

Employee Dependability

1. Policy. Each employee of the City of Mulberry shall be responsible for maintaining good attendance. Sick, vacation, accrued holiday time and personal leave requests must be made in accordance with the City Personnel policy. Each employee is expected to report to work on time, adhere to the time periods established by the Department for breaks and meals, and remain at the assigned work station throughout the scheduled work period or until properly relieved.

2. Definitions. For the purposes stated herein, the following definitions apply:
 - A. **Absence-** Failure to report for work, or to remain at work as scheduled, regardless of reason.

 - B. **Family Sick Leave-** An unscheduled absence that may be used in the event of a critical illness or severe injury to an employee's spouse, parent, sibling, child or any relative who is domiciled in the employee's household.

 - C. **Occasion of Absence-** One or more unscheduled, continuous days of absence charged to sick leave (including authorized leave without pay or unauthorized leave used in lieu of sick leave), accrued holiday time, authorized leave without pay, unauthorized leave and vacation. This also includes use of other accrued time or authorized leave without pay, which has been substituted for sick leave when the employee has exhausted sick leave accruals. Unscheduled absences charged to authorized family sick, funeral leave or personal leave shall not be considered to be an occasion of absence. The criteria for late or tardy call-in shall apply.

 - D. **Occasional Tardiness-** Two (2) or less occasions of tardiness within any six (6) month period.

 - E. **Tandem Absence-** An unscheduled absence of two days or less immediately before or after a regularly scheduled day off (e.g., a weekend, holiday or vacation).

 - F. **Tardiness-** Any failure to report to work on time according to the established work schedule or lateness for duty at any point during the shift.

 - G. **Unauthorized Leave-** An unapproved absence.

 - H. **Work-** All regularly scheduled and overtime duty

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4. **Notification and Record Keeping-** When a facility based, continuous operations employee, or any other employee designated by the Unit Administrator, is unable to report to work as scheduled, the employee must notify the immediate supervisor or designee one hour prior to the start of the work shift. All other employees must contact the supervisor or designee within one (1) hour after the employee's scheduled reporting time.

The employee must indicate the reasons for the absence and the expected duration of the absence. If the absence is going to exceed the reported duration, the employee must notify the immediate supervisor or designee prior to the extended absence. Failure to follow the above procedure may subject the employee to disciplinary action. Absence due to illness or injury, for five (5) or more consecutive working days, shall be documented by an acceptable Medical Certificate in accordance with the applicable collective bargaining agreement, stating the reason for the absence. A medical certificate must be submitted within five (5) calendar days following the return to work, unless the absence is being claimed as workers compensation, in which case the medical certificate must be presented upon return to duty. Any prescheduled medical or dental appointment in excess of one half of the workday shall require documentation of the length of the appointment.

5. **Record Keeping.** Each facility shall maintain an individual employee record which contains the reasons for each absence and the time of notification. State Medical Certificates and other medical information concerning an employee shall be maintained confidentially.

6. **Absences.**

- A. **Prior Notification of Absence.** Pre-scheduled, approved use of sick leave such as doctor's visits or funeral leave shall not be counted as an occasion of absence or tandem absence.
- B. **Occasional Absences.** An unscheduled absence of one (1) or more continuous days shall be recorded as one (1) occasion. If the reason for absence changes during the duration, then the time charged for each reason shall be deemed to be a separate occasion.
- C. **Tandem Absence.** An unscheduled absence immediately before and/or after a scheduled day off will normally count as one (1) tandem occasion. An extended unscheduled absence of more than two (2) days for the same reason immediately preceding or following a regularly scheduled day off shall not normally be deemed a tandem occasion.

7. **Analysis of Absenteeism.** The attendance record of all permanent employees shall be reviewed during each routine personnel evaluation. More frequent reviews may occur as needed. Employees in promotion working test periods shall have monthly reviews.

- A. In reviewing absenteeism, the supervisor shall consider the following criteria: (1) number of occasions; (2) pattern of absences (tandem absences); (3) employee's prior record; and (4) any extenuating circumstances.
- B. When a permanent employee has three (3) occasions of absence during a three (3) month period, the record shall be reviewed with the employee to determine contributing problems and possible

corrective remedies.

- C. When an employee has five (5) occasions of absence within a six (6) month period, the record shall be reviewed with the employee to determine contributing problems and possible corrective measures. This counseling session shall be documented with a written memo to the employee.
- D. When an employee has nine (9) occasions of absence within a 12 month period, the record shall be reviewed with the employee. The employee shall be issued a warning that continued absenteeism may result in an unsatisfactory performance appraisal. An unsatisfactory performance appraisal may also be given for attendance if the employee has one (1) or more occasions of unscheduled absence before the end of the appraisal period following receipt of the warning letter.
- E. An employee with unsatisfactory patterns of attendance should be considered for appropriateness as a referral to the Employee Assistance Program.
- F. Failure to maintain a satisfactory attendance record beyond the first unsatisfactory service rating shall result in another meeting to review the employee's status in the area of dependability and/or attendance.
- G. After an evaluation consistent with the criteria above, the employee shall receive a written warning that failure to improve may result in the issuance of a second unsatisfactory performance appraisal and termination from State service. Following the first unsatisfactory performance appraisal, the employee's attendance shall again be reviewed in accordance with the criteria listed above for the next rating period. Upon the eighth occasion, the warning letter may be issued and at the point when the employee has nine (9) or more occasions of absence, a second unsatisfactory performance appraisal may be issued, even if the full evaluation period is not yet over. Two (2) consecutive unsatisfactory performance appraisals, if filed within two years of each other,

may be considered cause for dismissal.

