



County of Los Angeles
Department of Human Resources
POLICIES, PROCEDURES, AND GUIDELINES

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	Approved By: 	

POLICY

It is County Policy that departments must comply fully with the provisions of all applicable Memoranda of Understandings (MOUs) and with the provisions of law as expressed in the Los Angeles County Code, the California Kin Care Law (Labor Code Section 233, 234), the California Fair Employment and Housing Act, (including but not limited to the California Family Rights Act and the Pregnancy Disability Leave Act), the Federal Family and Medical Leave Act, the Federal Americans with Disabilities Act, or any other applicable laws .

Collectively, these laws provide authorization for a diverse and extensive set of leaves that County employees may legitimately take. All employees are required to report to work as regularly scheduled and on time. For those employees who are not on an approved leave, it is County Policy that all employees should provide notification of the absence to their supervisor. This is necessary to maintain an effective and efficient level of service to the public.

This policy reaffirms the County's commitment to establishing standards for regular and punctual attendance, and establishes basic guidelines on managing absences and leaves. No policy can contemplate all circumstances. Supervisors are expected to exercise good judgment in applying this policy and guidelines.

GUIDELINES

Work schedules and designated starting and end times, lunch breaks, and rest periods are established by each appointing authority or his/her designee based on the needs of his/her department. Employees are expected to arrive at their assigned work locations able to perform all of the essential functions of their positions and ready to work at their designated starting times. Employees are also expected to return to work from meal and other breaks as scheduled.

Each manager or supervisor is responsible for communicating work schedules, attendance expectations, and absence reporting or requesting requirements to his/her subordinates.

Each department is responsible for training its managers and supervisors in proper techniques for managing absences. Such training should cover:

- Proper communication of attendance standards;
- Differentiating between unauthorized and authorized absences;
- Enforcing departmental absence policies uniformly and consistently;
- Maintaining attendance data and documenting absences;
- Obtaining advice and assistance from a department's Human Resources Office;
- Investigating potential problems;
- Using performance management to deal with attendance problems;
- Imposing appropriate discipline.

Unscheduled Absences

In this policy, the term "absenteeism" means an employee's failure to report to work or to remain at work as scheduled, failure to return to work following a break on time, or leaving work early without prior supervisory approval. Tardiness is defined as the failure to report to work at the designated work location on the scheduled work time.

By definition, in this policy, unscheduled absences include absenteeism and tardiness. In general, excessive absenteeism and excessive tardiness, is that level of unscheduled absence which disrupts the work of the department or its organizational units. Because of the variety of work and of organizational structures that exist in the County, each department is responsible for defining, for each of its units, what constitutes excessive absenteeism, and for communicating attendance expectations to its employees.

Department managers must ensure that subordinate supervisors distinguish leaves that are protected by law from those that are simply the result of an employee's failure to observe attendance standards. Disciplinary measures must not be taken in a case where what appears to be absenteeism is actually leave taken that is permitted by law. However, managers and supervisors should be reminded that in cases where there may be doubt about an employee's leave, management may ask for verification of the leave in accordance with County Code Section 6.20.120.

Departments must also stress to employees that excessive absenteeism will result in appropriate disciplinary action. Note that ordinarily discipline imposed should be in accordance with progressive steps such as, but not limited to, written reprimand, suspension and discharge. But when the employee's offense is serious, stronger discipline may be justified. Thus in this policy document the term "appropriate discipline" is used.

Further, to reduce the incidence of excessive absenteeism, departments are expected to take the following actions:

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- Establish standards for attendance and for evaluating the occurrence of unscheduled absences in accordance with Los Angeles County Employee Relations Ordinance 5.04.040;
- Monitor, track and analyze the occurrence of unscheduled absences;
- Document employees' failures to meet the standards in performance evaluations, and apply the standards consistently and uniformly;
- Take appropriate disciplinary steps for those employees who do not meet departmental standards because of excessive absenteeism.

Unscheduled Absence Reporting

County Code Section 5.16.030 requires an employee who is absent because of sickness to immediately notify his/her supervisor of his/her absence.

An unscheduled absence is the failure to report and remain at work as scheduled without prior supervisory approval. Most unscheduled absences are due to unanticipated personal reasons, for example, sickness or injury. Each employee must inform his/her supervisor that he/she will not be at work as scheduled as soon as the employee learns of his/her inability to work. If the employee is not physically able to notify his/her supervisor, he/she should ensure that someone notifies the supervisor, as soon as practicable. Notification should be made in accordance with applicable MOUs as soon as reasonably possible, before the start of the employee's shift to enable the supervisor to plan for staff coverage.

Following the initial notification, the employee must inform his/her supervisor of the expected date of return to work. If this is unknown, the employee is required to call in every day unless the supervisor and the employee otherwise agree about when and how often the employee should subsequently report to the supervisor during the employee's absence.

