of this act.

SECTION 2. This act shall take effect upon its passage.

Filed in Council: August 9, 2023