

Revised February 1, 2019

LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

SECRETARY'S POLICY AND PROCEDURE MEMORANDUM (PPM) NO. 63

SUBJECT:    Unscheduled Absenteeism Policy

EFFECTIVE DATE: May 1, 2008

INSTRUCTIONS: This memorandum supersedes all other memoranda and manuals.

1.     POLICY

It is the policy of the Louisiana Department of Transportation and Development (DOTD) to encourage responsible leave usage in order to minimize the negative impact of absenteeism and to maximize public service.

2.     PURPOSE

The purpose of this policy is to implement the provisions of Civil Service Rule 12.6, entitled Non-disciplinary Removals, which provides under Section (a) 2 for the non-disciplinary removal of an employee from state service:

**12.6 Non-disciplinary Removals**

An employee may be non-disciplinarily removed under the following circumstance:

When, after the employee has been given written notice that his attendance requires improvement and a copy of this rule, an employee has seven or more unscheduled absences during any consecutive twenty-six week period. The employee shall also be given written notice each time he incurs a sixth unscheduled absence during a consecutive twenty-six week period. An unscheduled absence occurs when an employee is absent from work without having obtained approved leave prior to the absence. Approval of leave, after the fact, to cover an unscheduled absence shall not prevent the absence from being considered unscheduled. A continuous absence for the same reason is one unscheduled absence, regardless of its duration.

3.     APPLICABILITY

This policy applies to all permanent DOTD employees who have been placed on notice, in writing, that his/her absenteeism has become problematic.

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4. DEFINITION

An unscheduled absence is defined as an employee's:

- A. failure to report for duty at the designated time at the beginning of the workday, regardless of duration; or
- B. leaving work before the end of the scheduled workday, regardless of the duration; or
- C. failure to timely return to duty at the end of a designated break or meal period, regardless of duration;

without having secured permission, in advance, from an authorized supervisor. Advance permission is defined as authorization to be absent from work, late for work, extend a break period or leave work early by close of business the day prior to leave usage. Approval of leave after-the-fact to cover an unscheduled absence shall not prevent the absence from being considered unscheduled.

5. EXCEPTIONS

- A. Leave that is approved for use under the provisions of the Family and Medical Leave Act (FMLA) and leave granted for the purpose of an accommodation under the American with Disabilities Act (ADA) will not count as an unscheduled absence. However, employees are expected to comply with agency policy and practice regarding notice to supervisory personnel when such absences will be necessary.
- B. The Appointing Authority retains the right to excuse, for a rational, business-related reason, an absence which otherwise would be deemed to be unscheduled under this policy.

6. PROCEDURES

- A. Once an Appointing Authority decides to place the employee under the provisions of Civil Service 12.6(a)2, the Appointing Authority must give the employee written notice that his/her attendance requires improvement with a copy of Civil Service Rule 12.6(a)2. The Appointing Authority must contact the HQ/HR Employee Relations Manager or HQ/HR Employment Attorney to obtain the Civil Service Rule 12.6(a)2 - Written Notice template.
- B. For each unscheduled absence after receiving the written notice, the employee will receive a written Notice of Violation from the Appointing Authority, within five (5) workdays of returning from each unscheduled absence. This notice will include the number of occurrences accumulated thus far within the consecutive twenty-six (26)

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week period. Further, this notice will inform the employee of the number of hours absent, reason given for the absence, and manner in which the absence was coded (annual, sick, compensatory or leave without pay). The Notice of Violation template should be obtained from the HQ/HR Employee Relations Manager or HQ/HR Employment Attorney.

- C. Upon accrual of a sixth unscheduled absence, the Appointing Authority must issue a written notice advising the employee of the sixth occurrence and the possibility of removal upon accrual of a seventh occurrence. The Written Notice of Sixth Unscheduled Absence template can be obtained from the HQ/HR Employee Relations Manager or HQ/HR Employment Attorney.
- D. Upon the seventh or more unscheduled absence and upon the Appointing Authority's decision to non-disciplinarily remove the employee, the Appointing Authority shall issue the employee a pre-deprivation notice and allow the employee time to provide a written response, as required by Civil Service Rule 12.7. The Pre-Deprivation Notice template should be obtained from the HQ/HR Employee Relations Manager or HQ/HR Employment Attorney. In all cases, the Pre-Deprivation Notice must be reviewed by the HQ/HR Employee Relations Manager and the HQ/HR Employment Attorney prior to being issued to the employee.
- E. After the opportunity for the employee to respond to the pre-deprivation notice has expired, the Appointing Authority must issue a final disciplinary action notice as required by Civil Service Rule 12.8. The Disciplinary Action Notice template should be obtained from the HQ/HR Employee Relations Manager or HQ/HR Employment Attorney. In all cases, the Disciplinary Action Notice must be reviewed by the HQ/HR Employee Relations Manager and the HQ/HR Employment Attorney prior to being issued to the employee.

7. CLARIFICATIONS

- A. The Appointing Authority has the right to place an employee on leave without pay for the duration of any unscheduled absence.
- B. The Appointing Authority has the right to discipline an employee for any unscheduled absence irrespective of the applicability of Civil Service Rule 12.6(a)2.
- C. The Appointing Authority has the right to discipline an employee for failing to adhere to agency leave policy or practice.
- D. The Appointing Authority has the right to require a doctor's certificate or other acceptable documentation to verify an employee's need to be absent from work and/or leave usage.

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- E. This policy does not preclude the Appointing Authority from terminating a probationary, job or restricted appointment at any time.
- F. When an employee is removed under this Rule, the adverse consequences of Rules 6.5(c); 11.18(b); 17.25(e)4; 22.4(d); 23.13(b) and 23.16(a)4 shall not apply.

8. QUESTIONS

Questions regarding the interpretation and enforcement of this policy should be addressed to the DOTD Headquarters Human Resources Section.



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Secretary