

Gateway Performance Cluster



February 9, 2007

All Employees
Gateway District

Subject: **Attendance and Tardiness Policy**

It is necessary to periodically remind all our employees of the importance of regular and prompt attendance in their jobs. All employees are responsible for adherence to the attached attendance policies. Postal managers and supervisors will take necessary steps up to and including appropriate corrective action to address any violations of these policies.

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A. ATTENDANCE

1. Employees are expected to maintain their assigned schedule and must make every effort to avoid unscheduled absences. In addition, employees must provide acceptable evidence for absences when required. (RE: 511.43 of the Employee and Labor Relations Manual (ELM)).
2. Unscheduled absences are any absences from work that are not requested and approved in advance. (RE: 511.41 ELM).
3. Emergency annual leave is an unscheduled absence since it is not requested and approved in advance.
4. Employees are required to be regular in attendance. (RE: 665.41 ELM).
5. Employees failing to report for duty on scheduled days, including Saturdays, Sundays, and Holidays, will be considered absent without leave (AWOL) except in emergencies which prevent obtaining permission in advance. In emergencies, the supervisor or proper official will be notified as soon as the inability to report for duty becomes apparent. Satisfactory evidence of the emergency must be furnished later. An employee who is absent without permission or fails to provide satisfactory evidence that an emergency existed will be placed in a non-pay status for the period of such absence. The absence will be reported to the appropriate authority. (RE: 665.42 ELM).
6. Except for unexpected illness/injury situations, sick leave must be requested on Form 3971 and approved in advance by the appropriate supervisor. (RE: 513.331 ELM). An exception to the advance approval requirement is made for unexpected illness/injuries; however, in these situations the employee must notify appropriate postal authorities as soon as possible as to their illness/injury and expected duration of absence. As soon as possible after return to duty, employees must submit a request for sick leave on Form 3971. Employees may be required to submit acceptable evidence of incapacity to work as outlined in the provisions of 513.36 ELM, Documentation Requirements. The supervisor approves or disapproves the leave request. When the request is disapproved, the absence may be recorded as annual leave, if appropriate, or LWOP or AWOL, at the discretion of the supervisor as outlined in 513.342 ELM. (RE: 513.332 ELM)
7. Except for emergencies, annual leave for all employees except postmasters must be requested on Form 3971 and approved in advance by the appropriate supervisor. Leave requests from rural carriers must be approved in accordance with Article 10 of the USPS-NRLCA National Agreement. (RE: 512.411 ELM).
8. An exception to the advance approval requirement is made for emergencies; however, in these situations, the employee must notify appropriate postal authorities as soon as possible as to the emergency and the expected duration of the absence.

As soon as possible after return to duty, employees must submit Form 3971 and explain the reason for the emergency to their supervisor. Supervisors approve or disapprove the leave request. When the request is disapproved, the leave may be recorded as LWOP or AWOL at the discretion of the supervisor as outlined in 512.422. (RE: Section 512.412 ELM).

9. For periods of absence of 3 days or less, supervisors may accept the employee's statement explaining the absence. Medical documentation or other acceptable evidence of incapacity for work is required only when the employee is on restricted sick leave (see 513.37) or when the supervisor deems documentation desirable for the protection of the interests of the Postal Service. (RE: 513.361 ELM)
10. For absences in excess of 3 days, employees are required to submit medical documentation or other acceptable evidence of incapacity for work. (RE: 513.362 ELM)
11. Employees who are on sick leave for extended periods are required to submit at appropriate intervals, but not more frequently than once every 30 days, satisfactory evidence of continued incapacity for work unless some responsible supervisor has knowledge of the employee's continuing incapacity for work. (RE: 513.363 ELM)
12. When employees are required to submit medical documentation pursuant to these regulations, such documentation should be furnished by the employee's attending physician or other attending practitioner. The documentation should provide an explanation of the nature of the employee's illness or injury sufficient to indicate to management that the employee was (or will be) unable to perform his or her normal duties for the period of absence. Normally, medical statements such as "under my care" or "received treatment" are not acceptable evidence of incapacitation to perform duties. Supervisors may accept proof other than medical documentation if they believe it supports approval of the sick leave application. (RE: 513.364 ELM).
13. Return to duty after extended illness or injury. Employees returning to duty after 21 days or more of absence due to illness or serious injury must submit medical evidence of their ability to return to work, with or without limitations. The district medical officer or contract physician evaluates the medical report and, when required, assists in employee placement to jobs where they can perform effectively. (RE: 342.1 EL-311).
14. Other required certification. Employees returning to duty after an absence for communicable or contagious diseases, as well as mental and nervous conditions, diabetes, cardiovascular diseases, epilepsy, or following hospitalization, must submit a physician's statement stating unequivocally that they are fit for full duties without hazard to themselves or others, or indicating the duties which they are capable of performing. Guidance from the occupational nurse may be sought when making individualized assessment. (Re: 865 ELM).

