



City of Phoenix

ADMINISTRATIVE REGULATION	A.R. NUMBER AR 2.30(B) NEW
	FUNCTION Human Resources and Payroll Page 1 of 6
SUBJECT INTERIM ATTENDANCE POLICY	EFFECTIVE DATE July 7, 2017
	REVIEW DATE

This is a new Administrative Regulation that addresses employee attendance standards. Information on attendance standards was previously incorporated into the City's leave policy AR, which is now numbered AR 2.30(A), Interim City Leave Policy. **This is an interim attendance policy that will be in effect through December 31, 2017. A permanent policy will be developed and reviewed during the Fall of 2017 to be in effect after December 31, 2017.**

I. PURPOSE

This AR establishes City-wide standards and guidelines for all departments to follow regarding attendance. It replaces all prior individual department policies and guidelines that conflict with this regulation. This AR is to be read in conjunction with AR 2.30(A), Interim City Leave Policy, AR 2.143, Family and Medical Leave Act, and AR 2.341, Reasonable Accommodation in Employment, where applicable. For qualified individuals with disabilities, the City will comply with the Americans with Disabilities Act (ADA) by administering this policy on a case-by-case basis.

II. DEFINITIONS

The following definitions apply to this AR:

- A. **Scheduled Absence** – Any leave that is approved a minimum of one work day or more in advance, including sick or vacation leave, compensatory time, or leave without pay. This is a minimum scheduling requirement.
- B. **Unscheduled Absence** – Any leave taken, with less than one full work day of advance notice, that is not Earned Paid Sick Time under Arizona Revised Statutes Title 23, Article 8.1, approved under the Family and Medical Leave Act (FMLA) or the ADA, or protected by Arizona Revised Statutes § 13-4439, even if authorized for payment.
- C. **Unscheduled Absence Incident** – An occurrence of unprotected, unscheduled leave. An authorized medical absence of more than one day for the same reason is considered one unscheduled absence incident. If the days are not consecutive, a doctor's note may be requested to establish that the absences are linked.
- D. **Authorized Absence or Leave** – Leave that is approved by the City for a valid reason. For leave to be considered authorized, the employee must have requested leave in accordance with required notification and/or call-in procedures, and have provided adequate details and/or documentation regarding the reason for leave.

- E. **Tardy** – Any instance in which an employee arrives after the start of his/her shift or returns late from break or lunch that is not Earned Paid Sick Time, approved under the FMLA or the ADA, or protected by Arizona Revised Statutes § 13-4439.

III. ATTENDANCE POLICY

- A. Employees must attend work on a regular basis. Regular and reliable attendance is an essential function of every City position. An acceptable record of **no more than 6** unscheduled absence incidents in the immediately preceding 12-month period will meet the City's attendance standards. This standard does not apply to employees with less than 12 months of City service. Attendance standards for employees with less than 12 months of City service may be prorated, at the department's discretion, based on length of service to determine compliance.
- B. Employees shall be limited to a **maximum of 7** additional unscheduled absence incidents per calendar year for a combination of:
1. Family medical emergency leave (coded as "BN" and deducted from the employee's available sick leave);
 2. Leave for dependent care (coded as either vacation "BV", or compensatory "BC" time); and,
 3. Absences for the home care or medical treatment of an immediate family member (coded as "BO" if referencing rights under an applicable Memoranda of Understanding or Agreement, and deducted from the employee's available sick leave).
- C. Unscheduled absence incidents in excess of the amounts listed above that are not Earned Paid Sick Time, approved under the FMLA or the ADA, or protected by Arizona Revised Statutes § 13-4439 may be considered a negative factor when evaluating attendance and job performance. Properly noticed unscheduled FMLA or Earned Paid Sick Time absences will not be counted against an employee's record of unscheduled absence incidents. However, employees may be disciplined for failure to follow Citywide or departmental call-in/notification procedures, unless unusual circumstances prevent the employee from following those procedures. Supervisors have the discretion to waive an incident due to extenuating circumstances.

