

Nicholls State University
Policy Regarding Civil Service Rule 12.6(a)2
Non-disciplinary Removal for Unscheduled Absences

REASON FOR THE POLICY

The following policy will apply to the employees of Nicholls State University. This policy is being adopted to encourage responsible use of leave. Responsible leave usage will improve efficient service to our clients and will also improve the morale of the university by reducing negative consequences of absenteeism on co-workers.

RULE BASIS FOR THE POLICY

The policy is based on Civil Service Rule 12.6(a)2, which reads as follows:

12.6 Non-disciplinary Removals

The provisions of this rule shall be made generally available to all employees. An employee may be non-disciplinarily removed under the following circumstances. When an employee is removed under this rule, the adverse consequences of Rules 6.5(c); 7.5(a)7; 8.9(d); 8.13(a)7; 8.15(d); 8.18(d) and (e); 11.18(b) and 17.25(e)4 shall not apply. Subsection (a) is subject to the provisions of the Americans with Disabilities Act (ADA) and the Family Medical Leave Act (FMLA).

(a) Absence from Work

An employee may be removed under the following circumstances:

1. ...

OR

2. When an employee has more than nine (9) unscheduled absences during any consecutive 26-week period. One unscheduled absence may be any continuous period of absence, regardless of its duration. Approval of leave, after the fact, to cover an unscheduled absence shall not prevent the absence from being considered unscheduled. Before an agency can apply the provisions of this subsection (a)2, the appointing authority must obtain from the Commission prior approval of a written policy for its use. Such policies shall be posted in such a manner that assures availability to all employees. The Appointing Authority shall issue criteria which must be covered in such a policy

POLICY OF NICHOLLS STATE UNIVERSITY

The university shall apply Rule 12.6(a)2, subject to the following:

EMPLOYEES COVERED BY THIS POLICY

This policy shall be university-wide, applying to any employee within the university who has been given written supervisory notice regarding his or her absenteeism. Such a written notice must have the concurrence of the appointing authority. No absence will count for the purpose of this rule until the employee has been given such a notice. The business reason for this policy is as follows:

This method of applying Civil Service Rule 12.6(a)2 will address those individuals whose absenteeism has caused problems for the department. Furthermore, this method will help ensure that the affected employee is given every chance to improve his or her attendance through the supervisor's personal attention and clear communication of expectations.

NOTIFICATION TO EMPLOYEE

The supervisor shall ensure that the employee is notified each time an absence is counted as an "unscheduled" absence, and shall maintain sufficient documentation of the notices.

DEFINITION OF UNSCHEDULED ABSENCE

For all employees who have been given written supervisory notices regarding their absenteeism, an unscheduled absence shall be one for which the employee did not obtain verbal or written approval by close of business on the employee's regularly scheduled workday prior to the absence. A supervisor may request an exception from this provision from the appointing authority for rational business reasons.

DOCUMENTATION OF ABSENCES

Each supervisor may apply any record-keeping method which fits his needs. Supervisors should be aware that no action will be taken under this policy unless sufficient documentation is maintained.

APPROVAL OF LEAVE AFTER THE FACT

Approval of leave, after the fact, to cover an unscheduled absence shall not prevent the absence from being considered unscheduled.

LEAVE WITHOUT PAY

Although the rule allows the approval of leave after the fact, the university retains the right to place an employee on unauthorized leave without pay for any unscheduled absence for which the supervisor will not grant approval. This includes the denial of requests for annual, compensatory and/or sick leave.

SICK LEAVE VERIFICATION

The supervisor may require doctors' statements or some other proof acceptable to the university to verify the legitimacy of sick leave, whether it is scheduled or unscheduled.

DISCIPLINARY ACTION

Use of this policy does not prohibit the university from taking appropriate disciplinary action for unauthorized absences if such action is deemed appropriate.

EXCEPTIONS

FMLA and ADA

Leave that is approved for use under the provisions of the Family and Medical Leave Act of 1993 (FMLA) and leave granted for purposed of an accommodation under the Americans with Disabilities Act of 1990 (ADA), will not count as unscheduled absences. However, employees are expected to comply with agency policies and practices regarding notice to supervisory personnel when absences are necessary.

Exceptional circumstances

The Appointing Authority may grant exceptions to the normal provisions of this policy for rational business reasons.

EFFECTIVE DATE: June 9, 2003