

## 1.1.C.18 Institutional Staff Attendance

### I Policy Index:



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**Office of Primary Responsibility:** DOC Administration

### II Policy:

The purpose of this policy is to provide attendance and leave guidelines for facility staff assigned to a South Dakota Department of Corrections (DOC) institution. The DOC shall provide clear, uniform, and informative directives regarding the management and use of leave. Expectations of attendance and appropriate use of leave shall be in accordance with all applicable state and federal laws, rules and directives, including those relating to disabilities, accommodation of disabilities and the Family and Medical Leave Act (FMLA).

### III Definitions:

#### Excused Absence:

An absence when leave time has been approved and the immediate supervisor has found reasonable cause to excuse the staff person from working all or part of their scheduled workday(s).

#### Immediate Supervisor:

A staff person responsible for supervising another staff person, including signing time forms, leave requests and for approving requests for leave.

#### Facility Staff:

Any staff member whose primary workstation is located within a DOC facility housing inmates.

#### Late Call In:

An absence where staff misses at least two hours of a shift without providing a two-hour notice to an immediate supervisor, unless an unforeseen circumstance were to arise.

#### No-Call/No-Show:

An absence where staff does not report for duty at the start of their scheduled shift (includes overtime shifts) and fails to adequately notify the immediate supervisor they will be absent.

#### Occurrence:

Does not include leave that is designated as FMLA. Includes the following:

- a. Late Call In
- b. Unexcused absence
- c. Tardy
- d. No-Call/No-Show

- e. Other occurrences:
  - 1. Any call ins for sick leave that exceed seven (7) absences in a rolling twelve (12) month period.
  - 2. Any unplanned absence exceeding half of the scheduled shift.

**Scheduled Absence:**

An absence from scheduled work which is requested in advance of the beginning of the staff person's scheduled work shift and approved by the immediate supervisor.

**Tardiness:**

When a staff member is late to their scheduled shift by at least six minutes or leaves from their shift prior to the end of the scheduled shift, without prior approval from their supervisor.

**Twelve Month Rolling Period:**

A period of twelve consecutive months determined on a rolling basis, beginning the month of the first occurrence.

**Unexcused Absence:**

An absence when leave time has not been requested at least two (2) hours prior to the beginning of the shift and approved in advance by the immediate supervisor, who has not found reasonable cause to excuse the staff person. If staff have an unforeseen circumstance that prevents them from providing a 2 hour notification, the employee must provide reason to the supervisor for the circumstance to be excused.

**Workday:**

A scheduled day of work exclusive of authorized leave days and scheduled days off.

**IV Procedures:****1. Immediate Supervisors:**

- A. Immediate supervisors have authority to identify facility staff not previously scheduled to work to cover shift vacancies and are responsible for recalling staff not scheduled to work to sufficiently cover the shift.
- B. Immediate supervisors are responsible for ensuring staff members properly report leave time and hours worked within the Time Keeping System.

**2. Time Keeping System:**

- A. Immediate supervisors at each work location shall determine procedures for entering hours worked into the State's Timekeeping System (TKS) and may designate timekeepers that are responsible for leave and attendance entry.
  - 1. Staff shall enter leave and hours worked in the TKS. The immediate supervisor shall approve all payable time generated in the TKS for the staff they supervise.
  - 2. Staff shall follow the approved process for requesting absence.
  - 3. Immediate supervisors must approve all overtime offered to a staff member. Overtime worked by staff must be documented on the *Overtime Report & Authorization Form* ([Attachment 1](#)). Immediate supervisors will verify all entered/documented overtime at the end of the shift when overtime is worked.

### **3. Approved Leave Requests**

- A. It is the responsibility of immediate supervisors to determine the type of leave to be charged for each absence by staff they supervise.
- B. All staff absences from scheduled work must be approved in advance by the immediate supervisor, if possible. Staff who are or will be absent must report the reason for the absence to their supervisor as soon as possible. If approved by the immediate supervisor, paid leave time must be used, if available. Unauthorized or no-call/no-show absences may be considered an unexcused absence.
- C. Staff working flexible schedules who request leave will be charged the number of hours they are scheduled to work for the day(s) for the date the leave was requested.

### **4. Vacation Leave:**

- A. Initial request for vacation leave must be submitted via the institution's request process (See Institutional OM). Upon approval staff must enter vacation time into the TKS system. This must be completed at least seven (7) days prior to the start of the planned leave, when circumstances permit.
- B. The immediate supervisor shall consider the staff person's vacation leave request upon receipt of the request and approve or disapprove the request. Approval of vacation leave requests is subject to the safety and security needs of the facility and limited to the amount of vacation time the staff person has accumulated, unless otherwise authorized to take leave without pay.
  - 1. Requests for vacation leave may be denied if operational staffing needs cannot be met.
- C. Staff requesting vacation leave will be charged the number of hours they are scheduled to work for the day which the vacation leave was requested.
- D. The immediate supervisor shall consider the staff person's vacation leave request and approve or disapprove the request sufficiently after the request has been received. Leave requests are subject to the safety and security needs of the facility and limited to the amount of vacation time the staff person has accumulated.

