

ALASKA PIONEER HOME		P&P No: 02.04
Title: Employee Work Attendance		Approval: D. COTE
Key Words: Attendance, Discipline, Annual leave, Overtime		
Team: All employees	Effective Date: 8/1/12	Page: 1 of 6

PURPOSE

To ensure that the Alaska Pioneer Homes (AKPH) has the staffing needed to safely manage elder care, and to allow staff the opportunity to take time off from work.

POLICY

Adequate staffing of the AKPH ensures the fulfillment of the Home mission to provide specialized services to the residents.

Regular attendance at the Home is a basic responsibility and obligation of all employees.

Request for personal leave is granted according to date of request, availability of staff coverage, and at times, seniority of the requesting staff member.

Overtime hours provide adequate staffing for resident care and safety.

DEFINITIONS

FMLA is the Family and Medical Leave Act which entitles employees to take 12 weeks of unpaid, job protected leave for family and medical reasons. Group health insurance coverage continues under the same terms and conditions as if the employee had not taken leave.

AFLA is the Alaska Family Leave Act which grants job protection to employees for family and medical leave. Incapacity requiring absence from work of more than 3 calendar days, and involves continuing treatment by a health care provider is covered for up to 18 weeks per 24 months.

PROCEDURE

I. Employee Attendance

A. Absences from work

1. Absences and tardiness due to illness, injury, or personal necessities are reasonable and inevitable.
2. Authorized absences *not addressed* in this policy:
 - a. Holidays

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- b. Military leave
- c. Jury duty or court leave
- d. Family leave – FMLA, AFLA
- e. Union business leave
- f. Workers’ Compensation Act absence
- g. Vacation – 2 or more work days of leave, approved in advance
- 3. Undesirable absences *addressed* in this policy:
 - a. *Absence* is the failure to work a scheduled time.
 - b. *Tardiness* is being late and not reporting for work at the scheduled time.
 - c. *Early departure* is leaving work before the end of a scheduled shift.
 - d. *Late return from meal break* is the failure to return to an assigned work station within the time allowed for a meal break.
 - e. *Late return from relief break* is the failure to return to an assigned work station within the time allowed for a relief break.
 - f. *Unscheduled absence* is missing work with less than 12 hours advanced notice, and without approval.
 - g. *Unexcused absence* is missing work with less than 2 hours of advanced notice.
 - h. *No call or no show* is the failure to give any advanced notice of absence; abandonment of duties.
 - i. *Excessive absence or tardiness* is the chronic or inordinate absences or tardiness with patterns of leave abuse.
- B. Discipline for lack of employee attendance
 - 1. Discipline guidelines for addressing employee attendance issues may be used in the six Homes.
 - 2. There may be times when more severe discipline is warranted or when forms of discipline are repeated.
 - 3. The supervisor decides the degree of discipline after considering the circumstances of the employee and the incident.
 - 4. Guidelines for documentation and payroll records:
 - a. Excused tardy when the issues are beyond the employee’s control, such as a car accident, uses annual leave or leave without pay (LWOP).
 - b. First unexcused incident of tardiness is LWOP.
 - c. Further unexcused incidents of tardiness are unauthorized leave without pay (UNLWOP).
 - d. No call or no show is UNLWOP, and considered abandonment of duties and subject to immediate dismissal.
 - e. Written warning letters:

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- 1) Advise the employee of the unacceptable attendance, the need to improve in the next 30 days, and the consequences of failing to improve.
 - 2) *Letter of warning* given to the employee with 4 incidents of unacceptable attendance.
 - 3) *Letter of reprimand* given to the employee with 5 incidents of unacceptable attendance.
 - 4) *Letter of suspension* given to the employee with 6 incidents of unacceptable attendance.
- f. Employee's use of personal leave requires prior approval of the supervisor, except for illness or injury.
- 1) If prior approval is not received, the absence is considered UNLWOP.
- g. If sick leave abuse is suspected, an employee may be required to obtain a physician's certificate to warrant the absence.
- C. Actions taken for tardiness and absence with overtime eligible employees:
1. An employee with a *third* incident of tardiness and/or unscheduled absence within a 30 day period will be verbally informed that another incident within the next 30 days may result in discipline.
 2. An employee with a *fourth* incident of tardiness and/or unscheduled absence within that following 30 days period may be issued a written warning after a pre-determination interview has been conducted. The letter of warning will inform the employee of the unacceptable attendance, the need to improve within the following 30 days, and the consequences of failing to improve.
 3. An employee with a *fifth* incident of tardiness and/or unscheduled absence within the next 30 days may be issued a written reprimand after a pre-determination interview has been conducted. The letter of reprimand will inform the employee of the continued unacceptable attendance, the need to improve within the following 30 days, and the consequences of failing to improve.
 4. An employee with a *sixth* incident of tardiness and/or unscheduled absence within the next 30 days may be suspended without pay after a pre-determination interview has been conducted. The letter of suspension will inform the employee of the unacceptable attendance, the need to improve within the following 30 days, and the failure to improve may result in more severe discipline, up to and including dismissal.
 5. An employee failing to report for duty and failing to notify anyone of the absence (no show) may be considered as an *abandonment of duties* and subject to discipline, up to immediate dismissal.

