

CHECKLIST OF TOPICS AND TECHNIQUES FOR ATTENDANCE/TARDINESS CONTROL

The following techniques and considerations are utilized by successful companies which achieve high availability and low absentee and tardiness performance.

- ___ Each company should prepare a Company Position Statement to emphasize its position on attendance, distribute it to all supervisors and employees, and post it conspicuously throughout all work areas. In the absence of a formal Company Position Statement, each supervisor should at least prepare a position statement to clarify for employees how the supervisor feels about proper attendance and promptness in reporting for each scheduled shift.

SAMPLE COMPANY POSITION STATEMENT ATTENDANCE

It is the position of the Company that employees have the obligation to consistently report regularly and on time for work. Employees are expected at all times to maintain themselves in a condition fit and able to perform their work and to perform their work safely.

The Company has agreed to provide various wages, benefits, and other assurances to employees partially in exchange for their assurance of regular and prompt attendance.

Absenteeism and tardiness are a disservice not only to the Company, but also to other employees who conscientiously report to work.

Employees who fail to consistently report regularly and on time for work, employees who fail to maintain themselves in a condition fit and able to perform their jobs, and employees who fail to perform their jobs safely and efficiently will subject themselves to disciplinary action including termination of employment.

- ___ Supervisors should review the attendance position statement in detail with all new employees at time of pre-hire during new employee orientation, and during job performance counseling sessions and disciplinary action sessions. The position statement should be a part of any disciplinary letter for absences or tardiness.
- ___ Top level managers should take steps to ensure (by monitoring and performance reviews, including disciplinary action if needed) that supervisors establish proper exemplary attendance and availability records.
- ___ Supervisors should establish and consistently utilize accurate documentation and reporting procedures, to include:
 - A) Proper report-off procedure where absence report-off is required and where report-off is taken by a supervisor or management representative.
(See MARC Manual page 247 and sample form.)
 - B) Proper follow-up, return-to-work interview form as part of the report-off form to be completed by immediate supervisor after each and every absence.
(See MARC Manual page 247 and sample form.)
 - C) Routine attendance "spread sheet" or status sheet with print out of all employees and their attendance record.
 - D) Personal employee color-marked calendar charts depicting:

1) scheduled days off,	4) sick leave days,
2) absent days,	5) "other" leave days,
3) tardy days,	6) shift scheduled.
- ___ Supervisors should document all job performance counseling and warning and disciplinary action sessions and in each such session show the employee the color-marked attendance chart and all past report-off forms, return-to work forms, and sick leave request forms. Absentee rate may be defined as percentage (days absent divided by days scheduled) in order to compare the employee's rate of improvement or deterioration in absenteeism/tardiness between successive disciplinary actions or throughout successive monitoring periods, such as two-month or three-month periods, as may be the case for "borderline" pattern abusers. (The supervisor should not compare the employee's absence/tardiness record with the department or company average or with the absence/tardiness records of other employees in discussions with employees.)

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- ___ In the job performance counseling sessions, the supervisor should identify specific productivity problems caused by the employee's absence/tardiness and discuss same with the employee:
 - ___ inconvenience of others,
 - ___ delays to fill the shift,
 - ___ additional cost to fill shift/overtime, etc.,
 - ___ rescheduling of jobs required,
 - ___ delays in completing job/work not completed.
- ___ Take steps to verify authenticity and accuracy of all doctor reports or notes required. Doctor notes that cannot be verified due to failure of doctor to cooperate should be returned to the employee stating: "Because this doctor's note is non-verifiable, it is at best hearsay and sick leave cannot be granted. The absence will be counted as unexcused, unless verification of the authenticity of this doctor's note can be made. Because this doctor's note cannot be verified, the credibility of the reason for your absence is in doubt." (Denial of sick leave benefit for failure to meet required verification is not disciplinary action. It is simply denial of the benefit for failure to qualify.)
- ___ Some employers choose to develop their own form for doctor's notes or doctor's visits records, including on such forms a release of information statement to be signed by the employee authorizing the employee's physician to release information to the company physician.
- ___ Require of all employees who are absent or tardy that upon their return to work or their arrival to work, that they report in person to their immediate supervisor before starting to work. Establish that no employee will be paid until doing so.
- ___ For employees who arrive late without proper notification, the supervisor should decide on a case-by-case basis, following Company Policy, whether or not to allow the employee to report to the work area or to allow the replacement worker, if any, to continue to work out the period.
- ___ Require all supervisors to conduct return-to-work and late arrival to work contacts or interviews (above) with all employees who have been absent or tardy, and require use of return-to-work contact or interview forms. Specifically ask each time: "What was the reason for your absence/tardiness?"
- ___ In return-to-work/arrival to work late contacts or interviews, ask the employee these questions, especially if the employee has developed a pattern or a record of absences or lateness which is unacceptable to the supervisor:
 - ___ "What is the reason for this absence/tardiness?"
 - ___ "Is there any cause for these continuing absences/lateness which can be attended to by medical attention?"
 - ___ "Are these absences/tardiness in any way caused by your job?"
 - ___ "Would you like to speak in confidence to our employee assistance representative?"
 - ___ "What steps are you taking to eliminate these absences or lateness?"
- ___ Publicize availability of employee assistance programs to all employees, and inform all employees of such programs during attendance job performance counseling and warning sessions. Refer to the availability of such programs in all letters of reprimand, disciplinary suspension, and so forth.
- ___ Conduct job performance counseling/warning/disciplinary sessions within 24 to 48 hours of the most recent attendance/tardiness violation and refer to previous job performance counseling/ verbal/disciplinary action for the same employee.
- ___ Involve union steward (for union organized companies) and human resources representative or personnel representative (for non-union companies) as witnesses in verbal warning and disciplinary meetings for attendance and tardiness.
- ___ Ensure that the supervisor is working on the worst attendance/tardy offender in the department/at the location or take steps to ensure, at least, that for whatever disciplinary action is being given to any employee, the same or similar action is being given to employees with similar or worse records. This worst-offender consideration will be extremely critical in cases where termination of employment is ultimately implemented.
- ___ In all attendance/tardiness job performance counseling, warning, and disciplinary sessions, inform the employee that attendance/tardiness is a job promotion consideration factor, and that failure to correct attendance/tardiness problems may result in denial of promotion or demotion and disciplinary action, including termination of employment.

