



DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS

Program Statement

OPI:	HRM
Number:	3490.7B
Date:	February 3, 2011
Supersedes:	3490.7A (05/5/03)
Subject:	Affirmative Attendance

1. **PURPOSE AND SCOPE.** To prescribe policy, standards and procedures governing employee attendance consistent with provisions set forth in the District Personnel Regulations (DPM), Chapter 12 Part II, "Hours of Work, Legal Holidays and Leave" and the Labor Management Agreement effective through September 30, 2005. Use of annual leave, compensatory time and other types of leave are addressed in Program Statement 3490.9, "Employee Leave Approvals".
2. **POLICY.** It is DC Department of Corrections (DOC) policy that:
 - a. All employees shall report on time each day for their tour of duty.
 - b. Supervisors shall make affirmative decisions regarding absences in accordance with this directive, the Labor Management Agreement, DPM Chapter 12 Part II and Program Statement 3490.9, "Employee Leave Approvals".
 - c. Supervisors shall regularly review employee time and attendance records to identify and correct possible leave abuse.
3. **PROGRAM OBJECTIVES.** The expected results of this program are:
 - a. All employees shall report for duty by the specified time, on a daily basis, unless leave has been authorized.
 - b. An adequate number of employees are on duty to ensure that the agency or program area is operated efficiently.
 - c. Absences shall only be approved in accordance with personnel procedures and Labor Management Agreement.
 - d. Supervisors shall make affirmative decisions regarding all employees' absences and shall monitor employee time and attendance records on a monthly basis for indications of possible leave abuse.

- e. Unauthorized absences shall be subject to appropriate corrective or adverse action for cause in accordance with DPM Chapter 16 "Employee Discipline" and Sections 13 and 14 of this directive.

4. NOTICE OF NON-DISCRIMINATION.

- a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §2.1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
- b. The Department of Corrections prohibits discrimination against inmates based on race, religion, national origin, sex, disability or political views in making administrative decisions and in providing access to programs.

5. DIRECTIVES AFFECTED

a. Directives Rescinded

DO 3490.7 Employee Record of Absences and Overtime (2/10/82)

b. Directives Referenced

- 1) PS 3490.9 Employee Leave Use
- 2) DO 6010.5 Fitness for Duty Medical Examination
- 3) DO 3410.1 Employee Assistance Program
- 4) DO 2211.1 Overtime Management

6. STANDARDS REFERENCED.

None

7. AUTHORITY

- a. D.C. Official Code 1-616.51 through 1.616.54 (Career Service)
- b. District of Columbia Personnel Regulations, Chapter 12 Part II, "Hours of

Work, Legal Holidays, and Leave”.

- c. District of Columbia Personnel Regulations, Chapter 16, “General Discipline and Grievances” (DPM Transmittal Sheet Number 92, dated January 3, 2003).
 - d. District Personnel Regulations, Chapter 8, Part I “Career Service”.
 - e. District Personnel Regulations, Chapter 9 Part I, “Excepted Service”.
 - f. District Personnel Regulations, Chapter 36 Part I, “Legal Service”.
 - g. District Personnel Regulations, Chapter 38 Part I, “Management Supervisory Service”.
 - h. Labor Management Agreement between the Fraternal Order of Police and the Government of the District of Columbia Department of Corrections, Article 12 “Leave” effective through September 30, 2005.
8. **APPLICABILITY.** This policy applies to all employees of the D.C. Department of Corrections, to include but not limited to: Career (Probationary/Permanent), Management Supervisory Service, Excepted Service and Legal Service.
9. **DEFINITIONS**
- a. **Unauthorized Absence (UA).** Any absence from duty, which has not been granted or approved in accordance with established policy and procedure.
 - b. **Tardiness.** The agency shall adhere to DPM Chapter 12 Part II “Hours of Work, Legal Holidays, Leave” Subpart 10 and to any agency negotiated Tardiness policy.
10. **RESPONSIBILITIES**
- a. **Director.** The Director or designee has the authority to ensure administration of affirmative attendance and leave procedures.
 - a. **Supervisors**
 - 5) Deputy Directors, Office Chiefs, Administrators, and Shift Supervisors shall ensure strict compliance with the provisions set forth in this policy.
 - 6) Authority for approving leave shall be delegated to the lowest practicable supervisory level.
 - 7) Designated supervisors shall determine when and the extent to which, leave is to be granted, as well as the responsibility for affording employees an opportunity to use accrued annual leave.

