

YOUTH SERVICES POLICY

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| Title: Separation for Unscheduled Absences | Type: A. Administrative Sub Type: 2. Personnel Number: A.2.37 |
| | Page 1 of 6 |
| References: Civil Service Rules 12.6 (a) 2, 12.7; YS Policies A.2.1 "Employee Manual", A.2.3 "Outside Employment, Second Jobs", A.2.5 "Family and Medical Leave of Absence (FMLA)", A.2.6 "Requirement of Physician's Certification of Sick Leave Usage", A.2.13 "Americans with Disabilities Act (Employees, Applicants Candidates, Visitors)", A.2.47 "Equal Employment Opportunity", and A.2.55 "Time and Attendance" | |
| STATUS: Approved | |
| Approved By: <i>James Bueche, Ph.D., Deputy Secretary</i> | Date of Approval: 02/06/2018 |

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

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 the public and our clients by increasing productivity and availability.

III. APPLICABILITY:

All employees of YS.

It is the responsibility of each Unit Head to ensure that written procedures are in place for the proper management and administration of the provisions of this policy.

IV. DEFINITIONS:

Appointing Authority - Deputy Secretary.

Leave Improvement Plan - A method utilized to improve attendance by documenting occurrences of an employee's unscheduled absences.

Leave without Pay (LWOP) -Time off from work without pay granted by an appointing authority or imposed by an appointing authority for an unapproved absence.

Minimum Period of Absence - A period of leave of no less than six (6) minute increments that may be designated as an unapproved absence for which the employee did not obtain prior approval. [Refer to YS Policy No. A.2.55, Attachment (f)]

Office of Human Resources (OHR) – An office within the Division of Administration that oversees the Human Capital Management IT system and is responsible for all human resource functions – operations and benefits, compensation, staffing and employee relations.

Unit Head - Deputy Secretary, Facility Directors and Regional Managers.

Unscheduled Absence - Absence from work for which the employee did not obtain approval by close of business on the employee's last regular workday prior to the absence. A continuous absence for the same reason is one (1) unscheduled absence.

Workday - Any day an employee is scheduled to work.

YS Central Office - Offices of the Deputy Secretary, Assistant Secretary, Undersecretary, Deputy Undersecretary, Chief of Operations, , Deputy Assistant Secretary, General Counsel, Regional Directors, and their support staff.

V. POLICY:

It is the policy of Youth Services that employees make every effort to secure leave in advance. When employees fail to meet attendance expectations, the agency's ability to meet staffing ratios and schedule work assignments and meetings is negatively impacted, as is staff morale.

In addition, failure of an employee to request leave in advance shall result in an employee being placed on a "Leave Improvement Plan" [see Attachment A.2.37 (b)]. When an employee on a "Leave Improvement Plan" is absent from work, and the leave has been determined to be unscheduled, the supervisor responsible for reviewing the request shall mark the application for leave "unscheduled" regardless of whether the leave is approved after the fact.

VI. GENERAL INFORMATION

In accordance with Civil Service (CS) Rule 12.6 (a), an employee may be non-disciplinarily removed based on the following:

"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 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 approved 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.

If proper documentation is not maintained for an unscheduled absence, it cannot be used to take an action under this policy.

Supervisors may recommend disciplinary action for an unscheduled absence if the procedures outlined in this policy have been followed and the discipline is deemed appropriate.

A continuous absence for the same reason is one (1) unscheduled absence.

VII. PROCEDURES:

A. Unscheduled Absences

1. Initial Written Notification

- a. In order to initiate an action pursuant to CS Rule 12.6 (a) 2, the immediate supervisor must give the employee written notification regarding unsatisfactory attendance along with a copy of this policy. The “Initial Notification of Unscheduled Absence” memorandum [see Attachment A.2.37 (a)], advises the employee of the following:
 - The employee’s placement on a “Leave Improvement Plan”;
 - The employee’s attendance must improve;
 - The employee is being provided a copy of CS Rule 12.6; and
 - That unscheduled absences from work totaling seven (7) or more during any consecutive 26-week period may result in a proposal for removal.
- 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 CS Rule until the employee has been given written notice.

2. Unscheduled Absences Notification/Documentation

- a. Supervisors who approve leave through use of the LEO system shall show the type of leave by including the words “unscheduled absence” in the comments section of the leave form submitted electronically by the employee.

- b. Supervisors who do not use LEO but approve a paper “Application for Leave” slip shall write the words “unscheduled absence” on the employee’s leave slip, have the employee write his initials next to the “unscheduled absence”, and the date when the unscheduled absence language was initialed.

A copy of the leave slip shall be given to the employee and the original to the Time Administrator, who is responsible for recording the leave as unscheduled in the Office of Human Resources Human Capital Management System (OHRHCM) in six-minute increments.

- c. Supervisors shall maintain sufficient documentation of the notices by utilizing an appropriate record-keeping method to provide notification. This history shall include the following:
 - Employee’s name;
 - Date of the absence;
 - Type of leave charged; and
 - Reason leave considered unscheduled.

