

## SOUTHERN UNIVERSITY SYSTEM

## Policy Regarding Civil Service Rule 12.6(a)2

## Non-disciplinary Removal for Unscheduled Absences

APPROVED BY BOARD OF SUPERVISORS: \_\_\_\_\_

APPROVED BY CIVIL SERVICE COMMISSION: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

AUTHORITY: CIVIL SERVICE RULE: 12.6 - Non-disciplinary Removals.

## S. U. BOARD OF SUPERVISORS' UNSCHEDULED LEAVE POLICY

REASON FOR THE POLICY

The following policy is recommended for adoption and submission to the Department of Civil Service to facilitate supervisors' efforts to encourage responsible use of leave. The intent of this policy is not disciplinary in nature, rather it is designed to foster the best interests of the Southern University System and service to the State of Louisiana by reducing unscheduled leave and disruptive absenteeism. It is also intended to improve morale by reducing the detrimental effects that frequent unscheduled absenteeism has on others in the workplace who must often perform the duties of the absent employee and to improve the state's service to its clients and customers by promoting good employee attendance. The existence of such a policy also allows supervisors the opportunity to plan for the employee to be absent.

RULE BASIS FOR THE POLICY

The policy is based on Civil Service Rule 12.6(a) 2, which reads as follows:

**12.6 Non-disciplinary Removals**

The provisions of this rule shall be made generally available to all employees. An employee may be non-disciplinarily removed under the following circumstances. When an employee is removed under this Rule, the adverse consequences of Rules 6.5(c); 7.5(a) 7; 8.9(d); 8.13(a) 7; 8.15(d); 8.18(d) and (e); 11.18(b) and 17.25(e)4 shall not apply. Subsection (a) is subject to the provisions of the Americans with Disabilities Act (ADA) and the Family and Medical Leave Act (FMLA).

**(a) Absence from Work**

An employee may be removed under the following circumstances:

1. ....

OR

2. *When an employee has more than nine (9) unscheduled absences during any consecutive 26-week period. One unscheduled absence may be any continuous period of absence, regardless of its duration. Approval of leave, after the fact, to cover an unscheduled absence shall not prevent the absence from being considered unscheduled. Before an agency can apply the provisions of this subsection (a) 2, the appointing authority must obtain from the Commission prior approval of a written policy for its use. Such policies shall be posted in such a manner that assures availability to all employees. The Director shall issue criteria, which must be covered in such a policy.*

Unclassified staff and faculty are governed by the rules and other mandates of the Southern University Board of Supervisors and System and are not subject to this policy, unless such is approved in a separate policy to cover their attendance.

### **SOUTHERN UNIVERSITY SYSTEM POLICY**

All entities in the Southern University System shall apply Rule 12.6(a) 2, subject to the following:

### **EMPLOYEES COVERED BY THIS POLICY**

This policy shall be applicable throughout the Southern University System and it applies to any classified employee within the System who has been given a written supervisory notice regarding his or her record of absenteeism. Such a written notice must have the concurrence of the campus' appointing authority. No absence will count for the purpose of this rule until the employee has been given such a notice. The business reason for this policy is as follows:

This method of applying Civil Service Rule 12.6 (a) 2 will address those individuals whose absenteeism has caused problems for the university. Furthermore, this method will help ensure that the affected employee is given every chance to improve his or her attendance through personal attention and clear communication of expectations by the supervisor and/or budget unit head.

Southern University expects all classified staff to assume diligent responsibility for their attendance and promptness in reporting to work. All classified employees are expected to be at their assigned work place, ready to work at their regular starting time each day on which they are scheduled to work unless they have be granted approved leave.

### **NOTIFICATION TO THE EMPLOYEE**

The supervisor and/or budget unit head shall ensure that the employee is notified each time an absence is counted as an unscheduled absence, and shall maintain sufficient documentation of such notices. The notification should also include the employee's total number of unscheduled absences within the period under review (up to the last 26 weeks). Notification to the employee is

to be done using the Unscheduled Absence Notification Form. Through this notification, employees should know at all times how many unscheduled absences they have accumulated. This information should be available for examination at all times in the employees departmental personnel file. The Head of the Budget Unit in which the employee works is delegated as the appointing authority to issue this notification.