Departments must establish absence reporting requirements and train their employees and supervisors accordingly.

Mandatory Medical Certification Requirement For Sick Leave

The County recognizes that some unscheduled absences are unavoidable: principally, those due to illness or injury. The County provides Sick Leave (or MegaFlex Leave) to cover absences due to these circumstances, with the expectation that such leaves will be used only when an employee or an immediate family member is truly ill or injured.

A supervisor may require the employee to furnish a doctor's certificate or other proof satisfactory to the department, pursuant to County Code Section 6.20.120. Generally, this occurs when an employee exhibits a pattern of absences, or frequent and prolonged absences.

This policy mandates a medical certification when an employee is absent more than five consecutive work days; departments that currently require such certification after a shorter period may continue their current policy.

The medical certification must:

- List the dates of absences and include a statement that the employee was unable to work for that specific period because of functional limitations on the employee's capacity to work;
- Be signed by a licensed physician or licensed practitioner;
- Be presented by the employee to the supervisor on the first day back to work or as soon as practicable.

Note that the management of sick leave is covered in a separate Policy Statement: *Managing Sick Leave*; departments needing additional information about dealing with the abuse of sick leave should refer to this Policy Statement.

Requesting Scheduled Absences

A scheduled absence is any absence that is approved a minimum of one work day in advance by an employee's supervisor. The approved absence may be paid (covered by an accrued leave) or unpaid; it may be a full or a partial workday.

Departments may require more advance notice depending on the number of leave days requested or the needs of the service. An employee's request to leave work early may be considered by his/her supervisor on the same day. These absences which are initiated by the employee and which require prior approval of the employee's supervisor are allowed only where the needs of County service permit.

An employee must inform his/her supervisor at the employee's earliest knowledge of the need to take such leaves as Jury Duty or Witness Leave for which the need may arise unexpectedly, and which are essentially beyond the control of the employee. These leaves are provided in the County Code and allow an employee to be away from work for certain reasons. To the extent possible, an employee should notify his/her supervisor as soon as the employee is aware even of a potential need for leave, and request such leave at least one day in advance. Departments may request verification of the need for these leaves, as provided in County Code Section 6.20.120.

An employee's request for a scheduled absence must be made in writing. Departments are free to determine the format, timing, and other requirements for submitting such requests, and must insure that employees are aware of all such requirements. An example of a Request Form is contained in Appendix A.

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Unreported Absences of Three (3) Days or More

An employee who, without prior authorization or notification, is absent or fails to discharge his/her regularly assigned duties for three (3) consecutive regular working days or two (2) consecutive regularly scheduled on-duty shifts, is considered to have resigned from County service, unless the employee resumes his/her regularly assigned duties at the commencement of the next regular working day or on-duty shift, per County Code 5.12.020. To ensure that all provisions of the County Code are met, the supervisor/manager must immediately notify the Departmental Human Resources Manager. It is only after the department complies with applicable due process requirements that the employee may be released from employment due to voluntary resignation by job abandonment.

Any questions regarding this policy should be directed to the department's Departmental Human Resources Manager or the Department of Human Resources, HR Departmental Support Division at (213) 351-8945.

AUTHORITY

Los Angeles County Code Sections 5.12.020, 5.16.030, 5.16.040, and 6.20.120.
California Kin Care Law (Labor Code Section 233, 234)
California Fair Employment and Housing Act
California Family Rights Act and the Pregnancy Disability Leave Act
Federal Family and Medical Leave Act (FMLA)
Federal Americans with Disabilities Act (ADA)

DATE ISSUED

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Subject:**ATTENDANCE****Policy Number: 531****Effective Date: March 14, 2011****APPENDIX A****COUNTY OF LOS ANGELES
TIME-OFF REQUEST**

TO:	FROM:	DATE:
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REQUEST PERMISSION TO:	FROM: (DATE)	TO: (DATE)	NO. OF HOURS
TAKE HOLIDAY TIME OFF			
TAKE PERSONAL SICK TIME OFF			
TAKE SICK TIME OFF			
TAKE VACATION TIME OFF			
TAKE AWOP (absent without pay) or SWOP (sick without pay) TIME OFF			
TAKE OTHER TIME OFF (indicate kind of leave, e.g., bereavement, military, jury duty, civil service exam, etc.)			
TAKE ACCRUED COMPENSATORY TIME OFF (CTO)			
TAKE ELECTIVE LEAVE			
TAKE NON-ELECTIVE LEAVE			

 Family Leave and Medical Leave (FMLA) **California Family Rights Act (CFRA)****REASON/COMMENTS:** _____**EMPLOYEE'S SIGNATURE** _____ **DATE** _____GRANTED: _____ DENIED: _____
REASON DENIED: _____**SUPERVISOR'S SIGNATURE** _____ **DATE** _____**DIVISION MANAGER'S SIGNATURE** _____ **DATE** _____