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COMMISSIONER OF ADMINISTRATION

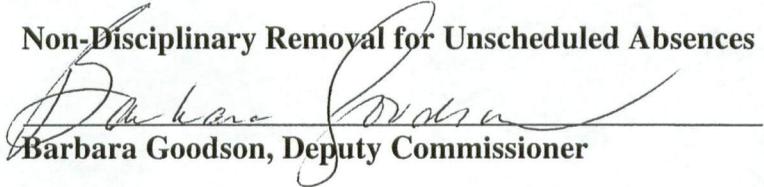
State of Louisiana
Division of Administration
Office of Human Resources

DIVISION OF ADMINISTRATION

PERSONNEL POLICY NO. 90

EFFECTIVE: February 6, 2009

SUBJECT: Non-Disciplinary Removal for Unscheduled Absences

AUTHORIZATION: 
Barbara Goodson, Deputy Commissioner

I. POLICY:

It is the policy of the Division of Administration (DOA) that an employee may be non-disciplinarily removed based on Civil Service Rule 12.6(a)2, which reads as follows:

12.6 Non-disciplinary Removals

(a) An employee may be non-disciplinarily removed under the following circumstances:

2. When, after the employee has been given written notice that his attendance requires improvement and a copy of this rule, an employee has seven or more unscheduled absences during any consecutive twenty-six week period. The employee shall also be given written notice each time he incurs a sixth unscheduled absence during a consecutive twenty-six week period. An unscheduled absence occurs when an employee is absent from work without having obtained approval leave prior to the absence. Approval of leave, after the fact, to cover an unscheduled absence shall not prevent the absence from being considered unscheduled. A continuous absence for the same reason is one unscheduled absence, regardless of its duration.

II. PURPOSE:

This policy is intended to: 1) encourage responsible leave usage by employees; 2) improve employee morale by reducing the negative effects of absenteeism on co-workers who often perform the duties of absent employees; and 3) improve services to clients by increasing productivity.

When employees fail to comply with attendance expectations, supervisors, section heads, and the appointing authority may take corrective action in accordance with this policy.

III. APPLICABILITY:

This policy is applicable to all employees of the Division of Administration in all sections, both general and ancillary appropriation.

IV. PROVISIONS:

A. When an employee is removed under this Rule, the adverse consequences of Rules 6.5(c), 7.5(a)7; 8.6(d); 8.13(a)7; 8.15(d); 8.18(d) and (e); 11.18(b) and 17.25(e)4 shall not apply.

B. LEAVE WITHOUT PAY

Although the Rule permits the approval of leave "after the fact," supervisors retain the right to place an employee on unauthorized leave without pay for any unscheduled absence for which the employee did not obtain prior approval. This includes the denial of approval for annual leave.

C. DISCIPLINARY ACTION

Use of this policy does not prohibit section heads from recommending appropriate disciplinary action for unauthorized absences if such action is deemed appropriate.

V. PROCEDURES:

A. The procedures outlined below must be followed prior to removing an employee under Civil Service Rule 12.6(a)2:

1. INITIAL WRITTEN NOTIFICATION

a) In order to initiate an action pursuant to the Rule, the immediate supervisor must give the employee written notification regarding his/her unsatisfactory attendance and a copy of this policy, DOA Personnel Policy No. 90. The notification must clearly state that any subsequent unscheduled absences may be counted towards non-disciplinary removal under 12.6(a)2.

- b) The employee shall acknowledge receipt of the notice by signing and dating the written notification. No absence will count for the purpose of this Rule until the employee has been given written notice. (*See Attachment No. 1 – Sample Initial Unscheduled Absence Notification*)

2. UNSCHEDULED ABSENCES NOTIFICATION/DOCUMENTATION

- a) For each subsequent unscheduled absence, the supervisor shall notify the employee that the absence will be counted as unscheduled and how many unscheduled absences have been counted to that point. No absences will count for the purpose of this Rule without written notice, which may be done electronically. Supervisors may apply any appropriate record-keeping method to provide notification. (*See Attachment No. 2 – Sample Unscheduled Absence Notification Form*)
- b) All written notices must include the date, time, reason, and current total of unscheduled absences.
- c) Supervisors shall maintain sufficient documentation of the notices. If sufficient documentation is not maintained for an unscheduled absence, it may not be used to take an action in accordance with this policy.
- d) When the employee reaches his/her **sixth (6th) unscheduled absence** in a twenty-six week period, the supervisor shall provide him/her with an official written notice. Due to the impact of this absence, it is imperative that the employee be formally notified that an additional unscheduled absence may result in termination. (*See Attachment No. 3 – Sample Notice of Sixth (6th) Unscheduled Absence*)
- e) Supervisors shall provide their section head with a copy of the sixth (6th) unscheduled absence notification.

