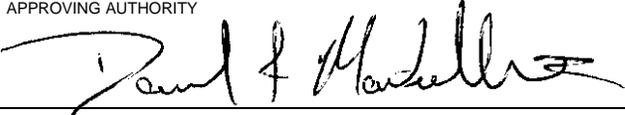


 Corrections and Community Supervision DIRECTIVE	TITLE Attendance Control Program		NO. 2202
			DATE 6/7/2016
SUPERSEDES DIR #2202 Dtd. 3/27/2014	DISTRIBUTION A	PAGES PAGE 1 OF 14	DATE LAST REVISED
REFERENCES (Include but are not limited to)	APPROVING AUTHORITY 		

- I. **PURPOSE:** To establish guidelines for the Department's Time and Attendance Control Program. It is emphasized that these are guidelines and, as such, discretion must be used when administering the program. These guidelines are to be administered in a fair and consistent manner, and a thorough review must be completed for each employee before any remedial steps are taken. The Executive Staff at each of the Department's facilities and Community Supervision Regional Offices are required to implement this program and are responsible for ensuring that appropriate staff and time are provided to ensure compliance.
- II. **PROCEDURE:** Refer to all appropriate directives, outlined below, for additional information on Attendance and Leave Guidelines and Procedures:
- 2201 "Normal Workday, Tardiness, Early Departure, and Excused Absences"
 - 2203 "Annual Leave"
 - 2204 "Sick Leave at Full Pay"
 - 2205 "Record of Attendance"
 - 2206 "Sick Leave at Half Pay"
 - 2207 "Time and Attendance Rules-Personal Leave"
 - 2208A "Workers' Compensation Benefits (Security Services)"
 - 2208B "Workers' Compensation Benefits (Non-Uniformed Employees)"
 - 2211 "Leave Without Pay"
 - 2213 "Attendance-Holidays"
 - 2220 "Family Medical Leave Act"
- A. Definitions
1. Occasion of Absence
 - a. Any unscheduled full day absence will be considered an occasion of absence. For multiple day absences, each day will be considered an occasion unless appropriate medical documentation is received to cover the period. If appropriate documentation is provided, a multiple day absence will be considered as one occasion.
 - b. Partial day absences that are not pre-approved, charged to sick leave (including appropriate alternate accruals used in lieu of sick leave).
 - c. Tardiness of over 2 hours.

- d. Unscheduled early departures (early departures of less than 2 hours that are accompanied by medical documentation for doctor's appointment that day are not considered an occasion of absence).

NOTE: For absences that have been approved as FMLA Leave, no occasions will be assessed (see Directive #2220, "Family Medical Leave Act," for further direction).

2. AWOL: This is an unauthorized absence and should be documented under the following circumstances:
 - a. Failure to report absence or tardiness as follows:
 - (1) For an absence or tardiness due to personal or family illness (see Directive #2204, "Sick Leave at Full Pay").
 - (2) For an absence or tardiness due to non-illness related emergencies, the employee must report the absence or tardiness as soon as possible.
 - b. Failure to follow reporting requirements for a multi-day absence (see Section II-D, Reporting Unscheduled Absence).
 - c. Failure to provide mandatory documentation for an absence.
 - d. Failure to report for duty after being denied the day off unless adequate documentation is provided. If provided, the absence may be charged to appropriate accruals.

Employees must be formally counseled, assessed an occasion of absence, and pay deducted for failure to follow Department procedures for each instance of AWOL. Repeated AWOLs or extended periods of unauthorized leave may be cause for disciplinary action without going through the step process.

B. Medical Documentation

1. Personal, Family Illness or Injury: The following medical documentation requirements will be applied for absences in which an employee seeks to use sick or other accruals as appropriate for personal illness/injury and/or illness/injury in the employee's family:

Absences up to and including 3 consecutive workdays (4 days for CSEA): Medical documentation is not required, unless the employee is currently on Step III Formal Documentation of the Attendance Control Program. However, for consecutive day absences, each day will be considered a separate occasion unless the employee provides medical documentation. Medical documentation is required for absences greater than 3 days (4 days for CSEA). If conforming medical documentation is provided, a consecutive multiple-day absence will be considered as one occasion.