15. Contents of certification. All medical certifications must be detailed medical reports and not simply a statement of ability to return to work. There must be sufficient data to make a determination that the employee can return to work without hazard to self or others. In instances of hospitalization for mental or nervous conditions, the attending physician's certificate must also state that the employee has been officially discharged from the hospital. In diabetes and epilepsy cases, the certificate must state that the condition is under adequate control. Guidance from the occupational nurse may be sought when making individualized assessment. (Re: 865 ELM).

B. TARDINESS

1. Any employee failing to report by the scheduled time when time recorders are not used is considered tardy. Tardiness in units or installations equipped with time recorders is defined as being any deviation from schedule. (RE: 665.42 ELM).
2. Five-minute leeway rule. Although each employee at installations with time recording devices is required to clock in and clock out on time, congestion at time clocks or other conditions can sometimes cause clock time to vary slightly from the established work schedule. Therefore, a variation may be allowed from the scheduled time for each clock ring up to 0.08 hours (5 minutes). However, the sum of the deviations for the scheduled tour must not exceed .08 hours (5 minutes). (RE: Section 432.461 ELM). The five-minute leeway rule, which applies only to full time and part time regular schedule employees, is not an automatic grace period for tardiness. The five minute leeway rule is a timekeeping procedure establishing limits within which timekeepers can adjust paid time to eight hours without case by case supervisory review. The rule is applied because of conditions, which may occur at time clocks (such as employee congestion) which can cause clock rings to vary slightly from established work schedules. (RE: 11 .B EL-501).
3. Employee responsibilities. Employees are responsible for adhering to their assigned work schedules. A variance from the assigned work schedule will result in disallowed time or unauthorized overtime. If tardiness is not excusable, appropriate disciplinary action, in addition to leave charge, may be taken (RE: F-21 143.22; F-22 214.43).

C. DISCIPLINE

1. Code of Ethical Conduct. In addition to the leave regulations found in Chapter 5 of the ELM, Part 665. USPS Standards of Conduct contains attendance requirements. These regulations reinforce the basic concept that the employer's right to expect employees to report for work as scheduled is inherent in the employment relationship.

2. Requirement for Attendance. Employees are required to be regular in attendance. (RE: 665.41, ELM).
3. Disciplinary Action. Postal officials will take appropriate disciplinary measures to correct violations of these requirements. (RE: 665.6 ELM).

