

CHAPTER: 500
Personnel/Human Resources

DEPARTMENT ORDER:
525 – Employee Attendance

OFFICE OF PRIMARY
RESPONSIBILITY:
DD

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ACCESS

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Arizona Department of Corrections Rehabilitation and Reentry



Department Order Manual

A handwritten signature in black ink, appearing to read "David Shinn".

David Shinn, Director

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PURPOSE

This Department Order affirms the responsibility of each employee for his/her 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 area of responsibility to ensure fairness and equitable treatment. This Department Order is not applicable to private prisons. Private prisons shall adhere to their own contract regarding employee attendance requirements.

PROCEDURES

1.0 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 for unplanned or unscheduled absences from work for management to ensure adequate coverage and communication.
 - 1.1.2.1 Security staff and Industry Program Specialists shall contact the Shift Commander or their supervisor as applicable two hours before the start of their shift if they are unable to report to work as scheduled.
 - 1.1.2.1.1 A second contact with an individual's supervisor is required within one hour after the shift began.
 - 1.1.2.2 Non-security staff shall contact by phone 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.
- 1.1.4 In the event of an unplanned or unscheduled absence due to health reasons, at the request of the employee's 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.
- 1.1.5 Use accrued 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 schedule to attend appointments.

- 1.1.6 Review all Department Orders and other written instructions 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 For unplanned or unscheduled absences of more than three consecutive calendar days, the supervisor shall:
 - 1.2.1 On the third consecutive missed workday, inform the employee that if he/she misses a fourth consecutive day, a Health Status Report (HSR), Form 519-3 (completed by their healthcare provider) must be provided to the OHN for release to return to work.
 - 1.2.2 On the fourth consecutive absence, notify the OHN and ensure the employee receives proper notification of their rights, benefits and responsibilities under Family Medical Leave Act (FMLA) in accordance with Department Order #519, Employee Health – State/Federal Programs and Assignments.
 - 1.3 Approving authorities or designee shall:
 - 1.3.1 Monitor attendance and ensure appropriate documents are received, completed, submitted, and recorded.
 - 1.3.2 Communicate professionally with employees regarding absences.
 - 1.3.3 Document any allegations of misconduct related to attendance on an Information Report, Form 105-2, for administrative review.
 - 1.3.4 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 (LWOP) provisions, insurance continuation, and the return to work procedures.
 - 1.3.5 Not require medical documentation from healthcare practitioners for a single day or single absence unless one of the following applies:
 - 1.3.5.1 The reason given for the absence is disputed based on contrary information or facts.
 - 1.3.5.2 If the employee is under a current Notice of Necessity to Improve (NNTI), Form 514-14, for attendance.
 - 1.3.5.3 There is suspicion that an abuse of leave is occurring.
 - 1.3.5.4 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 – State/Federal Programs and Assignments.
 - 1.3.5.4.1 If the employee has been approved for intermittent leave under FMLA, medical documentation is not required for each absence.

2.0 SICK LEAVE USAGE

- 2.1 Supervisors may require the submission of evidence substantiating the request for sick leave approval; 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:
 - 2.1.1 Chronic and/or extended periods of sick leave are taken.
 - 2.1.2 A pattern indicates a possible abuse of sick leave benefits, such as:
 - 2.1.2.1 Frequent use of sick leave before and/or after regular days off or pre-scheduled leave.
 - 2.1.2.2 Use of sick leave hours as soon as the hours are earned.
 - 2.1.2.3 Frequent use of sick leave on weekends when scheduled to work.
 - 2.1.2.4 Low sick leave balances for long-term employees who have had no major illnesses/injuries or need for frequent healthcare visits.
 - 2.1.2.5 Employee has a history of three or more call-ins in a six-month period.
 - 2.1.2.6 Employees who are under a current NNTI for attendance issues.
- 2.2 After reviewing staff attendance unauthorized absences during a rolling six-month period, supervisors shall:
 - 2.2.1 For the second call-in, discuss progressive discipline for unauthorized absences with employee.
 - 2.2.2 For the third call-in, create an Employee Performance Evaluation Note/Entry advising the employee that he/she has three unscheduled absences in a rolling six-month period.
 - 2.2.3 For the fourth call-in:
 - 2.2.3.1 Issue a NNTI requiring improvement in 30 calendar days.
 - 2.2.3.2 Create an Employee Performance Evaluation Note/Entry advising the employee that:
 - 2.2.3.2.1 He/she has had four unauthorized absences in a rolling six-month period, and his/her attendance needs to improve. A copy of the NNTI shall be loaded or included in the Employee Performance Evaluation file.
 - 2.2.3.2.2 He/she needs to provide documentation to the OHN for all future unauthorized absences, while under an active NNTI.
 - 2.2.3.2.3 Any future unauthorized absence shall result in Leave LWOP.

- 2.2.4 For the fifth call-in:
 - 2.2.4.1 Close out old NNTI (if applicable) and proceed with continuation NNTI based on the employee's failure to meet attendance expectations. The employee is to be LWOP and an Administrative Inquiry shall be issued.
- 2.2.5 For the sixth through the twelfth call-in, an employee is to be LWOP and an Administrative Inquiry shall be initiated against the employee.
- 2.3 Unscheduled absences for one or more consecutive workday, including a partial absence related to the same cause for absence, shall apply as one occurrence.
- 2.4 Unscheduled absences for one or more consecutive workday, including a partial absence related to the same cause for absence, shall apply as individual separate occurrences, if the employee fails to provide medical documentation.
- 2.5 If an employee's request is approved in advance of the absence, such absence shall not be considered unauthorized or for disciplinary purposes.
- 2.6 When an employee arrives at work and subsequently asks to leave, he/she shall submit a completed Employee Request for Leave form to his/her immediate supervisor.
 - 2.6.1 The on-duty supervisor shall make the determination to approve or deny the request, as well as to determine if such an absence is to be considered for disciplinary purposes.

3.0 CHRONIC TARDINESS

- 3.1 Chronic Tardiness – Employees chronically late for work 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.
 - 3.1.1 At prison facilities, the clock in the briefing room or designated reporting/work location is identified as a common source of reference for tardiness. At all other Department work locations, the local time shown on modern and properly functioning electronic mobile devices (e.g., cell phones, electronic tablets, etc.) shall be considered a common source of reference for tardiness.
 - 3.1.2 Employees shall be verbally counseled, and a notation shall be 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-calendar day period. Subsequent lateness shall be addressed as follows:
 - 3.1.2.1 Being late three times within any 30-calendar day period shall result in a Letter of Instruction and an Employee Performance Evaluation notation.
 - 3.1.2.1.1 Upon the fourth time of being late within 30 calendar days after the issuance of the Letter of Instruction, a NNTI shall be issued to the employee with a required 30-calendar day review date. The NNTI shall also be loaded or included in the Employee Performance Evaluation file.

3.1.3 An employee may be subject to progressive formal disciplinary action should their attendance fail to meet the conditions outlined in the NNTI for attendance or tardiness.

3.2 Advisory – The Employee Relations Unit shall be consulted for advice regarding the administration of this Department Order as necessary.

DEFINITIONS/GLOSSARY

Refer to the Glossary of Terms

AUTHORITY

A.R.S. §41-773, Cause for Dismissal or Discipline for Employee in Covered Service

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-303, Suspension

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

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

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

Attorney General's Opinion I97-003