Medical documentation shall include:

- a. The employee's name;
- b. Date of examination;
- c. Specific dates the employee was incapacitated;
- d. Prognosis – the date on which the employee can return to work or a statement that the employee must remain out of work until his or her next appointment (specific date);

- e. For illness in the employee's family, the documentation must indicate that the employee's presence was required to provide care for the family member; and
- f. A brief diagnosis of the condition causing the personal illness/injury absence is mandatory for absences greater than 30 calendar days. A diagnosis is not mandatory for illness/injury in the employee's family.

Employees are encouraged to use the appropriate documentation forms, [Form #2202B](#), "Documentation for Personal Sick Leave," or [Form #2202C](#), "Documentation for Family Sick Leave." An alternate form may be used for documentation, but all of the mandatory information must be included.

NOTE: For documentation requirements for absences that have been approved as FMLA Leave, see Directive #2220, "Family Medical Leave Act."

2. Workers' Compensation: Medical documentation is mandatory for all absences for which an employee claims his or her absence is related to an on-the-job injury/illness. See Directive #2208A, "Workers' Compensation Benefits (Security Services)," or Directive #2208B, "Workers' Compensation Benefits (Non-Uniformed Employees)," for specific medical documentation requirements.
3. Medical documentation submitted must be the original, signed doctor's note. A doctor's note that is stamped, rather than signed, is acceptable if the note submitted is the original (photocopies are not acceptable). A note signed by a nurse or designated representative of the doctor is also acceptable. A note faxed from a doctor's office is acceptable for long-term absences as a convenience to the employee, however, upon return to duty the original must be supplied. A note that has been electronically signed, showing the actual signature, is acceptable. A note that states it has been electronically signed but does not show an actual signature is not acceptable. If there is any doubt as to the authenticity of a medical document, verification may be obtained from the doctor's office.
4. When submitting medical documentation, an employee has the option of giving the documentation to his or her supervisor or providing it directly to the designated Medical Information Officer. An employee cannot be required to give the medical documentation to his or her supervisor. If/when the medical documentation is provided to the supervisor, it is to be placed in a sealed envelope and sent to the Medical Information Officer. The sealed envelope must have the name and title of the Medical Information Officer written on it as well as the following statement: "Confidential medical information – not to be opened by anyone other than the Medical Information Officer."
5. Conforming medical documentation must be submitted within one week of returning to duty, or as directed. Medical documentation submitted after this date, or after the as directed date, should be considered untimely.

If medical documentation is submitted within one week of returning to duty but the documentation is determined to be non-conforming, the employee will be notified of the defect(s) in the medical documentation and will be provided three business days or the remainder of the one week from return to duty, whichever is longer, to correct the defect(s) and resubmit the medical documentation.

Medical documentation submitted after this date, or after the as directed date, should be considered untimely. Employees on Step III Formal Documentation of the Attendance Control Program, however, must submit adequate medical documentation immediately upon returning to duty.

For long-term medical absences, conforming medical documentation must be submitted within seven calendar days from the date the absence commenced. Future prospective medical documentation is to be submitted every two weeks thereafter; however, when circumstances of a particular employee's absence warrant it, the Medical Information Officer may allow the submission of medical documentation on a monthly basis.

6. Medical documentation may be required, regardless of whether or not the employee is on attendance control, from an employee who failed to report for duty after being denied the day off.
7. In exceptional circumstances, the supervisor may exercise the right to request medical documentation for any absence charged to sick leave or family sick leave regardless of duration. A diagnosis will not be required in these circumstances.

C. Granting of Prior Approved Sick Leave (Doctor's Appointments, Medical Tests, etc.)

1. To be considered pre-approved, a time off slip (Form #1031) must be filled out, and approved, no later than the previous shift worked by the employee.
2. Conforming documentation shall consist of an original note signed by the doctor or designee that contains the employee's name, location, start time, and end time of the appointment.

All notes and cards are subject to verification.

3. Appointments of 4 Hours or Less:
 - a. All NYSCOPBA represented employees: Conforming documentation for a prior approved medical absence of 4 hours or less is mandatory, upon return to duty.
 - b. Conforming documentation will not be subject to review to determine if the length of the absence was warranted, based on the location of the appointment and the start and end time of the appointment, so long as the total time of the absence was 4 hours or less.
 - c. Failure to provide conforming documentation shall result in AWOL. Upon the second instance of failure to provide conforming documentation, employees shall be subject to discipline.
4. Appointments of More Than 4 Hours:
 - a. Prior to approving more than 4 hours for a medical appointment, the Attendance Control Officer should closely question the need (e.g., location, time of the appointment, can it be scheduled during off hours, etc.).
 - b. All employees, regardless of negotiating unit: Conforming documentation for a prior approved medical absence of more than 4 hours is mandatory upon return to duty.

