DEPARTMENT OF CORRECTIONS

Policy Number:	**103.035**
Title:	**Tardiness and Failure to Report to Work**
Effective Date:	**3/5/19**

PURPOSE: To provide guidelines for addressing incidents of employee tardiness and failure to report to work (no call/no show) in a fair, impartial, and consistent manner. Punctuality and reliable attendance is essential, particularly in positions covering 24 hours per day, seven days per week operations where 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.

APPLICABILITY: Department wide

DEFINITIONS:

De minimus – five minutes or less.

No call/no show – failing to call in within the first 10 minutes of the start of an assigned shift, failing to call and reporting to work more than 10 minutes after the start of an assigned shift, or failing to report for an assigned shift.

Tardy – calling in prior to or within the first 10 minutes of the start of a shift to report arrival at work after the designated start of an assigned shift or reporting to duty within the first 10 minutes of the start of the shift without calling to report late arrival.

Unforeseen emergency – a sudden, unexpected crisis that requires immediate action by the employee.

PROCEDURES:

A. General attendance expectations

In all situations, management has the right to expect employees to notify the watch commander or the immediate supervisor, as applicable, if the employee may be late to work. Employees are expected to provide a truthful and forthcoming reason why the employee will not report to work as scheduled.

1. All employees are expected to be prepared to begin working promptly at the start of their scheduled work time.

2. Exceptions include pre-approved schedule changes or other work related obligations.

3. Management has the right to investigate to determine why an employee reported to work late or not at all.

B. Authorized No call/no show or Tardy – unforeseen emergencies

1. If an employee is a no call/no show or tardy and the employee would like the no call/no show or tardy to be considered an unforeseen emergency, the employee has three calendar days to provide their supervisor with additional information and/or documentation regarding the absence.

2. If the no call/no show or tardy is determined by the supervisor, in conjunction with the division head and appointing authority, to be an authorized absence due to an unforeseen emergency, the employee may use appropriate accrued leave or compensatory time, if available, for the absence.

C. Unauthorized No call/no show or Tardy

1. If the no call/no show or tardy is determined to be an unauthorized no call/no show or tardy, the employee receives "no pay" for all time not worked.

2. If the unauthorized tardy is five minutes or less, which is considered de minimus, it does not affect the employee's compensation.

3. Any incident of unauthorized no call/no show or tardiness, even if de minimus, results in the administration of corrective action or discipline as follows:

First incident of tardy	Documented coaching
Second incident of tardy/First incident of no call/no show	Supervisory conference (AFSCME contract requires written documentation)
Next incident	Oral reprimand
Next incident	Written reprimand
Next incident	One day suspension
Next incident	Three day suspension
Next incident	Five day suspension
Next incident	Discharge

Note: corrective action or discipline may be at a higher level than listed if the employee has other discipline. Probationary employees may be non-certified (See section G., below).

4. Reductions in corrective action or discipline for tardy: For each three month period of no tardy incidents (three month grace period), the level of corrective action or discipline up to oral reprimand is reduced one level. However, no reduction in discipline exists for an employee who has a written reprimand or higher in their personnel file. The three month period is counted from the corrective action or discipline date, not the incident date. Managers and supervisors must consult with the regional human resources director (RHRD)/designee when multiple tardy incidents occur, to ensure compliance with appropriate union contracts.

5. Reduction in discipline for no call/no show: No reductions in discipline are made for no call/no show incidents.

D. Job Abandonment

Three consecutive days of an employee failing to report to work is considered job abandonment and treated as a voluntary resignation of employment if there has been:

1. No supervisory contact; and
2. No subsequent documentation warranting an authorized absence due to unforeseen circumstances.

E. Consideration of other disciplinary actions

1. 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.

2. The presence of other discipline may result in a higher level of corrective action or discipline.

F. Contract provisions
Disciplinary actions are added or removed from employee personnel and/or supervisory files based on the applicable bargaining agreement or plan language and established timeframes and procedures.

G. 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. Probationary employees are not subject to the steps outlined in Procedure C.

INTERNAL CONTROLS:
A. A written record of current discipline is in the employee's supervisory and/or personnel file.

ACA STANDARDS: None

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"

REPLACES: Policy 103.035, "Tardiness and Failure to Report to Work," 8/21/18.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: None

APPROVED BY:
Deputy Commissioner, Community Services
Deputy Commissioner, Facility Services
Assistant Commissioner, Operations Support
Assistant Commissioner, Facility Services