D. COURT LEAVE

1. Court Leave. Court leave is the authorized absence from work status (without loss of or reduction in pay, leave to which otherwise entitled, credit for time or service, or performance rating) of an employee who is summoned in connection with a judicial proceeding, by a court or authority responsible for the conduct of that proceeding, to serve as a juror or to serve as a witness in a non-official capacity on behalf of a state or local government or witness in a nonofficial capacity on behalf of a private party in a judicial proceeding to which the Postal Service is a party or the real party in interest. (RE: 516.21 ELM).
2. Eligibility: Court leave is granted to all full-time and part-time regular employees. Certain part time flexible employees are granted court leave as provided and governed by applicable collective bargaining agreements. All other employees are ineligible for court leave and must use either annual leave or LWOP to cover the period of absence from postal duties for court service but may retain any fees or compensation received incident to such court service. (RE: 516.22 ELM).
3. Combination of court service and postal duty. If an employee reports for court service and is excused by the court for the balance of the day, or performs court service for only part of that day, the employee is entitled to full compensation for the day in question. The employee is required to report to the postal installation for the balance of the postal tour of duty provided: (1) an appreciable time of the tour is involved, and (2) it is feasible to report to work and complete the tour. The combined court service and postal duty may not exceed 8 hours except for employees who work their postal tours of duty in addition to performing court service. Employees who serve a full day in court are not required to report to their postal duties.

Employees excused from court service for an entire day or days are not entitled to compensation for such days unless they actually perform service as postal employees. (RE: 516.32 ELM).

4. Accommodation of employees called for court service. Employees who are eligible for court leave and who have a conflict with court duty and work schedules may (1) work their postal tours of duty in addition to performing court service; (2) have their work schedules changed temporarily to conform to the hours of court service. (Employees who do not choose this option may not have their work schedules

changed and are expected to report for postal duty upon completion of their court service).

5. If employees work their full postal tours of duty in addition to performing court service, their court service is not charged to court leave as the court service is performed outside of their postal tours of duty. Accordingly, employees may retain any fees or payment received incident to such court service. If employees choose to work their full postal tours of duty in addition to performing court service, but are required to be in court beyond the starting time of their scheduled tours, they report for postal duty as soon as possible after completion of court service and work the remaining hours of their scheduled tours. The hours of court service which overlap the employees' scheduled tours of duty are charged to court leave and the employees remit to the Postal Service that portion of court fees received for the hours charged to court leave. The combined court leave and postal work hours may not exceed eight hours.
6. Employees who choose to have their work schedules changed temporarily to conform to court service hours submit Form 3189, Request for Temporary Schedule Change for Personal Convenience, as soon as possible, together with Form 3971, requesting such schedule change to their supervisor. Such requests state that the schedule change is for the employee's personal convenience and is agreed to by the local union. Employees who exercise this option receive full compensation for the period of court service including any applicable night differential for the revised schedule.
7. No overtime is allowed for court service performed while an employee is on court leave or for a combination of postal work and such court service. (RE: 516.32 ELM).

E. MILITARY LEAVE

1. Military leave is authorized absence from postal duties without loss of pay, time, or performance rating, granted to eligible employees who are members of the National Guard or Reservists of the armed forces. (RE: 517.12 ELM).
2. Types of duty covered—active duty, field, and coast defense training; scheduled drills; service providing military aid for law enforcement purposes; parade or encampment activities of the D. C. National Guard. (RE: 517.13 ELM).
3. Types of duty not covered—Summer training as a member of Reserve Officer Training Corps; temporary Coast Guard Reserve; Service with the National Guard, if ordered by the State Governors without authority of the Department of Defense, except when such service is in connection with regular annual encampment or for law enforcement purposes if ordered by appropriate authority to provide military aid to enforce the law of their contracted state or their chartered jurisdiction (e.g., the

District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States); training with a State Guard or other State military organization that is not a part of the National Guard or that was created to take the place of the National Guard during an emergency; weekly drills as member of D. C. National Guard; Civil Air Patrol, established as a civilian auxiliary of the U. S. Air Force, and similar reserve and guard auxiliary organizations; and time taken on a workday to travel to the place where training is to begin, unless military training orders encompass the period of travel time required. (RE: Section 517.133 ELM).