- c. Conforming documentation will be reviewed to determine if the length of the absence was warranted based on the location of the appointment and the start and end time of the appointment.
- d. Failure to provide conforming documentation shall result in AWOL. Upon the second instance of failure to provide conforming medical documentation, employees shall be subject to discipline.

NOTE: Employees are encouraged to use [Form #2202D](#), "Documentation for Prior Approved Sick Leave." An alternate form may be used for documentation, but all of the mandatory information must be included, if not provided prior to approval.

D. Reporting Unscheduled Absence

All employees shall report unscheduled absences or lateness to their immediate supervisor or the facility's designee. Upon reporting absence or lateness, the employee must give the specific reason (e.g., sick, car trouble, household emergency, Workers' Compensation [including date of accident], FMLA). All calls must be within designated time frames.

1. Facilities

- a. Upon reporting an unscheduled absence, the employee's supervisor or designee (non-uniformed staff) or Chart Office (uniformed staff) will fill out Form #1202, "Report of Employee Absence or Tardiness," and distribute copies as follows:
 - (1) Copy to the Attendance Control Officer (yellow);
 - (2) Copy to the Timekeeper (pink); and
 - (3) Retain one copy (white).
- b. When the employee returns to duty, the supervisor will forward the completed (white) copy of the form to the Attendance Control Officer. The receipt of Form #1202, "Report of Employee Absence or Tardiness," will notify the Attendance Control Officer that the employee has returned to duty. The Attendance Control Officer will note the number of occasions to be charged on the completed copy of Form #1202 before forwarding the document to the Timekeeper for posting.

2. Community Supervision Field Staff (Form #1202Elec)

- a. Upon reporting an unscheduled absence, the employee's supervisor or designee will complete Form #1202Elec, including all information requested by the employee, and forward a copy via e-mail to the region's Medical Information Officer, who will immediately note the absence in the Attendance Control Chart.
- b. When the employee returns to duty, the employee's supervisor or designee will complete the return to work portion of Form #1202Elec, noting the date the employee returned to duty, and forward a copy via e-mail to the Medical Information Officer who will immediately note the return to work on the Attendance Control Chart.

- c. The supervisor will forward a copy of Form #1202Elec to the employee and retain a copy.
 - d. The Attendance Control Officer will review the Attendance Control Chart and assess the appropriate number of occasions.
3. Central Office (Form #1202ALB)
- a. Upon reporting an unscheduled absence, the employee's supervisor or designee will send an e-mail, including all information reported by the employee, to the Timekeeping Unit at Doccs.sm.CentralOffice.Timekeeping.
 - b. The employee's supervisor will prepare Form #1202ALB.
 - c. Upon return to duty, the employee's supervisor or designee will send an e-mail, noting the date the employee returned to duty, to the Timekeeping Unit.
 - d. The employee's supervisor will forward a completed copy of Form #1202ALB to the subordinate employee who was absent, and retain one copy (white).

The appropriate form must be used; NO EXCEPTIONS! NOTE: Medical documentation will be handled in accordance with DOCCS Personnel Procedure #412, "Confidentiality of Medical Documentation." Confidentiality of medical documentation must be a primary consideration.

4. All NYSCOBPA and Council 82 employees shall provide at least 8 hours of advance notice of their intended return to work for all Personal Sick, Family Sick, or Workers' Compensation Leave absences of a full shift or more. Additionally, any PEF represented PS&T employee whose position normally requires a substitute employee shall provide at least 8 hours advance notice of their intended return to work for all Personal Sick, Family Sick, or Workers' Compensation absences of a full shift or more.
5. Failure to follow reporting requirements may result in the absence being considered AWOL or may result in disciplinary action.

