

South Bend Service Staff Attendance Program

HR

About This Policy

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Responsible University Administrator:

Vice President and Chief Financial Officer

Policy Contact:

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Scope

This program applies to all appointed Service Staff on the South Bend campus who have completed their probationary period. During the probationary period, employees are expected to demonstrate that they are able to meet our attendance expectations. Any absenteeism during the probationary period will be carefully reviewed and appropriate action will be taken on a case-by-case basis.

This may include corrective action that is more severe than set forth in this attendance program.

Policy Statement

Regular attendance is a condition of employment. Appointed employees, 75% FTE or greater, are provided with income protection earnings to prevent loss of pay while ill or injured. These earnings may be used for: personal illness, injury, family illness and emergency care, or approved personal affairs time. A pattern of absenteeism as defined below is considered a serious problem. Absenteeism reduces the efficiency and productivity of the operation, department, and campus, as well as the services that are provided to the customer.

Call-in Procedure for unscheduled absences or tardies:

1. The employee has an obligation to make certain that his/her supervisor has an up-to-date phone number where the employee can be reached.
2. Employees should follow their department's call-in procedure. Generally, the department call-in procedure involves contacting the employee's supervisors in a specified order and within a specified time frame. Each department will be responsible for establishing a call-in procedure and informing their employees of the procedure.
3. When calling in, the employee should leave a detailed message which includes:
 - a. the reason for the absence or tardy;
 - b. the anticipated date of return or time they will arrive at work in the case of a tardy;
 - c. any necessary facts to substantiate the absence or tardy and to explain why it was not scheduled in advance;
 - d. a phone number where the employee can be reached, if different from VI-A-1 above, and a time when the employee will be available [it is recognized that the employee may be at a doctor's office, emergency room, pharmacy, etc. and not at home].
4. Except in cases of extreme incapacitation, the employee is to call personally rather than having a relative or friend do so.
5. Call as early as possible so work schedules/assignments can be adjusted.
6. Report time off daily, unless at the time of the initial call-off, the employee states the duration of his/her absence and the supervisor has given the employee permission not to check in daily.

7. Notify the supervisor of any change in the date of return.
8. Reporting in to work when tardy - When an employee is late, he/she must notify the supervisor upon arrival at work. Pay will be deducted accordingly. If the employee fails to follow the department's established notification process, corrective action will be initiated.

Documentation of Illness Related Absences

1. The university will normally require a doctor's certificate when an employee has been absent for three days or more. The university reserves the right to require a doctor's certificate when circumstances warrant, e.g., prior discipline, in the case of excessive absenteeism, or when the employee has engaged in any of the attendance related misconduct listed in section IV.
2. A physician's certificate submitted shall contain the following information:
 - a. A statement by a physician that the employee's absence was due to illness or sickness of the employee or the employee's immediate family requiring his/her absence from work.
 - b. The dates of absence covered by the illness.
 - c. Statement that the employee is able to return to duties, restrictions, if any, and what date.
 - d. Physician's signature and date.

Compensatory time may be used to cover a late arrival, however, unless a documented emergency exists, the late arrival will count toward an incident as defined under section V above.

A supervisor can allow an employee to make up time lost in the same work week so as to prevent the employee's pay from being docked, but can still count the time lost as an incident.

Reason For Policy

1. This attendance program is intended to:
 - a. Establish attendance expectations;
 - b. Notify employee of concerns about his/her attendance patterns before corrective action becomes necessary;
 - c. Provide an opportunity for the employee and the supervisor to discuss ways to eliminate the reason(s) that contributed to the employee's record of absenteeism so that the employee may improve his/her record and avoid corrective action up to and including termination; and
 - d. Inform the employee of the consequences of an absence as defined in this program.
2. This attendance program will use the progressive discipline process as outlined in the Corrective Action policy of the Service Maintenance Personnel Policy Manual and the steps described in section IX below to deal specifically with absenteeism.