NOTE: Refusal to sign the notice will not prevent an absence from being counted towards removal.

3. DISMISSAL PROCESS

In the event an employee accumulates seven (7) or more unscheduled absences during any consecutive twenty-six week period after the required notices, the employee is subject to non-disciplinary removal at the discretion of the appointing authority.

The supervisor shall notify his/her section head when an employee accumulates his/her seventh (7th) unscheduled absence to determine what action will be taken.

VI. RESPONSIBILITIES:

Deputy/Assistant Commissioners and equivalent are responsible for:

Holding section heads under their supervision accountable for adhering to all aspects of this policy.

Section Heads are responsible for:

Ensuring that each employee under his/her supervision is made aware of this policy and its contents.

Ensuring there is consistent treatment among employees.

Managers/Supervisors are responsible for:

Complying with this policy as directed by the section head.

Informing employees of the consequences of violating this policy.

Notifying employees of each unscheduled absence.

Maintaining sufficient documentation of unscheduled absences.

Providing their section head with a copy of an employee's sixth (6th) unscheduled absence notification.

Employees are responsible for:

Adhering to all aspects of this policy.

Office of Human Resources is responsible for:

Ensuring that this policy and subsequent revisions are provided to section heads.

VII. EXCEPTIONS:

1. **FMLA and ADA**

Leave that is approved for use under the provisions of the Family and Medical Leave Act (FMLA) and leave granted for purposes of an accommodation under the ADA (American with Disabilities Act), will not count as unscheduled absences. However, employees are expected to comply with agency policies and practices regarding notice to supervisory personnel when absences are necessary.

2. **Exceptional Circumstances**

The appointing authority may grant exceptions to the normal provisions of this policy for rational business reasons.

VIII. QUESTIONS:

Questions regarding this policy should be directed to the Office of Human Resources.

IX. VIOLATIONS:

Failure to comply with this policy will result in disciplinary action, up to and including termination.

MEMORANDUM

Date: _____

To: _____
Employee's Name

Job Title

From: _____
Supervisor's Name

Job Title

Re: **Initial Notification of Unscheduled Absences**

This memorandum serves as written notice that your attendance has become problematic and requires improvement. Punctuality and regular attendance are essential functions of your job. This notice is a result of your absences on (dates/reasons). You had not obtained approval for leave before any of these absences. Although these absences were unscheduled and are the reason you are being placed under the provisions of the DOA's Unscheduled Absences policy, they will not be counted against the seven (7) unscheduled absences for which your employment may be terminated. Unscheduled absences will be counted from this point forward.

Civil Service Rule 12.6(a)2 allows the non-disciplinary removal of an employee who accumulates seven or more unscheduled absences during a twenty-six week period. You are hereby formally notified that each of your future unscheduled absences will be counted for purposes of this Rule.

Supervisor's Signature

Date and Time

Section Head's Signature

Date and Time

Acknowledgement of receipt of this memorandum and attached DOA Personnel Policy No. 90:

Employee's Signature

Date and Time

cc: File

Unscheduled Absences Notification Form

Employee Name: _____

Date of Unscheduled Absence: _____ Time of Unscheduled Absence: _____

Reason for Unscheduled Absence: _____

Current Number of Unscheduled Absences: _____

Employee's Comments: _____

Employee's Signature: _____ Date: _____

Supervisor's Signature: _____ Date: _____

MEMORANDUM

Date: _____

To: _____
Employee's Name

Job Title

From: _____
Supervisor's Name

Job Title

Re: Notice of Sixth (6th) Unscheduled Absence

This memorandum serves as written notice that your absence on _____
Date

has been recorded as your sixth (6th) unscheduled absence within a consecutive twenty-six week period. Civil Service Rule 12.6(a)2 allows the non-disciplinary removal of an employee who accumulates seven or more unscheduled absences during a twenty-six week period. You are hereby formally notified that, should you incur seven (7) unscheduled absences within any consecutive twenty-six week period, you may be removed from employment under the above Rule.

Supervisor's Signature

Date and Time

Section Head's Signature

Date and Time

Acknowledgement of receipt of this memorandum.

Employee's Signature

Date and Time