

## Internal Memo

Date: 10/29/2024

To: All DOC Employees

From: Paul Schnell, Commissioner



### RE: Pilot Policy 103.035, Tardiness and Failure to Report to Work

Maintaining punctuality and reliable attendance is crucial to our collective success and to the safety of our staff. While I believe this is a value we all share, there are times when it is appropriate to balance these expectations with the needs of the individual.

Many of you have expressed that our current policy is outdated and does not reflect our shared values. In response, Laurie Jandro, Director of Human Resources, will lead an effort to revise the policy in a way that better supports our workforce while maintaining the importance of punctuality and attendance. However, revising this policy will take time as we ensure all voices are heard.

Given that this issue is significant, the agency cannot wait for the full revision process to be completed. As a result, we are piloting a simplified 103.035 Tardiness and Failure to Report to Work policy that will serve as our interim policy. Here are key differences:

#### Purpose

- **Old policy:** Focuses on addressing incidents of tardiness and no call/no shows in a fair, impartial, and consistent manner, specifically for 24/7 operations.
- **Pilot policy:** Emphasizes supporting employees in meeting responsibilities while addressing tardiness and absenteeism in a fair and consistent manner, with consideration of unique circumstances.

#### Definition Changes

- **Old policy:** Provides definitions for terms like "de minimus" (five minutes or less), "no call/no show" (missing work without calling within 10 minutes), "tardy" (calling in or reporting within 10 minutes), and "unforeseen emergency."
- **Pilot policy:** Definitions have been revised. "Absence" is now categorized as excused (with advance notice and approval) or unexcused (without proper notice or approval). The term "de minimus" is removed, and the "no call/no show" definition is simplified to missing an entire shift without prior notification. Tardiness is defined more simply as reporting late but with prior notification.

### **Excused vs Unexcused Absence**

- **Old policy:** Focuses on tardiness and no call/no shows, addressing both authorized (unforeseen emergencies) and unauthorized cases.
- **Pilot policy:** Introduces the distinction between "excused" and "unexcused" absences, with specific conditions for excused absences (advance notice, approval, sufficient leave, in accordance with facility procedure). This allows for more focus on patterns of absenteeism rather than making seemingly arbitrary distinctions based on mere minutes.

### **Procedures for Notification**

- **Old policy:** Employees must notify the supervisor or watch commander if they will be late. They have three days to provide additional documentation for an unforeseen emergency.
- **Pilot policy:** Employees must notify their supervisor or watch commander by their scheduled start time if they will be absent or late, and the supervisor may initiate contact after 10 minutes to ensure safety. Facilities are encouraged to record call-ins on the Daily Call in Notification log or in accordance with facility procedure, so accurate records are maintained.

### **Corrective Action and Discipline**

- **Old policy:** Outlines specific steps for corrective action or discipline for tardiness and no call/no show incidents, starting with documented coaching and progressing to suspension or discharge after repeated offenses. Reductions in discipline for tardiness are possible after three months without incidents, but no reductions for no call/no shows.
- **Pilot policy:** The emphasis is shifted to "excessive absenteeism" (three or more unexcused absences in a rolling 90-day period) as the basis for corrective action. Reductions in discipline for tardiness are still possible provided that progressive discipline hasn't reached the level of a written reprimand.

### **Job Abandonment**

- Both policies treat three consecutive days of failing to report to work as voluntary resignation, with no supervisory contact or documentation of unforeseen circumstances.

### **Internal Controls**

- Both policies require a written record of current discipline in the employee's supervisory or personnel file.

### **Flexibility and Employee Support**

- **Old policy:** Focuses on strict rules for tardiness and no call/no shows, with an emphasis on corrective actions.
- **Pilot policy:** Places greater emphasis on supporting employees, encouraging honest communication and reports of delays, and consideration of individual circumstances when addressing absenteeism.

In summary, the pilot policy places a stronger emphasis on flexibility, support for employees, and a broader consideration of absenteeism (both excused and unexcused), while providing discretion to facilities for defining their own procedures for approving absences.

I appreciate your attention to this temporary pilot policy, and I encourage you to actively engage with Human Resources as they vet the next successor version.

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**Policy Number:** 103.035  
**Title:** Tardiness and Failure to Report to Work  
**Effective Date:**

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**PURPOSE:** This policy aims to support all employees in meeting their responsibilities on time, and to provide guidelines for addressing incidents of employee tardiness, absenteeism, and failure to report to work (no call/no show) in a fair, impartial, and consistent manner, while also considering unique circumstances that may befall individual employees on an occasional basis.