Absence-related Misconduct

1. This attendance program is not intended to hamper the campus' ability to take immediate corrective action for absence-related misconduct. The following are examples of serious absence-related misconduct that will result in immediate corrective action up to and including termination for a single incident:
 - a. Misuse or dishonesty in use of leave time off provided under policy; for example, a claim of funeral leave when no one died, a claim of jury duty which the employee did not attend, falsification of hours worked and/or medical documentation, calling in sick after being denied time off for the same time period. Falsification of work hours documentation does not include unforeseen changes that occur after time sheets have been signed by the employee.
 - b. Identified patterns of absences including but not limited to a pattern of calling before/after days off, weekends, holidays and special events or leaving early without supervisory approval after reporting to work.
 - c. Absence from work for three or more consecutively scheduled workdays without properly notifying the supervisor. This is a violation of the university personnel policy Absences With or Without Pay/Benefits

- d. Failure to provide proper documentation for absence from work as requested on a timely basis.
 - e. Failure to follow the employee's department's call-in procedure and/or the department's request for time off procedure.
 - f. Failure to clock in or clock out each day scheduled to work (or called in). This includes lunch breaks as well as start and end of shift. As we transition from paper timesheets to the TIME system, we will have a phase-in period of ninety (90) days for employees to acclimate to the TIME system once the system has been fully implemented. Once that phase-in period has expired, employees will be allowed four (4) instances of missed clock in/out during a twelve (12) month period. Upon reaching the fifth (5th) incident, employees will be subject to corrective action in accordance with the Corrective Action policy.
2. These and other similar types of absence-related misconduct will result in corrective action in accordance with the Corrective Action policy.

Procedure

Advising At-Risk Employees of Vulnerability

1. When an employee only has 8 or fewer hours of income protection time, supervisors should informally advise the employees that he/she could be at risk for corrective action should he/she end-up with any unexcused absences without pay. This is not considered to be corrective action and no documentation is maintained.

First Absence

1. If an employee is identified through attendance records to have accumulated one (1) Absence as defined in Section V, the employee will be alerted by his/her supervisor within one week of receipt of the biweekly attendance record.
2. The employee will have an opportunity to discuss with the supervisor his/her absenteeism record, consequences of additional Absences, and the employee action plan to solve the attendance problem. This action is intended to provide the employee an early warning and give him/her an opportunity to overcome the reasons that contribute to absenteeism or tardiness.
3. This discussion should be documented in writing as a Formal Notification of Concern, but a copy is not sent for inclusion in the employee's personnel file until step 2 in accordance with the provisions of the corrective action policy.

Subsequent Absences

1. Any further unexcused absences without pay as defined in Section V within the twelve month rolling period (after the Formal Notification of Concern) will result in corrective action in accordance with the following guidelines:
 - a. Each of these steps will be taken in the order listed in the chart below. Consecutive days absent will not move the employee more than one step in the corrective action program, unless the Absence is due to the employee's failure to follow the call-in procedure or absence-related misconduct as defined in Section IV. For example, an employee has a second Absence and has received a written warning. If the employee's next absence were two consecutive days, the disciplinary action taken would be a second written warning, not suspension.
 - b. At each stage of the attendance program the supervisor will meet with employee and conduct a review of his/her absenteeism record before making a final decision concerning the pending disciplinary action and/or continued employment. The purpose of these review meetings is to examine the entire absenteeism record and consider extenuating circumstances. This will include any evidence that supports that there were exceptional reasons beyond the control of the employee that caused the pattern of excessive or recurring absenteeism or tardiness. The employee must also verify that he/she has overcome the reasons for the excessive absenteeism and that there is a reasonable opportunity for long-term improvement.
 - c. At step four the Departmental Director will review the recommendation prior to any corrective action. The Human Resources Department will be consulted concerning termination decisions.

2. Beginning at step 2, discussions will be documented in writing and a copy is sent on a timely basis to Human Resources for inclusion in the employee's personnel file.

