

 <p>ARIZONA DEPARTMENT OF CORRECTIONS</p> <p>DEPARTMENT ORDER MANUAL</p>	<p>CHAPTER: 500</p> <p>ADMINISTRATIVE/HUMAN SERVICES</p>	<p>OPR:</p> <p>SS</p>
	<p>DEPARTMENT ORDER: 525</p> <p><b><i>EMPLOYEE ATTENDANCE</i></b></p>	<p>SUPERSEDES:</p> <p>DO 525 (07/01/12)</p>
		<p>EFFECTIVE DATE:</p> <p>JULY 6, 2013</p>
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## PURPOSE

This Department Order affirms the responsibility of the individual for their work attendance and reliability. Attendance is a critical component of effectively and efficiently managing the agency and ensures adequate staffing levels for safety and security. The Department demonstrates respect and appreciation for those employees who exhibit exceptional reliability by imposing and enforcing a reasonable attendance standard throughout the Department.

## APPLICABILITY

Managers and supervisors shall enforce this Department Order uniformly and consistently within their unit to ensure fairness and equitable treatment. This Department Order is not applicable to private prison facilities. Private prison facilities shall adhere to their own contract regarding employee attendance requirements.

## PROCEDURES

### 525.01 GENERAL RESPONSIBILITIES

- 1.1 All employees shall:
  - 1.1.1 Accept responsibility for their attendance and report for work as scheduled, work all assigned posts and shifts when coverage is needed and work overtime as required.
  - 1.1.2 Follow prescribed call-in procedures to ensure adequate coverage and communication.
    - 1.1.2.1 Security staff shall contact the Shift Commander, and Industry Program Specialists shall contact their supervisor, if they are unable to report to work as scheduled. The first contact for these employees shall be no less than two hours before the shift begins and a second contact is required within one hour after the shift began.
    - 1.1.2.2 Other non-security staff shall contact their supervisor if they are unable to report for work no more than 15 minutes after the start of their scheduled reporting time.
  - 1.1.3 Upon return to work after an unplanned absence, submit a completed Employee Request for Leave, Form 512-3, to their immediate supervisor. The supervisor shall approve or deny the request in accordance with Arizona Department of Administration Personnel Rules.
  - 1.1.4 At the request of the supervisor, provide medical documentation to the Occupational Health Nurse (OHN) substantiating the need for such leave, which shall be determined on a case-by-case basis as outlined in Department Order #512, Employee Pay, Work Hours, Compensation and Leave.
  - 1.1.5 If an unplanned or unscheduled absence is more than three consecutive full calendar days, adhere to subsection 1.1.4 above. In addition, the supervisor shall notify the OHN and ensure the employee receives proper notification of their rights, benefits and responsibilities under Family Medical Leave Act (FMLA). The employee shall provide a Health Status Report (HSR), Form 519-3, for release to return to work from their Health Care Provider to the OHN verifying the absence as required or requested as outlined in Department Order #519, Employee Health – FMLA, ADA, Industrial Injury, FFD and Alternate Assignment.

- 1.1.6 Use only the sick or annual leave time needed to attend medical or other appointments scheduled during their regular work hours. Employees are expected to notify their supervisors as far in advance as possible of such appointments. Employees may seek the approval of their supervisor to adjust their work schedules to attend appointments.
- 1.1.7 Review all Department Orders related to absences and be familiar with eligible benefits such as the Family Medical Leave Act (FMLA), Americans with Disabilities Act (ADA), donated annual leave, industrial leave, leave without pay provisions, insurance continuation and return to work procedures.
- 1.2 Approving authorities or designee shall:
  - 1.2.1 Monitor attendance and ensure appropriate documents are received, completed, submitted, and recorded.
  - 1.2.2 Communicate professionally with employees regarding absences.
  - 1.2.3 Document any allegations of misconduct related to attendance on an Information Report, Form 105-2, for administrative review.
  - 1.2.4 Ensure every employee is notified of any approving authority delegations and of their right to leave benefits such as FMLA, ADA, donated annual leave, industrial leave, leave without pay provisions, insurance continuation and the return to work procedures.
  - 1.2.5 Not require medical statements from health care practitioners for a single day or single absence unless one of the following applies:
    - 1.2.5.1 The reason given for the absence is disputed based on contrary information or facts.
    - 1.2.5.2 The employee has been approved for benefits that require documentation to the OHN or Human Resources (HR) as outlined in Department Order #519, Employee Health - FMLA, ADA, Industrial Injury, FFD and Alternate Assignment.
      - 1.2.5.2.1 If the employee has been approved for intermittent leave under FMLA, medical documentation is not required for each absence.
    - 1.2.5.3 The employee has a medical restriction, prescriptions or mental health issue that impacts the performance of duties.