**DEFINITION OF UNSCHEDULED ABSENCE** — For employees who have been given written supervisory notices regarding their absenteeism, an unscheduled absence shall be one for which the employee did not obtain verbal or written approval by close of business on the employee's last regularly scheduled workday prior to the absence. A supervisor and/or budget unit head may request an exception(s) from this provision from the appointing authority for rational business reasons. One unscheduled absence may be of any continuous duration (e.g. fifteen minutes, one hour, four hours, one day, three days, etc.). This also includes those absences requested by employees to leave early during the same day or work schedule.

#### **DOCUMENTATION OF ABSENCES:**

Supervisors and/or budget unit heads should be aware that no action will be taken under this policy unless sufficient documentation is maintained. Time sheets and change in payroll forms generated to document the employee's payroll, other departmental attendance records, punched time cards and leave request forms will be required documentation.

#### **APPROVAL OF LEAVE AFTER THE FACT**

Approval of leave after the fact to cover an unscheduled absence shall not prevent the absence from being considered unscheduled.

#### **LEAVE WITHOUT PAY**

Although the rule allows for the approval of leave after the fact, the university retains the right to place an employee on unauthorized leave without pay for any unscheduled absence for which the supervisor and/or budget unit head will not grant approval. This includes the denial of requests for annual leave.

#### **SICK LEAVE VERIFICATION**

The supervisor and/or budget unit head may require doctors' statements or some other proof acceptable to the university to verify the legitimacy of sick leave, whether it is scheduled or unscheduled.

#### **DISCIPLINARY ACTION**

Use of this policy does not prohibit the university from taking appropriate disciplinary action for unauthorized absences if such action is deemed appropriate.

## **EXCEPTIONS**

### **FMLA and ADA**

Leave that is approved for use under the provisions of the Family and Medical Leave Act (FMLA) and leave granted for the purpose of an accommodation under the Americans with Disabilities Act (ADA), will not count as unscheduled absences. However, employees are expected to comply with University policies and practices regarding notice to supervisory personnel when absences related to FMLA or ADA are necessary.

### **Unforeseen Absences**

Verifiable unforeseen absences which become necessary after the employee reports to work such as having pick up a child who becomes sick at school and for which the supervisor and/or budget unit head would grant approval for leave would be excluded. The supervisor, budget unit head and/or the appointing authority retains the right to require acceptable proof to verify the legitimacy of the leave in order to determine if an exception is warranted

### **Exceptional Circumstances**

The Appointing Authority may grant exceptions to the normal provisions of this policy for rational business reasons. The Head of the Budget Unit in which the employee works is delegated as the appointing authority to grant such exceptions.

## **APPLICATION AND PROCEDURE:**

Department heads, directors and supervisors are to apply the provisions of this policy on a case-by-case basis, considering rational business reasons and the consequences of a particular employee's absence. Unscheduled absences for some positions are more disruptive than others.

Any employee who is determined by his/her supervisor to be abusive of the university's leave policies must be notified that the tenets of this policy will be applicable to him/her and the effective date thereof. With the approval of the designated appointing authority, a record of attendance for the employee will be maintained by the supervisor of his/her work unit. Each time that the employee absence is deemed to be unscheduled, he/she will be so notified and appropriately warned. If the employee amasses more than nine (9) unscheduled leaves, of any period of duration, he/she may be terminated based upon the supervisor's supporting documentation.

Supervisors and/or budget unit heads should never discriminate against employees based on race, sex, age, religion, national origin or any other non-meritorious factor.

### **Recommended:**

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Leon R. Tarver II, Ph.D.

President

Southern University System

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Date

**SOUTHERN UNIVERSITY SYSTEM**

**UNSCHEDULED ABSENCE NOTIFICATION FORM**

<b>To:</b>	<b>Date:</b>
<b>Title:</b>	<b>Dept:</b>
<b>From:</b>	<b>Title:</b>
<b>Dept:</b>	

This is to advise you that your absence on \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ is being designated as an unscheduled absence. This is unscheduled absence number \_\_\_\_\_ in the previous 26 consecutive week period.

You are advised that a classified employee may be terminated from employment with the University, in accordance with Civil Service Rule 12.6, when the employee has more than nine (9) unscheduled absences during any consecutive 26-week period.

Supervisor's Signature:

Appointing Authority Approval \_\_\_\_\_ Date \_\_\_\_\_

This is to certify that I have been advised that my absence has been designated as an unscheduled absence.

<b>Employee Signature:</b>		<b>Date:</b>
<b>Witness 1 Signature:</b>		<b>Date:</b>
<b>Witness 2 Signature:</b>		<b>Date:</b>