- 8) Supervisors shall conduct formal reviews of employee leave usage on a monthly basis and shall initiate appropriate action when leave abuse is evident.
- 9) Supervisors who fail to take action in accordance with this directive may be referred for disciplinary action.

11. PROCEDURES

a. Employees

- 1) It is the responsibility of the individual employee to monitor and track accrual and use of sick and annual leave balances. Normally, employees shall request approval for use of annual leave or sick leave for medical, dental or optical appointments prior to the day on which the leave is to be used. Employees shall make this request in writing, by completing a SF-71 "Application for Leave" (Attachment 2). Both sides of the SF-71, as appropriate, shall be completed when the employee is requesting sick leave.
- 2) Unplanned and emergency leave.
 - a) Uniform employees shall contact the Command Center¹ no less than two (2) hours *prior* to their official tour of duty when requesting unscheduled annual or sick leave. Notification anytime thereafter may result in denial of the leave request and the employee being cited for an unauthorized absence.
 - b) Non-Uniform employees shall request unscheduled annual or sick leave from their immediate supervisor or designee as soon as possible prior to the start of their tour of duty, but not later than one (1) hour, fifteen (15) minutes after the beginning of their tour of duty. Notification anytime thereafter may result in denial of the leave request and the employee being cited for an unauthorized absence.
 - c) All employees shall complete and submit a SF-71, "Application for Leave" (Attachment 2) directly to their supervisor or designee on the day the employee returns to work. Failure to provide an SF-71 shall result in the employee's absence being considered an unauthorized absence and disciplinary action could be initiated.
- 3) Medical documentation. Employees shall provide medical documentation

¹ Referred to as the "Control Center" in the Labor Management Agreement, Article 12

in accordance with DPM Chapter 12 Part II, the Labor Management Agreement and Section 11 "Medical Documentation" of this directive.

- 4) An employee who, after being denied annual leave or compensatory time, calls in sick for the same time period may be required to provide medical documentation on the day of his/her return to duty. If medical documentation is not submitted the employee may be charged with unauthorized leave.
- 5) During a medically documented extended illness, an employee who has used all available sick leave may request approval to use available annual leave or apply for Advance Sick Leave or Leave Without Pay under the Family and Medical Leave Act in accordance with provisions of PS 3490.9, "Employee Use of Leave". Failure to apply for Leave Without Pay shall result in such absences being designated as an unauthorized absence.
- 6) It is recommended that an employee, who frequently uses sick leave (for example due to a chronic illness or other medical debilitation), submit a statement from the attending physician as to the effect that their condition may have upon their leave use. This shall not preclude the employee from submitting medical certification as required in accordance with DPM Chapter 12 Part II and the labor management agreement.

b. Command Center

Staff assigned to the Command Center and who receive employee call-in requests for unscheduled leave shall record each request on a Notification of Absence and Call-In Report and shall certify its accuracy by signing their name, date and time the call was received and immediately forward to the respective Shift Supervisor (See Attachment 1).

c. Supervisors

- 1) Supervisors shall approve requests for earned leave in accordance with the District Personnel Manual, Chapter 12 Part II, the Labor Management Agreement and as cited in this order. Both requests for leave and the supervisory approval or denial of the requested leave shall be in writing.
- 2) Supervisors shall ensure that approval and denial of unplanned, unscheduled or emergency leave is administered in accordance with this directive.
- 3) Supervisors shall provide written justification as required in the "Official Action on Application" section of the SF-71 (Application for Leave) whenever leave is denied.