### **5. Sick Leave:**

- A. When staff have advance knowledge of a need for sick leave, such as scheduled medical procedures or appointments that conflict with the staff member's work schedule, the staff member shall provide as much advance notice as possible to their supervisor as soon as possible.
- B. When staff are required to take unplanned sick leave for sickness, injury, or other qualifying event, the staff member is required to notify their supervisor, the on-duty supervisor or designated point of contact, at least two (2) hours in advance of use of the unplanned sick leave, or the earliest possible opportunity prior to the beginning of the scheduled work shift.
  - 1. Methods of approved notification include telephone, email, or text. If a text or email is sent, a confirmation response must be received from the supervisor. If a confirmation response is not received within a reasonable amount of time, then staff must call their supervisor for a verbal confirmation.
    - a. Each employee is responsible to know the preferred method of call-ins with their supervisor.
- C. A sick leave request must be completed in the TKS by the staff member or the staff member's immediate supervisor when the staff member returns to duty. The immediate supervisor will review

the request and approve or deny the sick leave request. If denied the supervisor will determine the type of leave to be submitted based on the circumstance.

- D. Staff requesting sick leave for being absent for the duration of their shift must request sick leave for the number of hours they were scheduled to work. If the staff member is absent for part of their scheduled shift, they must request sick leave for the amount of time they were absent. Sick leave hours may be reduced if total hours exceed the employee's originally scheduled hours.
- E. In the event a staff member is absent from work for more than three (3) consecutive workdays of planned or unplanned sick leave, the staff member may be required to submit a medical certification from a healthcare provider to their Bureau of Human Resources representative upon their return to work (FMLA).

## 6. Unauthorized Leave Occurrences

### A. Tardiness

- 1. The disciplinary action schedule for tardiness occurrences in a rolling twelve (12) month period is:
  - a. 1<sup>st</sup> = Verbal Counseling
  - b. 2<sup>nd</sup> = Verbal Counseling
  - c. 3<sup>rd</sup> = Verbal Counseling
  - d. 4<sup>th</sup> = Letter of Counseling
  - e. 5<sup>th</sup> = Written Reprimand
  - f. 6<sup>th</sup> = Suspension without Pay
  - g. 7<sup>th</sup> = Disciplinary Action up to and Including Termination

### B. No-Call/No-Show, includes Unexcused Absence

- 1. The disciplinary action schedule for No-Call/No-Show occurrences in a rolling twelve (12) month period is:
  - a. 1<sup>st</sup> = Written Reprimand
  - b. 2<sup>nd</sup> = Suspension without Pay
  - c. 3<sup>rd</sup> = Disciplinary Action up to and Including Termination

### C. Sick Leave

- 1. Staff are permitted seven (7) absences within a rolling 12-month period related to: personal illness, care of immediate family, or any other unexpected absence.
  - a. If an employee is absent eight (8) times within a rolling 12-month period, the eighth (8<sup>th</sup>) absence will be counted as a first (1<sup>st</sup>) occurrence.
- 2. The disciplinary action schedule for sick leave occurrences is:
  - a. 1<sup>st</sup> = Verbal Counseling (8<sup>th</sup> absence)
  - b. 2<sup>nd</sup> = Written Reprimand (9<sup>th</sup> absence)
  - c. 3<sup>rd</sup> = Suspension without pay (10<sup>th</sup> absence)
  - d. 4<sup>th</sup> = Last Chance Agreement (11<sup>th</sup> absence)
  - e. 5<sup>th</sup> = Disciplinary Action, up to and including Termination (12<sup>th</sup> absence)
- 3. Call-ins on consecutive days may be counted as multiple occurrences.

4. Staff must provide enough information to the immediate supervisor so they can make a determination regarding appropriate leave for the absence or determine whether the absence shall be counted as an occurrence. If a staff member refuses or fails to provide enough information, the supervisor has authority to assign the most appropriate leave, based on the information available. All information is due to the supervisor before the end of the pay period. Once the leave has been entered into the TKS, it is typically not subject to change.
  5. Absences due to a work-related injury/illness may not be counted as an occurrence.
  6. The Warden has the discretion to consider individual circumstances and waive the occurrences for an absence.
- D. If staff have occurrences in more than one of the Unauthorized Leave schedules (i.e. Tardiness, No Call/No Show, Sick Leave), the schedule for each occurrence type should be followed and are not normally additive across schedules. However, chronic instances of unauthorized leave occurrences across schedules, as defined in this section, shall be referred to the Warden for appropriate action up to and including termination.

## 7. Misuse of Leave:

- A. Disciplinary action may be taken for the misuse of leave, in compliance with South Dakota Administrative Rules and BHR/DOC policies regarding attendance and leave. The following are examples of misuse of leave (not intended to be an inclusive list):
1. Unexcused absences, or pattern of repeated leave in connection with regularly scheduled days off, holidays or weekends.
  2. Unexcused absences either before or after approved vacation leave.
  3. Unexcused absences on the same day as special events, social gatherings, etc.
  4. Use of sick leave or personal leave for unapproved reasons.
  5. Pattern of repeated leave use when the leave is used in conjunction with outside employment.
  6. Leave use immediately following a change in duty assignments or shifts.
  7. Leave used immediately when earned, (below average accrued leave or requesting excessive amounts of leave).
  8. Unexcused leave after a request for leave has been denied.

## V Related Directives:

BHR Employee Handbook

## VI Revision Log:

August 2021: New policy

*Tim Reisch (original signature on file)*

Tim Reisch, Interim Secretary of Corrections

*08/23/2021*

Date

