

<p style="text-align: center;">ARIZONA Department of Emergency and Military Affairs POLICY LETTER</p>	POLICY LETTER NO. 20.18	
	DATE 14 Feb 2020	OPR State HR
Subject: Absence Management	Distribution: IAW 10.01	
<p>1. Applicability: This policy applies to all State Department of Emergency and Military Affairs (DEMA) employees.</p> <p>2. Purpose: Affirm the responsibility of the individual for their work attendance and reliability, supplement the Arizona State Personnel System (ASPS) Rules, and provide written instructions for supervisors and employees on attendance and leave policies and procedures.</p> <p>3. References:</p> <ol style="list-style-type: none"> a. Arizona Revised Statute §41-743, Powers and Duties of the Director b. Arizona Revised Statute §41-742, State Personnel System; covered and uncovered employees; application; exemptions c. Fair Labor Standards Act (FLSA) of 1938, as amended d. Arizona State Personnel System (ASPS) Rules: e. R2-5A-501, Standards of Conduct f. R2-5A-502, Hours of Work g. R2-5A-404, Overtime h. R2-5A-B602, Annual Leave i. R2-5A-B603, Sick Leave j. R2-5A-B607, Compensatory Leave k. R2-5A-C602, Leave without Pay l. R2-5A-801, General, Disciplinary Actions <p>4. Definitions:</p> <ol style="list-style-type: none"> a. “<i>Agency</i>” means the Arizona Department of Emergency and Military Affairs. b. “<i>Annual Leave</i>” means a period of approved absence with pay that is not chargeable to another category of leave. c. “<i>Director</i>” means The Adjutant General or designee with respect to personnel administration. d. “<i>Sick Leave</i>” means any approved period of paid absence granted to an employee due to: <ol style="list-style-type: none"> i. Illness or injury that renders the employee unable to perform the duties of the employee’s position; ii. Disability of the employee that is caused by pregnancy, childbirth, miscarriage, or abortion; iii. Examination or treatment of the employee by a licensed health care practitioner; iv. Illness, injury, disability caused by pregnancy or childbirth, or examination or treatment by a licensed health care practitioner of an employee’s spouse, dependent child, or parent. Sick leave granted for this purpose shall be charged to the employee’s sick leave account and shall not exceed 40 hours per calendar year. e. “<i>Subordinates</i>” includes all employees under supervision. 		

- f. “*Supervisor*” means a state employee who has one or more other state employees reporting directly to the person and, for those state employees, typically has the authority to approve sick or annual leave, recommend hiring, discipline or dismissal, assign or schedule daily work and complete a performance evaluation. A.R.S § 41-741(19).

5. Policy:

Each Division within DEMA is responsible for establishing written procedures for scheduling, assigning, tracking and reporting work hours and attendance. Each Division will also be responsible for establishing procedures for authorizing and tracking leave.

Employees are expected to report for work as scheduled and on-time. If an employee is unable to report for work as scheduled, they must notify their supervisor or designee in accordance with their Divisions established call-in procedures. Employees who fail to follow established procedures and/or are chronically late are subject to progressive corrective action.

6. Requirements

a. Supervisors at all levels shall:

1. Establish the reporting and ending time for each direct report.
2. Approve, report, and monitor their subordinates’ work schedules, absences, and overtime.
3. Ensure all required documents are completed and received.
4. Ensure all subordinates are compensated appropriately in accordance with the Fair Labor Standards Act (FLSA) and all applicable state and federal laws and regulations.
5. Ensure all subordinates work their assigned schedules and designated hours only, unless prior approval has been requested and granted,
6. Ensure that all subordinates complete their employee time entry (ETE) properly in accordance with their FLSA overtime exempt or non-exempt status.
7. Ensure that all state employees approved to work an alternate work schedule (4/10-hour days or 9/9/9/4) revert back to a regular work schedule (5/8-hour days) during a week in which a State observed holiday occurs or the employee is traveling in or out-of-state on state business.

b. Employees Shall:

1. Accept responsibility for their attendance and report for work for their assigned and designated schedules.
2. Only work their assigned and designated schedules unless prior approval to alter their schedule has been requested and approved by their supervisor.
3. Request prior approval from their supervisor to revise their assigned and designated work schedule.
4. Request annual leave and time for scheduled doctor appointments in accordance with the Division’s established written procedures.
 - a. Employees are expected to notify their supervisors as far in advance as possible of such appointments.
 - b. Employees are expected to use only the sick or annual leave time needed to attend medical or other appointments scheduled during their regular work hours and should make every attempt to schedule these appointments during non-work hours when possible.
5. FLSA non-exempt employees are required to document the following in their ETE:
 - a. All actual hours worked.
 - b. All authorized absences using the appropriate accrued leave balance.
 - c. All unauthorized absences as outlined below.

