

# EMPLOYEE RELATIONS

## NOTES

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For the REE Agencies, USDA

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Employee Relations Branch, HRD, ARS

*Please do not hesitate to call your servicing ER specialist for advice at any time on employee relations issues in your office.*

### **Managing Leave and Attendance Problems**

The most common problems encountered by supervisors are tardiness and attendance issues. This issue of the Employee Relations (ER) Notes will focus on how to manage leave requests, identify leave abuse, and how to best correct attendance problems.

As a supervisor, it is important that you learn to manage employee attendance issues effectively. Employee problems such as late arrivals, early departures, long lunches, and failures to show up for work interfere with the operation of the work unit. Attendance problems can result in work scheduling conflicts, loss of productivity, and poor morale. Learning to spot these problems early and to take action will result in a more effective work environment. Managing leave is a balancing act between employee needs and mission needs.

Please refer to the REE Policy and Procedure (P&P) 402.6, Leave, for additional leave guidance. In addition, if you supervise bargaining unit employees, you should be aware of the leave provisions of the labor union agreement.

#### **Managing Leave**

Some employees incorrectly believe that they can use accrued leave whenever they want. Generally,

employees must request and obtain approval for leave from supervisors in advance, except for emergency or illness. Supervisors should clearly communicate leave requesting procedures and apply them consistently. Discuss when and how to request leave, when to use leave forms, and when and how to call in for absences. Leave requests can be disapproved if not properly requested for inappropriate use or for mission needs. However, ensure your leave procedures are in line with agency or labor agreement policies. Even previously approved leave may be cancelled when absolutely necessary for mission needs. Cancellation should be rare, as it may hurt morale.

**Annual Leave (AL)** – AL is a paid absence from duty that provides Federal employees a vacation for rest and relaxation and periods of time off for personal business or emergencies. Your role is not to approve or disapprove the purpose of AL, only to approve or disapprove the absence in light of agency needs.

**Sick Leave (SL)** – SL is a paid absence from duty that is granted to an employee when she or he is incapacitated for the performance of duties by illness or injury, is receiving medical treatment, or is caring for a family member. In addition, P&P 402.6 describes SL use for bereavement and adoption purposes. Managers are responsible for making certain SL is being used correctly and

requested properly, and may disapprove requests that do not meet these requirements.

**Leave Without Pay (LWOP)** – LWOP is a temporary, nonpay status and absence from duty that is granted at the employee’s request. Granting LWOP is a matter of supervisory discretion and is considered approved leave. Since LWOP is voluntary, you cannot place an employee on LWOP. It should not be used for reasons of unauthorized absence.

**Family Medical Leave Act (FMLA)** – Employees are entitled to 12 workweeks of LWOP for certain circumstances; AL or SL can be substituted for the LWOP. Please refer to P&P 402.6 for information on the requirements of FMLA leave. In addition to qualifying for FMLA leave, employees must request it and provide sufficient medical evidence.

**Excused Absence** – If employees are tardy or absent for less than 1 hour, supervisors may grant an excused absence for any adequate reason, without loss of pay and without charge to leave. Under limited circumstances, longer periods of excused absence, often referred to as “administrative leave,” can be granted. Please contact your ER Specialist when considering administrative leave.

**Absence Without Leave (AWOL)** – AWOL is an absence from duty without pay for which an employee has **not** requested and/or been granted **any** type of leave. It can be recorded in increments of 15 minutes. If an employee’s absence HAS NOT been approved, AWOL is appropriate. AWOL can later be changed to approved leave if warranted. AWOL provides grounds for disciplinary action.

### **Handling Problem Situations**

**Failure to call in or properly request leave**—if an employee fails to contact the supervisor or designated contact person regarding an unscheduled absence from work, the absence should be recorded as AWOL. Disciplinary action can be taken on AWOL unless the employee provides sufficient evidence of an emergency situation.

For example, if an employee feels that you are unlikely to approve a sudden annual leave request, he or she may attempt to call in to a secretary or another supervisor. If you’ve established leave requesting procedures that require the employee to call you directly and he or she does not, you would be well within your rights to mark the absence as AWOL and initiate disciplinary action.

### **Tardiness**

Tardiness can range from an occasional event justified by legitimate circumstances to a chronic problem. Moreover, if it becomes widespread within a work unit, it can significantly impact the productivity of the organization. An excused absence is usually appropriate for occasional instances of late arrival, especially if the employee provides a reasonable excuse. Supervisors may charge tardiness to AWOL when, in their judgment, tardiness occurs too often or without a sufficiently good reason. Again, disciplinary action may be taken for repeated instances of AWOL. Do not condone chronic tardiness with approved leave; call your ER Specialist for assistance.

### **Sick Leave Abuse**

- **Patterns of Abuse**—as supervisor, your role is to first spot the apparent problem. Examples of SL abuse patterns: SL use before or after weekends, or after a holiday; or a chronically low SL balance; using SL as soon as it accrues; or even blatant announcements of “planning to get sick.” Second, counsel the employee. And third, place the employee who continues to abuse leave on a leave restriction.
- **Suspicious or Vague Requests**—these come up in situations that could cause a reasonable person to question whether the employee is actually ill or injured. For example, after trying to get out of an overtime assignment, an employee suddenly announces that he or she is ill and

wants to take sick leave. Or a seemingly minor illness results in weeks of SL use. If you determine a sick leave request is suspicious under the circumstances, or appears to fall short of a valid reason to be absent from work, you are entitled to request administratively-acceptable medical documentation.

- **Suspicious Medical Evidence**—if you have reasonable doubts about medical evidence, you can ask for additional proof. You may notice that medical slips have only a stamped signature and the dates handwritten. You may ask the employee to provide a signed note, on letterhead, from the medical provider, and if he or she refuses to comply, you are entitled to disapprove SL until the employee provides reasonable evidence that he or she actually qualifies for sick leave.

### **Letter of Warning or Restriction**

Once leave abuse has been determined, the first step is to either issue a letter of warning or place the employee on a leave restriction. Neither is disciplinary in nature, but they provide a formal caution to the employee that further abuse will result in discipline. Contact your ER Specialist for assistance with help in drafting such letters.

### **Disciplinary Actions**

If after counseling and issuing a letter of warning and/or leave restriction the problem continues, it is time to begin formal disciplinary action. Letters of Reprimand provide the first step to progressively tougher disciplinary action if the employee does not correct his or her behavior. Such letters are considered formal discipline, and they remain in the employees official personnel file for a period of 2 years. If this is not sufficient to turn the employee around, progressively more severe discipline can be used for further violations. Ultimately, employees can be permanently removed for chronic leave abuse, tardiness, failure to follow leave requesting procedures, or AWOL.

### **Summary**

There are many complex issues for managers to consider when managing leave and attendance. We are available to help you sort through all the issues and to provide you guidance and assistance. We suggest working closely with your ER Specialist before taking action.

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