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## Alameda-Contra Costa Transit District

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<b>Administrative Regulation No. 232A:</b>	<b>Attendance Regulations and Procedures</b>
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<b>Issuing Officer:</b> General Manager <b>Date of Adoption:</b> 3/28/1990 <b>Most Recent Amendment:</b> 6/27/2019 <b>See Also:</b> 232	<b>Subject Category:</b> Section 200, Human Resources <b>Subsection:</b> Human Resources <b>Control Department(s):</b> Human Resources
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**I. PURPOSE:**

The purpose of this Administrative Regulation is to provide guidelines and procedures for addressing unexcused absences, tardiness, and/or early departures in conformance with Board Policy No. 232 - Attendance.

**II. PERSONS AFFECTED:**

All District employees. District collective bargaining agreements shall take precedence over this policy if a conflict exists. Represented employees should review their collective bargaining agreement and/or speak to their Union representative for additional clarity on attendance guidelines as applicable.

**III. DEFINITIONS:**

**“Counseling”** (or informal corrective action) means an oral discussion by the direct supervisor, or his/her designee, with the employee to discuss an unacceptable number of absences, incidents of tardiness or early departures, and any challenges that may be impacting the employee’s ability to report to work. The purpose of this meeting is to inform the employee that further incidences of absences and/or tardy/early departure incidents will lead to progressive disciplinary action. This discussion should be documented and stored in the supervisor’s file for future reference, but should not be placed in the employee’s personnel file.

**“Corrective Action”** means a written letter documenting that the employee has been counseled and that counseling has not had the desired effect. Corrective action informs the employee that he/she is receiving a written warning, adverse action and/or final warning. The direct supervisor, or his/her designee, will also inform the employee that further absence incidences will lead to further progressive disciplinary action, up to and including termination.

**“Core Business Hours”** means the hours of 9:00 AM through 2:00 PM, Monday through Friday whereby all employees in non-Fixed Time Scheduled positions should physically be at work. Employees who request schedules that are outside of the core business hours and not due to business need, employees need to refer to flexible schedule and

alternative schedule policy and will need to work through Department Head and the General Manager for approval. If the requested schedule change is due to a need or accommodation, then the employee needs to initiate the request with the Leave Management Department.

**“Fixed Time Scheduled Position”** means that strict schedule adherence is critical to the District’s business need. These positions can be either exempt or non-exempt and are determined by the District based on the business need for strict schedule adherence. For example, positions related to customer facing services (including supervisors and managers), and transportation supervision require strict schedule adherence and are considered Fixed Time Scheduled Positions.

**“Non-Fixed Time Scheduled Position”** means positions in which the District’s business need does not require strict schedule adherence. Non-Fixed Scheduled Positions are still expected to be at work and ready to work and/or remain at work during their scheduled shift.

Please refer to Board Policy 232 and/or applicable collective bargaining agreement for additional definitions.

**IV. REGULATION:**

**A. Procedure for Absences/Discipline:**

All employees who are subject to Board Policy 232 may accrue up to twelve (12) absences in a rolling twelve (12) month period before reaching progressive discipline. On the employee’s thirteenth (13<sup>th</sup>) absence, the employee’s direct supervisor, or designee, will meet with the employee to administer counseling as soon as practicable, but within thirty (30) business days provided that the employee is at work and available to meet. The thirty (30) day period will be extended for the number of days that the employee remains absent. At the meeting, the employee’s direct supervisor, or designee, will offer the employee a record of his/her previous absences in the past twelve months, offer Employee Assistance Program (EAP) and review available Leave Management services. Supervisors should review attendance records with employees regularly, and at least twice a year (in June and December) regardless of whether there is an attendance issue.

Employees who continue to accrue absences will receive progressive discipline under the following scale:

<b>Number of Incidents</b>	<b>Action</b>
13 <sup>th</sup> Incident in a rolling 12-month period	Counseling/Informal Corrective Action

Number of Incidents	Corrective Action
14 <sup>th</sup> Incident in a rolling 12-month period	Written Warning
15 <sup>th</sup> Incident in a rolling 12-month period	Adverse Action
16 <sup>th</sup> Incident in a rolling 12-month period	Final Warning
17 <sup>th</sup> Incident in a rolling 12-month period	Recommendation for Termination

At each step of progressive discipline, the employee's direct supervisor, or designee, must offer the employee a record of his/her previous absences in the rolling twelve months, offer EAP and review available Leave Management services (including Leave Management forms like Family Medical Leave (FML)). This meeting should be held within thirty (30) days of the qualifying incident, provided that the employee is available to meet. Should the employee be absent for consecutive days up to the seventeenth (17<sup>th</sup>) incident, the employee's direct supervisor, or designee, will continue to count each day as a separate incident. However, prior to recommending termination and prior to the 17<sup>th</sup> incident, the employee's supervisor, or designee, will work with Leave Management to ensure that none of the charged absences should have been covered under protected leave.

