

DEPENDABILITY POLICY

POLICY

Each employee of the Department of Labor is responsible for maintaining good attendance. Sick, Vacation, and Personal Leave requests **must** be made in accordance with Department policy and current collective bargaining agreements and/or Regulations of Connecticut State Agencies.

Each employee is expected to report to work on time, adhere to the time periods established by the Department for breaks and lunch, and remain at their work station until the established quitting time.

Effective Date: July 11, 1995

Definitions

For the purposes stated herein, the following definitions apply:

- A. **Work:** All regularly scheduled and overtime duty.
- B. **Absence:** Failure to report for work, or to remain at work as scheduled, regardless of reason.
- C. **Tardiness:** Any failure to report to work on time according to the established work schedule or lateness for duty at any point during the shift.
- D. **Occasion of sick leave:** A period of unscheduled absence for the same reason charged to sick leave or other leave upon the exhaustion of sick leave e.g. vacation leave, personal leave and leave without pay. For example, an unscheduled absence of one day is to be recorded as one occasion. An unscheduled absence of two or more consecutive work days for the same reason is also to be recorded as one occasion. If the reason for the absence changes during the duration, then the time charged to each reason shall be recorded as a separate occasion.
- E. **Pattern of sick leave usages:** An unscheduled absence of two or less days charged to sick leave or other leave used in lieu of sick leave, immediately before or after a regularly scheduled day off (a weekend, holiday, or vacation, etc.). An unscheduled absence immediately before or after a scheduled day off shall normally count as one tandem occasion. An extended unscheduled absence of more than two days for the same reason charged to sick leave (or other time in lieu of sick leave) and immediately preceding or following a regularly scheduled day off shall not normally be recorded as a tandem occasion.
- F. **Unauthorized leave:** Failure to report to an absence of any duration in accordance with this directive or absence from work without proper authorization.

3. **Notification and Record Keeping.** On each day that an employee is unable to

DEPENDABILITY POLICY

report to work as scheduled, the employee must contact the supervisor or designee within one-half hour of the scheduled starting time. Whenever possible, such notification should be made prior to the start of the shift. For maintenance employees, if a supervisor or designee is unavailable, the employee shall contact the Human Resources Unit within the timeframes specified. The employee must indicate the reasons for the absence. Exceptions to this daily reporting requirement may be made at the discretion of the supervisor for an extended absence. If the absence is expected to exceed the reported duration, the employee must notify the immediate supervisor or designee prior to the extended absence. Absence due to illness for more than five (5) consecutive working days must be documented by a State Medical Certificate (currently form 33). A medical certificate may be required to substantiate a request for sick leave for other reasons as deemed appropriate.

4. **Recordkeeping.** Each supervisor shall maintain an individual employee record which contains the reasons for each absence and the time of notification. State Medical Certificates and other medical information concerning an employee shall be maintained confidentially by the Human Resources Unit.
5. **Prior Notification of Absence.** Pre-scheduled, approved use of sick leave such as doctors' visits, funeral leave and sick leave taken in the event of death in the immediate family, shall not be considered an occasion of sick leave.

Any absence which has been approved by the Department pursuant to the State Employees Family and Medical Leave Act and/or the federal Family and Medical Leave Act shall not be counted as an occasion of absence or tandem absence.

6. **Analysis of Sick Leave Usage.** The attendance record of each permanent employees must be reviewed during annual performance evaluations. More frequent reviews may occur as needed. Employees in promotional working test periods must be reviewed on a monthly basis.
 - A. In reviewing sick leave usage, the supervisor shall consider the following criteria: (1) the number of days taken and number of occasions; (2) patterns of usage (e.g. tandem absences); (3) the employee's past record; (4) the reasons for sick leave use; and (5) extenuating circumstances.
 - B. An employee who has three (3) occasions of sick leave during a three-month period shall normally be counseled. The supervisor and the employee shall discuss the absences, any contributing problems, and possible corrective remedies.
 - C. An employee who has five (5) occasions of sick leave within a six month period shall be counseled. This counseling is not intended to penalize an employee for utilizing sick leave, but rather to advise the employee that unscheduled sick leave should be taken only in true emergencies or in cases where illness prevents working. The supervisor shall document this counseling session with a written memo to the employee.
 - D. On the seventh occasion of sick leave with a twelve-month rating period, the

DEPENDABILITY POLICY

supervisor shall normally discuss the record with and issue a written caution to the employee. This caution shall serve as notice that the employee's attendance record indicates a need for improvement and that failure to improve shall result in further action being taken as appropriate. A signed copy of the caution shall be placed in the supervisor's file.

