

Subject: Attendance Policy (Applicable to Local 39 Unit 1, FCEA Unit 3, IBEW Unit 7, FPOA Mgmt Unit 9, FAPOFA Unit 11, CFPEA Unit 13, CFMEA Unit 14, and Unrepresented)	Number: 2-19.1
	Date Issued: December 1, 2003 Date Revised:
Responsible Department: Personnel Services	Approved:

Purpose

To establish a Citywide attendance policy.¹

Policy & Procedures

²This policy is to be construed on a rolling 12-month period following the effective date. A primary requirement for continued employment is regular attendance. While the City recognizes some absences may be unavoidable, City departments and the employees have an obligation to the public that demands regular and prompt attendance.

Although it is recognized that excessive absenteeism is a proper reason for corrective/disciplinary action, up to and including termination of employment, it is the policy of the City to identify problem areas by keeping proper records, exploring avenues of available assistance, and encouraging compliance with attendance standards.

This attendance policy was developed to establish uniform guidelines to further efforts to provide service to the public, and is designed to be a no-fault program. The pervasive problems stemming from inordinate absences are the focus of this policy, not the nature of the absences.

Authorized leaves and statutorily protected leaves (e.g., Family and Medical Leave Act, California Family Rights Act, military leave, jury duty, subpoenas and court appearances, bereavement leave, vacation leave, FMC leave of absences, suspension, union business, etc.) are outside the scope of this attendance policy.

In the event of a serious illness or injury to the employee requiring the employee's absence during a future period of time, or a serious illness or injury to the employee's spouse, dependent minor children, or parents requiring the employee's absence during a future period of time, the applicable City department, the employee and applicable recognized bargaining unit may agree to a plan for the employee's absence(s) over a specified period

¹CFMEA - Unit 14 PURPOSE Reads: The purpose of this policy is to establish minimum guidelines governing an attendance policy for City employees. City department and division attendance policies that meet and/or exceed these minimum guidelines are considered to be consistent with the purpose of this policy.

²CFMEA - Unit 14 POLICY Begins: This is a Citywide policy; however, consult with applicable Memorandums of Understanding and/or department and division policies and procedures for modifications and/or exemptions to the application of this policy.

of time. If such plan is agreed upon, absences under such plan shall not be subject to this policy.

DEFINITIONS AND RULES - SECTION I:

1. Excluding the authorized and statutorily protected leaves discussed above, an absence or absenteeism is defined as any failure to show up for or remain at work as scheduled regardless of the reason. Any employee, who fails to show up for work or remain at work as scheduled, will be charged with an incident of absence under this policy.
 - (a) Approved leaves (i.e., scheduled leave time prearranged, approved, and authorized) shall not be considered an incident.
 - (b) A day or days of continuous absence due to illness shall be considered one incident.
 - (c) Employees who are absent for an indefinite period due to illness must keep their supervisor informed as to the status of their absence, including specifying any tentative return date if requested by their supervisor or designee. An employee on extended leave for any reason may be contacted by the applicable City department to schedule a return-to-work evaluation before returning to work.
2. Employees who call in advance to give notice they will be late, and report to work within one (1) hour will be charged with a tardy. However, failure to report to work within one (1) hour after their scheduled start time will result in the issuance of a second tardy. Two (2) tardies in any rolling 12-month period shall be equal to one (1) incident.
3. The City reserves the right to require an employee to report to work for the balance of the day on which tardiness occurs. Failure by the employee to report to or remain at work for the balance of the day as directed by a supervisor may be cause for disciplinary action.
4. Any employee who does not report to work in person or by telephone will be considered absent without leave, and subject to disciplinary action as provided in the applicable provisions of the Fresno Municipal Code, as the same may be amended from time-to-time.

DISCIPLINE LEVELS - SECTION II:

1. Excessive absenteeism by an employee shall subject said employee(s) to disciplinary action. Excessive absenteeism for purposes of this policy shall be defined as four (4) or more occurrences (i.e., incident) of absence within any consecutive 12-month period beginning with the effective date of this policy. The 12-month period referred to in this policy shall mean a "rolling" 12-month period.
2. The disciplinary levels under this policy are noted in the table below.

Incident	Level for FCEA Unit 3, IBEW Unit 7, FPOA Mgmt Unit 9 (Non-exempt), FAPOFA Unit 11, CFPEA Unit 13 (Non-exempt), CFMEA Unit 14 (Non-exempt), Unrepresented (Non-exempt)	Level for Local 39 Unit 1
4th	Verbal Warning	Verbal Warning
5th	Letter of Understanding	Letter of Understanding
6th	Written Reprimand	Written Reprimand
7th	\$100 Fine	2 Working Days Suspension
8th	\$300 Fine & 6 month prohibition on working overtime, if non-exempt, unless overtime is management directed	5 Working Days Suspension
9th	10 Working Days Suspension	10 Working Days Suspension
10th	Termination	Termination

The City reserves the right to deviate from this table of progressive disciplinary levels under mitigating circumstances. An example of a mitigating circumstance is a case where an employee with an otherwise exemplary prior history of good attendance (three [3] to five [5] years) experiences an unexpected problem, which causes inordinate temporary absenteeism, or whenever there is a pattern of abuse of time off.

- For every 90-calendar-day period, an employee who has perfect attendance shall have his or her number of incidents reduced by one (1). The incident to be removed shall be the oldest in the rolling 12-month review period.

EXEMPT EMPLOYEES (UNREPRESENTED AND REPRESENTED):

The application of this policy to unrepresented and represented exempt employees should be consistent with Federal Fair Labor Standards Act (FLSA) regulations and applied under the direction of the Department Director in consultation with Labor Relations.

Under the FLSA, exempt employees may not be suspended for a period of less than one week. In addition, fines are not a permissible form of discipline for exempt employees. Therefore, suspensions for exempt employees must be done in full weekly increments.