**B. Tardy Incidents and/or Early Departure:**

A tardy or early departure incident occurs when an employee fails to report to assigned work or work area and be prepared to start work at the scheduled start time and remain at work for their full shift, including returning from breaks and meal periods. The standard for tardy incidents and/or early departures are based on two factors: (1) business need and (2) communication with the District. Tardy incidents and/or early departures will be treated according to the position's status as either a Fixed Time Scheduled Position or a Non-Fixed Time Scheduled Position.

- C. Example of Non-Fixed Time Scheduled Position:** If a meeting is scheduled at 8:30 AM, then a tardy incident would be triggered if the employee is not present at the meeting's start time. However, as an example, if the employee's schedule starts at 8:30 AM and he/she is trapped in traffic, and there is no scheduled work need at 8:30 AM, the employee will contact his/her direct supervisor or designee to advise that he/she will arrive at an agreed time without triggering a tardy incident so long as it is isolated and not habitual. Employees are responsible for notifying his/her supervisor as soon as he/she knows that he/she will be late for his/her scheduled start time. If an employee does not contact his/her supervisor or arrive for work within 15 minutes of his/her scheduled start time, the employee will be charged with a tardy. Likewise, for early departures, if an employee leaves more

than 15 minutes prior to his/her shift ending without supervisory consent, the employee shall be charged with early departure.

Employees are expected to arrive on time and remain at work until the end of the scheduled work day. If an employee regularly requests to arrive late or leave work early, the District reserves the right to counsel the employee about the importance of following his/her work schedule. If the employee's behavior continues, the District reserves to take disciplinary action.

The direct supervisor, or his/her designee, will be responsible for setting schedules for Non-Fixed Time Scheduled positions and tracking employees whose schedule adherence fails to meet business needs. At the General Office, unless otherwise assigned by the supervisor or designee, employees are required to work during core business hours.

- D. Fixed Time Scheduled Positions:** As defined above, these are positions within the District whereby an employee's on-time schedule adherence is critical to the District's business and meeting the needs of the community. As such, employees must be at work and ready to work and/or remain at work during their scheduled time, and any tardiness or early departure will trigger an incident, if not excused.

An employee on a fixed time schedule will be counted as tardy once their scheduled shift begins. An employee will be counted with an early departure if he/she leaves prior to the end of his/her scheduled workday.

- E. Procedure for Tardy/Early Departure Incidents and Corrective Action:**

For both Non-Fixed Schedule and Fixed Schedule positions, two (2) incidents of tardiness/early departure shall be considered a single absence deemed to have occurred for a rolling twelve (12) month period upon the second instance of such tardiness. Two incidents of either tardiness or early departure, or combination of both, will considered one absence.

At each step, the employee's direct supervisor, or designee, must offer the employee a record of his/her previous tardy/early departure incidents in the rolling twelve months, offer EAP and review available Leave Management Department services (including Leave Management forms like FML). Meetings should be held within thirty (30) days of the incident, provided that the employee is at work and available to meet.

- F. Unexcused Absence Forms:**

Attached are sample forms for supervisors and managers to use for tracking absences, tardies and early departures. These forms may be revised by Human Resources as needed.

**G. Appeals:**

Any employee who has an absence, tardy, or early departure and who believes that the incident was due to unusual or extraordinary circumstances beyond his/her control, may within five (5) business days of the incident, discuss the reason(s) with his/her supervisor, present all available documentation to his/her supervisor, and request in writing that the absence, tardy or early departure be excused. The supervisor will provide a written decision back to the employee, as soon as reasonable, but no later than 15 business days. The supervisor's decision will be final and binding but without setting precedent and/or having an effect on any case not involving the employee.

Depending on the situation of a particular case, discipline may be accelerated, repeated, or taken out of sequence at the discretion of the District. Progressive discipline is a guideline and not a right. Based on review of the situation, the Executive Director of Human Resources, or designee, may skip a step, or steps, in progressive discipline based on the severity of the case.

**V. RESPONSIBILITIES:****A. District Employees:**

1. Reading, understanding and adhering to BP 232 and AR 232A.
2. Arrive and be prepared to commence work at the scheduled start time. Employees are responsible for knowing their assigned work schedules at all times.
3. Responsible for communicating with his/her direct supervisor when the employee will be tardy, leave early and/or unable to be present at work during his/her scheduled shift.
4. Unless business needs dictate otherwise, District employees are responsible for being at work during the standard business day, including Core Business Hours.
5. Dependable attendance and punctuality. If it is necessary for an employee to be tardy/absent/leave early, he/she will need to comply and be subject to the guidelines within this administrative regulation and board policy.
6. Responsible for accurately recording time worked in addition to all absences and tardies/early departures in the designated time reporting system. Employees should monitor their absences. Falsification of time records is subject to disciplinary action, up to and including termination from the District.