Step	Triggering Event	Corrective Action
1	First Absence (Notification of Concern)	Counseling
2	Second Absence	Written Warning
3	Third Absence	Second Written Warning
4	Fourth Absence	Suspension of 3 days
5	Fifth Absence	Termination

Note: At each step, 4 late arrivals equal an Absence.

Qualified Exceptions

1. Time-off from work for any of these reasons will not be considered as an absence provided the time-off is approved and taken in accordance with University Policy:
 - a. Vacation
 - b. Income Protection Time
 - c. Holidays (except when scheduled to work).
 - d. Discretionary Leave of Absence approved in accordance with University Policy
 - e. Leaves provided under the Family and Medical Leave Act.
 - f. Injury or illness arising from employment with the University and accepted by the University as job related.
 - g. Jury duty.
 - h. Military leave.
 - i. Funeral leave.
 - j. Selective Service Board appearances legally mandated.
 - k. Court appearances when employee has been subpoenaed to serve as a witness, provided the employee is not the plaintiff or defendant and the department was properly notified, unless the employee has been authorized to act on the behalf of the University.
 - l. Adverse weather or working conditions, provided that the employee has been informed not to report to work by the Department Director or designee or when employee contacted his/her supervisor before the shift and was granted approval to be absent due to the adverse weather.
 - m. Lack of work, provided the employee has been sent home or is informed not to report to work by the Department Director or designee.
 - n. Absence for University business approved by the University.
 - o. Absence for union business approved by the University.
 - p. Disciplinary time off.
 - q. Physician's appointment provided it was scheduled in advance and the supervisor was notified at the earliest opportunity.
 - r. Excused absence without pay.
2. In addition to the time-off for the reasons listed above, a series of scheduled days off to receive treatment for a serious term illness or injury not covered by FMLA will be managed on a case-by-case basis by the Department Director or designee. Such time off may not be considered an absence as defined under this program

provided that the employee provides sufficient advance notification of at least three working days when able, so replacement staff may be scheduled.

Family and Medical Leave Act of 1993

- A. In accordance with the Family and Medical Leave Act of 1993, employees who meet the eligibility requirements may receive up to 12 weeks of unpaid leave each calendar year for designated qualifying reasons. In order to ensure that the employee is eligible and the reason for the leave qualifies, verification is required for an FMLA leave. Please refer to the Family and Medical Leave Act (FMLA) Rights policy in the Service Maintenance Personnel Policy Manual for further details.
- B. The period that the employee is on an FMLA leave will not be counted as an absence under this standard nor be considered in the review of his/her attendance pattern.

Definitions

Absence is defined as any time period that the employee is absent from work without the use of benefit time, including overtime that an employee committed to work and did not work; unless the reason is for one of the qualified exceptions listed in sections VII or VIII.

Tardy is defined as a failure to report on the job at the specified starting time. Reporting to work after the scheduled shift starting time (more than 8 minutes but no longer than 2 hours), ***and/or causing another employee in a 24/7 operation (for example, Safety and Security) to be held over to avoid a gap in coverage,*** will be considered 1/4th of an incident. After two hours the tardy will be considered an absence as defined above. Failure to return from lunches or breaks in a timely manner will result in performance discipline, not attendance discipline.

Incident is defined as an absence, or a set of 4 tardies, not scheduled in advance, unless the reason is for one of the qualified exceptions listed in sections VII or VIII. An absence of one or more consecutive days will count as one incident.

Schedule is defined as the time specified (start time and hours to be worked) for the employee to be at work.

Rolling Twelve Month Period is defined as the measurement period by the start of the first incident, or part of an incident. Additional incidents will be counted from that date for twelve full months. Once the twelve month anniversary date of the incident is passed, the incident falls off the employee's record for purposes of this Attendance Program.

Pattern of Absenteeism is defined as a pattern of absence such as that described in IV-A-2 above or continued unexcused absence not qualifying as an exception.

Sanctions

Managers, supervisors, and employees who violate this policy are subject to corrective action, up to and including separation.