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- ___ In cases where employees may be absent due to a series of unrelated illnesses or accidents, the supervisor should address the concern of whether or not the employee is fit to perform the job. This issue should be addressed, even if all of the absences were for legitimate illnesses or accidents.
- ___ Similarly, the supervisor should raise the question of "fitness to perform" in cases where employees are repeatedly absent due to a repetitious single injury or illness. The supervisor should consider a possible leave-of-absence approach, whereby the employee takes an appropriate amount of time off in order to correct the problem through medical attention, surgery, or therapy. Following such a leave-of-absence the employee should return to work and achieve an improved availability performance record acceptable to the supervisor. (Where the absences are caused by a disabling injury incurred at work, arbitrators may be inclined to support some form of "accommodation" or "reassignment" or continued benefit coverage of some sort to compensate the disabled employee.)

NOTE: In chronic-illness absence cases, employers should consider the leave-of-absence approach before termination of employment or they might find arbitral reversal if "post-discharge conduct" indicates the employee has "cured" the illness which caused his absence.

- ___ In instances where employees allege car trouble or other allegedly unavoidable circumstances as the cause for continued absences or tardiness, the supervisor should request verification other than simply self-serving explanations from the employee. Examples include automobile tow receipts or tire repair receipts.
- ___ The following language should also be included in the attendance policy and should be reviewed with employees who have a patterned performance or repetitive borderline performance record:

"An employee may be disciplined, including termination of employment, for unacceptable patterns of absence or tardiness or for repetitious borderline patterns which may be deemed to constitute abuse of this policy."
- ___ During job performance counseling and disciplinary action sessions for availability problems, employees should be told: "Your total attendance/absence record will be periodically reviewed, and the totality of that record will be considered as it relates to your job performance obligation. The totality of your record could be deemed appropriate cause for disciplinary action, including termination of employment."
- ___ Employees should be told that absences are not employment benefits.
- ___ In tardiness job performance counseling (and in routine tailgate sessions and new employee orientation sessions) clearly identify which clock (not the employee's watch) is the official clock and precisely what is to be considered late, that is, one minute, five minutes, etc.

NOTE: In writing policies dealing with attendance/tardiness and in discussions with employees who have such problems, the following MARC language on aggravation and mitigation should be included:

All factors and circumstances, mitigating and aggravating, will be taken into account prior to administering discipline, in any specific incident, including the employee's past record of performance and conduct, the nature of the misconduct or violation, and experience with the employee and disciplinary action, both effective and ineffective, in the past, for the same or similar misconduct.

SUGGESTED LANGUAGE FOR ATTENDANCE POLICIES

— The following are examples of specific language which may be desirable in rules and policies and in Agreement clauses, as may be appropriate. If the rules or policies or Agreement do not contain such clauses or if such language is not included, supervisors should state such terms to employees when explaining policies and rules or when conducting job performance counseling or when administering corrective action, as may be appropriate:

LANGUAGE FOR POLICIES WHICH CONTAIN 1:1 REFERENCES TO VIOLATIONS OR MULTIPLE INSTANCES OF VIOLATIONS AND PENALTIES:

For policies which attempt to identify numbers of (or instances of) violations and appropriate levels of disciplinary action to be taken, in addition to the MARC language on aggravation and mitigation (p.241), the following language should be added immediately following the listing of numbers of instances vs. appropriate penalties.