7. Responsible for knowing available leave accruals when requesting time off (e.g. vacation, floating holiday, management leave, etc.).
8. Any schedule that does not adhere to the minimum Core Business Hours must be approved through the Executive Director of HR, and the General Manager, or designees.
9. Responsible for communicating timely with Leave Management Department services whenever appropriate, including if the absence will be more than (3) three consecutive days. The employee is also responsible for communicating with his/her Direct Supervisor, or his/her designee, if the absence will be longer than three (3) days.

**B. Direct Supervisors or his/her Designee:**

1. Reading, understanding and applying BP 232 and AR 232A consistently and fairly with all direct reports.
2. Responsible for setting and communicating work schedules for their employees and monitoring punctuality.
3. Responsible for reviewing and verifying employee time worked and attendance records and correcting any inaccuracies entered by the employee, including time missed for unexcused absences, tardiness and/or early departures.
4. Responsible for identifying pattern absences, keeping track of and documenting employee's unscheduled absences, tardy arrivals, and early departures using any designated forms or processes for documenting employee attendance.
5. Responsible for addressing attendance issues within thirty (30) business days of excessive incidents and consistently addressing attendance issues (as outlined above) using the designated forms and processes.
6. Responsible for ensuring the employee is aware that he/she must contact the Leave Management Department if his/her absence will be longer than three (3) days. The Direct Supervisor, or his/her designee, must also contact the Leave Management Department if the absence will be longer than three (3) days.
7. Responsible for providing evaluations and recommendations for this administrative regulation to Human Resources.

**C. Human Resources Department Responsibilities:**

1. Responsible for maintaining any forms and documentation submitted to HR along with any additional relevant information or documentation.
2. Responsible for reviewing and evaluating this administrative regulation regularly and making recommendations to the General Manager.
3. Responsible for ensuring the Leave Management Department notifies the employee about Leave Management services if an expected absence is or will be longer than three (3) days. Also responsible for communicating with the employee's direct supervisor, or designee, about an employee's work status if an absence is longer than three (3) days.
4. Responsible for meeting with and reviewing BP 232 and AR 232A (Attendance) with all newly hired employees as a part of their orientation.

**VI. ATTACHMENTS:**

Unexcused Absence Forms

Approved by:



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Michael A. Hursh, General Manager  
Alameda-Contra Costa Transit District



Alameda Contra Costa Transit District

## Employee Notification Checklist & Discussion - Attendance

Date: \_\_\_\_\_

Employee Name: \_\_\_\_\_ Badge #: \_\_\_\_\_

Please acknowledge that the employee received counseling regarding the following:

Reviewed Attendance Policy with Employee.

Explained to the employee that this was their \_\_\_\_\_ absence in the last 12 months.

Employee was informed of the District's EAP.

Employee was informed of FMLA/Kincare/School Leave (if applicable). Employee was provided contact information for Leave Management services. Employee was provided a copy of their attendance record.

1. The employee was asked what caused the absence(s)

**Employee Comments:**

2. The employee was asked if there was some assistance that might be helpful.

**Employee Comments:**

3. The employee was advised of the consequences of further absences.

**Employee Comments:**



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4. Interviewers comments – including agreements and or understanding with employee:

**Interviewer Comments:**

Check here if the employee failed to respond to the conference/meeting request, or if the employee did not show up for the meeting.

**Comments:**

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**Employee Signature**

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**Supervisor Signature or Designee**



**SAMPLE - UNEXCUSED ABSENCE FORM**

Today's Date:		Date of Hire:	
Employee Name:		Job Title:	
Badge Number:		Dept./Location:	
Dates of rolling 12 month period:	Start date:		End Date:

Step*	Date(s) of Unexcused Absence	Date(s) Administered
13 <sup>th</sup> unexcused absence (Counseling)		
<b><i>Labor Relations must be notified prior to administering any of the following Corrective Actions:</i></b>		
14 <sup>th</sup> unexcused absence (Written Warning)		
15 <sup>th</sup> unexcused absence (Adverse Action)		
16 <sup>th</sup> unexcused absence (Final Warning)		
17 <sup>th</sup> unexcused absence (Termination of Employment)		

\* The steps outlined above adhere to Administrative Regulation No. 232A: Attendance Policy Guidelines and Procedures.

**THIS SECTION MUST BE COMPLETED BY SUPERVISOR**

*(Please explain why the absence(s) noted above were unexcused and attach documentation if available.)*

Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Supervisor Name: \_\_\_\_\_

**RECORDKEEPING REQUIREMENTS**

- Supervisor/Manager keeps copy of this form.
- Date original sent to Human Resources: \_\_\_\_\_
- Date copy of form sent to Labor Relations: \_\_\_\_\_

**\*This a sample form and may be revised.**