

Labor and Employee Relations

Attendance Control

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PURPOSE: To set policy for the control of attendance for exempt and non-exempt staff members covered by a collective bargaining agreement or in a union eligible title such as confidential staff.

RESPONSIBILITY: The Vice President for Human Resources is responsible for ensuring compliance with this policy.

Department Managers/supervisors are responsible for reviewing the Attendance Control Policy, Family and Medical Leave Policy, Sick Pay Policy and the Death, and Serious Illness in the Family Policy with their staff members ensuring compliance.

POLICY:

Prompt and regular attendance on the job is a critical aspect of a staff member's performance and directly influences the University's ability to establish and maintain an efficient operation. In order to maintain efficient operation, excessive absenteeism and/or lateness will not be tolerated. Staff members are expected to maintain satisfactory attendance by reporting to work regularly and on time, and by returning from lunch and authorized breaks on time. The Attendance Control Policy must be considered in conjunction with the Family and Medical Leave Policy, Sick Pay Policy, and the Death and Serious Illness in the Family Policy, which provides for circumstances that allow absence from work or a late arrival. In administering this policy, management will consider all relevant facts such as a staff member's time and attendance history, and individual circumstances.

Staff members are granted 1 day of sick time (8 hours for 12-hour staff) per month. Full usage should not be interpreted as constituting acceptable attendance. Sick time usage is a benefit to be used sparingly and only when required for non-occupational illness, injury, death (limited circumstances) and/or serious illness in the family as defined by the FMLA. Sick time is not to be abused, nor is it to be used for any other purposes. Departments must require staff members to provide proof of illness from their personal physician stating the nature of the illness and anticipated date of return whenever such a requirement appears reasonable or when the absence is more than two days.

Management is responsible for monitoring time and attendance. Management is also responsible for identifying, documenting and attempting to correct problem situations before they become excessive. Proper documentation by the supervisor of each step of the discipline process is vital. Failure to provide accurate records can result in the prolonging of an undesirable situation.

Staff members are expected to allow for events such as traffic delays and personal schedule changes in order to begin work on time. When staff members are unable to report to work as scheduled, it is their responsibility to notify their manager in accordance with the call-in policy established by management. At the time of notification, the staff member must provide the manager with reasons for the absence or lateness and the anticipated time away from work. A department has the right to dock an hourly staff member for lateness in accord with the applicable collective bargaining agreement even if the grace period for lateness has not been violated and no discipline is being imposed at that time. For example when the staff member does not have a reasonable excuse.

A non-exempt staff member who has a reasonable excuse, is less than five (5) minutes late, does not work on a shift which is relieving a previous shift and has not been the subject of any attendance related discipline as prescribed herein, should not be docked for lateness, or denied the opportunity to work the balance of their shift. Where there is evidence of repetition or negligence, staff should be docked and disciplined per the guidelines contained herein. Exempt staff cannot be docked for lateness or suspended without pay for violation of this policy. Please consult your campus Human Resources Office or Labor Relations for further guidance.

Only the department head or his/her designee can excuse an absence. The submission of any altered and/or falsified document is cause for termination of employment even if it is the first occurrence.

The following authorized absences are not violations of the Attendance Control Policy:

- q Approved Leaves of Absence*
- q Absences due to job-related injury or illness authorized by Risk and Claims
- q Documented death in family

- q Documented FMLA serious illness in family
- q Approved time off such as legal holidays, float holidays and vacations
- q Approved float holidays for documented emergencies
- q Suspension days
- q Infection control time
- q Pre-scheduled non-routine medical appointments approved in advance and in writing by the Supervisor
- q Hospitalizations
- q Military leave
- q Jury duty
- q Other approved statutory leave

*If there is any indication that a serious health condition occasioned any of the absences, management must ask the staff member about the absences, and with the assistance of the campus Human Resource Office, a determination will be made as to whether the absences should have been treated as FMLA leave and therefore not counted as violating the attendance policy. The University may require the staff member to have his/her health care provider complete a medical certification in order to make this determination pursuant to the Family and Medical Leave policy. Each day of absence after a staff member is scheduled to return from FMLA leave may be treated as being AWOL. However the staff member cannot be disciplined or terminated without prior consultation with the campus Human Resources Office. When a staff member announces his/her intent not to return from FMLA leave, the University retains the right to terminate the employment.