IV. TARDINESS POLICY

- A. All employees have a responsibility to attend work as scheduled and to be on time. If an employee reports to work late, it can have a negative impact on operations, service delivery, and morale. Employees are expected to arrive to work on time and to adhere to lunch and rest breaks scheduled by their supervisors.
- B. In accordance with AR 4.46, Authority and Status of Phoenix Municipal Court, the official policies, procedures, and rules of the Court are established by administrative order of the Chief Presiding Judge. Therefore, Court employees should refer to Municipal Court Policy 3.05.00, Leave Management Policy, Addendum B, Correction Action Guidelines for Tardies.

- C. In determining leave usage, tardiness for 7 or more minutes will be rounded to the nearest fifteen minutes. For non-exempt or hourly employees, the time while tardy will be charged to leave without pay. Supervisors have the discretion to allow the employee to use Vacation Leave With Pay or to make up the time during the same day. If an employee is tardy less than 7 minutes, the supervisor cannot charge the employee's leave bank but can hold the employee accountable for the tardy incident.
- D. Excessive tardiness will be considered in the calculation of unscheduled absence incidents. For this purpose, the following standards are established:
 - 1. A tardy of less than 30 minutes will equal one-third (1/3) of an incident;
 - 2. A tardy of 30 minutes or more will equal 1 incident.
- E. Supervisors may decide that attendance standards are not being met by an employee due to tardiness issues and take corrective action with the employee as needed.
- F. Departments requiring more rigorous standards based on operational demands of the work group or department may establish a written tardy policy. These standards will require City Manager approval. Standards affecting Unit 7 (ASPTEA) employees will be reviewed by the ASPTEA/Management Committee prior to being submitted to the City Manager for approval.

V. NOTICE OF ABSENCES

- A. Scheduled Absences. The City recognizes that it is important for employees to balance work with their personal life. Employees are encouraged to schedule vacation time away from work to rest and relax. Employees should give as much notice as possible when scheduling time off. Scheduled absences require a minimum of one full work day of advance notice. Some departments may require more advance notice depending on the number of leave days requested, and other operational reasons.
- B. Unscheduled Absences. Because unscheduled absences can be disruptive to a work unit and to service delivery, employees are expected to minimize the number of times they must be absent from work without notice, whether using vacation or sick leave, or compensatory time.
- C. Notification Requirements for Absences that Are Not Covered by the FMLA or Earned Paid Sick Time. An employee who is unable to report to work because of a personal illness/injury or non-medical emergency that is not covered by the FMLA or Earned Paid Sick Time must notify the assigned supervisor by telephone prior to the start of the shift. Departments may establish call-in procedures based on operational needs. Such departmental regulations shall prevail.

The employee should inform the supervisor by telephone of the reason for the absence (i.e., personal illness/injury or non-medical emergency), whether the employee is seeking treatment from a health care provider, and the anticipated length of absence. If the employee's incapacity makes this telephone contact impossible, another responsible person may make the initial contact with the employee's supervisor. The supervisor will

ensure the timely submittal of a leave entry using the appropriate code based on the reason given for the absence during the employee's initial notice.

The employee is required to contact his/her supervisor prior to the start of his/her shift each day of the absence to keep the supervisor aware of the progress being made. The supervisor may waive this daily contact if it is deemed impractical. For long-term continuous absences, monthly contact should be made with the supervisor and the City's Leave Administrator, if applicable, regarding the leave status and the ability and intent to return to work.

- D. Supervisors may request supporting documentation to authorize absences when such documentation is permitted by applicable FMLA and Earned Paid Sick Time requirements.
- E. Notification Requirements for FMLA Absences and Earned Paid Sick Time. AR 2.143 governs the notification process for employees who are approved for FMLA leave, and AR 2.30(A) governs the notification process for using Earned Paid Sick Time.
- F. Approval of Leave. It is important to remember that a supervisor must approve employee leave use. A supervisor's receipt of a telephone notification does not guarantee that the absence will be approved for leave payment. Supervisors are charged with the responsibility of reviewing and approving the use of sick leave to ensure that it is used appropriately. For use of sick leave for a personal illness/injury, the leave request submitted must reflect a sick leave code such as "BI," "BE," or "F2".

