240 Affirmative Attendance

240.1 Affirmative Attendance Policy

The Affirmative Attendance Policy covers unauthorized absence, docking, vacation leave, sick leave, proof status and any related grievances for all Healthcare and Family Services employees.

HFS recognizes that personal problems may affect employee attendance and encourages utilization of the Personal Support Program.

A. Unauthorized Absences

Unauthorized Absences shall be those absences for which time is not approved.

The threshold between late arrival and unauthorized absence is one hour after the starting time. Although tardiness is not considered an unauthorized absence under this agreement, employees are expected to report to work on time each day as scheduled. Any negotiated tardiness policies shall remain in full force and effect during the life of the Master Agreement unless otherwise negotiated by the parties.

Where current practices exist, any unauthorized absence which is less than a ½ day will be treated under Article IX of the Master Contract as misuse of time inclusive of all other time related infractions (including late arrival, extended breaks and lunch hours, leaving work without authorization, etc.) as one progressive and corrective disciplinary track.

B. Medical Certification

Authorized Dock Time shall be granted when sick time has been exhausted if proper medical certification is provided within three (3) work days. It is the employee's responsibility to provide medical certification to their supervisor. Documents that do not contain the necessary elements will not be accepted and the employee will be so notified. The absences shall be considered unauthorized if acceptable certification is not subsequently provided within five (5) work days.

- Proper medical certification must contain the following elements:
- Signature, address, and phone number of the medical practitioner (or the authorized designee);
- The pertinent dates in question of the illness or injury;
- An Indication that the employee was unable to work on the date(s) in question for the reasons of personal or family illness;

- The original medical statement; if the employee needs a copy management will provide.

Notwithstanding the above, HFS may accept an electronically generated statement with an electronic signature or a facsimile with cover page, as long as the necessary information is provided as set forth in Paragraph B of Section 240.1.

Vacation, holiday, compensatory and personal business time shall be requested in advance, except in emergency situations and as set forth in Paragraph D of Section 240.1. If no personal business, vacation, holiday or compensatory time is available, authorized dock time shall be approved for emergency situations, subject to verification of the emergency situation.

C. Authorized Dock Time

Authorized dock time under these circumstances is limited to five (5) days within a twelve (12) month period, unless approval for more time is granted by the authorizing supervisor. Employees who have used all allowable authorized dock time shall be informed of their right to apply for an appropriate leave of absence.

Employees who have been on proof status within the previous three (3) months shall have no right to authorized dock time.

D. Requests for Available Benefit Time

All employees' requests for available benefit time usage must be supported by request on a HFS 2053 form submitted by the employee. In accordance with agency practice**,** requests for available benefit time other than unscheduled sick leave, emergency personal business and inclement weather situations, shall be made reasonably in advance, in writing, using the proper form. Consideration of such requests shall be in accordance with the Master Agreement.

Where current practices exist, same day call-in requests for vacation, compensatory, and holiday time shall be made only when it is not possible to request such time in advance and in writing using the appropriate form. When an employee is claiming that it is not possible to request the vacation, compensatory or holiday time reasonably in advance in writing, HFS has the right to inquire as to why it was not possible, although such inquiry may only be made when reasonable grounds exist to suggest abuse. Same day call-in requests for vacation, compensatory or holiday time shall not be denied unless a bona fide operating need exists to do so. Under no circumstances will such request be denied solely because a request is called-in on the day requested. The form must be provided to the supervisor no later than two

(2) of the employee's workdays after the employee's return from the absence.

Supervisors must ensure that the form is readily available to the employee. Failure of the employee to provide this form may result in the absence being considered unauthorized, and the employee may be docked and disciplinary referral may be initiated. If the employee subsequently submits the form within two (2) of the employee's workdays after notification of being docked, the determination of an unauthorized absence shall be corrected.

Supervisors must process all completed forms generated from call-ins within five (5) calendar days of submission, either approving or disapproving the request.

As long as the employee meets the applicable Leave of Absence requirements, the Employer will approve leave for the time frame documented, including request for short-term leaves.

It is the employee's responsibility to provide proper medical certification to their supervisor. Documents that do not contain the necessary elements will not be accepted and the employee will be so notified. The absences shall be considered unauthorized if acceptable certification is not subsequently provided within five (5) workdays. Proper medical certification must contain the following elements:

- Signature, address, and phone number of the medical practitioner (or authorized designee)
- The pertinent date(s) in question of the illness or injury.
- An indication that the employee was unable to work on the date(s) in question for reasons of personal or family illness.
- The original medical statement must be submitted; if the employee needs a copy management will provide.

Notwithstanding the above, HFS may accept an electronically generated statement with an electronic signature or a facsimile with cover page, as long as the necessary information is provided as set forth above.

E. Unauthorized Absences

Unauthorized Absences shall be subject to the following corrective and progressive disciplinary action:

- Occurrence Unauthorized absence <u>with call-in</u>:

  1st – Counseling
  2nd – Oral reprimand
  3rd – Written reprimand
  4th – 2nd Written reprimand
  5th – 1 day suspension
  6th – 3 day suspension
  7th – 5 day suspension
  8th – 7 day suspension
  9th – 10 day suspension
  10th – 15 day suspension
  11th – 20 day suspension
  12th – Discharge

- Each day of unauthorized absence shall be considered a separate offense for the purposes of progressive discipline.