4) Supervisors shall ensure that employees under their purview submit medical documentation in accordance with the District Personnel Manual, Chapter 12 Part II, the Labor Management Agreement and as cited in this order.

d. Certification of Time Spent in Duty Status

1) Non-uniform Employees

- a. Non-uniform employees shall make certification as to the actual number of hours worked during the pay period via completion of DCDC Form 1.218, "Supplemental Certification of Time Spent in Duty Status" form (Attachment 3).
- b. False certification of the DCDC Form 1.218 by the employee shall constitute grounds for disciplinary action.
- c. Employees shall forward the DCDC Form 1.218 to their supervisor by the Tuesday preceding the end of the pay period.
- d. The supervisor shall certify that the employee's documentation of work hours is accurate by utilizing and comparing the biometric report prior to signing the DCDC Form 1.218. Supervisors may be subject to disciplinary action for approving an Employee Certification Of Time Spent In Duty Status report that is intentionally false.
- e. The supervisor shall forward the certified DCDC Form 1.218 to the Time and Attendance Officer by the Tuesday preceding the end of the pay period for posting.
- f. The Time and Attendance Officer shall post the employee's time and attendance on the 251 Form and ensure that all required documentation for leave used has been submitted.
- g. The Time and Attendance Officer shall contact the employee's supervisor if the employee or supervisor has not submitted the required leave slips and medical certification.
- h. The Time and Attendance Officer shall attach the original leave slips and copies of all other required documents that support the employee's absence to the 251 Form, and forward to the Payroll Division.
- i. The Time and Attendance Officer shall maintain copies of the 251 Form, the DCDC 1.218, and copies of supporting documentation shall be maintained in the employee's time and attendance file.

2) Uniform Employees:

- a) The Shift Supervisor shall complete the daily Time and Attendance Roster noting that the employee was present for duty and/or absent to include the appropriate leave status for the employee for that date.
- b) The supervisor shall sign the daily Time and Attendance Roster certifying accuracy and forward a copy of the daily Time and Attendance Roster to the Time and Attendance Officer each day.
- c) The Time and Attendance Officer shall post uniform employee's time and attendance in accordance with the certified daily Time and Attendance Roster.
- d) The Time and Attendance Officer shall complete the 251 Forms, attach the original leave slip(s) and supporting documentation for the period of absence, and forward them to the Payroll Division.
- e) The Time and Attendance Officer shall contact the employee's supervisor if the employee or supervisor has not submitted the required certification prior to submission of the 251 Form to the Payroll Division.
- f) A copy of the 251 Form, leave slip and supporting documentation shall be maintained in the employee's time and attendance file by the Time and Attendance Officer.
- g) Additionally, the daily Time and Attendance Roster shall be maintained on file in the Time and Attendance Office for future reference.

e. Leave Monitoring

- 1) All supervisors shall use DCDC Form 1.527, "Employees Record of Absences and Overtime" (Attachment 4) for the following activities:
 - a) Recording and reviewing employee attendance.
 - b) Providing a visual tool to determine leave abuse, such as excessive sick leave, unplanned leave in conjunction with days off and/or paydays, etc.
 - c) Recording dates and results of employee counseling regarding leave use.

- d) Preparing a monthly summary report of leave usage as prescribed in Section 15 of this directive.
- 2) Supervisors shall closely monitor employee leave usage and at the first indication of attendance problems the Supervisor shall meet with the employee to counsel them on their attendance (Attachment 5).

12. Medical Documentation

- a. **Collective bargaining employees** (Union) shall provide medical documentation for absences of three (3) working days or more in accordance with the Labor Management Agreement and this directive.
- b. **Non-union employees** shall provide medical documentation for absences in excess of three (3) working days in accordance with the District Personnel Manual, Chapter 12 Part II and this directive.
- c. Should the employee fail to furnish the required medical documentation upon return to duty, the supervisor shall disapprove the request for leave, cite the employee for an unauthorized absence and initiate disciplinary action in accordance with the Table of Penalties in Section 14 of this directive.
- d. When it is otherwise determined that an absence is not properly chargeable to sick leave, the Major or Department Head, shall determine the appropriate action which may range from allowing the employee to use other applicable leave (see PS 3490.9A "Employee Leave Use") to charging the employee with an unauthorized absence and initiating disciplinary action.
- e. Any employee who fraudulently obtains medical documentation or who in any way presents medical documentation which is not authentic, shall be charged with an unauthorized absence and disciplined.
- f. Minimum Medical Certification Requirements:
 - 1) The medical certification must be an original document. Copies shall not be accepted as valid.
 - 2) The medical certification shall include an original signature, address, and phone number of the medical practitioner.
 - 3) The days on the medical certification must coincide with the days on which the employee was absent and charged to sick leave.
 - 4) Medical certification must reflect that the employee was unable to work on the date(s) in question due to personal or family illness.

