

Milwaukee County Department of Health and Human Services Delinquency and Court Services Division  <b>POLICY &amp; PROCEDURE</b>	Original Date Issued:  <b>02/10/2014</b>	Reviewed <b>2/17/2016</b> By: <b>MG/KP</b> <hr/> Last Revision: <b>8/5/2016</b> By: <b>KP</b>	Section:  <b>ADMINISTRATION</b>	Policy No:  <b>020</b>	Pages:  <b>1 of 7</b>
<input checked="" type="checkbox"/> <b>Delinquency and Court Services Division</b> <b>Children's Court Services Network</b> <b>Purchase of Service Agencies</b> <b>Detention Center</b>	Effective Date:  <b>8/15/2016</b>	Subject:  <b>Attendance and Reliability Policy</b>			

## I. Policy

Delinquency and Court Services Division (DCSD) is committed to having a productive and accountable workplace that meets standards and maintains a safe environment for all staff and clients. This policy will provide guidelines for expectations of staff and management, in addition to parameters for review of staff attendance, tardiness and overall reliability. For the purposes of this policy, reliability refers to the ability of any employee to be consistent in their performance and trusted to be at work. The efficient operation of this department is directly dependent upon the ability of staff to be relied upon consistently to provide what is needed to maintain the safety of the workplace and the community. In addition, guidelines for the corrective action that will be taken in the event an employee demonstrates unacceptable reliability, as it relates to attendance and tardiness, are included in this policy.

## II. Standards

A. **All employees are expected to be at work on time, ready to perform their assigned duties at their assigned work place.**

B. **Employee responsibilities include, but are not limited to:**

1. All employees are required to use Dayforce HCM to clock in and out daily. Please refer to the Dayforce HCM Employee Reference Guide for specific details on how to use and navigate the Dayforce HCM system. (Employee Guide distributed during orientation).
2. Employees are to report to their work stations at their scheduled start time and clock in through their computer. Employees are to clock out at the end of their scheduled shift through their computer.
3. If a Human Service Worker (HSW) or other identified staff are to start their day in the field or end their day in the field, they must obtain prior approval from their supervisor (or designee). Approval must be requested at least one working day prior, with any exceptions at the supervisor's discretion.
4. If starting the day or ending the day in the field occurs, then staff must use the mobile application on their work issued smart phone to clock in and/or out. This smart phone application is not to be used without prior supervisor authorization.
5. Arriving to work on time each day ready to work.
6. Scheduling with their supervisor, in advance, for any time off needs.
7. Confirming that requested time off has been approved prior to taking the time.
8. Assure sufficient Vacation, Personal, accrued Holiday is available when requesting off.

C. **Flexible Work Schedule**

DCSD does allow for flexible work scheduling during the work week at the discretion of the employee’s immediate supervisor or designee. All staff are allowed to request a flexible work schedule on a weekly basis to meet unexpected operational and/or personal needs and must be requested and approved through their supervisor or designee. This means that any time modified or flexed must take place within the same work week.

Modified Work Week: Only HSW employees are allowed to work a nine (9) hour work day Monday through Thursday with a four (4) hour AM work schedule on Fridays.

Flexible Work Schedule: All staff are allowed to flex work time within the same work week. For example, a staff that attended an evening team meeting can modify their schedule on a subsequent day to accommodate for the additional time worked for the previously attended team meeting. Or staff that had to modify work for 1-2 hours due to an emergency are allowed to make up those hours on another day

**D. Minimum Staff Requirement:**

Coverage standards are subject to change at Management’s discretion. If there are not minimally eight (8) HSW staff or six (6) support staff available to work when scheduling vacation, compensatory, holiday time and/or leaves of absence, Management will assign staff to work based on reverse seniority. Given this, staff should not leave any expiring paid time off to be used during “peak” periods, such as around major holidays, as they may be denied to meet minimum coverage needs.

HSW Staff will be approved for scheduled leave time based on the coverage standards as follows:

<b>Days:</b>	<b>Minimum Staff Coverage:</b>
Week of the 4 <sup>th</sup> of July	8 Staff
Week of Thanksgiving	8 Staff
Week of the Christmas Holiday	8 Staff
Week of New Year Holiday	8 Staff
Not included above	50% of Staff

Support Staff will be approved for scheduled leave time based on the coverage standards as follows:

<b>Days:</b>	<b>Minimum Staff Coverage:</b>
Week of the 4 <sup>th</sup> of July	6 Staff
Week of Thanksgiving	6 Staff
Week of the Christmas Holiday	6 Staff
Week of New Year Holiday	6 Staff
Not included above	50% Staff

**E. Time-Off Categories**

All employees are to request time off through Dayforce HCM. All requests will be sent to their immediate supervisor for approval.

