DEPARTMENT OF CORRECTIONS

~~Policy Number: 103.035~~

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~~Title: Tardiness and Failure to Report to Work~~

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Effective Date: 11/02/26
~~**Effective Date: 03/05/2019**~~

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~~ are essential, particularly in positions covering operations that support 24 hours per day, seven days per week operations where employees relieve outgoing employees. ~~-~~Tardiness and no call/no shows ~~are detrimental to~~can disrupt operations, ~~impact operational~~compromise safety and~~,~~ ~~and~~ security, and may require other employees to work forced overtime. ~~result in forced overtime for other employees.~~

APPLICABILITY: Department~~-~~-wide

DEFINITIONS:
De minimus – five minutes or less.

No call/no show – a no call/no show occurs when an employee does not notify their supervisor ~~(~~or watch commander~~)~~ within 10 minutes of the start of their scheduled shift of their inability to report to work, or when the employee arrives more than 10 minutes late without prior notification. Failure to report for a scheduled shift without any notice is also considered a no call/no show.~~failing to call in within the first 10 minutes of the start of an assigned shift, failing to call and or 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~~before or within the first 10 minutes of the start of a shift to report the employee's late arrival ~~at work after the designated start of an assigned shift~~ , or the employee reporting to duty within the first 10 minutes of the start of the shift without calling to report late arrival.

Unforeseen ~~e~~Emergency – a sudden, unexpected ~~crisis~~ situation that requires immediate action by the employee.

PROCEDURES:

A. General ~~a~~Attendance ~~e~~Expectations

1. ~~In all situations, management has the right to expect employees~~Employees are expected to notify the watch commander or their immediate supervisor, as applicable, if the employee may be late ~~to~~for work. ~~-~~Employees are expected to provide a truthful and

~~forthcoming reason~~complete explanation if ~~why~~ the employee will not report to work as scheduled.

~~1.~~2. All employees are expected to be prepared to begin work~~ing~~ promptly at the start of their scheduled work time.

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

4. Management may inquire and/or investigate when an employee reports late or fails to report to work.

~~2.~~

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

B. Authorized No ~~c~~Call/~~n~~No ~~s~~Show or Tardy – ~~u~~Unforeseen ~~e~~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 (3) calendar days to provide their supervisor with ~~additional~~ supporting information and/or documentation regarding the absence.

2. If ~~the no call/no show or tardy is determined by~~ the supervisor, in consultation~~junction~~ with the division head ~~and~~, appointing authority, and h~~H~~uman r~~R~~esources, determines the no call/no show to be an authorized absence due to an unforeseen emergency, the employee may use appropriate accrued ~~vacation~~ leave ~~or compensatory time~~, if available, ~~for~~to cover the absence.

C. Unauthorized No ~~c~~Call/~~n~~No ~~s~~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"~~will be in "no pay" status for all time not worked.

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

~~3.~~ Any incident of unauthorized no call/no show or tardiness, even if de minimus, may result~~s~~ in ~~the administration of~~ corrective ~~action~~ or disciplinary action, ~~as follows~~up to and including ~~discharge~~termination, based on the employee's overall discipline, attendance, and performance record.~~:~~

~~4.~~3.

~~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 applied at a higher level than listed if the employee has other discipline. Probationary employees may be non-certified (See Section G., below).~~

~~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 date the corrective action or discipline was issued date, not the incident date. Managers and supervisors must consult with the regional human resources director (RHRD)/ or designee when multiple tardy incidents occur, to ensure compliance with appropriate applicable union contracts or plans.~~

~~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~~scheduled work shifts of an employee failing to report to work ~~is~~ may be considered job abandonment and may be treated as a voluntary resignation of employment if there has been:

1. No supervisory contact; and

~~1.~~2. No subsequent documentation provided warranting an authorized absence due to unforeseen circumstances.

E. Consideration of ~~o~~Other ~~d~~Disciplinary ~~a~~Actions

The~~An~~ employee's overall performance and active disciplinary record ~~is~~ are considered when determining the level of corrective or disciplinary action to be administered for instances of tardiness~~y~~ and/or no call/no show.

~~1. The presence of other discipline may result in a higher level of corrective action or discipline.~~

F. Contract ~~p~~Provisions

Disciplinary actions are added or removed from employee personnel and/or supervisory files ~~based on~~in accordance with the applicable collective bargaining agreement ~~("CBA")union contract~~ 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~~-~~/or failure to report to work. ~~Probationary employees are not subject to the steps outlined in Procedure C.~~

INTERNAL CONTROLS:

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

STATE CORRECTIONAL FACILITY SECURITY AUDIT STANDARDS: None

~~**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"~~
Policy 103.219, "Employee Misconduct Investigation and Discipline"

REPLACES: Policy 103.035, "Tardiness and Failure to Report to Work," ~~8/21/18~~03/05/2019. All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: None

APPROVAL:
~~Deputy Commissioner, Chief of Staff~~
~~Deputy Commissioner, Client Services and Supports~~
~~Assistant Commissioner, Agency Services and Supports~~Commissioner of Corrections
~~Assistant Commissioner, Facility Services~~