

**LOUISIANA STATE UNIVERSITY
HEALTH CARE SERVICES DIVISION**

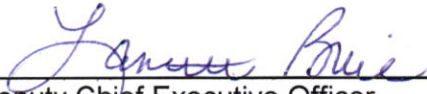
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CONTENT: Unscheduled Absences – Classified Employees

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Deputy Chief Executive Officer
LSU Health Care Services Division

1/9/19

Date



Director of Human Resources
LSU Health Care Services Division

01/08/19

Date

**HEALTH CARE SERVICES DIVISION
UNSCHEDULED ABSENCE POLICY
FOR NON-DISCIPLINARY REMOVAL OF CLASSIFIED EMPLOYEES**

I. Policy Statement

This policy is intended to encourage responsible leave usage by all employees of the Health Care Services Division (HCSD) and to standardize the application of time and attendance as a means of minimizing tardiness and absenteeism to ensure adequate work coverage.

Civil Service Rule 12.6(a) 2 states that an employee may be non-disciplinary removed under the following circumstances:

“When, after the employee has been given written notice that his attendance requires improvement and a copy of this rule, an employee has seven (7) or more unscheduled absences during any consecutive twenty-six (26) period. The employee shall also be given written notice each time he incurs a sixth (6th) unscheduled absence during a consecutive twenty-six (26) 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.

II. Applicability

This policy will apply to all classified employees if such policy is implemented at Headquarters and/or at a Medical Center.

The Appointing Authority of the Medical Center and/or Headquarters will establish procedures if this policy is implemented at their business unit. This policy may also be limited to implementation within a specific Department of a Medical Center.

III. Implementation

This policy or any subsequent revisions are effective upon signature of the HCSD Deputy CEO.

IV. Definitions

A. Tardy

1. An employee is not at his/her scheduled work station, ready for work, at the beginning of the designated work schedule.
2. An employee returns from scheduled break or lunch periods later than the designated return to duty times.

B. Unscheduled Absence

1. Employee fails to report to work or is late reporting to work.
2. Employee fails to notify appropriate supervisory personnel that they would not be coming to work or would not be in on time.
3. Employee leaves work at any time prior to the end of the scheduled work day without authorization of the appropriate supervisory personnel.
4. Employee calls in at beginning of reporting time and requests leave.
5. Employee fails to clock in and/or sign in within 6 minutes of their scheduled start time.
6. Employee fails to give sufficient advance notice, in accordance with established procedures, for requests of annual leave, sick leave, compensatory leave, or leave without pay.
7. Employee fails to report for duty after request for leave has been denied.
8. Employee is tardy.
9. Employee on any unauthorized leave.

V. Responsibilities

A. Hospital Administrators

1. Responsible for assuring that managers, supervisors, and employees within their organizational authority comply with the provisions and the intent of this policy.
2. Responsible for assuring that managers and supervisors with delegated authority for leave administration shall maintain records of attendance on all employees under their supervision and for certifying the accuracy of such records.
3. Responsible for assuring consistent treatment among employees.

B. Human Resources Directors

1. Maintain a posting of this policy in work locations available to all employees.
2. Responsible for assuring that all employees on board at the time of implementation of this policy and any new employee hired after that date will be given a copy of this policy to read and sign a statement confirming receipt of this policy to be kept in the employee personnel file. This attestation may also be ascertained through the HCSD on-line training. (Attachment #1)
3. Implement and monitor use of this policy to ensure compliance with procedures, notifications, and/or documentation is consistent among Hospital employees and/or Department employees.
4. Ensure coordination between this policy and internal disciplinary procedures regarding unscheduled absences, if applicable.

VI. General Provisions

- 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 unscheduled absences. However, employees are expected to comply with agency policies

and practices regarding notice to supervisory personnel when absences will be necessary.