For a list of paid time off days, please refer to the Milwaukee County website:  
[http://county.milwaukee.gov/HumanResources/RequestTime\\_off.htm](http://county.milwaukee.gov/HumanResources/RequestTime_off.htm) “Paid Holidays”.

**Accrued Holiday and Compensatory Time**

To ensure adequate staffing coverage and operational efficiency accrued holiday and compensatory must be scheduled off in advance.

1. Requests to be off using Accrued Holiday time or Accrued Compensatory time shall be submitted in Dayforce, minimally 48 hours in advance of the time requested.
2. Requests are not guaranteed and must be approved by your Supervisor on a first come, first serve basis, in accordance with the established minimum staff coverage.
3. If there is less than 48 hour notice for the request, staff will need, in addition to submitting the request to your Supervisor, to speak directly to their immediate supervisor.
4. If the holiday or time has not yet been accrued, you may not use or schedule it to be used until it has been accrued.

### **Bereavement Leave**

Milwaukee County allows for bereavement, which is a period after a significant event in the family of an employee. Per Milwaukee County ordinance 17.18, bereavement leave allowances are as follows:

1. Immediate Family of Employee: Spouse/Partner, child, brother, sister, parents, foster parents, step mother/father, step brother/sister provide the following time off: Critical Illness 3 Consecutive Days, Death 3 Consecutive Days plus travel, wedding 1 day.
2. Spouse/Partner of Employee's Immediate Family, i.e. the spouse or partner of any of the members identified above (in E. 1.): daughter/son-in-law, brother/sister-in-law: Critical Illness 1 Day, Death 1 Day plus travel, wedding no provision.
3. Immediate Family of Employee's Spouse/Partner: brother, sister, parents, or child of employee's spouse provide the following time off: Critical Illness 1 Day, Death 1 Day plus travel, wedding no provision.
4. Other Close Relatives: aunt, uncle, first cousin, niece, nephew, grandparent, grandchild, great-grandparent, grand-nephew/niece, great aunt/uncle, ex-spouse/partner of the employee or spouse/partner provide the following time off: Critical Illness No provision, Death 1 Day plus travel, wedding no provision.
5. Other causes for excused time: death of a fellow co-worker warrants ½ day, if approved by department head. Other significant, close personal relationships not explicitly covered by this policy may qualify for leave at the discretion of your manager or supervisor.
6. Travel Allotment Provision: none for 74 miles or below, 75-150 miles allow for 1 extra day, 151+ miles allows for 2 extra days.
7. Bereavement Leave Allowance: Employees are allowed to use their sick accrual balances for periods of Bereavement Leave.

### **Family Medical Leave Act (FMLA) and Attendance/Reliability**

All employees must:

1. Follow the Milwaukee County FMLA policy to request leave and provide all necessary documentation as detailed in the FMLA policy.
2. When using FMLA, employees are still required to notify their immediate supervisor *at the time* of the original FMLA leave request that they are requesting it.
3. If possible, the employee must provide the anticipated dates for the full leave in order to allow the supervisor to make any operational coverage adjustments needed.
4. If an employee's regular non FMLA absence necessitates three or more days and the employee does not request FMLA, FMLA may be requested on their behalf by management.

### **Minor Holidays**

1. Requests to be off on a Minor Holiday shall be submitted via email to and approved by your Supervisor within 48 hours prior to the Minor Holiday. The Supervisor will approve or deny the

request and notify the worker of the decision. If there is less than 48 hour notice for the request, staff will need, in addition to submitting the request to your Supervisor, to speak directly to their immediate supervisor.

2. Consistent with the scheduling of vacation time, staff that is planning to accrue a Minor Holiday may not request this time off until it has been accrued.
3. Minor Holiday utilization must be pre-approved. You may not call in on the day of the holiday and request it off.