- E. On the ninth occasion of sick leave within a twelve month period, the supervisor shall normally issue the employee a written warning. Additionally, the employee shall normally be placed on a medical certificate. A signed copy of the warning and medical certificate requirement shall be placed in the employee's personnel file.
- F. If an employee exceeds nine occasions of sick leave within a twelve month rating period, corrective action may be taken as appropriate. In all but the most unusual cases, an employee with more than nine occasions shall receive a rating of "Fair" on the service rating. In all but the most unusual cases, an employee with more than ten occasions of sick leave within a twelve-month rating period shall receive a rating of "Unsatisfactory" on the service rating. Also, an "Unsatisfactory" rating shall normally be issued when seven or more occasions of sick leave constitutes a pattern of sick leave usage with scheduled days off.
- G. Failure to maintain a satisfactory attendance record beyond the first unsatisfactory service rating shall result in another meeting to review the employee's status in the area of dependability and/or attendance. After an evaluation consistent with the criteria above, the employee shall normally receive a written warning indicating that failure to improve may result in the issuance of a second unsatisfactory service rating and termination from State Service. Two successive unsatisfactory service ratings, if filed within two years of each other, may be considered cause for dismissal.
- H. The above procedure does not preclude separate disciplinary action for unauthorized leave or fraudulent use of sick leave. Excessive absenteeism regardless of reason(s) that renders an employee insufficiently available for work shall be evaluated on a case-by-case basis to determine the merits of correctional retention or termination.
- I. Employees who have excellent attendance records shall be rewarded by their supervisors with an indication of "Excellent" on their Service Ratings. Any employee who has no occasions of absence as defined in this policy with a six-month period, shall have a letter of commendation placed in his/her personnel file.

7. **Tardiness.** Tardiness shall be monitored and reviewed in the context of an employee's overall dependability which includes all occasions of absence. The guidelines for tardiness shall be as follows:

- A. **Tardiness.** Tardiness in time periods less than fifteen minutes are not

DEPENDABILITY POLICY

charged to Vacation, Personal Leave or deducted from the employee's pay. Tardiness in time periods which equal or exceed fifteen (15) minutes must be deducted from an employee's pay.

- B. **Excused Tardiness.** Instances of tardiness due to inclement weather, hazardous driving conditions, delays or failures in mass transit, or other extenuating circumstances shall not be counted as an occasion of absence. It is the responsibility of the immediate supervisor with the approval of the appointing authority to determine if weather and/or road conditions warrant late arrivals on days which are not State-declared late openings.
- C. **Supervisor Responsibility.** The supervisor must obtain and document the reason for all occasions of tardiness, counsel employees and recommend corrective action as appropriate.
- D. **Unexcused Tardiness.**
 - 1. **Initial Instance.** At the first instance of unexcused tardiness, the supervisor must speak with the employee and remind the employee of the Department's policy governing attendance and the employee's responsibility to report to work on time. Additional evaluations of tardiness shall be conducted every six months.
 - 2. **Step 1.** At the second instance of unexcused tardiness within a six (6) month period, the employee shall receive formal counseling as appropriate. The counseling session must be documented in a memo from the supervisor to the employee indicating that further instances of tardiness may result in disciplinary action.
 - 3. **Step 2.** At the third instance of unexcused tardiness within a six (6) month period, the employee shall be issued a written reprimand for habitual or repeated tardiness. The reprimand serves as notice that the employee's attendance problems require immediate attention and improvement, and that failure to address this issue may result in more severe disciplinary action.
 - 4. **Step 3.** At the fourth instance of unexcused tardiness within a six (6) month period, the employee may receive a one (1) day suspension for just cause.
 - 5. **Step 4.** At the fifth instance of unexcused tardiness within a six (6) month period, the employee shall receive a five (5) day suspension. The employee must be advised that any further instances of tardiness may result in dismissal from State service.
- E. **Performance improvement.** An employee who has previously been disciplined for tardiness and continues without further incident for six (6) months, if tardy again, is to be disciplined at the same step as previously disciplined. For each consecutive six (6) month period of time that the employee is not tardy, the level of discipline decreases one (1) step. The

DEPENDABILITY POLICY

duration of time an employee is on Workers' Compensation or leave of absence must not be included in the six (6) month period. These guidelines do not limit the Department's right to take disciplinary action against an employee who may not fit into the guideline periods but does demonstrate a continuing pattern of tardiness over a longer period of time.

- F. **Communicating Inability to Report for Duty.** Any employee who fails to notify the supervisor of an absence within one-half hour of the scheduled reporting time (or, if unavailable, the Human Resources Unit for maintenance employees) shall not be paid for the period between the beginning of the shift and the time of contact with the supervisor or designee. Such calls shall be handled as tardy.

Managers shall charge all employees who fail to call without reasonable cause with an unauthorized leave of absence. An employee who, on the first instance, does not communicate an inability to report and who does not report is not to be paid and must be cautioned regarding future occurrences. The next subsequent occurrence, if within twelve (12) months, may result in the employee's not being paid and suspension on a day-for-day basis. The next instance, if within twelve (12) months of the last occurrence, may result in a five (5) day suspension. The next instance, if within twelve (12) months of the last occurrence, may result in discharge from State service.

8. **Exhaustion of Sick Leave Accrual.** An employee, upon exhausting sick leave accrual, may by providing supporting documentation in the form of an acceptable Medical Certificate, utilize other accruals (Vacation or Personal leave) to obtain coverage for lost time during illness. An employee may request and with proper justification be granted sick leave without pay for period(s) of illness after exhausting sick leave accruals. When an employee calls in sick with no sick leave accrual and fails to follow the procedures for requesting a leave of absence without pay, the absence must be recorded as unauthorized leave without pay. Each instance consistent with the definition of occasion shall result in the application of the progressive discipline beginning with a written reprimand.
9. **Initial Test Period.** An employee with any combination of three absences or instances of tardiness in the first six months of employment may be terminated. Any employee in an initial working test period who fails to report for duty and fails to notify the employee's appropriate supervisor may be terminated.
10. **Exceptions.** Any exceptions to this Administrative Directive shall require prior written approval from the Commissioner.