PPM #20
Policy Name: ***Unscheduled Absenteeism***
Effective Date: ***September 1, 2003***
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Authorization: Charles R. Davis

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POLICY

It is the philosophy of the Office of the Lieutenant Governor (OLG) and the Department of Culture, Recreation and Tourism (DCRT) to encourage responsible leave usage in order to maximize public service, reduce the negative impact of absenteeism on productivity and improve employee morale. This policy shall be administered uniformly and as equitably as possible without regard to race, gender, age, religion, national origin, disability, veteran's status, sexual orientation, job classification or other non-merit factor.

PURPOSE

The purpose of this policy is to implement the provisions of Civil Service Rule 12.6(a)2, entitled Non-disciplinary Removals, which provides for the non-disciplinary removal of employees from State service relative to unscheduled absenteeism:

12.6 Non-disciplinary Removals

(a) An employee may be non-disciplinarily removed under the following circumstances:

1. .....
2. When, after the employee has been given written notice that his attendance requires improvement and copy of this rule, an employee has seven or more unscheduled absences during any consecutive twenty-six week period. The employee shall also be given written notice each time he incurs a sixth unscheduled absence during a consecutive twenty-six week period. An unscheduled absence occurs when an employee is absent from work without having obtained approved leave prior to the absence. Approval of leave, after the fact, to cover an unscheduled absence shall not prevent the absence from being considered unscheduled. A continuous absence for the same reason is one unscheduled absence, regardless of its duration.

APPLICABILITY

This policy applies to all employees of the OLG and DCRT serving with permanent status who have been placed on notice, in writing, via a counseling letter or supervisory

plan, that his/her absenteeism has become problematic. In such event, the employee will be provided a copy of this policy which precisely quotes Civil Service Rule 12.6(a)2 and advised that his/her attendance requires improvement.

DEFINITION

An unscheduled absence is defined as:

A. An employee's failure to report for duty at the designated time at the beginning of the workday, regardless of duration; or
B. An employee's leaving work before the end of the scheduled workday, regardless of duration; or
C. An employee's failure to timely return to duty at the end of a designated break or meal period, regardless of duration;

without having secured permission, in advance, from an authorized supervisor. Advance permission is defined as authorization to be off from work, late for work, extend a break period or leave work early by close of business the day prior to leave usage. Approval of leave after-the-fact to cover an unscheduled absence shall not prevent the absence from being considered unscheduled.

EXCEPTIONS

A. Leave that is approved for use under the provisions of the Family and Medical Leave Act (FMLA) and leave granted for the purpose of an accommodation under the Americans with Disabilities Act (ADA) will not count as an unscheduled absence. However, employees are expected to comply with agency policy and practice regarding notice to supervisory personnel when such absences will be necessary.

B. The appointing authority retains the right to excuse, for a rational, business-related reason, an absence which otherwise would be deemed to be unscheduled under this policy.

PROCEDURE

Once an employee is properly placed on notice of the applicability of this policy because of his/her problematic attendance, the employee will receive notice, in writing, within five (5) workdays of each unscheduled absence declaring the absence to be an occurrence under the policy. This notice will likewise include the number of occurrences thus far accumulated within the consecutive twenty-six (26) week period. Further, this notice will inform the employee of the manner in which the absence was coded (annual, sick, compensatory or leave without pay).

Upon accrual of a sixth occurrence, the employee will also be given a formal letter of counseling advising him/her of the sixth occurrence and the possibility of removal upon accrual of a seventh occurrence.

As required by Civil Service Rule 12.7, no permanent employee will be removed under this policy until he/she has been given oral or written notice of the proposed action and the reason therefore, a description of the evidence supporting the proposed action, and a reasonable opportunity to respond.

CLARIFICATIONS

A. The appointing authority has the right to place an employee on leave without pay for the duration of any unscheduled absence.

B. The appointing authority has the right to discipline an employee for any unscheduled absence irrespective of the applicability of Civil Service Rule 12.6(a)2.

C. The appointing authority has the right to discipline an employee for failing to adhere to agency leave policy or practice.

D. The appointing authority has the right to require a doctor's certificate or other acceptable documentation to verify an employee's need to be off from duty and/or leave usage.

E. The appointing authority has the right to discipline and terminate a probationary, job or restricted appointee at any time;

F. When an employee is removed under this Rule, the adverse consequences of Rule 6.5(c), 7.5(a)7, 8.9(d), 8.18(d) and (e), 11.18(b) and 17.25(e)4 shall not apply.

QUESTIONS

Questions regarding the interpretation and enforcement of this policy should be addressed to our Human Resources Division.

Summary of Changes: Revised policy number (December 1, 2011).