Corrective action is not always warranted simply because an employee has achieved or exceeded the established limits of this policy. The limits are criteria which bring attention to a particular situation. The supervisor should rely on judgment and knowledge of the circumstances in deciding what corrective action, if any, is appropriate.

SAMPLE POLICY "BORDERLINE OFFENDER" LANGUAGE FOR ATTENDANCE POLICIES

This "pattern offender" or "borderline offender" language should follow the portion of the attendance policy which identifies sanctions, penalties, or consequences of failure to follow the policy:

In addition to the above, an employee may be disciplined, including termination of employment, for unacceptable patterns of absence or tardiness or for repetitious borderline patterns which may be deemed to constitute abuse of this policy.

"VERIFICATION" OR "MALINGERER DISCOURAGEMENT"

The following language should follow policy portions or Agreement clauses which deal with sick leave or any other type of leave or benefit which may be related to illness, injury, disability, reduced capacity, and so forth.

Benefits will not be paid unless employees adopt such remedial measures as may be commensurate with the employee's condition and permits such reasonable examination and inquiry by the Company's representative, as in the judgment of the Company may be necessary to ascertain the employee's condition.

**CHECKLIST FOR HANDLING REPORT-OFFS/CALL-INS
AND FOR OBTAINING REPLACEMENTS**

- ___ If the report-off is by telephone, the supervisor should request to speak directly to the employee.
- ___ If the employee is unavailable, the supervisor should ask the caller where and when the employee may be reached, and the supervisor should decide whether or not to attempt to contact the employee.
- ___ Obtain the identity of the caller and ask the location and phone number from which the call-in is being made.
- ___ Carefully note if the call is to "notify" or to "request," and remember to treat requests for time off by phone according to the same criteria as requests in person. If in doubt as to the purpose of the call, ask the employee, "Is this a request for time off or a notification of absence?"
- ___ If the call is for notification, ask when the employee anticipates he/she will return and remind the employee of proper call back or report back procedures, including the requirement for the employee to report in person to the supervisor upon the employee's return to work.
- ___ If the call is for an absence request, make absolutely certain to determine the exact dates and shifts which the employee is discussing. Do not leave this "open-ended."
- ___ Review the employee's schedule with the employee.
- ___ Tell the employee when he/she is expected to re-notify or re-contact the company.
- ___ Remember, notification of absence within Agreement provisions does not guarantee excused absence status for the absence, but merely relieves the employee of possible disciplinary action for failure to properly notify. Do not confuse the two areas.
- ___ The final determination as to whether the absence/lateness is assigned an excused or unexcused status should be made only after the supervisor meets face to face with the employee, preferably as soon as the employee returns to work.
- ___ Ask specifically, "What is the reason for the absence, report-off?", and do not accept such general answers as "sick" or "out of town" without attempting to obtain more information.
- ___ Always refer to the OVERTIME CALL-OUT PROCEDURE CHECKLIST and the OVERTIME ROSTER if the employee reporting off is to be replaced for overtime work.
- ___ Do not proceed hastily when taking report-offs or call-ins.
- ___ If the employee refers to illness during the report-off, the supervisor should at that time inform the employee if doctor verification will be required. The supervisor should inform the employee that the doctor verification note should contain the following information:
 - 1) name and signature of doctor, 4) statement of physical limitations,
 - 2) date of doctor visit, 5) medication prescribed, if any.
 - 3) diagnosis,
- ___ The supervisor should inform the employee that the supervisor in conjunction with the company physician or medical department will make the ultimate determination as to whether or not the employee will be permitted to work. The supervisor should make it clear that such decision is the responsibility of the employer, not the employee's physician.

NOTE: The supervisor and the Medical Department have the responsibility and authority to determine whether or not the employee's condition or extent of disability would be sufficient to excuse the employee from his or her job performance obligation. The supervisor may find it appropriate to request specific information on a doctor's note, such as the extent or nature of the employee's disability as a result of the alleged illness. The supervisor or Medical Department should then decide (based upon the doctor's diagnosis or prognosis of extent of injury/incapacity) whether or not the employee is capable of performing the job. Job performance proficiency decisions should not be the employee's doctor's decision.

- ___ The supervisor should always perform an in-person, private return-to-work interview with the employee; and if disciplinary action is anticipated, a steward should be present during the interview.
- ___ During the return-to-work contact or interview, the supervisor should review the report-off with the employee by saying: "I would like for you to review this report-off, as it will be placed in your records, and I want to be certain it is accurate."
- ___ When talking to the employee face to face, the supervisor should remind the employee of:
 - 1) the company's attendance policy, and the company's position on attendance,
 - 2) the employee's present attendance/disciplinary track record.