4. Upon return from military duty to the Postal Service, the employee furnishes a copy of military orders or other documentation properly endorsed by appropriate military authority to show the duty was actually performed. (RE: Section 517.34 ELM)
5. Career postal employees who are members of the following components of the armed forces are eligible for military leave: The Army National Guard of the US; The Army Reserve; The Naval Reserve; The Marine Corps Reserve; The Air National Guard of the US; The Coast Guard Reserve; The Air Force Reserve. (RE: 517.4 ELM).
6. Military Time Allowances. Eligible full time employees are granted military leave up to 15 calendar days (120 Hours) each fiscal year. Part-time employees are granted one hour of military leave for each 26 hours in pay status in the preceding fiscal year provided (1) employee was in pay status a minimum of 1,040 hours in the preceding fiscal year, and (2) employee's pay for military leave does not exceed 80 hours. (RE: 517.41 ELM).
7. Granting leave. Generally, an employee must be in pay status either immediately prior to the beginning of military duty or immediately after the end of military duty in order to be entitled to military leave with pay. (RE: 517.51 ELM).
8. Conflict with work schedule. An employee who has official duty orders or official notices signed by appropriate military authority for weekly, biweekly, or monthly training meetings and who has a conflict with scheduled work requirements may choose one of four ways of meeting the military obligation: (1) use of military leave not in excess of the general military leave allowance; (2) use annual leave; (3) use LWOP; (4) arrange a mutually agreeable trade of workdays and days off with another employee who is qualified to replace the absent employee. Such trades must be cleared with the responsible supervisor and must be in accordance with the terms of collective bargaining agreements. (RE: 517.61 ELM).

F. SICK LEAVE FOR DEPENDENT CARE

1. Eligible employees may use their earned sick leave (up to 80 hours in any leave year) to give care or otherwise attend to a family member with a medical condition, which, if the employee had the same condition, would justify the use of sick leave. Family members, who qualify as dependents, include son or daughter, parent, and spouse as defined in Section 515.2 ELM.
2. The employee should normally submit a PS 3971 to their supervisor. To obtain approval the employee must provide, 1) the sick leave is requested to care or attend to a son, daughter, spouse or parent; 2) the employee must specify the medical facts and provide the necessary explanation and/or documentation in support of the illness, incapacity or other condition affecting the dependent in order for the supervisor to determine whether that same condition—if afflicting the employee would warrant use of sick leave; and 3) the employee must state the nature of their need to care for or attend to the dependent.
3. Under normal sick leave policy, medical documentation or other acceptable evidence of the medical need of the dependent is required, if 1) the employee is on restricted sick leave; 2) the sick leave is for extended periods; 3) the absence exceeds three days; 4) the period of absence is three days or less, the supervisor may accept an employee's certification as reason for the absence. In addition, such medical documentation is required when necessary to determine whether the Family Medical Leave Act (FMLA) applies to the employee's situation. Sick leave for dependent care may or may not be covered by the FMLA, the same as sick leave for an employee's personal illness, which may or may not qualify under the FMLA. Sick leave for dependent care does not diminish the employee's responsibility and obligation to be regular in attendance. Irregularity in attendance can be the basis for corrective action, including discipline. However, absences which qualify under FMLA cannot be considered in any determination to take disciplinary action.

G. FAMILY AND MEDICAL LEAVE ACT (FMLA) OF 1993

1. FMLA requires covered employers to provide up to 12 weeks of unpaid, job protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year and 1,250 hours over the previous 12 months, and if there are at least 50 employees within 75 miles.
2. Reasons for taking leave. Unpaid leave must be granted for any of the following reasons: to care for the employee's child after birth or placement for adoption or foster care; to care for the employee's spouse, son or daughter, or parent, who has

a serious health condition; or for a serious health condition that makes the employee unable to perform the employee's job; at the employee's or employer's option, certain kinds of paid leave may be substituted for unpaid leave.

3. Advance notice and medical certification. The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met. The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable" - an employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.
4. Job benefits and protection. For the duration of FMLA leave, the employer must maintain the employee's health coverage under any group health plan. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms. The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.
5. Unlawful acts by employers. FMLA makes it unlawful by any employer to - interfere with, restrain, or deny the exercise of any right provided under FMLA, discharge or discriminate against any person for opposing any practice made unlawful by FMLA or involvement in any proceeding under or relating to FMLA.
6. Enforcement. The U. S. Department of Labor is authorized to investigate and resolve complaints of violations - an eligible employee may bring a civil action against an employer for violations.
7. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or Local Law or collective bargaining agreement which provides greater family or medical leave rights.
8. For additional information concerning FMLA contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U. S. Government, Department of Labor.