If sufficient documentation is not maintained for an unscheduled absence, it may not be used to take action in accordance with this policy.

- d. When the employee reaches the sixth (6th) unscheduled absence in a twenty-six week period, the supervisor shall provide the employee with the “Notice of Sixth (6th) Unscheduled Absence” memorandum [see Attachment A.2.37 (b)].
- e. In addition to designating leave as unscheduled, a supervisor can place the employee in Leave without Pay in six-minute increments in accordance with YS Policy No. A.2.55, Attachment A.2.55 (f) “Leave Usage and Overtime Accumulation Chart”, for any unscheduled absence for which the employee did not obtain prior approval.

3. In accordance with CS Rule 12.7, no employee shall be removed or subjected to any disciplinary action until the following has been provided:
 - Oral or written notice of the proposed action and the reasons therefore;
 - A description of the evidence supporting the proposed action; and
 - A reasonable opportunity for the employee to respond.

An employee’s refusal to sign any unscheduled absence notifications shall not prevent an absence from being counted as an unscheduled absence.

4. Expiration of "Leave Improvement Plan"/Rule Application
 - a. When an employee for whom this policy has been invoked attains an attendance record of twenty-six weeks without an unscheduled absence, the employee shall no longer be on the "Leave Improvement Plan and/or "under the rule" of unscheduled absences.
 - b. In order for this rule to be invoked again, the employee must be provided with the "Initial Notification of Unscheduled Absence" memorandum, and all of the requirements thereafter must be met in order for a separation for unscheduled absence to occur.
5. Removal under CS Rule 12.6(a) 2 or Discipline for Unscheduled Absences
 - a. In the event the 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.
 - b. If proper documentation is not maintained for an unscheduled absence, as required in this Section, it cannot be used to take an action against an employee as outlined in this policy.
 - c. No employee shall be removed under CS Rule 12.6 (a) 2 or subjected to any disciplinary action until the following has been provided:
 - 1) Written Notice of the proposed action and reasons therefor;
 - 2) The notice obtains a description of the evidence supporting the proposed action. This requires documentation of the specific dates and time of the unscheduled absences that occurred after the employee is given the initial notice of being placed on a "Leave Improvement Plan" and for 12.6 (a) 2 removal the initial and sixth unexcused absence notices signed by the employee; and
 - 3) A reasonable opportunity for the employee to respond.

VIII. EXCEPTIONS:

- A. Leave that is approved under the provisions of YS Policies A.2.5 "Family and Medical Leave of Absence" and A.2.47 "Equal Employee Opportunity" will not count as an unscheduled absence.

YS Policy No. A.2.37

Page 6

- B. The Deputy Secretary may grant exceptions to the normal provisions of this policy for rational business reasons.

Previous Regulation/Policy Number: A.2.37

Previous Effective Date: 01/31/2017

Attachments/References: A.2.37 (a) Initial Notification of Unscheduled Absence.July2011
A.2.37 (b) Sixth (6th) Unscheduled Absence Memorandum.July2011
A.2.37 (c) Employee Receipt.July2011

**Written Notice that Attendance Needs Improvement
Imposition of Excessive Absences Rule and Copy of Civil Service Rule 12.6**

Date: _____

To: **(- EMPLOYEE -)**

From: **(- SUPERVISOR -)**

**RE: Imposition of Civil Service Rule 12.6(a) (2) – Non-disciplinary
Removals/Excessive Unscheduled Absences**

This memo documents our counseling session today wherein you were advised that your unscheduled absences, which may also include tardies, have become problematic. When you are absent, other staff members have to cover your duty, which places an unfair burden on them and compromises the efficient provision of services to our clients. As punctuality and regular attendance are essential functions of your job, your attendance is in need of improvement.

Therefore, in an effort to assist you in making the necessary improvement in your attendance, the provisions of Civil Service Rule 12.6(a)2 are now in effect for you. In accordance with Civil Service Rule 12.6(a)2, effective **today**, if you exceed seven unscheduled absences (absences that are not pre-approved in accordance with this policy) within any twenty-six consecutive week period., you may be non-disciplinarily removed from employment. An unscheduled absence occurs when you are absent from work without having obtained approved 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.

The imposition of this rule is serious, and your failure to make significant and sustained improvement in your attendance shall result in further action being taken.

The date of your signature below is the effective date of the imposition of this rule.

Civil Service Rule 12.6 – Non-disciplinary Removals

12.6 Non-disciplinary Removals.

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

1. When, on the date the notice required by Rule 12.7 is mailed, hand delivered, or orally given, the employee is unable to perform the essential functions of his job due to illness or medical disability and has fewer than eight hours of sick leave. An employee removed under this provision shall be paid for all remaining sick leave.

2. When, after the employee has been given written notice that his attendance requires improvement and 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.