- B. Approval of leave, after the fact, to cover an unscheduled absence shall not prevent the absence from being considered unscheduled.
- C. An Appointing Authority retains the right to place employees on leave without pay for any unscheduled absence.
- D. An Appointing Authority retains the right to require doctors' statements or some other proof acceptable to the agency to verify the legitimacy of any amounts of sick leave, whether it is scheduled or unscheduled.
- E. An Appointing Authority retains the right to discipline an employee for failing to follow agency leave policy.
- F. A continuous absence (does not return to work) for the same reason is one (1) unscheduled absence regardless of its duration.
- G. Nothing in this policy shall protect an employee from disciplinary action for other actions/infractions that may include unscheduled absences.
- H. The consecutive 26-week period will begin with the first occurrence.
- I. An employee may be deemed to have an excused absence if one of the following occurs:
 - 1. Employee is hospitalized.
 - 2. Employee has an illness and the employee has provided a valid physician's statement.
 - 3. Employee has a death in his/her immediate family and gives the appropriate person adequate notification.

Note: Immediate family, for purposes of this policy, is defined as stated in Civil Service Rule 11.23.1: parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, spouse, mother-in-law, father-in-law, grand-parent, grand-child.

VII. Procedures to be included in any internal policy implemented

- A. When an employee is absent and/or tardy and the absence falls within the definition of "unscheduled absence", the supervisor responsible for reviewing/approving the leave request shall:
 - 1. Clearly mark the Application for Leave as "UNSCHEDULED" on the top of the form, regardless whether the leave is approved or denied.
 - 2. Give the employee written notice that his attendance requires improvement and a copy of CS Rule 12.6(a)2 (See Attachment #2 for sample notice of Attendance Improvement).

3. Give the employee written notice each time he incurs a sixth (6th) absence. (See Attachment #3 for sample notice of 6th unscheduled absence)
- B. An unscheduled absence history (electronic or manual) shall be maintained for each employee.
 - C. When an employee has more than seven (7) unscheduled absences during any consecutive 26-week period, the employee may be subject to non-disciplinary removal.
 - D. Review and consideration should be given to an employee's unscheduled absence history on a case-by-case basis prior to proposing a non-disciplinary removal.
 - E. If a non-disciplinary removal is warranted, internal procedures governing disciplinary actions should be followed. (See Attachment #4 & #5 for sample letters for pre-removal and removal)

VIII. Exceptions

The HCSD Deputy CEO may make exceptions to this policy when is it deemed to be in the best interest of the agency.

**UNSCHEDULED ABSENCE POLICY
FOR NON-DISCIPLINARY REMOVAL OF EMPLOYEE**

POLICY RECEIPT ACKNOWLEDGMENT

I have read the HCSD Unscheduled Absences Policy for Non-Disciplinary Removal of Employees.

Employee Name: _____
Please Print

Employee Signature: _____

Date: _____

(To be filed in the employee's personnel file)

Sample Notice that Attendance Requires Improvement – Rule 12.6(a)2

(Assumes hand delivery)

Memo

Date:
To: Employee
From: Supervisor
Re: Attendance

Your attendance requires improvement. During the past two weeks, you were one hour late for work on December 3, 2007, two hours late for work on December 11, 2007, and you did not report for work on December 6, 2007, claiming you had car trouble. You had not obtained approved leave before any of these absences. Therefore, these absences are considered unscheduled.

Civil Service Rule 12.6(a)2 allows the non-disciplinary removal of an employee who accumulates seven (7) or more unscheduled absences during a twenty-six (26) week period. You are hereby formally notified that your future unscheduled absences will be counted for purposes of this rule. Under this agency's attendance policy, to avoid an absence from being considered unscheduled, you must obtain approved leave *[Insert the agency's requirement here.]*

Civil Service Rule 12.6 reads as follows:

12.6 Non-disciplinary Removals.

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

1. When, on the date the notice required by Rule 12.7 is mailed, hand delivered, or orally given, the employee is unable to perform the essential functions of his job due to illness or medical disability and has fewer than eight hours of sick leave. An employee removed under this provision shall be paid for all remaining sick leave.
2. When, after the employee has been given written notice that his attendance requires improvement and a 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.

3. When, as a result of conduct that was not work related, the employee fails to obtain or loses a license, commission, certificate or other accreditation that is legally required for the job. "Legally required" means required by state law, job specifications in the Civil Service classification plan or otherwise ordered by the state Civil Service Commission.
4. When the employee holds more than one position in the state service and the multiple employment causes an employing agency to be liable for overtime payments under the Fair Labor Standards Act and, after having been provided an opportunity to do so, the employee has refused to resign from one of the positions.
5. When there is cause for dismissal, but the cause is not the employee's fault.