H. NOTICE FOR EMPLOYEES REQUESTING LEAVE FOR CONDITIONS COVERED BY THE FAMILY AND MEDICAL LEAVE POLICIES

1. Qualifying conditions - The Postal Service family and medical leave policies provide that employees meeting the eligibility requirements must be allowed to take time off for up to 12 workweeks in a leave year for the following conditions:
 - (a) Because of the birth of a son or daughter (including prenatal care), or to care for such son or daughter. Entitlement for this condition expires one year after

the birth.

- (b) Because of the placement of a son or daughter with you for adoption or foster care. Entitlement for this condition expires one year after the placement.
 - (c) In order to care for your spouse, son, daughter, or parent who has a serious health condition. Also, in order to care for those who have a serious health condition, and who stand in the position of a son or daughter to you or who stood in the position of a parent to you when you were a child.
 - (d) Because of a serious health condition that makes you unable to perform the functions of your position.
2. Eligibility - To be covered by these policies, one must have been employed by the Postal Service for a total of at least one year and must have worked a minimum of 1,250 hours during the 12 month period before the date your absence begins.
 3. Type of leave - time off taken under these policies is counted toward the 12 workweeks allowed by the Family and Medical Leave Act; however, this is not a separate type of leave, but is charged to annual leave, sick leave, and/or LWOP in accordance with current leave policies. Note that sick leave is available only for your own health condition and for exposure to, or caring for, a family member with a contagious disease ruled as requiring isolation, quarantine or restriction of movement of the patient for a particular period by the health authorities having jurisdiction. Sick leave cannot be used to care for others except under these conditions.
 4. Documentation - supporting documentation is required for your leave request to receive final approval. Documentation requirements may be waived in specific cases by your supervisor.
 - for conditions (1) or (2) employee must provide the birth or placement date.
 - for condition (3) employee must provide documentation from the health care provider stating the date the serious health condition began, probable duration of the condition, and appropriate medical facts. You must also provide documentation of when you are needed to provide the care or psychological support.
 - for condition (4) employee must provide documentation from the health care provider stating the date the serious health condition began, probable duration of the condition and appropriate medical facts.

If the time off requested is to care for someone other than a biological parent or child, appropriate explanation of the relationship may be required.

Supporting information that is not provided at the time the leave is requested must be provided within 15 days, unless this is not practical under the circumstances. If the Postal Service questions the adequacy of a medical certification, a second or third opinion may be required and the Postal Service will pay for these opinions.

If the absence is due to your own health condition and exceeds 21 calendar days, you must submit evidence of your ability to return to work before you will be allowed to return. Also, during your absence, you must keep your supervisor informed of your intentions to return to work and status changes that could affect your ability to return. Failure to provide information can result in the denial of family and medical leave under these policies.

5. Benefits.

Health Insurance - to continue your health insurance during your absence, you must continue to pay the "employee portion" of the premiums. This continues to be withheld from your salary while you are in a pay status. If the salary for a pay period does not cover the full employee portion, you are required to make the payment. If this occurs, you will be advised of the procedures for payment.

Life Insurance - basic life insurance is free and continues. If you are in a LWOP status for more than a year, this coverage is discontinued; In this case, you have the option to convert to an individual policy. If you have optional life insurance coverage, it continues. Your premium payments continue to be withheld from your pay check. If you are in a non-pay status, your optional insurance coverage continues without cost for up to 12 months. Thereafter, you can convert this coverage to an individual policy.

Flexible Spending Account (FSA) - if you participate in the FSA program, see your employee brochure for the terms and conditions of continuing coverage during leave without pay.

Return to Duty - at the end of your leave, you will be returned to the same position you held when the absence began (or a position equivalent to it), provided you are able to perform the functions of the position and would have held that position at the time if you had not taken the time off.