



## **PERSONNEL POLICY**

### **SUBJECT: ATTENDANCE AND PUNCTUALITY**

DATE: January 1, 2017

Number: 301-16

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#### **I. Statement of the Policy**

It is the policy of Fulton County that employees meet punctuality and attendance standards in accordance with the expectations of their job positions and applicable law. In addition, as a public agency, Fulton County has a responsibility to our citizens to ensure that taxpayer funds are used appropriately, and that we are working as efficiently, effectively, and productively as possible on their behalf.

#### **II. Establishment and Implementation of Procedure**

The County Manager, in consultation with the Chief Human Resources Officer and the County Attorney, is authorized to establish and modify, as needed, a procedure for implementing this policy.

These policies do not create a contract of employment. Employment for non-classified employees remains "at will".



## PERSONNEL PROCEDURE

### SUBJECT: ATTENDANCE AND PUNCTUALITY

DATE: March 13, 2017

Number: 301-16

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If employees are unable to report for work on any particular day, they must call and/or email their supervisor at least two hour(s) or as soon as practical thereafter, before the time the employee is scheduled to begin working for that day. Fulton County may inquire about the general reason for an absence or tardiness. Unless extenuating circumstances exist, employees must call in on each and every day they are scheduled to work but will not report to work.

Excessive absenteeism or tardiness (which may include but is not necessarily limited to unplanned absences or tardies that exceed an employee's accrued sick leave and/or last-minute absences or tardies, including no-call/no-shows) may result in disciplinary action up to and including termination, unless the absence or tardiness is legally protected. The following types of time off will not be considered grounds for disciplinary action under this policy:

- Excused time off, including vacation and other forms of paid time off;
- Approved leaves of absence, including jury duty leave, military leave, leave protected under the Family and Medical Leave Act or Georgia law, and time off or leave provided under the Americans with Disabilities Act or Georgia law; and/or
- Time off due to a work-related injury that is covered by workers' compensation.
- Unscheduled absences or tardiness resulting from circumstances beyond the employee's control, including, for example, unexpected school delays or closures and inclement weather that interferes with an employee's ability to arrive to work on time.

Each situation of absenteeism or tardiness will be evaluated on a case-by-case basis. Employees are expected to notify their supervisors in a timely fashion for unscheduled absences to be considered excused.

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Generally, absenteeism will be considered excessive when an employee incurs three or more unexcused absences of any length in a rolling 90-day period; however, even one unexcused absence or tardiness may be considered excessive, depending upon the circumstances. An unexcused absence may occur whenever a supervisor does not accept as reasonable an employee's explanation for an unscheduled absence or occasion of tardiness. However, a supervisor may only designate an unscheduled medical-related absence as unexcused after consulting with the Department of Human Resources Management. Upon determining that an unscheduled medical-related absence will not be excused, the supervisor shall notify the employee in writing that the absence was not excused and that it will be submitted as leave without pay.

An employee is deemed to be tardy whenever he/she fails to report to work more than ten (10) minutes past his or her scheduled start time. Excessive tardiness occurs when an employee is tardy three or more times during a rolling 90-day period. Fulton County will not subject employees to disciplinary action or retaliation for an absence or for tardiness that is legally protected. If the employee believes that his or her absence or lateness to work is legally protected, the employee should notify his or her supervisor or manager of this fact at the time of the absence or tardiness. Employees will not be required to reveal the nature of any underlying medical condition to their supervisor or manager. If an employee believes he or she has been mistakenly subjected to disciplinary action for an absence or for tardiness that the employee believes is legally protected, the employee should promptly discuss the matter with his or her manager or Appointing Authority. If the employee believes the matter has not been resolved by their manager or Appointing Authority, the employee should contact the Chief Human Resources Officer. In addition, for FMLA-related matters, the employee should contact the Department of Human Resources Management and for ADA-related matters, the employee should contact DCRC. Please see Fulton County's FMLA Policy and ADA and Reasonable Accommodations Policy for further information.

Non-exempt employees who arrive after their scheduled start time but within the ten (10) minute grace period may, at the discretion of the Appointing Authority, be allowed to make up time or required to use available vacation or sick time as a replacement for salary. Making up time is a privilege granted where good reason is provided. A request to make up time should be made in writing to the Appointing Authority and include an explanation of the circumstances contributing to the tardiness. Generally, make up time must be completed within the same work week.

Absent extraordinary circumstances or a legally protected reason, if an employee fails to report to work for a period of four days and the absence is not approved nor has the employee provided proper notification to their supervisor, Fulton County will consider the employee to have abandoned and voluntarily terminated his or her employment.

### Responsible Use of Sick Leave

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In addition, as a public agency, Fulton County has a responsibility to our citizens to ensure that taxpayer funds are used appropriately, and that we are working as efficiently, effectively, and productively as possible on their behalf. For that reason, Fulton County takes seriously the inappropriate use of sick leave, which is essentially a misuse of public funds. Misuse of sick leave may constitute an attendance issue giving rise to discipline. The Appointing Authority or his or her designee is authorized to discipline an employee for unscheduled sick leave usage. Examples of the misuse of sick leave include but are not limited to the following:

- Habitual use of unscheduled sick leave in single or partial day increments, without valid or current medical documentation.
- Unscheduled sick leave consistently taken on Monday, Thursday (four-day work week) or Friday (five-day work week).
- A pattern of using unscheduled sick leave on the last scheduled work day before or first scheduled work day after a County holiday or a scheduled day off.
- A pattern of using unscheduled sick leave to avoid working overtime or holiday work shifts.
- Unscheduled sick leave consistently taken the same time of year.
- Unscheduled sick leave taken after a vacation request was denied.
- Unscheduled Sick leave consistently taken when difficult assignments or projects are scheduled or due.
- Unscheduled sick leave taken after discipline for a performance matter is issued.
- Unscheduled sick leave consistently taken when supervisor is on vacation.
- Using 40 or more hours of unscheduled sick leave during a quarter of a calendar year for two (2) or more consecutive quarters, without providing any medical documentation to support the absences.

### Supplemental Procedures

Each department should develop and maintain its own supplemental written time and attendance procedures to address issues unique to the department that are not included in these procedures. Issues that should be addressed in such departmental procedures include but are not limited to the procedure for requesting use of vacation leave and other paid or unpaid time off and the notification procedure when an employee will be absent due to illness or unexpected emergency.

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In addition, law enforcement and public safety departments and departments headed by elected officials and/or constitutional officers are allowed to develop, adopt and enforce more stringent time and attendance standards and/or procedures as deemed necessary for their operation. Any time and attendance procedures so adopted must be in writing and reviewed by the Office of the County Attorney prior to implementation.

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