- H. The above procedure does not preclude separate disciplinary action for unauthorized leave or fraudulent use of sick leave.

8 Tardiness. Tardiness shall be monitored and reviewed in the context of an employee's overall dependability which includes all occasions of absence. The guidelines for tardiness shall be as follows:

- A. Occasional Tardiness. Occasional instances of tardiness in time periods less than 15 minutes shall not be charged to Vacation, Personal Leave or deducted from the employee's pay. Occasional instances of tardiness in time periods which equal or exceed 15 minutes shall be deducted from an employee's pay.
- B. Excused Tardiness. Instances of tardiness due to inclement weather, delays in mass transit or other extenuating circumstances shall not be counted when an investigation supports the reason for the tardiness. It shall be the responsibility of the immediate supervisor with the approval of the Unit Administrator or designee to determine if weather and/or road conditions warrant late arrivals on days which are not State-declared late openings.
- C. Supervisor Responsibility. The supervisor shall obtain and document the reason for all occurrences of tardiness and counsel employees as necessary.

D. Unexcused Tardiness.

1. Initial Instance. At the first occurrence of unexcused tardiness, the supervisor shall speak with the employee and remind the employee of the Department's policy governing attendance and the employee's responsibility to report to work on time. Additional evaluations of tardiness shall be accomplished every six months.
2. Step 1. At the second occurrence of unexcused tardiness within a six (6) month period, the employee shall receive formal counseling. The counseling session shall be documented in a memo from the supervisor to the employee indicating that further instances of tardiness could result in disciplinary action.
3. Step 2. At the third occurrence of unexcused tardiness within a six (6) month period, the employee may be issued a written reprimand for habitual or repeated tardiness. The reprimand serves as notice to the employee(s) that the employee's attendance problems requires immediate attention and improvement and that failure to do so will result in progressive disciplinary action.
4. Step 3. At the fourth occurrence of tardiness, if within a six (6) months of the third occurrence, the employee may receive a one (1) day suspension for just cause in accordance with this Directive.
5. Step 4. At the fifth occurrence of tardiness, if within a six (6) months of the fourth occurrence, the employee may receive a five (5) day suspension. The employee shall be advised that any further instances of tardiness, if occurring within six (6) months of the fifth occurrence, may result in dismissal from State service.

- E. Performance Improvement. An employee who has previously been

disciplined for tardiness and continues without further incident for six (6) months, if tardy again, shall be disciplined at the same step as previously disciplined. For each consecutive six (6) month period of time that the employee is not tardy, the level of discipline shall decrease one (1) step. The duration of time an employee is on Workers' Compensation or leave of absence shall not be included in the six (6) month period referred to in this Directive. These guidelines do not limit the Department's right to take disciplinary action against an employee who may not fit into the guideline periods but does demonstrate a continuing pattern of tardiness over a longer period of time.

9. Communicating Inability to Report for Duty. An employee who communicates an inability to report after the shift begins and after the time required in Section 4 of this Directive shall not be paid for the time between the beginning of the shift and the time of contact with the facility or supervisor as specified by Unit Directives. Such calls shall also be handled as tardy, and the period between the beginning of the shift and the time of contact may be charged as unauthorized leave. Any employee who fails to call, without reasonable cause, shall be charged with an unauthorized leave of absence. An employee who, on the first instance, does not communicate an inability to report and who does not report shall not be paid and shall be cautioned regarding future occurrences. The next subsequent occurrence, if within 12 months, may result in the employee's not being paid and suspension on a day-for-day basis. The next instance, if within 12 months of the last occurrence, may result in a five (5) day suspension. The next instances, if within 12 months of the last occurrence, may result in dismissal from State service.
10. Exhaustion of Sick Leave Accrual. All employees are responsible for monitoring their own sick leave balances. In the event that an employee is unable to report for duty due to illness, but has exhausted all sick leave accruals, the employee may be authorized to utilize other accruals (vacation, personal leave or accrued holiday time) or be granted authorized leave without pay, if the employee so requests in writing, and provides an acceptable medical certificate supporting the absence within 48 hours of the employee's return to work. When an employee calls in sick with no sick leave accrual and fails to follow the procedure for requesting use of other accruals or authorized leave without pay, the absence shall be recorded as unauthorized leave without pay. In addition, the employee shall be subject to disciplinary action as follows:
 - A. First Occurrence. The employee shall be charged with unauthorized leave and counseled regarding proper procedure.
 - B. Second Occurrence. Employee shall be given a written reprimand if the second occurrence is within six (6) months of the prior occurrence. Otherwise, the employee shall again be counseled.
 - C. Subsequent Occurrences. Progressive discipline shall be imposed according to the schedule for tardiness contained in Section 8(D) of this Directive.
11. Working Test Period. An employee may be terminated for any combination

of three (3) absences or instances of tardiness in the first six (6) months of employment, regardless of the length of the working test period. Any employee who fails to report for duty and fails to notify the employee's appropriate supervisor in the first six (6) months shall be terminated.

12. Exceptions. Any exceptions to this Administrative Directive requires prior written approval from the Commissioner.