### **Personal Time**

1. Management recognizes the need to make reasonable efforts to allow for unplanned time away from work while at the same time balance the needs of the operation and considerations for remaining staff.
2. Personal Time should be scheduled in advance and as timely as possible with your Supervisor. If your Supervisor is not available, the Section Manager shall be notified.
3. Notice shall occur in person or by telephone - Leaving messages of any other kind is not acceptable.
4. Management shall reserve the right to deny Personal Time requests based upon the minimum staff coverage needs consistent with the policies contained within.

### **Sick Time**

When an employee calls in sick, only sick allowance can be used. The exception to this rule is if there is no sick allowance balance. In that case absence without pay is substituted. Other time may be used if approved by the Divisions Administrator or Designee. An employee provision of a medical excuse after calling in sick does not negate the activity as an occurrence on the employee's record.

### **Misuse of Sick Time**

1. Although employees are allowed to accrue sick allowance hours, supervisors and managers retain discretion to determine sick leave misuse.
2. When an occurrence or discernible pattern of occurrences is found that demonstrates sick leave misuse, corrective action will be taken.
3. Employees that take sick leave on a Holiday that they are scheduled to work will be considered for immediate corrective action.
4. Employees are allowed to request in advance up to 3 hours per day to attend medical appointments and this is not considered an occurrence. Any additional time must be approved by the employees' immediate supervisor or designee.
5. Examples of misuse of sick time may include but not be limited to:
  - A situation where an employee calls in sick on a day in which he or she previously requested off, but was denied.
  - An employee leaving the work site early without supervisor authorization.
  - An employee calling in the day before (or a series of days) prior to or immediately following a major/minor holiday.
  - An employee stating that they are sick and unable to carry out a task after they have been given a management directive to do so.

### **Vacation Time**

1. Vacation time utilization must be pre-approved by your immediate supervisor or designee.
2. Vacation requests must be submitted minimally 48 hours in advance of the time requested.
3. All available vacation time must be scheduled in advance.
4. Requests for vacation will be reviewed and approved based on seniority.
5. If a minor holiday falls within a requested week, it will be assumed that the minor holiday is also being requested and will be approved as part of the week.

6. Requests received after the minimal 48 hours advance notice will be honored on a “first come, first serve” basis, in accordance with the established policy.
7. A waitlist will be created for staff requesting time off, for which they have not been approved. If time becomes available, it will be offered first to those on the waitlist based on the above policy.
8. Adjustments/changes to approved vacation time requires 24 hour notice and must be submitted to the Supervisor for approval in Dayforce. If there is less than a 24 hour notice for the request, staff will need, in addition to submitting the request to your Supervisor, to speak directly with their immediate supervisor. The Supervisor will approve or deny the request and notify staff of the decision.

#### **Other**

Extenuating Circumstances: Any extenuating circumstances beyond the scope of this policy will be reviewed and approved or denied by the Division Administrator.

### **III. Definitions**

An attendance occurrence is any of the following:

1. **Cancelled Overtime/Additional Shift** – cancellation of an overtime or additional shift.
2. **Misuse of Sick Leave** – when management in conjunction with Human Resources determines that patterns of sick leave indicate abuse (i.e. before or after holidays, take sick leave for more than 1 day every time, always on a Friday or Monday, etc.)
3. **No Call/No Show** – not reporting to work and not calling to report the absence.
4. **Tardiness** - Failure to be at the work site in the proper attire, ready to work, at the appointed time.
5. **Unauthorized Absence** - Not reporting for or not completing a scheduled shift, including but not limited to; extended lunch and/or break periods; leaving early without approval by management; not coming to work; etc.

**Note:** Failure to follow this policy will result in the employee being presumed absent without pay. If this occurs, sick time cannot be used and the employee will not be paid for the unexcused time off. Exceptions will be made, at the discretion of management, in the case of emergency or extraordinary circumstances only.

### **IV. Procedure for Notifications**

#### **A. Employee Responsibilities**

1. To notify their immediate supervisor (or designee) when expecting to be late or absent according to the notification procedure outlined by the department.

#### **When:**

- Each employee is expected to notify his/her supervisor no later than 30 minutes prior to the start of their respective shift.
- Employee notification that occurs less than 30 minutes prior to the employee’s start time is subject to disciplinary action at the discretion of management and the employee’s attendance history.

#### **How:**

- Each employee is expected to notify his/her supervisor via personal phone contact. If the supervisor is not available, a voicemail (VM) message can be left WITH a working phone number for follow-up with staff.
- HSW’s must ALSO contact the supervisor’s desk at 414.257.7993 to report their absence.
- Failure to provide a voicemail AND a working contact number for follow-up does not constitute notification and is subject to disciplinary action at the discretion of management with consideration for the employee’s attendance history.