E. Recording Unscheduled Absence or Tardiness

1. All unscheduled absence or tardiness must be recorded on the Timekeeping System record of the employee. This shall be done by:
 - a. Facility Timekeepers: Answering "Y" at the "Occasion?" prompt on the Timekeeping System in the appropriate leave posting code box for that day. By recording absence in this manner, the audit of time records is less time consuming. We must, for example, be able to easily distinguish between sick leave used with prior approval and unscheduled use of sick leave.
 - b. LATS Users: Identifying absences as "Unscheduled" or "Prescheduled" by using the appropriate Leave Category to record the absence.
2. Use of alternate accruals, in lieu of sick leave, for an unscheduled absence will be assessed an occasion (unless the absence is designated FMLA). For information about the procedure to request alternate accruals, see Directive #2204, "Sick Leave at Full Pay."

3. On a daily basis, at the beginning of each shift, or shortly thereafter, all time cards for those employees required to use time clocks are to be removed from the time card rack, reviewed, and initialed by the employee's supervisor. This review process shall include the following:
 - a. Has the card been properly punched;
 - b. Is there lateness to be recorded on Form #1202; and
 - c. If an employee has reported an unscheduled absence, it must be written in, by the employee's supervisor, on the time card in the appropriate space.
 4. This process must be completed for each shift. No exceptions. It will be the responsibility of each Tour Watch Commander (or designee) or civilian supervisor to ensure that this review is completed.
- F. Maintenance of Time Records: In order for the Attendance Control Program system to operate effectively, time records for all employees must be kept up to date; posting of employee time records must be done daily, and time cards/LATS timesheets must be reconciled after each pay period by the facility Timekeeper or, in the case of LATS users, by their supervisor. Without accurate, timely attendance records it is not possible to proceed successfully with the Time and Attendance Review.

III. TIME AND ATTENDANCE REVIEW PROCESS

- A. STEP I- Absence Review: The Attendance Control Officer (or designee when on a regular day off [RDO], vacation, etc.) will, on a daily basis, review the attendance records of all employees who have not reported for scheduled duty or who reported late for duty during the previous 24 hour period. This review must include the following:
 1. How many absences or instances of tardiness have occurred during the previous 9 months for uniformed staff or 12 month period for non-uniformed staff?
 2. Does the number of absences or instances of tardiness exceed predetermined guidelines?
 3. If so, is further action warranted?
- B. STEP II- Informal Meeting with Employee: The Attendance Control Officer should not proceed with this or any of the subsequent steps until he or she has:
 1. Reviewed the employee's previous attendance record and carefully evaluated the need for this meeting.
 2. If in doubt, speak to the employee's supervisor to gain additional insight and valuable information regarding the need for an informal meeting or additional action.
 3. Determine if the steps of the process have been suspended by the appropriate Deputy Superintendent/Assistant Director of Personnel (for Central Office and Community Supervision Staff) for the employee due to hardship.

4. If, after this review process has been completed, and it is determined that an informal meeting of the employee and the supervisor is warranted, the Attendance Control Officer should notify the employee's supervisor, in writing, that such a meeting should be scheduled and completed within 7 working days of the employee's return to duty. The supervisor must notify the Attendance Control Officer, in writing, within 10 days of receipt of the original notice that the informal meeting has occurred or give a reason for its delay. If delayed, the Attendance Control Officer should note in his or her records the reason for the delayed counseling. Follow up is important when a counseling is delayed. The Attendance Control Officer should note, in his or her records, that such a meeting has been accomplished and forward the information to the Timekeeper to note in "comments," on the timesheet, the date of the informal counseling.

NOTE: All counseling sessions will be in accordance with the applicable collective bargaining agreement.

C. STEP III- Formal Counseling Session with Employee

1. When the employee exceeds established criteria and the previously discussed review process prior to Step II has again been completed, the Attendance Control Officer will notify the employee's supervisor, in writing, that a formal counseling session with the employee is warranted. A counseling session should be scheduled and completed within 7 working days of the employee's return to duty. This counseling session is to be fully documented and forwarded to the Attendance Control Officer within 10 working days of receipt of notice to take this action. This documentation is to be placed in the employee's personnel folder. A copy must be given to the employee. For both the informal and formal meeting with employees, follow the guidelines set forth in the Governor's Office of Employee Relations Supervisor's Guide to Counseling, which is available on the Department of Corrections and Community Supervision (DOCCS) Training Website.
2. Supervisors may, during the formal counseling session, determine that other alternatives should be pursued such as Employee Assistance Program (EAP) referral or a recommendation that the steps of the program be suspended for an employee. Any recommendation to not place a formal counseling memo in an employee's personnel folder must be channeled through the Attendance Control Officer and approved by the appropriate Deputy Superintendent or the Director of Personnel for Central Office and Community Supervision Staff. The supervisor must fully document his or her recommendation and the reason for recommending the alternative course of action.
3. If there are no serious extenuating circumstances or hardships, or the request for an alternative course of action is disapproved by the appropriate Deputy Superintendent/Director of Personnel for Central Office and Community Supervision Staff, the employee should be notified in the ensuing formal discussion that:
 - a. Conforming documentation will be required for all future personal or family illness charged to appropriate credits regardless of the duration of such illness;
 - b. Conforming documentation must be submitted upon returning to duty or the absence will be considered AWOL;