CHECKLIST FOR HANDLING REPORT-OFFS/CALL-INS AND FOR OBTAINING REPLACEMENTS

REMEMBER: The return to work interview is one of the most important attendance improvement tools available to the supervisor. In all discussions regarding attendance problems, the supervisor should inform the employee that attendance is a job performance factor which significantly affects promotion.

PERSONAL BUSINESS/ABSENCES/WORK REFUSAL

- ___ Problems for supervisors often occur when an employee is either absent or declines to work required overtime for reasons stated simply as "personal" or "personal business," or when employees refuse to do assigned work for "personal reasons."
- ___ Such absences often make scheduling, replacement, and meeting departmental objectives very difficult. Arbitrators are likely to uphold the right of management, especially the employee's immediate supervisor, to request to know the general nature of the reason the employee desires to be granted "personal business" leaves or absences, without prying or infringing on the employee's privacy. The key words are "general nature." Discussions should be in private, and confidentiality should be maintained.
- ___ The supervisor should, by all means, advise the employee that accuracy and honesty are highly encouraged and appreciated in discussing the actual reasons an employee is requesting personal leave, and that both accuracy and honesty are part of the "good faith" obligation shared by all parties to the Collective Bargaining Agreement.
- ___ The supervisor should display sincerity, genuine concern, understanding, and a cooperative attitude toward the employee when discussing the matter; and the employee should be reassured that confidentiality will be maintained. Likewise, the supervisor should advise the employee that falsification of reasons for absence will be cause for disciplinary action.
- ___ The supervisor is justified in asking the employee requesting the time off if there is any other time that the employee could take care of the "personal business." Also, the supervisor should determine through questioning if the employee believes additional time beyond that under consideration would be required in order to deal with the same personal business, and if so, what would the frequency, duration, or amount be expected to ultimately represent.
- ___ Before making any decision, the supervisor should consider the employee's previous work and attendance record, the provisions of the Agreement, prevailing company rules and policies, and whether the day or time requested is before, after, or during a scheduled vacation period, holiday, etc. Peculiarities or coincidences of such requested times in line with past absences for the same employee should be considered and discussed with the employee.
- ___ It is not harassment to request an employee to "write out and sign" a brief explanation of the reason for the requested leave or absence before granting an excused or an unexcused status. State that the request for the brief, confidential written explanation is in the best interest of the employee, and that the note will be placed in the employee's packet to eliminate any misunderstanding or misinterpretation of the reasons in the future. If the employee refuses and offers no other satisfactory explanation, the supervisor should remind the employee that it is the supervisor's duty to determine the legitimacy of each such request, and that he/she is a fair and reasonable person but needs sufficient facts to make a reasonable, prudent decision.
- ___ If no reasonable explanation is provided, the supervisor is justified in denying the request, if the personnel and operating and production conditions of the present situation so demand.
- ___ If the employee disagrees with the supervisor's decision, the employee may grieve according to the grievance procedure in the Agreement.
- ___ The supervisor may find it appropriate to remind the employee of the availability of the Employee Assistance Program to assist employees with personal problems which may be necessitating requests for leave.

SAMPLE
REPORT-OFF FORM/RETURN-TO-WORK CONTACT FORM

EMPLOYEE NAME _____

REPORT-OFF TAKEN BY _____

DATE OF SHIFT TO BE MISSED ____/____/____/____ SHIFT _____

EMPLOYEE'S SUPERVISOR ON SHIFT MISSED _____

DATE/TIME REPORT-OFF RECEIVED ____/____/____/____

CALLER NAME _____

IF CALLER OTHER THAN EMPLOYEE, REQUEST TO SPEAK TO EMPLOYEE _____

IF EMPLOYEE UNAVAILABLE ASK "WHERE CAN EMPLOYEE BE REACHED AT THIS TIME?" _____

ASK WHAT IS REASON FOR REPORT-OFF/ABSENCE: _____

IF ILLNESS ASK IF EMPLOYEE HAS SEEN A DOCTOR _____

IF YES, NAME OF DOCTOR _____

MISCELLANEOUS INFORMATION _____

FOLLOW-UP RETURN-TO-WORK CONTACT WITH EMPLOYEE

NOTE: EXAMINE EMPLOYEE'S ATTENDANCE CHART BEFORE RETURN-TO-WORK CONTACT

IS INFORMATION ABOVE ACCURATE? _____

IF NOT, INVESTIGATE/CORRECT INACCURACIES _____

HAS EMPLOYEE SEEN DOCTOR? _____

STATUS OF ABSENCE _____

FOLLOW UP _____

MISCELLANEOUS INFORMATION _____

SUPERVISOR CONDUCTING INTERVIEW _____

DATE ____/____/____/____ TIME _____