13. Sick Certification Status.

- a. When the supervisor has reason to believe the employee is abusing use of sick leave, the supervisor shall notify the employee of the intent to place the employee on Sick Certification Status.
- b. The employee shall be given an opportunity to respond to the assessment and to provide documentation that might influence the final decision.
- c. If the supervisor determines that based on all available evidence, the employee has abused sick leave, the supervisor shall notify the employee in writing of placement on Sick Certification status (Attachment 6).
- d. Employees who have been placed on Sick Certification Status shall be informed in writing that sick leave shall only be granted, regardless of its duration, contingent upon their submission of a valid medical certificate indicating incapacitation due to illness or injury.
- e. The supervisor shall review sick certification status with the employee within 90 days of placement on sick certification status. If the employee has improved attendance to the satisfaction of the supervisor, the employee shall be informed in writing of removal from sick certification status.
- f. If the employee has not improved attendance, the employee shall be notified in writing of continuation on Sick Leave Certification for an additional 90 days at which time a second review with the employee shall be conducted.
- g. DOC recognizes that personal problems may affect an employee's attendance. In addition to counseling, sick certification status and disciplinary action, supervisors are encouraged to refer employees to the Employee Assistance Program.

14. UNAUTHORIZED ABSENCE

- a. An unauthorized absence is a period of absence that has not been granted or approved.
- b. An employee shall not receive pay during an unauthorized absence and may be subject to disciplinary action as provided in Section 14 of this directive.
- c. The following categories of unauthorized absence determine the severity of discipline as directed in Section 14 of this directive.
 - 1) **Unauthorized Absence with Call-in.** An employee, who calls in and is subsequently denied requested leave, shall be charged with an Unauthorized Absence with Call In. Reasons to deny leave may include but are not limited to the following:

- a) The employee did not call in within the time frame set forth in Section 10. a. §§ 2) or 3) of this directive and subsequently fails to provide documented justification for the inability to have done so;
 - b) The employee fails to provide documentation, as outlined in this directive.
- 2) **Consecutive Unauthorized Absence with Call-in.**
- a) Each day of unauthorized absence shall be considered a separate offense for the purpose of progressive discipline.
 - b) Discipline for consecutive days of Unauthorized Absence shall be administered pursuant to Section 14. b. "Consecutive Unauthorized Absences with Call-in" of this directive.
- 3) **Unauthorized Absence with No Call.** Employees who do not report to work and do not call-in to request emergency or unplanned leave shall be cited under Section 14.c. of this directive.
- 4) **Consecutive Unauthorized Absence with No Call.** Employees who do not report to work and do not call-in to request emergency or unplanned leave for two or more consecutive days shall be cited under Section 14.d. of this directive.

15. DISCIPLINARY ACTION FOR UNAUTHORIZED ABSENCES.

- a. Supervisors shall document each unauthorized absence on Form 1199A (Attachment 7), issuing it directly to the employee; or if the employee has been absent for several days within the pay period; via certified mail in accordance with PS 3490.9A "Employee Use of Leave".
- b. Supervisors shall initiate action for all unauthorized absences in accordance with this directive and using ¶d. Table of Penalty Guidelines in §§ 1) through 4) of this section.
- c. In determining the penalty for the disciplinary action, unauthorized absences may be considered for not longer than three (3) years from the effective date of the action, unless ordered withdrawn sooner.

