

OFFICE OF THE SHERIFF	
Sheriff Terry L. Thompson	
General Order	

To: All WCSO Staff

From: Sheriff Thompson

CC:

Date: 17-Jul-2013

Re: Leave Abuse and Habitual Absenteeism or Tardiness

#13-03

Purpose:

The purpose of this Order is to provide uniform guidelines for the identification, documentation, and prevention of Leave Abuse and Habitual Absenteeism or Tardiness by Weber County Sheriff's Office Staff.

Rationale:

- A. Establishing guidelines regarding leave abuse provides a means by which leave use may be monitored and abuse by staff can be documented.
- B. Paid leave is considered a privilege rather than an obligation of the County to its employees.
- C. Staff who are absent or tardy from their assigned shifts place a burden on co-workers by causing them to be held over on their shifts until safe/secure staffing levels can be maintained.
- D. Documentation of leave abuse and/or habitual absenteeism or tardiness by staff provides a way to offer counseling, assistance, and/or disciplinary action as deemed necessary to correct the problem, up to and including termination.

Definitions:

For the purpose of this General Order the following definitions will apply:

- A. **Leave Abuse** – Misrepresentation of the actual reason for charging an absence to sick leave, to include chronic, persistent, or patterned use of leave. Indications of leave abuse may include, but are not limited to:
 - 1. Patterned use of leave the day before or the day after regularly scheduled days off.
 - 2. Patterned use of leave the day before or the day after a Holiday, during a pay period containing a Holiday, or on a Holiday which the employee is scheduled to work.

3. Patterned use of leave on the same day of the week or month.
 4. Patterned use of leave on or the day after a payday.
 5. An employee's use of most or all of his or her earned leave, unless obvious mitigating circumstances are present.
 6. Visual observation of an employee's activities while on sick leave which indicates he or she is not using sick leave properly, such as recreating or attending social functions.
- B. **Unscheduled absence** – Failure to be present for assigned shifts or training events, and/or failing to complete assigned shifts without prior authorization.
 - C. **Habitual absenteeism** – An employee's demonstrated use of five (5) or more days of unscheduled leave or failure to complete assigned shifts within a 6-month period.
 - D. **Tardy** – Not being present at the prescribed time for shift briefings, scheduled start of the shift, or training events without prior permission or without contacting a supervisor in advance.
 - E. **Habitual tardiness** – Being tardy three (3) or more times in a 30-day period.
 - F. **Physician** – A person licensed to practice medicine by the Board of Medical Examiners.
 - G. **Licensed Practitioner** – A person licensed by the appropriate State board to practice the following professions:
 1. Dentist;
 2. Chiropractor;
 3. Physical Therapist;
 4. Optometrist;
 5. Psychologist;
 6. Certified Mental Health Professional;
 7. Certified Substance Abuse Counselor;
 8. Licensed Nurse Practitioner.
 - H. **Medical Documentation** – A statement provided by a physician or licensed practitioner indicating the date and time an employee was examined or treated which verifies the need for the use of sick leave, and, if possible, the approximate time period the employee may be unable to work. Additional information may be voluntarily provided by the physician or practitioner in conjunction with HIPAA regulations.

Responsibilities:

Supervisors

Supervisors shall monitor and approve all leave following guidelines established in Weber County Personnel Policy and Procedure, Chapter 4.

- A. Supervisors should document sick call notifications in the employee evaluation system.
- B. Supervisors should document all tardiness by an employee, whether approved or not, in the employee evaluation system.

Employees

- A. All staff are required to report for duty at the beginning of their scheduled shift.
 1. If a staff member is not able to report at the beginning of his or her shift, he or she must make contact with the supervisor to advise the reason and provide an estimated time of arrival to work.

2. Any staff member who fails to report for duty at the beginning of a scheduled shift without prior permission or fails to contact the supervisor in advance will be considered absent without leave until he or she reports to the supervisor.
- B. Employees shall request leave time as outlined in Weber County Personnel Policy and Procedure, Chapter 4.
 1. When possible, leave shall be requested in advance on a Leave Request form.
 2. All leave shall be documented on the employee's Time Sheet, with an approved Leave Request form attached to the Time Sheet.

Order:

Leave Abuse

- A. A supervisor who has documented abuse of sick leave by an employee may deny the use of sick leave for the period of time in question.
- B. If a supervisor questions the validity of a sick leave request or believes the employee is abusing sick leave, he or she shall inform the employee that medical documentation will be required before the sick leave will be approved.
 1. If a supervisor believes the employee's medical documentation is not authentic, he or she must provide, in writing, the reason(s) for doubt and require the employee obtain additional medical documentation.
 2. An employee who fraudulently obtains medical documentation or presents documentation that is not authentic is subject to disciplinary action, up to and including termination.
- C. Time not worked that is determined to be sick leave abuse shall be documented on the employee's Time Sheet as unexcused leave without pay.
- D. Any employee who has been determined to be abusing sick leave may be subject to disciplinary action, up to and including termination.

Habitual Absenteeism

- A. Any staff member who is habitually absent or found to be abusing leave will be placed on Corrective Action Status (CAS) and will be required to provide documentation supporting any unscheduled absences while on CAS.
 1. Assignment to CAS requires supervisory documentation and recommendation supporting the reason for placement on CAS. The employee is subject to disciplinary recommendations, up to and including termination.
 2. Employees assigned to CAS should be given information regarding professional services available to assist employees, such as Employee Assistance Program (EAP), etc.
 3. An employee shall not be placed on CAS as a result of illness or injury as qualified by Risk Management, Workers Compensation, FMLA, or documented chronic medical concerns or any absence for which the employee has been given prior supervisory approval.
- B. An employee on CAS will be re-evaluated by the appropriate supervisor after 180 days for removal from CAS.
 1. Evaluations will be recorded in the employee evaluation system.

2. Employees on CAS must demonstrate improvement in their attendance by having no more than two (2) unscheduled absences during the CAS period or the CAS may be extended in 30-day increments until that standard can be met.

Habitual Tardiness

An employee who is shown to be habitually tardy is subject to disciplinary action, up to and including termination.

Leave Without Pay

- A. Staff members requesting leave without pay (LWOP) must submit a written request for consideration through the chain of command. Approval for LWOP is granted by the Sheriff. LWOP may not exceed 30 calendar days unless approved by the Human Resources Director and the County Commission.
- B. Staff members requesting leave under the Family Medical Leave Act (FMLA) shall complete and submit the proper request 30 days in advance, if foreseeable, or as soon as possible and practicable under the circumstances if not foreseeable.
 - a. FMLA forms are available from the Sheriff's Office Payroll Specialist.
 - b. The application for FMLA shall include the appropriate information and the length of time requested. Medical certification may be required to support the FMLA request.
 - c. A fitness for duty report may be required before the employee is allowed to return to work.