

Chapter: Attendance, Shifts, and Timekeeping	<b>Effective Date: 6/1/16</b>
<b>Title: Attendance</b>	Page: 1 of 6
ACA: N/A	Replaces: PRS.27.01, 12/1/11
Statutes: N/A	

(a) **Policy.**

Every Texas Juvenile Justice Department (TJJD) employee is expected to arrive to work on time, work scheduled hours, and not leave before the end of the scheduled workday without prior approval.

(b) **Definitions.**

For definitions of certain terms used in this policy, see the [PRS Glossary](#).

(c) **Procedures.**

(1) **Scheduled Leave.**

To be considered scheduled leave, the employee must:

- (A) request leave through the agency timekeeping system or through agency email:
  - (i) at least 24 hours in advance; or
  - (ii) by the end of the employee's last shift before the shift being requested off; and
- (B) receive approval in advance from the supervisor through the agency timekeeping system or through agency email.

(2) **Unscheduled Absences.**

- (A) An unscheduled absence is any instance in which scheduled work time is missed (including missing an entire shift or part of a shift) and the employee did not provide the notice required in (c)(1). However, unscheduled absences do not include unscheduled events that:
  - (i) are covered by the Family and Medical Leave Act (FMLA);
  - (ii) result from an accommodation under the Americans with Disabilities Act (ADA) that provides an adjusted work schedule for an employee with chronic medical issues to attend medical appointments or to complete his/her work at alternate times or locations; or
  - (iii) qualify for emergency leave due to the death of an immediate family member, as described in [PRS.28.11](#).
- (B) When an employee has an unscheduled absence, the employee must submit a request for leave through the timekeeping system. Supervisory approval of this type of leave request does not turn the unscheduled absence into scheduled leave.
- (C) When consecutive days of absence occur, only the first day is considered an unscheduled absence if the employee follows the call-in requirements in [\(c\)\(4\)](#) below for each subsequent day.

**(3) Violations of Attendance Standards Related to Unscheduled Absences.****(A) Standards for All Employees.**

- (i) For any employee, a pattern of more than five unscheduled absences within a rolling three-month period is generally considered a violation of attendance standards. Examples of a pattern include, but are not limited to, unscheduled absences that fall:
  - (I) during the first week of the month;
  - (II) on weekends or holidays;
  - (III) on days immediately before or after regular days off; or
  - (IV) on days immediately before or after scheduled leave.
- (ii) After each unscheduled absence, the supervisor must review the employee's attendance history for the previous three months to determine whether a pattern of unscheduled absences exists.
- (iii) A violation will result in the issuance of a Notification of Attendance Standards Violation, [HR-129](#), which will be effective for six months.
- (iv) While the notification is in effect, each unscheduled absence requires a review of the employee's attendance history for the previous three months to determine whether a pattern of unscheduled absences has continued.
- (v) If the pattern of unscheduled absence continues while a notification is in effect, the employee is no longer eligible for continued employment and will be administratively separated in accordance with [PRS.11.21](#).

**(B) Juvenile Correctional Officers I-V After Initial Six Months of Employment.**

- (i) Juvenile correctional officers I-V who have been employed for at least six months are held to additional standards to maintain the safety and security of staff and youth. In addition to the violations of attendance standards for all employees, for these JCOs, a violation also includes:
  - (I) more than nine unscheduled absences (with or without a pattern) within a rolling six-month period; or
  - (II) more than 48 hours of work time missed due to unscheduled absences (with or without a pattern) within a rolling six-month period.
- (ii) After each unscheduled absence, the supervisor must:
  - (I) review the employee's attendance history for the previous three months to determine whether a pattern of unscheduled absences exists; and
  - (II) review the employee's attendance history for the previous six months to determine whether more than nine unscheduled absences (with or without a pattern) or more than 48 hours of unscheduled absence have occurred.
- (iii) A violation of the attendance standards for all employees or the additional standards in this section will result in the issuance of a Notification of Attendance Standards Violation, HR-129, which will be effective for six months.
- (iv) While the notification is in effect, each unscheduled absence requires the supervisor to:
  - (I) review the employee's attendance history for the previous three months to determine whether a pattern of unscheduled absences has continued; and

(II) review the employee's attendance history for the previous six months to determine whether more than nine unscheduled absences or more than 48 unscheduled hours have occurred within a rolling six-month period.

(v) If these attendance standards are violated while a notification is in effect, the employee is no longer eligible for continued employment and will be administratively separated in accordance with [PRS.11.21](#).

**(C) Juvenile Correctional Officers I-V Within Initial Six Months of Employment.**

(i) Juvenile Correctional Officers I-V who are within the initial six months of employment or re-employment are held to additional standards to maintain the safety and security of staff and youth. In addition to the violations of attendance standards for all employees, for these JCOs, a violation also includes:

(I) more than six unscheduled absences (with or without a pattern) within the initial six-month period; or

(II) more than 32 hours of work time missed due to unscheduled absences (with or without a pattern) within the initial six-month period.

(ii) After each unscheduled absence, the supervisor must:

(I) review the employee's attendance history for the previous three months to determine whether a pattern of unscheduled absences has been established; and

(II) review the employee's attendance history for the initial six months to determine whether more than six unscheduled absences or more than 32 unscheduled hours have occurred within the initial six-month period.

(iii) If these standards are violated during the initial six months of employment or re-employment, the employee is no longer eligible for continued employment and will be administratively separated in accordance with PRS.11.21.

**(4) Call-In Requirements.**

The call-in requirements below have no bearing on whether the absence will be considered scheduled or unscheduled.