d. **Table of Penalty Guidelines.**

1) **Unauthorized Absence With Call-In**

1 st Offense of Single Day Absence	Letter of Admonition
2 nd Offense of Single Day Absence	Official Letter of Reprimand
3 rd Offense of Single Day Absence	1 Day Suspension
4 th Offense of Single Day Absence	3 Day Suspension
5 th Offense of Single Day Absence	5 Day Suspension
6 th Offense of Single Day Absence	7 Day Suspension
7 th Offense of Single Day Absence	9 Day Suspension
8 th Offense of Single Day Absence	15 Day Suspension
9 th Offense of Single Day Absence	30 Day Suspension
10 th Offense of Single Day Absence	Removal

- 2) **Consecutive Unauthorized Absence With Call-In.** This table shall be applied in addition to the prescribed penalties in Section c. above when an employee incurs an unauthorized absence for consecutive days.

2 Consecutive Days Absence	Official Letter of Reprimand
3 Consecutive Days Absence	1 Day Suspension
4 Consecutive Days Absence	3 Day Suspension
5 Consecutive Days Absence	5 Day Suspension
6 Consecutive Days Absence	7 Day Suspension
7 Consecutive Days Absence	9 Day Suspension
8 Consecutive Days Absence	15 Day Suspension
9 Consecutive Days Absence	20 Day Suspension
10 Consecutive Days Absence	Removal

3) **Unauthorized Absence with No Call**

1 st Offense of Single Day Absence	1 Day Suspension
2 nd Offense of Single Day Absence	3 Day Suspension
3 rd Offense of Single Day Absence	7 Day Suspension
4 th Offense of Single Day Absence	9 Day Suspension
5 th Offense of Single Day Absence	Removal

4) **Consecutive Unauthorized Absence with No Call.**

2 Consecutive Days Absence	5 Day Suspension
3 Consecutive Days Absence	9 Day Suspension
4 Consecutive Days Absence	20 Day Suspension

5 Consecutive Days Absence

Removal

16. Monthly Report of Leave Use

- a. The Supervisor shall use information from Form 1.527 to conduct a formal review of leave patterns for each employee under their supervision and submit a monthly report of leave use to the Deputy Director/Office Chief/Administrator through their chain-of-command within fifteen (15) days after the end of each month.
- b. The monthly report shall include:
 - 1) The total number of sick hours used,
 - 2) The total number of scheduled annual leave hours used,
 - 3) The total number of hours of Leave Without Pay (LWOP) that was used,
 - 4) The total number of hours of Advanced Sick Leave that was used,
 - 5) The total number of hours of unauthorized absence,
 - 6) The total number of employees on sick certification status,
 - 7) The number of counseling and corrective or adverse disciplinary actions completed as a result of leave abuse.
- c. Deputy Directors, Office Chiefs and Administrators shall submit the summary report on employee sick leave utilization to the Director within twenty-one (21) days after the end of each month.

17. EMPLOYEE NOTIFICATION

- a. The Director, Deputy Directors, Office Chiefs and Administrator shall issue a copy of this directive to each employee under their authority.
- b. Each employee shall sign the "Acknowledgement of Receipt" form (Attachment 8), which shall be maintained on file by the employee's respective supervisor.
- c. The Warden/Administrator/Office Chief shall forward a copy of the signed Acknowledgement of Receipt, for employees under their span of authority, to the Human Resource Management (HRM) Special Projects Officer.
- d. This directive shall be conspicuously posted on all employee bulletin boards and employee responsibility for compliance shall be announced at staff meetings and at Roll Call for five (5) consecutive days.
- e. The Human Resource Management Division shall ensure that each new employee acknowledges receipt of a copy of this directive.

18. **TRAINING.** The Training Administrator shall ensure that this Program Statement is incorporated in Pre-Service, In-Service and Manager/Supervisors training.


Devon Brown
Director

Attachments

1. "Notification of Absence and Call-in Report"
2. SF-71 "Application for Leave"
3. DCDC Form 1.218 "Supplemental Certification of Time Spent in Duty Status"
4. DCDC Form 1.527 "Employees Record of Absences and Overtime"
5. Counseling Notice of Excessive Sick Leave Use
6. Sick Certification Notice
7. Form 1199A "Notice of Unauthorized Absence"
8. "Acknowledgement of Receipt" Form