DEFINITIONS:

- A. **Unscheduled Absence:** All instances when a staff member is scheduled to come to work and does not, except as noted above in the list of exemptions. Each day or partial day of unscheduled absence is considered individually, except that consecutive days of absence from one or more consecutively scheduled work shifts will be considered collectively as one unscheduled absence when supported by a physician's note. For example, a three (3) day illness is counted as three (3) unscheduled absences unless supported by a physician's note. If a physician's note is provided, the unscheduled absences would count as one (1) unscheduled absence. A twelve-month attendance review period commences when the grace period for unscheduled absences has been exceeded.
- B. **Grace Period for Absenteeism:** The period when a staff member may use up to five (5) unscheduled absences (or in the case of 12-hour shifts, 40 hours consistent with the definition of an unscheduled absence) in a rolling twelve (12) month period or less without discipline, and provided the day(s) absent were not previously requested off and denied.
- Grace Period for Lateness:** Arriving late to work or returning late from breaks two (2) times in a 30-day period or less, for a maximum accumulated grace fine of fifteen (15) minutes.
- C. **Patterns:** Absences and/or lateness that consistently occur (a) before and/or after scheduled days off including holidays, float holidays and vacations (b) on scheduled weekend shifts and (c) on days for which requested time off was denied and (d) the same day of the week or month. The University retains the discretion in determining what constitutes a pattern. Disciplinary action may be taken if the absences within the rolling twelve-month attendance review period exceed the grace period, or when the above patterns have been identified. Twelve (12) hour staff members are not subject to disciplinary action for pattern absences. However, staff members who have an unscheduled weekend absence can be required to make up the weekend absence.
- D. **Doctor's Note Restriction:** Staff members who are in violation of the Attendance Control Policy may be placed, in writing, on doctor's note restriction, which requires the staff member to provide a note from their personal physician stating the nature of the illness and anticipated date of return for all future absences including one (1) day absences. The doctor's note restriction is not discipline. It is a restriction that must be complied with during the six months following the receipt of formal counseling, written warning or suspension. Failure to submit the doctor's note immediately upon return to work will result in the staff member not being paid for the absence(s), and when warranted, in accordance with this policy, issued the next level of discipline for attendance abuse. The doctor's note restriction will be removed if the staff member has no absences for a period of six (6) months from the date he/she was placed on doctor's note restriction. The fact that a staff member is no longer on doctor's note restriction does not mean that disciplinary action will not be taken based on the individual's disciplinary history.
- E. **Rolling Twelve Months Attendance Review Period:** Any unscheduled absence(s) and/or lateness begins the counting of the above referenced grace period. Once the grace period has been exceeded, the employee is locked into the terms of the policy, and a twelve-month attendance review period shall commence. If unscheduled absences and/or lateness violate

the attendance policy during the twelve-month attendance review period, disciplinary action is to be issued and a new twelve-month attendance review period commences. During an attendance review period, the staff member will have the ability to "clear" the disciplinary action that was last issued as noted below. Any violation of the policy during an attendance review period shall result in the issuance of the next level of discipline and a new twelve-month attendance review period shall commence.

PROCEDURE:

A UMDNJ counseling form or disciplinary notice form (whichever is appropriate), containing all of the requested information should be used to document each step. The supervisor of the staff member being disciplined will prepare the form and have the staff member sign acknowledging receipt. There are normally four (4) steps to the Attendance Control Policy (with the University's Disciplinary Policy) for handling exempt (non-managerial/supervisory) and non-exempt staff members who exhibit attendance problems:

- (1) Formal Counseling
- (2) Written warning
- (3) Suspension of three (3) days without pay (or in the case of 12 hour shifts two (2) days without pay) Exempt staff receive a written warning lieu of suspension since they cannot be suspended with loss of pay).
- (4) Termination

Levels of Discipline Related to Absenteeism (Lateness and Sick Leave)