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6. An employee's use of personal leave requires prior approval of the supervisor. If prior approval is not received the absence may be considered unauthorized leave without pay.
7. An employee's use of sick leave may require a physician's certificate if leave abuse is suspected. Failure to provide the requested certification may result in the absence being unauthorized leave without pay and possibly insubordination (failure/refusal to comply with a directive).

D. Personal leave for the employee

1. The time and schedule constraints listed below are guidelines that can be used by the supervisor. They are not meant to restrict the supervisor's decisions about the employees' personal leave.
2. Personal leave during peak or non-peak months.
 - a. Peak month leave limited to 2 weeks, during May, June, July, August, November, and December.
 - b. Non-peak month leave limited to 3 weeks, during January, February, March, April, September, and October.
 - c. Home specific policies may be created to modify the personal leave limits.
3. Leave requests are reviewed for approval 6 months in advance, and leave requests are submitted up to 12 months in advance.
 - a. Receive an approved copy of a leave request before purchasing travel arrangements.
 - b. If two similar job classification employees request the same time off, preference is given to the employee with the earliest request date.
4. If personal leave results in leave without pay, the leave is normally not granted.
 - a. Leave balance is indicated on electronic paycheck stubs each pay period.
 - b. It is the employee's responsibility to know their leave balance before requesting personal leave.
5. Personal leave for emergencies that occurs after the schedule is posted is considered on an individual basis.
 - a. Non-emergency medical and business appointments are scheduled during non-working hours.
6. Personal leave requests are submitted on a paper or electronic leave request form.
7. If a leave request has been approved and the supervisor has obtained coverage for the shift, it is up to the supervisor's discretion whether the request can be canceled.
8. The employee returns to work after personal leave according to the date specified on the leave request.

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9. The employee completes a leave request upon returning from unscheduled leave.

E. Overtime

1. If the minimum staffing number is not met, the following sequence of events occurs:
 - a. The employees on the non-perm on call roster are asked to report to work at the Home.
 - b. If on call employees are not available, a request for volunteers to work overtime is made.
 - c. If there are no volunteers, then staff is mandated to work overtime.
 - 1) The least senior staff member remains on duty to work.
 - 2) The second time overtime is required, the next least senior staff remains on duty to work.
 - 3) Mandatory overtime continues on a rotating basis.
2. Alaska House Bill 50 (HB 50) addresses overtime hours for licensed nurses.
 - a. A nurse can work up to 14 consecutive hours in a 24 hour period if the nurse has a 10 hour break before returning to work.
 - b. HB 50 prohibits mandatory overtime which is hours above an agreed upon, predetermined, regularly scheduled shift. (The employer makes the overtime compulsory, as opposed to voluntary.)
 - c. The nurse cannot be forced to work more than 80 hours in a 14-day period.
 - d. HB 50 allows voluntary overtime if the work hours do not exceed 14 consecutive hours.
 - e. HB 50 exceptions include unforeseen emergency that could jeopardize resident safety such as natural disaster, unforeseen weather condition, or disease outbreak. A nurse working at a rural health care facility that has declared a temporary nurse staffing emergency is an HB 50 exception.

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HISTORY OF REVISIONS

New: 1/1/12

Revised: 3/20/12; 7/20/12

Reviewed: 3/20/12

ATTACHMENTS

REFERENCES

AS 18.20.400 – 18.20.470