Punctuality and reliable attendance are essential, particularly in positions covering 24 hours per day, seven days per week operations where incoming employees relieve outgoing employees. Tardiness and no call/no shows are detrimental to operations, impact operational safety and security, and may result in forced overtime for other employees.

An unexcused absence counts as one occurrence in consideration of corrective action under this policy.

Employees must take earned leave for every absence unless otherwise allowed by policy (e.g., leave of absence, bereavement, jury duty) or make the time up during the work week at the discretion of the employer, with employee agreement.

**APPLICABILITY:** Department-wide

**DEFINITIONS:**

Absence - the failure of an employee to report for work when scheduled to work. The two types of absences are defined below:

- Excused absence occurs when all the following conditions are met:
  - The employee provides the supervisor sufficient notice in advance of the absence in accordance with facility procedures and collective bargaining agreements (where applicable),
  - The absence request is approved in advance by the employee's supervisor, and
  - The employee has sufficient accrued vacation or other appropriate leave to cover the absence.
- Unexcused absence occurs when any of the above conditions are not met. If it is necessary for an employee to be absent or late for work because of an illness or an emergency, the employee must notify his or her supervisor no later than the employee's scheduled starting time on that same day.

No call/no show – missing an entire shift without notification prior to the start of the shift.

Tardy – reporting late to the scheduled shift but providing notification prior to the start of the shift.

**PROCEDURES:**

1. Employees are expected to report to work on time and be ready to start their duties promptly at the beginning of their scheduled shift.
2. If employees cannot report to work as scheduled, they must notify the watch commander (in the case of facility staff) or their supervisor no later than their regular starting time. This notification does not

excuse the tardiness but simply notifies the watch commander/supervisor that a schedule change may be necessary.

3. Employees are encouraged to promptly report and provide an honest explanation for any delay in reporting to work. Likewise, watch commanders and/or supervisors may inquire about the reasons for tardiness or absence to ensure employee safety, accountability, and support. This information may be recorded on the DOC Daily Call-in Notification, in accordance with facility procedures.
4. The watch commander and/or supervisor may initiate contact with the employee if no communication has occurred after 10 minutes into the shift to ensure the employee is safe.
5. Excessive absenteeism is defined as three or more occurrences of unexcused absence in a rolling 90-day period. This is identified by looking back 90 days from the most recent unexcused absence.
6. Excessive absenteeism may result in disciplinary action and failure to improve and sustain improvement regarding absenteeism may result in the employee's receiving additional corrective action, up to and including termination. Reduction in discipline for tardiness may be possible if no additional incidents occur over a 90-day period and progressive discipline has not reached the level of a written reprimand. No reductions in discipline are possible for occurrences of no call/no shows.
7. Employees on protected leave (e.g., Family and Medical Leave Act, Americans with Disabilities Act) must still provide notice of absences. Failure to do so, except in extreme circumstances, may result in corrective action.
8. Job Abandonment: Any employee who fails to report to work for a period of three days or more without notifying their supervisor will be considered to have abandoned the job and voluntarily resigned their employment relationship.
9. Consideration of other disciplinary actions: All other discipline currently in an employee's personnel file is considered when determining the level of corrective or disciplinary action to be administered for instances of tardy or no call/no show. As a result, the presence of other discipline may result in a higher level of corrective action or discipline.
10. New Hires: Newly hired employees on probation and employees serving discretionary probation periods may have their appointment ended or be non-certified for tardiness and failure to report to work.

**INTERNAL CONTROLS:**

- A. A written record of current discipline must be placed in the employee's supervisory and/or personnel file.

**REFERENCES:** [Policy 103.220, "Personal Code of Conduct of Employees"](#)  
[Fair Labor Standards Act](#)  
[Policy 103.030, "Designation of the Work Week"](#)  
[Policy 103.225, "Employee Investigation and Discipline Administration"](#)  
[Policy 103.280, "Sick Leave Management"](#)

**REPLACES:** Policy 103.035, "Tardiness and Failure to Report to Work," 3/15/19.  
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

**ATTACHMENTS:** None

**APPROVED BY:** Commissioner of Corrections  
~~Deputy Commissioner, Client Services and Supports~~  
~~Deputy Commissioner, Chief of Staff~~  
~~Assistant Commissioner, Agency Services & Supports~~