- c. The employee is expected to be at home or at a location known to the Department during scheduled work hours;
 - d. The employee is subject to return calls and home visits during scheduled working hours on days of unscheduled absence; and
 - e. Approval for secondary employment is rescinded or will not be approved (notification to Central Office Personnel is required).
4. Notification of the formal counseling session should be forwarded to the Timekeeper, via memo or e-mail, for posting in the "comments" section of the Timekeeping System.

NOTE: All counseling sessions will be in accordance with the applicable collective bargaining agreement.

D. STEP IV- Final Warning

1. After a complete review of the employee's attendance record, making sure that all steps of this process have been followed correctly and justifiably, and a determination has been made that absenteeism or lateness continues to be a serious problem, [Form #2202A](#), "Final Warning," should be issued. The purpose of [Form #2202A](#) is to notify the employee that supervisory counseling has not effectively corrected attendance deficiencies and that any future unsatisfactory performance in attendance may lead to disciplinary action. A copy of this document is to be given to the employee and a copy placed in his or her personnel folder.
2. Notification of the final warning should be forwarded to the Timekeeper, via memo, for posting in the "comments" section of the timesheet.

E. STEP V- Discipline: This step is the last and most serious action to be pursued. It occurs after [Form #2202A](#) has been issued and the employee has continued to violate time and attendance policy. It is our purpose to correct attendance deficiencies and thus avoid the necessity for disciplinary action. This will be the case for the majority of employees but there will remain a small percentage of staff for whom this remains the only effective means of deterrent. Recommendations for discipline should be channeled through the Attendance Control Officer or initiated by him or her. Suspension of swapping privileges should be considered among the recommended penalties. The Attendance Control Officer should take the following steps prior to forwarding such recommendation to the appropriate Deputy Superintendent/Assistant Director of Personnel for Central Office and Community Supervision Staff:

1. Review the employee's recent attendance record (last 12 months for non-uniformed staff; 9 months for uniformed staff) listing all absences and the reasons for each unscheduled absence to ensure that he or she meets the criteria required for disciplinary actions. Include days absent on weekends (if appropriate) and in conjunction with RDOs or other approved leaves;
2. Forward copies of all counseling and a detailed report of the dates of applicable occasions to the appropriate Deputy Superintendent/Assistant Director of Personnel for Central Office and Community Supervision Staff;

3. Note any prior disciplinary actions for poor attendance for the Deputy Superintendents or, for Central Office and Community Supervision Staff, the Assistant Director of Personnel's review; and
4. Include in your recommendation any extenuating circumstance that has contributed to the absentee problem.

IV. CRITERIA FOR EVALUATING ATTENDANCE RECORDS: (See "Facility Time and Attendance Guidelines," Attachment A)

V. UNIFORMED STAFF: The criteria used to evaluate uniformed staff is different than that used to evaluate non-uniformed staff because the negotiated labor agreement, specifically Article 8.6 of the contracts between the State of New York and Council 82, and the State of New York and NYSCOPBA, states that an employee shall not be disciplined for acts, except those which would constitute a crime, which occurred more than 9 months prior to the service of the notice of discipline. As a result, the criterion is inclusive of a 9 month time span. Non-uniformed staff has a 12 month evaluation period. Attendance Control Officers must be aware that the Steps of the Program must be administered in the order listed below, regardless of the number of occasions the employee may have accumulated prior to beginning the process. No Step can be skipped.

VI. UNIFORMED STAFF ATTENDANCE EVALUATION CRITERIA

- A. 6 Occasions of Absence: Review available records. Proceed with informal discussion with the employee by his or her supervisor if warranted.
- B. 7 Occasions of Absence: Review available records and, if previously informally counseled, proceed with formal counseling of employee by his or her supervisor, if warranted.