(b) When an employee is removed under this Rule, the adverse consequences of Rules 6.5(c); 7.5(a)7; 8.9(d); 8.13(a)7; 8.15(d); 8.18(d) and (e); 11.18(b) and 17.25(e)4 shall not apply.

Receipt:

Employee's signature

date and time

Supervisor's signature

Sample Notice of Sixth Unscheduled Absence – Rule 12.6(a)2

(Assumes hand delivery)

Memo

Date:
To: Employee
From: Supervisor
Re: Attendance - WARNING

By memo dated December 2007, I notified you that your attendance required improvement and that your future unscheduled absences would be counted for purposes of Civil Service Rule 12.6(a)2. You have now accumulated your sixth unscheduled absence during a twenty-six week period:

December 26, 2007	called in sick
January 4, 2008	called in; sick child
February 13, 2008	arrived two hours late for work; no prior leave approved
March 13, 2008	called in; car trouble
April 14, 2008	called in; had to stay home and do taxes
May 5, 2008	failed to report to work; no prior leave approved

Your next unscheduled absence during the twenty-six week period beginning December 26, 2007, will subject you to removal.

Receipt:

Employee's signature

date and time

Supervisor's signature

Sample Pre-Removal Notice for Removal under Rule 12.6(a)2

(Assumes hand delivery)

Employee Name
Address
City, State

Date

Dear Employee:

By memo dated and delivered to you on December 14, 2007, your supervisor notified you that your attendance required improvement and that future unscheduled absences would be counted for purposes of Civil Service Rule 12.6(a)2. By memo dated and delivered to you on May 6, 2008, your supervisor notified you that you had accumulated six unscheduled absences within a twenty-six week period and that your next unscheduled absence within that twenty-six week period would subject you to removal. Since then, you had another unscheduled absence: on June 12, 2008, you were two and one-half hours late for work; you had not obtained leave prior to your absence. During the twenty-six week period beginning on December 26, 2007 and ending on June 25, 2008, you had the following unscheduled absences:

December 26, 2007	called in sick
January 4, 2008	called in; sick child
February 13, 2008	arrived two hours late for work; no prior leave approved
March 13, 2008	called in; car trouble
April 14, 2008	called in; had to stay home and do taxes
May 5, 2008	failed to report to work; no prior leave approved
June 12, 2008	arrived two and one-half hours late; no prior leave approved

Therefore, I propose to non-disciplinarily remove you from your position under Civil Service Rule 12.6(a)2, which provides:

12.6 Non-disciplinary Removals.

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

2. When, after the employee has been given written notice that his attendance requires improvement and a 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.

You have the right to respond to this proposed action. This is your opportunity to explain why any of these absences should not be considered unscheduled and why you should not be removed. To be considered, I must receive your response by 4:30 p.m. on *{a date at least 5 days following hand delivery}*. For your convenience, your response may be faxed to _____ or e-mailed to _____.

Sincerely,

Appointing Authority

Sample Notice for Removal under Rule 12.6(a)2

(Assumes notice by mail)

Employee Name
Address
City, State

Date

Dear Employee:

By letter dated and delivered to you on June 18, 2008, I advised you that I proposed to non-disciplinarily remove you from your position under Civil Service Rule 12.6(a)2 and gave you an opportunity to respond. As of that date you had seven unscheduled absences during the twenty-six week period beginning December 26, 2007 and ending June 25, 2008. The absences were as follows:

December 26, 2007	called in sick
January 4, 2008	called in; sick child
February 13, 2008	arrived two hours late for work; no prior leave approved
March 13, 2008	called in; car trouble
April 14, 2008	called in; had to stay home and do taxes
May 5, 2008	failed to report to work; no prior leave approved
June 12, 2008	arrived two and one-half hours late; no prior leave approved

I received your response to the proposed action on _____. Your response did not persuade me to change the proposed action. Therefore, you will be removed from your position, under Civil Service Rule 12.6(a)2, effective 4:30 p.m., *{date at least 7 days following date of mailing}*. Because this is a non-disciplinary removal, you retain certain eligibilities should you seek state employment in the future.

Sincerely,

Appointing Authority