Steps	Unscheduled Absences After Grace Period	Total Unscheduled Absences Including Grace Period	Action	Clear Record
One	One (1) absence Or Late three (3) times in a 30-day period Or Pattern absences within a six (6) month period, if a staff member has been absent three (3) or more times before or after holidays, vacations, weekends, days off, or any similar type patterns.	Six (6) (or in the case of 12-hour shifts, 48 hours of unscheduled absences) within a twelve-month period from the date of the first absence being cited.	Staff member receives formal counseling that their pattern of time and attendance is interfering with work schedules; and, informed that the next violation will result in a written warning. Staff member may also be placed on doctor's note restriction in writing.	If no more than two (2) unscheduled absences occur for twelve months from the last unscheduled absence or twelve months since being returned to step one, the Staff member will have his/her record cleared and is entitled to the grace periods provided above.
Two	Four (4) absences after Grace Period Or Late three (3) times in a 30-day period within four (4) months from the date the formal counseling was issued Or	Nine (9) (or in the case of 12-hour shifts, 72 hours of unscheduled absence) within a twelve-month period from the date the counseling was issued.	Staff member receives first level of official discipline, a written warning informing them of the seriousness of the notice, and is informed that the next violation will result in a three (3) days (2 days for 12-hour staff members) suspension. Staff member may be placed on doctor's note restriction.	Staff member may be returned to step one if no more than two (2) unscheduled absence occurs for twelve months from the last unscheduled absence or twelve months since being returned to step two.

	One (1) additional day in a pattern type absence within a six-month period following the formal counseling notice.			
Steps	Unscheduled Absence After Grace Period	Total Unscheduled Absences Including Grace Period	Action	Clear Record
Three	Six (6) absences Or; Late three (3) times in a 30-day period within four (4) months from the date the written warning was issued Or; No Call/No Show** absence of one (1) or two (2) workdays Or One (1) additional day in a pattern type absence within six (6) months from the date the written warning was issued.	Eleven (11) (or in the case of 12 hour shifts, 88 hours of unscheduled absence) within a twelve-month period from the date the counseling was issued.	Staff member is suspended for three (3) days (2 days for 12 hour staff members) without pay (hourly staff member only); and final warning that the next violation will result in more severe disciplinary action up to and including termination. An exempt staff member would receive a written warning in lieu of a three (3) day suspension, and final warning of termination. Staff member may be placed on doctor's note restriction.	Staff member may be returned to step two if no more than one (1) unscheduled absence occurs for twelve months from the last unscheduled absence or twelve months since being returned to step three.
Four	Eight (8) absences Or; Late three (3) times in a 30-day period within four (4) months from the date of suspension Or; No Call/No Show** absence of one (1) or two (2) workdays Or One (1) additional day in a pattern type absence within six-months from the date the employee was suspended.	Thirteen (13) (or in the case of 12 hour shifts, 104 hours of unscheduled absence) within eighteen (18) months from the date the counseling was issued.	Staff member is subject to termination. The Campus Labor Relations Specialist or Coordinator in consultation with Labor Relations Office must review the case before a staff member is issued their termination.	

**AWOL or no-call/no-show absences of one (1) or two (2) workdays is an extremely serious act of misconduct and begins with an automatic suspension of three (3) (24 hours for 12 hour shift employees) days without pay. A second AWOL or no-call/no-show incident will result in termination. Any AWOL or no-call absences of three (3) or more consecutive days will be grounds for termination of employment after consultation with the campus Human Resources Office.

Ability to "Clear" Record

Management recognizes that extenuating circumstances do occur. As such, staff members are given opportunities to clear their time and attendance record of disciplinary notices. For example: A staff member at Step three (3), has no more than one (1) unscheduled absence over a twelve (12) month period, is moved to step two. While at step 2, there is no more than two (2) unscheduled absence for twelve (12) months, the staff member is moved to step one.

Staff members who have cleared their record will receive written notification from management, with a copy forwarded to campus Human Resources Labor Relations office for inclusion in their file.

by direction of the President

Vice President for Human Resources