VI. SUPERVISOR RESPONSIBILITIES

Supervisors are required to manage or minimize unscheduled employee absences. Strategies to accomplish this include:

- Maintaining leave documentation for each employee supervised.
- Evaluating requests for scheduled sick and vacation leave and approving leave when appropriate.
- Determining whether an absence or leave is authorized (i.e., whether the employee has provided proper notification/documentation), and notifying the employee if the absence or leave is not authorized.
- Submitting leave entries in a timely manner for unscheduled absences on behalf of employees.
- Completely and accurately submitting and approving all leave requests each pay period to ensure that employee leave banks are appropriately charged, and to prevent overpayments to employees.

- Evaluating employee attendance based in part on the number of unscheduled absence incidents in the immediately preceding 12-month period (not limited to a calendar year or the employee's evaluation period).
- Identifying employees who, based on supervisory or administrative records, are close to exceeding or have exceeded the limit of unscheduled absence incidents in the immediately preceding 12-month period.
- Counseling an employee and taking necessary corrective action if an employee develops a record of excessive unscheduled absence incidents or tardiness. It is important for employees to understand the negative impact that excessive absences can have on both service delivery and their own overall performance.
- According to Personnel Rule 15, supervisors may require a doctor's certificate for sick leave absences of more than 3 days, and for absences of 3 days or less when the employee's sick leave record indicates excessive unscheduled absence incidents. AR 2.30(A) governs documentation for Earned Paid Sick Time.

VII. EMPLOYEE RESPONSIBILITIES

Employees are responsible for communicating with their supervisors about absences, and managing their sick and vacation leave and compensatory time appropriately. Employees' responsibilities include:

- Attending work on a regular basis and maintaining an attendance record that does not exceed the permissible number of unscheduled absence incidents in the immediately preceding 12-month period.
- Scheduling time off (other than Earned Paid Sick Time and FMLA leave) with your supervisor at least one work day in advance. Department operations may require more notice depending on the amount of leave requested.
- Notifying your supervisor personally, as soon as possible, when unscheduled leave is requested. Operational needs within departments may require notice in advance of the shift to arrange for coverage.
- When requesting Earned Paid Sick Time, making a good faith effort to provide advance notice of your absence and its expected duration, if possible. When the need for Earned Paid Sick Time is foreseeable, you should make reasonable efforts to schedule the time in a manner that does not unduly disrupt department operations. When the need for Earned Paid Sick Time is not foreseeable, you should follow required call-in procedures when possible and practical to do so.
- Notifying your supervisor what type of leave you are requesting (e.g. "BI" for Sick Leave With Pay; "BE" for Earned Paid Sick Time", etc.). When requesting Earned Paid Sick Time, you should not disclose the nature of health conditions or the details of domestic violence, sexual violence, or abuse or stalking incidents. You should simply state that you are requesting Earned Paid Sick Time or "BE."

- Confirming that your time off has been approved prior to taking time off. For scheduled absences, it is the employee's responsibility to submit a leave request in the eCHRIS system (or Fire Department leave system, if applicable), prior to taking the leave. For unscheduled absences, the supervisor should submit a leave entry on your behalf.
- Scheduling appointments (e.g. doctor, dentist, personal) on non-work days or before or after work whenever possible to minimize absences.
- Reporting any leave processing inaccuracies, such as overpayments, as soon as practicable to your department payroll clerk or the Human Resources Department at 602-495-5700.

VIII. ENFORCEMENT

An employee who fails to comply with this AR may be denied paid sick or vacation leave and may be subject to disciplinary action.

IX. QUESTIONS

Questions regarding this AR should be directed to the Human Resources Department at 602-495-5700, or via e-mail at hrcenter@phoenix.gov.

ED ZUERCHER, City Manager

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