6. FLSA exempt employees are not eligible to earn overtime compensation, and are not required to use accrued leave balances for any partial day absences. They must ensure that authorized leave time is properly reported on their ETE.
7. Follow Division's established call-in procedures to ensure adequate mission coverage.
8. Provide the required documentation in the division's established written procedures and established time frames, upon returning to work following an unplanned absence.

7. Hours of Work

Per the above references: The state work week is a period of seven consecutive days starting Saturday at 12:00 a.m. and ending Friday at 11:59 p.m. The Director may grant an exception from the work week period to promote efficiency in the State Personnel System. The Director or designee may offer a flexible 40-hour work week option to an employee if the Director or designee determines the agency's services can be maintained.

8. Lunch Time and Breaks

The FLSA does not require the Department to provide meal (lunch) or rest periods (breaks). Breaks are a privilege, not a right.

Lunch: DEMA state employees are required to take at least one-half to one full hour each day for a lunch break. Coverage of office and telephones must always be maintained, and established lunch periods shall not interfere with mission needs. Lunch periods are not considered work time unless the employee is required to perform work during the lunch period.

- Supervisors must ensure that FLSA non-exempt employees do not work during the lunch period to avoid liability for payment of overtime compensation. If there is a need for such employee to work during their lunch period, the supervisor may allow the employee to flex that time during the same week to avoid payment of overtime compensation if it will not interfere with mission needs.

Additional Breaks: If a Division permits their employees to take additional breaks during the workday, then the Division is responsible for establishing and maintaining a schedule and procedure to ensure the breaks do not interfere with mission needs.

9. Leave:

Leave must be approved by an employee's supervisor prior to the employee using leave.

Each Division shall determine how staff is required to request leave, i.e. Division leave request form, e-mail, etc. Each employee is required to follow the established procedure to request leave.

Supervisors are responsible for approving leave, and should consider the employee's regular work schedule, the employee's wishes for use of leave balances, and the impact of schedule adjustments on the work unit.

Per ASPS rules:

- Leave use is subject to the provisions and limitations outlined in Article 6 of ASPS Rules, R2-5A.
- Requests for Leave Without Pay shall be in writing in accordance with ASPS Rule R2-5A-C602.

- Leave time may not be borrowed or advanced. If an employee has exhausted their accrued leave balances, he or she must be placed in a Leave Without Pay (LWOP) Status.

a. **Sick Leave:**

Supervisors may require the submission of documentation substantiating the need for sick leave; however, not every employee shall be required to submit documentation for every sick leave hour used. This requirement shall be determined on a case by case basis when:

1. Chronic and/or extended periods of sick leave are taken.
2. A pattern indicates possible abuse of sick leave such as:
 - a. Frequent use of sick leave before and/or after regular days off.
 - b. Use of sick leave hours as soon as hours are earned.

Sick leave shall be used in accordance with ASPS Rule R2-5A-B603.

Please contact the State Human Resources Office for absences that may qualify for leave under the provisions of the Family and Medical Leave Act (FMLA).

b. **Unauthorized Absences:**

Unauthorized and/or unreported absences are considered absence without approval, and a deduction of pay will be made for each period of such absence using code 641, Unauthorized Leave Without Pay on the employee's ETE. If an employee's absence from work is deemed unauthorized, the absence cannot be made up later. Per ASPS rules, three consecutive unauthorized absences may be considered job abandonment requiring appropriate administrative action up to and including dismissal from state service. **Supervisors must contact the Human Resources Division prior to taking any action on this rule.**

c. **Failure to Return from Approved Leave:**

Per ASPS rules; the Director may consider an employee's failure or inability to return to work on the first workday following an approved leave without pay as a voluntary resignation, pursuant to ASPS Rule R2-5A-C602(C)(3). **Supervisors must contact the Human Resources Division prior taking any action on this rule.**

d. **State Service Job Interviews:**

Employees may be authorized a reasonable time away from work with pay to participate in state job interviews, and/or to take a test for a position in state service, without a deduction from their leave balances under the following conditions:

1. Only the time spent at the interview/test and actual direct travel time not to exceed one hour each way;
2. Employee must receive prior approval from their supervisor and must exercise reasonable consideration in requesting time off for these purposes;
3. If the employee's absence interferes with the needs of the work area, the supervisor may instruct the employee to arrange a more convenient time for the interview or test;
4. Employees who are FLSA non-exempt must charge their accrued leave balance any travel time in excess of one hour each way, if it occurs during regular duty hours.

Employees are not permitted time away from work with pay to attend interviews or take tests for position outside of state service. Employees must request approval for leave for this purpose and FLSA non-exempt employees must use their accrued leave.

Employees are not permitted the use of a state vehicle to travel to a job interview or to take a test, and they shall not be paid mileage or per diem to attend a job interview or to take a test.

10. **Administration:**

- a. Point of contact for this policy is the State Human Resources Officer, 602-267-2731.



MICHAEL T. McGUIRE

Major General, AZ ANG

The Adjutant General