If the employee is placed under the limitations called for under Step III of the guidelines, his or her attendance record should be reviewed every 3 months to determine if the limitations should be continued or rescinded. In either case the employee must be notified promptly, in writing, by the Attendance Control Officer. When placed under such limitations, the employee must remain subject to them for at least 3 months (see Section VIII, Three Month Review).

- C. 8 Occasions of Absence: Review available records, and if previously formally counseled, proceed with final warning, [Form #2202A](#), of employee by his or her supervisor, if warranted.
- D. 9 Occasions of Absence: Again, review the entire record. Prepare the detailed report explained in Step V of the process and forward same to the appropriate Deputy Superintendent for further review and evaluation. If discipline is deemed appropriate by the Deputy Superintendent, he or she should forward a recommendation to the Superintendent for final review and evaluation. The Superintendent will determine the recommended penalty. Requests for disciplinary action of permanent employees must be forwarded to the Director, Bureau of Labor Relations.

VII. PROBATIONARY EMPLOYEES: We expect that all probationers will make every effort to put forth their best work performance during this period. This period is intended to give the Department up to one year to determine a person's ability to function effectively in his or her position. If he or she cannot, the employee should be terminated. If an employee has an attendance problem serious enough to warrant placement on the time abuse monitoring list, serious consideration should be given to the termination of that employee if immediate improvement is not noted. Any indication of time abuse by probationers should be dealt with in a very serious manner as previously indicated.

Although the probationer should be given the opportunity to improve, you must be acutely aware of the special time constraints that must be adhered to. The names of any probationers on the time abuse monitoring list should immediately be brought to the attention of the Deputy Superintendent and the Personnel Representative in Central Office. For Central Office or Community Supervision staff, the Assistant Director of Personnel should be advised.

If the probationer is a problem during this period, he or she will be a continuous problem for many years to come.

Probationary termination requests should be submitted to the Director of Personnel, since probationers are not subject to the disciplinary procedure. Probationary termination requests may be submitted at any time and the Step process does not need to run its full course before termination is warranted.

The facility administration should notify the Bureau of Personnel no later than 3 weeks prior to the expiration of the probationary term to allow ample time for thorough review at various levels within Central Office and to meet statutory notification requirements.

VIII. THREE MONTH REVIEW: When an employee is counseled at Step III or Step IV, they are subject to the provisions outlined in Section III-C of this directive, Step 3- Formal Counseling Session with Employee.

The employee will remain subject to these provisions for 3 months following the date the counseling was completed. On that date (or within a period of 5 days before to 5 days after that date), a review will be conducted by the Attendance Control Officer to determine if the employee will remain subject to these provisions for an additional 3 months.

The review will consist of the following:

- The Attendance Control Officer will determine the number of occasions of absence assessed to a uniformed employee in the previous 9 months from the date of the review (12 months for non-uniformed employees).
- If a uniformed employee has been assessed 6 or more occasions of absence in previous 9 months (8 or more occasions of absence in the previous 12 months for a non-uniformed employee), they will remain subject to the provisions of Section III-C of this directive.
- If a uniformed employee has 5 or less occasions of absence in the previous 9 months (7 or less occasions of absence in the previous 12 months for a non-uniformed employee), the employee will be removed from the provisions of Section III-C of this directive.

- The Attendance Control Office will notify the employee, in writing, of the determination.

If the review determines that the employee will remain subject to the provisions of Section III-C of this directive for another 3 months, a subsequent review, as described above, will be conducted each 3 months until the employee is determined to have been assessed 5 or less occasions in the preceding 9 months (7 or less occasions of absence in the previous 12 months for a non-uniformed employee).

If, anytime during the 3 month review, the employee is assessed an occasion of absence, the Attendance Control Officer will complete the Time and Attendance Review Process, and if suitable, issue the appropriate counseling, regardless of the employee's current monitoring status. If such review results in a counseling (at Step III or Step IV) the 3 month review will begin anew and the original 3 month review date becomes obsolete.

The Three Month Review must be conducted within a period of 5 days before to 5 days after the date of the completion of the counseling or the date of the previous review, whichever is later. No employee will be extended or removed from the provisions of Section III-C of this directive without this review being conducted.