**(A) Direct-Care Staff Requirements.**

If an emergency or unexpected circumstance will cause an employee who is responsible for supervising or providing services to youth at a residential facility (e.g., [correctional series position](#), food service staff) to be late for work or absent from work, the employee must provide notification to the appropriate contact person for the employee's position. This notification should occur as soon as practicable upon becoming aware of the situation but no less than two hours before the start of his/her shift, unless the employee does not become aware of the situation in sufficient time to provide a two-hour notice.

**(B) Non-Direct-Care Staff Requirements.**

If an emergency or unexpected circumstance will cause an employee in a non-direct-care position to be late or absent from work, the employee must provide notification immediately upon becoming aware of the situation, but no later than the start of his/her shift.

(C) **General Reasons for Absence.**

When calling in to report being late or absent from work, the employee must provide the general reasons for the tardiness or absence. However, the employee will not be required to provide medical facts to the contact person. A general reason is needed to determine whether the employee complied with call-in requirements and whether the reason for tardiness or absence may qualify for FMLA leave per [PRS.28.10](#). Although the employee will not be required to provide medical facts to the contact person, the employee may be required to provide such information to the local human resources administrator (HRA) in follow-up conversations.

(D) **Supervisor's Responsibilities.**

(i) **Timekeeping.**

Supervisors must promptly review and process time-off requests submitted through the agency's timekeeping system to ensure accurate information is available to employees, supervisors, and Human Resources staff. Failure to process time records may result in disciplinary action against the supervisor.

(ii) **Contact Information.**

Each supervisor must provide accurate contact information (e.g., work phone, cell phone, or email) to employees whose time sheets the supervisor approves.

(iii) **Notifying Local HRA of Absences.**

A supervisor must notify the local HRA or his/her designee the same workday an employee misses time from work if:

- (I) the reason for the absence potentially qualifies for FMLA as set forth in PRS.28.10; or
- (II) the employee has no available paid leave balances.

(5) **Unauthorized Absence.**

For all employees, certain absences are considered unauthorized due to the seriousness of the violation and are addressed through the agency's disciplinary process. For JCO I-V positions, unauthorized absences that meet the definition of unscheduled absence in [\(c\)\(2\)\(A\)](#) above also count toward the total number and total hours of unscheduled absences.

(A) Unauthorized absences include, but are not limited to, the following:

- (i) a no-call, no-show incident, which is when an employee fails to provide:
  - (I) any notice of absence prior to the end of the first scheduled work hour; and
  - (II) documentation supporting that an emergency situation (e.g., emergency hospitalization, serious automobile accident, or unexpected death in the immediate family) made the employee physically unable or too traumatized to contact an appropriate supervisor;
- (ii) an insufficient notice, which is when an employee provides some notice of being absent before the end of the first scheduled work hour but the notice does not comply with call-in procedures (e.g., a direct-care employee calling in 15 minutes prior to start of shift due to illness);

- (iii) any absence for which:
    - (I) medical certification is required but not provided; or
    - (II) the required medical certification does not support the need for leave;
  - (iv) failure to return to work from a medical-need-based leave upon being released to return to work;
  - (v) failure to return to work upon expiration of approved leave when medical separation under [PRS.11.17](#) is not appropriate;
  - (vi) leaving work without authorization;
  - (vii) being absent when no leave entitlements are available for use and prior approval to use personal unpaid leave has not been granted;
  - (viii) submitting falsified or altered documentation in support of leave taken or requested;
  - (viii) missing work due to an alleged illness or injury when there is no valid medical reason for missing work (e.g., employee calls in sick but then attends a community or sporting event during his/her scheduled work hours);
  - (ix) while on any form of medical-need-based leave, engaging in conduct that is inconsistent with the medical restriction(s) upon which the time off is based (e.g., an employee who has been restricted from lifting in excess of 10 lbs. is performing work for another employer that requires lifting more than 10 lbs. or is lifting weights of more than 10 lbs. in a gym); or
  - (x) calling in sick without adequate explanation or documentation on a day for which the employee was previously denied permission to miss work.
- (B) The determination of whether an absence is an unauthorized absence will not be affected by a supervisor's approval of the time-off request.
- (6) **Job Abandonment.**
- Three consecutive workdays of unauthorized absence is considered a voluntary resignation. The employee is not allowed to return to work.
- (7) **Medical Certification Requirements.**
- (A) Medical certification requirements established by this policy are in addition to medical certification requirements to support the use of FMLA leave, Non-Family Medical (NFM) leave, state parental leave, and sick leave.
- (B) Regardless of length of service and regardless of whether a specific supervisory request or reminder is provided, a JCO must provide medical certification supporting the need for leave on any of the following days if the JCO misses work due to a claim of the JCO's or a family member's illness or injury:
- (i) a day for which the JCO has previously requested permission to miss work for personal reasons and was denied;
  - (ii) a day for which the JCO is scheduled to work mandatory [overtime](#) or a shift other than his/her regularly scheduled shift;
  - (iii) any national or state holiday, including a holiday on which a skeleton crew is required or a holiday that is not being observed because it falls on a Saturday or Sunday; or

- (iv) any of the following commonly observed holidays/days of celebration:
- New Year's Eve;
  - Super Bowl Sunday or the day after;
  - Good Friday, Saturday before Easter Sunday, and Easter Sunday;
  - Mother's Day;
  - Saturday and Sunday before Memorial Day;
  - Father's Day;
  - Saturday and Sunday before Labor Day;
  - Saturday and Sunday after Thanksgiving; or
  - any days for local or state events (e.g., community fairs, opening day for a hunting season) that tend to result in increased absences and for which the [chief local administrator](#) or his/her designee provides advanced written notice (e.g., notice posted on schedule or gatehouse) that medical certifications will be required for JCO absences.
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