- Employees should NOT send text messages or emails to report their absence.
- Employees should not leave a message with another staff/team member to relay to their supervisor.

**What information to provide:**

- Explain the reason for his/her absence, i.e. FMLA, sick, personal, etc.
- Communicate the estimated date of return.

**Note:** Failure to follow the departmental notification/call-in policy will result in the employee being presumed absent without pay. If this occurs, sick time cannot be used and the employee will not be paid for the unexcused time off. Exceptions will be made, at the discretion of management, in the case of emergency or extraordinary circumstances **only**.

2. Notification of absence is to be made daily by the employee, personally, or as agreed upon with their supervisor. For extended absences notification should be as often as instructed by their supervisor.
3. Any required/requested documentation, as required by DCSD, is to be provided prior to the employee returning to work.
4. Maintain copies of any documentation regarding approved leaves and/or absences.
5. Any employee arriving late for their assigned work shift or from an assigned lunch or break period must report **immediately** to their supervisor or designee. It will be the supervisor's sole discretion as to whether an employee will be allowed to use personal time to cover the tardiness.
6. When the illness of an employee necessitates a leave of absence **occurrence of three or more days**, the employee must request FMLA. In addition, the employee must provide a medical release to their immediate supervisor from a licensed physician or authorized practitioner stating the period of time the employee is/was unable to work because of illness at the time of return in order to resume work activity.

**B. Supervisor Responsibilities (or Designee):**

1. Orient all assigned employees to the attendance/reliability policy standards and work rules regarding notification/call in and time off processes.
2. Maintain call-in records for all employees supervised.
3. Consistently and routinely monitor employees' attendance/reliability and provide feedback.
4. Supervisors are required to discuss attendance/reliability issues with the employee when a discernible pattern exists.
5. A record of this discussion will be kept in the employee's personnel file and with Human Resources.
6. The discussion will include methods to resolve the problem, including the availability of the Employee Assistance Program (EAP).
7. Initiate the corrective action process when an employee's attendance/reliability falls below acceptable standards.

**C. Corrective Action Process:**

1. **For Employees that have Completed Probation**  
Patterns of absences/reliability concerns that are considered particularly egregious may require referrals for immediate discharge, without going through the Corrective Action steps outlined below. Even though an employee provides a physician certificate for subsequent sick occurrences it will not "excuse" the absence, and will be counted as an attendance/reliability occurrence.

**Initial Action: Two Attendance Occurrences:**

A counseling session will be held with documentation placed in the employee personnel file, when an employee reaches two (2) or more attendance/reliability occurrences within a 12 month period, or when management in conjunction with Human Resources determine that patterns of absence indicate possible abuse when considered in conjunction with off days, holidays, and etc.

**Additional Attendance Occurrences after the second (2<sup>nd</sup>) incident may result in the following progressive corrective action steps:**

**Step 2: Written Warning(s):**

Issued when an employee with three (3) or more attendance/reliability occurrences within the 12 month period.

**Step 3: Final Warning:**

Issued when the employee has four (4) or more attendance/reliability occurrences within a 12-month period.

**Step 4: Written Charges for Separation of employee are filed with the Civil Service Commission.**

Issued when subsequent attendance/reliability occurrences take place after Step 3.

**2. For Probationary Employees**

Probationary employees are employees who are new to their role with Milwaukee County. Probationary employees are generally those who have worked less than 6 months/1,040 hours excluding overtime, but this varies by position. (See Civil Service Rule V, Section 5 for more details). Failure to comply with the guidelines could result in immediate separation from employment for probationary employees.

**V. Documentation and Records**

Attendance records; including number of times an employee was tardy, number of sick calls and unexcused absences will be reviewed by supervisory personnel routinely to determine patterns of absence that indicate possible misuse. Employees will be addressed following occurrences and informed if their performance and/or patterns do not meet established standards. Written records will be maintained of all Corrective Action initiated, copies provided to the employee.

Corresponding Materials

Dayforce HCM Employee Reference Guide

Dayforce HCM Managers Reference Guide

Attendance and Reliability Policy – Attachment I: Supervisor (or Designee) Guide

Reviewed & Approved By:



Mark Mertens, Division Administrator