IX. NON-UNIFORMED ATTENDANCE EVALUATION CRITERIA (see Attachment A, "Facility Time & Attendance Guidelines"): As is the case with uniformed staff, care must be exercised in proceeding through this process for non-uniformed staff.

- A. STEP I- Absence Review: Each time an employee reports absent, a review of his or her time and attendance for the previous 12 month period is conducted.
- B. STEP II- 8 Occasions of Absence: Review employee's time records and pertinent data and, if warranted, proceeds with informal counseling.
- C. STEP III- 9 Occasions of Absence: Review employee's time and attendance record and, if previously informally counseled, proceeds with formal counseling. Also impose the following sanctions on employees being formally counseled:
 1. Conforming documentation will be required for all future personal or family illness charged to appropriate credits regardless of the duration of such illness;
 2. Conforming documentation must be submitted upon returning to duty or the absence will be considered AWOL;
 3. The employee is expected to be at home or at a location known to the Department during scheduled work hours;
 4. The employee is subject to return calls and home visits during scheduled working hours on days of unscheduled absence; and
 5. Approval for secondary employment may be rescinded or will not be approved (notification to Central Office Personnel is required).

6. Use of Alternate Accruals

- a. Under limited circumstances, employees in the Institutional Services bargaining unit may be denied use of alternate leave credits as sick leave following exhaustion of sick leave credits. See Article 10.20 of the Institutional Services Unit Agreement and Section 21.3 page C-11 of the New York State Attendance and Leave Manual for specific requirements. For employees in other bargaining units, use of alternate accruals as sick leave following exhaustion of sick leave credits will not be denied in any circumstance where the absence meets the approval and documentation requirements applicable to the use of sick leave.

Regardless of bargaining unit, use of alternate credits shall not be denied in situations involving Workers' Compensation claims, involuntary leave under Section 72 of the Civil Service Law, or absences under the Family Medical Leave Act.

- b. Eligible non-uniformed employees who have been formally disciplined for leave abuse within the preceding year may be required to serve a waiting period before being granted sick leave at half pay. For specific requirements see Article 10.8 of the CSEA ASI Agreement, Article 10.15 of the CSEA ISU Agreement, Article 10.9 of the CSEA OSU Agreement, Article 12.20 of the PS&T Agreement, and Policy Bulletins 2004-02 and 2004-04 in Section 26.3 of the New York State Attendance and Leave Manual.

- D. STEP IV- 10 Occasions of Absence: Review available records and, if previously formally counseled, proceed with final warning of employee by his or her supervisor, if warranted.
- E. STEP V- 11 Occasions of Absence: Prepare Report of Employee Misconduct, as explained in Step V of the process, and submit it to the Director of the Bureau of Labor Relations for issuance of Notice of Discipline.

X. NON-UNIFORMED ATTENDANCE EVALUATION CRITERIA - 10 MONTH EMPLOYEES/ PART TIME EMPLOYEES: Review criteria for 10-month employees or part-time employees will be prorated.

XI. HARDSHIP: Occasionally, there will be cases which should be exempt from this attendance policy (e.g., chronic illness, serious family emergencies, etc.). Exemption from this policy may only be approved by the appropriate Deputy Superintendent/Assistant Director of Personnel (for Central Office and Community Supervision Staff) and must be properly documented. All cases of exemption should be reviewed every 2 months.

FACILITY TIME & ATTENDANCE GUIDELINES

STEP 1 - ABSENCE REVIEW

Review number of unscheduled absences for:

Non-Uniformed Staff - last 12 months

Uniformed Staff - last 9 months

STEP 2 - INFORMAL COUNSELING

Non-Uniformed Staff - 8 occasions within 12 months

Uniformed Staff - 6 occasions within 9 months

STEP 3 - FORMAL COUNSELING

Non-Uniformed Staff - 9 occasions within 12 months

Uniformed Staff - 7 occasions within 9 months

STEP 4 - FINAL WARNING

Non-Uniformed Staff - 10 occasions within 12 months

Uniformed Staff - 8 occasions within 9 months

STEP 5 - DISCIPLINE*

Non-Uniformed Staff - 11 occasions within 12 months

Uniformed Staff - 9 occasions within 9 months

*If deemed appropriate by the designated Deputy Superintendent/Assistant Director of Personnel (for Central Office and Community Supervision Staff)