## **525.02 SICK LEAVE USAGE**

- 1.1 Supervisors may require the submission of evidence substantiating the need for sick leave; however, not every employee shall be required to submit documentation for every sick leave hour used. The requirement to produce documentation shall be determined on a case-by-case basis when:
  - 1.1.1 Chronic and/or extended periods of sick leave are taken.
  - 1.1.2 A pattern indicates a possible abuse of sick leave such as:

- 1.1.2.1 Frequent use of sick leave before and/or after regular days off.
- 1.1.2.2 Use of sick leave hours as soon as the hours are earned.
- 1.1.2.3 Use of sick leave on weekends when scheduled to work.
- 1.1.2.4 Low sick leave balances for long term employees who have no major illnesses.
- 1.1.2.5 Employee has a history of three (3) or more call-ins in six (6) month period.

### **525.03 CHRONIC LATENESS**

- 1.1 Chronic Lateness – Employees chronically late are subject to progressive corrective action as outlined in this Department Order and progressive discipline as outlined in Department Order #601, Administrative Investigations and Employee Discipline.
  - 1.1.1 The clock in the briefing room or designated reporting/work location is identified as a common source of reference for lateness.
  - 1.1.2 Employees shall be verbally counseled and a notation made in their Employee Performance Evaluation upon their second identified lateness or failing to report to the designated work location on time within any 30 day period. Subsequent lateness shall be addressed as follows:
    - 1.1.2.1 Being late three times within any 30-day period shall result in a Letter of Instruction and an Employee Performance Evaluation notation.
    - 1.1.2.2 Upon the fourth time of being late within 30 days after the issuance of the Letter of Instruction, a Notice of Necessity to Improve, Form 514-14, shall be issued to the employee with a required 60-day review date.
  - 1.1.3 An employee may be subject to progressive formal disciplinary action should their lateness fail to meet the conditions outlined in the Necessity to Improve form for attendance or tardiness.
- 1.2 Advisory – The Employee Relations Unit shall be consulted for advice regarding the administration of this Department Order as necessary.

## **DEFINITIONS**

**APPROVING AUTHORITIES** – Positions in which incumbents are authorized to recommend corrective action and implement discipline when complaints of employee misconduct are sustained.

**CHRONIC** – Marked by a duration or frequent occurrence.

**DOCUMENTATION** – Written statement from a qualified Health Care Provider reflecting date(s) of care, and the employee’s inability to perform job duties.

**EMPLOYEE PERFORMANCE EVALUATION** – Either the Performance Appraisal for Correctional Employees (PACE) or the Managing for Accountability and Performance (MAP), as appropriate.

**LATE** – For the purpose of this Department Order, an employee is considered late when they arrive for work past their scheduled reporting time.

**MISCONDUCT** - An employee's criminal act or behavior not in compliance with Department Orders, rules and regulations while on or off duty.

**PROGRESSIVE DISCIPLINARY ACTION** - Progressive sanctions an approving authority may initiate in cases of proven misconduct or non-performance, including unsatisfactory attendance and tardiness, as outlined in Department Order #601, Administrative Investigations and Employee Discipline.

**UNSCHEDULED ABSENCE** - When an employee is absent from work without prior authorization from a supervisor.

{Original Signature on File}

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Charles L. Ryan  
Director

## CROSS-REFERENCE INDEX

Department Order #512, Employee Pay, Work Hours, Compensation and Leave

Department Order #519, Employee Health – FMLA, ADA, Industrial Injury, FFD and Alternate Assignment

Department Order #524, Employee Assignments and Staffing

Department Order #601, Administrative Investigations and Employee Discipline

## AUTHORITY

A.R.S. 41-773, Cause for Dismissal or Discipline

A.A.C. R2-5A-B603, Sick Leave

A.A.C. R2-5A-501, Standards of Conduct

A.A.C. R2-5A-502, Hours of Work

A.A.C. R2-5B-402, Grievance System

A.A.C. R2-5B-403, Grievance Procedures

A.A.C. R2-5B-303, Suspension

A.A.C. R2-5B-305, Dismissal

Attorney General's Opinion I97-003