3. When, as a result of conduct that was not work related, the employee fails to obtain or loses a license, commission, certificate or other accreditation that is legally required for the job.

4. When the employee holds more than one position in the state service and the multiple employment causes an employing agency to be liable for overtime payments under the Fair Labor Standards Act and, after having been provided the opportunity to do so, the employee has refused to resign from one of the positions.

5. When there is cause from dismissal, but the cause is not the employee's fault.

(b) When an employee is removed under this Rule, the adverse consequences of Rules 6.5(c); 22.4(d); 23.16(a)4; 23.13(b); 11.18(b) and 17.25(e)4 shall not apply.

REQUIRED SIGNATURES:

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|---|---------------|
| MY SIGNATURE BELOW ACKNOWLEDGES THAT I HAVE READ AND RECEIVED THIS NOTICE AND A COPY OF CIVIL SERVICE RULE 12.6 – NON-DISCIPLINARY REMOVAL | |
| _____ EMPLOYEE | _____ DATE |
| _____ SUPERVISOR | _____ DATE |
| _____ APPOINTING AUTHORITY | _____ DATE |

C: Supervisory File (w/ signatures)

WRITTEN NOTICE OF SIX (6) UNSCHEDULED ABSENCES

To: (– EMPLOYEE –)

From: (– SUPERVISOR –)

Date: _____

RE: **Written Notice of Sixth (6th) Unscheduled Absence – Civil Service Rule 12.6(a) 2**

NOTE TO SUPERVISOR: *This form is to be used for notice of the 6th unscheduled absence within a consecutive 26-week period after the employee was notified of the imposition of this rule. An unscheduled absence occurs when an employee is absent from work without having obtained approved leave prior to the absence.*

This memo is to advise you that your absence on (– DATE –) has been documented as your sixth (6th) unscheduled absence in accordance with Civil Service Rule 12.6(a) 2.

On (– DATE "A", THE DATE THE E/EE SIGNED FOR THE IMPOSITION NOTICE A.2.37(a)–), you were notified that your consistent unscheduled absences, including tardiness, had become problematic, your attendance was in need of improvement, and to assist you in making the necessary improvement in your attendance, the provisions of Civil Service Rule 12.6(a) 2 were being imposed upon you. You were also advised that beginning (– DATE "A"), if you exceed seven unscheduled absences (absences that are not pre-approved in accordance with this policy) within any twenty-six consecutive week period, you may be non-disciplinarily removed from employment.

Correcting your absenteeism problem is imperative. Should you incur seven (7) unscheduled absences within the twenty-six consecutive week period that began on (– DATE OF FIRST UNSCHEDULED ABSENCE –); you may be non-disciplinarily removed from employment.

Civil Service Rule 12.6 – Non-disciplinary Removals

12.6 Non-disciplinary Removals.

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

1. When, on the date the notice required by Rule 12.7 is mailed, hand delivered, or orally given, the employee is unable to perform the essential functions of his job due to illness or medical disability and has fewer than eight hours of sick leave. An employee removed under this provision shall be paid for all remaining sick leave.
2. **When, after the employee has been given written notice that his attendance requires improvement and 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.

- 3. When, as a result of conduct that was not work related, the employee fails to obtain or loses a license, commission, certificate or other accreditation that is legally required for the job.
- 4. When the employee holds more than one position in the state service and the multiple employment causes an employing agency to be liable for overtime payments under the Fair Labor Standards Act and, after having been provided the opportunity to do so, the employee has refused to resign from one of the positions.
- 5. When there is cause from dismissal, but the cause is not the employee's fault.

(b) When an employee is removed under this Rule, the adverse consequences of Rules 6.5(c); 22.4(d); 23.16(a)4; 23.13(b); 11.18(b) and 17.25(e)4 shall not apply.

REQUIRED SIGNATURES:

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| <i>MY SIGNATURE BELOW ACKNOWLEDGES THAT I HAVE READ AND RECEIVED THIS NOTICE AND A COPY OF CIVIL SERVICE RULE 12.6 – NON-DISCIPLINARY REMOVAL</i> | |
| EMPLOYEE | DATE |
| SUPERVISOR | DATE |
| APPOINTING AUTHORITY | DATE |

C: Supervisory File (w/ signatures)



**STATE OF LOUISIANA
YOUTH SERVICES**

**RECEIPT OF:
YS Policy No. A.2.37
"Separation for Unscheduled Absences"**

This is to acknowledge that I, _____
have received a copy of the Youth Services Policy A.2.37 "Separation for Unscheduled Absences", which outlines the expectations of all employees in securing leave in advance and the consequences in not doing so.

I understand that I am responsible for familiarizing myself with its contents; and that I abide by the procedures contained in YS Policy A.2.37.

I further acknowledge that if I have any questions or need assistance I will seek guidance from my supervisor.

Employee Signature

Date

Employee's Name (printed and legible)

Date

Cc: Employee
Central Office Human Resources

July, 2011