- Each day of unauthorized absence <u>without</u> a call-in shall be considered as two offenses, and appropriate progressive discipline shall be administrated pursuant to paragraph E of Section 240.1.

- Under this Affirmative Attendance Agreement, except for the last offense before discharge, no employee will serve any suspension time. Employees will be given the usual notice of a suspension but will be expected to report to work and lose no wages. An employee will only serve five (5) days of actual suspension time for the last offense prior to discharge.

- The parties agree that this section does not alter the provision in Article IX of the Master Agreement regarding discharge for five (5) consecutive days of unauthorized absence with no call-in (XA).

Discipline under this policy will be considered timely and progressive based on a rolling 24-month period. If the last disciplinary action is more than 24 months old, the progression will start over.

Employees not covered by an Affirmative Attendance Agreement prior to the effective date of this agreement shall be considered to have committed no offense. Employees, who have discipline under a prior Affirmative Attendance Policy, shall be placed on the closest step of the discipline track for the same offense that does not represent an increase in the level of discipline.

HFS recognizes that personal problems may affect the attendance of employees. Upon request by the local Union president or designee, employees

will be afforded a joint Union/Management consultation at the last suspension prior to discharge. The purpose of such consultations will be to provide guidance and counseling to the employee as to the need for their services, the consequences of continued unauthorized absences, the ability of services for problems, specifically including PSP, which may be identified and the ability to request a leave of absence. After training materials have been distributed to those Agencies previously not covered under an Affirmative Attendance Policy, the Employer will start the Affirmative Attendance Policy. Additionally, Agencies and the Union shall establish joint training program presentations in those Agencies previously not covered under an Affirmative Attendance Policy at the request of either party. In the event a training program is presented, the Employer will initiate the Affirmative Attendance Policy within one month upon completion of the presentation.

This Affirmative Attendance Policy supersedes any other HFS agreement(s) on this issue.

240.2 This Section was Intentionally Left Blank

240.3 Vacation Leave

Same day call-in requests for vacation time are made only when it is not possible to request such time reasonably in advance and in writing using HFS 2053.

When an employee claims that it was not possible to request the vacation time reasonably in advance in writing, the department has the right to ask why it was not possible. This inquiry may only be made when reasonable grounds exist to suspect abuse.

Same day call-in request for vacation is not denied unless a bona fide operating need exists to do so. If due to legitimate operating need the request is denied, the denial is stated to the employee. Upon request, the reason for denial is provided. A request for vacation time cannot be denied solely because the request for vacation is called-in on the same day.

In the absence of an emergency, only your supervisor (or designee) may approve the use of such time on a call-in basis.

240.4 Sick Leave

All requests for sick time usage must be supported by a HFS 2053 signed by you.

You must provide a HFS 2053 to your supervisor no later than 48 hours after you return from the absence. If extenuating circumstances exist, the supervisor may approve additional time. Supervisors must ensure that HFS 2053s are readily available to the employee.

If you fail to provide a HFS 2053, your absence will be considered unauthorized. The employee is docked and a disciplinary referral initiated.

Your supervisor must process all signed HFS 2053 forms generated from call-ins within three calendar days of receipt - either approving or not approving the request.

When all ABT has been exhausted, authorized docks for sick time are based on the following:

- You have not been on proof status within the previous three months, and
- You must provide proper medical certification.

Use of authorized dock time under these circumstances is limited to five days within a 12-month period. Approval for more time may be granted by the Division Administrator. Employees who have used all allowable dock time must be informed of their right to apply for an appropriate leave of absence.

240.5 Proof Status

Proof may be required for a single absence only if reasonable grounds exist to suspect abuse for the day in question.

Employees whose attendance record creates reason to suspect abuse of sick time are to be given written notice of their placement on proof status for an initial 60-day period.

When an employee is placed on proof status, the supervisor meets with the employee to discuss the attendance records. This is done either prior to or upon an employee's return to work.

Proof status is reviewed with the employee after the initial 60-day period. Employees are given either:

- Written notice of their continuation on proof status for an additional 90 day period if their use of sick time continues to reflect reason to suspect abuse, or
- Written notice that proof status is terminated.

An employee on proof status who fails to provide proper medical certification of the use of earned sick time is given an unauthorized absence and docked for the day(s) in question. Proper medical certification for proof status must contain the following elements:

- Signature, address and phone number of the medical practitioner or authorized designee.
- The pertinent date(s) in question of the illness or injury.
- An indication that the employee was unable to work on the date(s) in question for reasons of personal or family illness.
- The original medical statement must be provided.

It is your responsibility to provide proper certification. When documents do not contain the necessary elements, you are notified that the documents are unacceptable. The absences are considered unauthorized if acceptable certification is not subsequently provided within five workdays.

Employees on proof status who use sick time for bereavement must provide appropriate documentation.

Employees on proof status who are out of earned sick time and who continue to claim illness are to be advised in writing of the need to apply for a leave of absence or face discipline.

240.6 Grievances

The following grievances are advanced directly to Step 2 of the grievance procedure:

a) Grievances about discipline for tardiness, and

b) Grievances about the denial of a request for ABT.

It is the supervisor's responsibility to provide documentation of operational need for denial of ABT upon notification that the grievance is forwarded to Step 2. Due to the limited time for an appropriate remedy, grievances about Proof Status are forwarded directly to Step 3 of the grievance procedure.