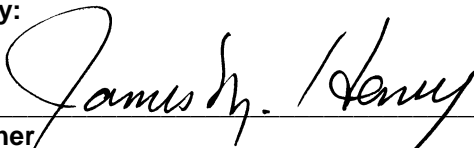
 <p style="text-align: center;">POLICIES AND PROCEDURES</p> <p style="text-align: center;">State of Tennessee Department of Intellectual and Developmental Disabilities</p>	<p>Policy #: 100.1.16</p>	<p style="text-align: right;">Page 1 of 6</p>
<p>Policy Type: Intermediate Care Facilities for Individuals with Intellectual Disabilities</p>	<p>Effective Date: November 27, 2012</p>	
<p>Approved by:</p>  <p>Commissioner</p>	<p>Supersedes: N/A</p> <p>Last Review or Revision: N/A</p>	
<p>Subject: Leave and Attendance</p>		

- I. **AUTHORITY:** Tennessee Code Annotated (TCA) 4-3-2708, Section 1905(d) of the Social Security Act, and 42 CFR Part 483.
- II. **PURPOSE:** It is the purpose of this policy to establish uniform guidelines and procedures for attendance and leave management for employees of the Department of Intellectual and Developmental Disabilities (hereinafter "DIDD" or "Department") Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICFs/IID), developmental centers, and the Harold Jordan Center (HJC). It is intended for clarification, not substitution, of the Tennessee Department of Human Resources (DOHR) rules and regulations for leave and attendance.
- III. **APPLICATION:** This policy is applicable to all employees who provide services and supports to persons residing in department ICFs/IID, developmental centers, and the HJC.
- IV. **DEFINITIONS:**
 - A. **Approved Leave** shall mean leave that was approved by a supervisor or designee prior to the employee taking the leave.
 - B. **Unapproved Leave** shall mean leave that was not approved by a supervisor or designee prior to the employee taking the leave or sick leave that was not justified by a physician's note (when requested).
 - C. **Pattern of Unsatisfactory Attendance** shall mean a repeating frequency of unscheduled leave, either approved or unapproved, that is predictable (e.g., on the past 3 absences or "off" days, the employee has called in to take an extra day, or the employee tends to take off on Fridays).
 - D. **Immediate Family** shall mean spouse, children, stepchildren, siblings, parents, grandparents, grandchildren, stepparents, foster parents, and parents-in-law (per DOHR Leave and Attendance rules and regulations, Chapter 5, Instance of Death in the Employee's Family).
 - E. **Mitigating Circumstances** shall mean an event or absence that deserves consideration when determining whether or not to approve leave that was not approved in advance (e.g., emergency, natural disaster).
- V. **POLICY:** This policy establishes regular attendance as a condition of employment and defines criteria for approved and unapproved leave from work. Due to the nature of the services and supports department ICFs/IID, developmental centers, and the HJC provide for persons with intellectual disabilities and the need to ensure their health, safety, and well-being, instances of unapproved leave or an unacceptable pattern of unsatisfactory attendance shall warrant disciplinary action.

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1. The employee shall submit a written request (e.g., via Edison online, email, or a leave Request form) to his/her supervisor or designee to use accrued annual/compensatory leave.
2. Leave requests shall be submitted no earlier than two (2) months in advance or no later than the day before the intended leave date(s).
3. Leave shall be approved no later than the end of the last workday preceding the planned absence.
4. Compensatory leave shall be used in lieu of annual leave when an employee has met criteria as outlined in the DOHR Leave and Attendance Manual, Chapter 4, Annual Leave; Using Compensatory Leave Before Annual Leave.
5. The supervisor or designee shall consider the employee's leave request and approve or disapprove it; subject to his/her responsibilities to plan work under his/her control.
6. Leave shall be authorized only at such time as the employee can be spared and provided the employee has sufficient annual/compensatory leave accumulated.
7. A supervisor may disapprove a previously approved leave request at any time prior to the beginning of the leave, but shall do so only under extraordinary circumstances.
8. The supervisor or designee shall notify the employee of the withdrawal of leave approval immediately and shall set out the reasons for such withdrawal in a written memo to the employee with a copy sent to Human Resources. If desired, the employee may then take the matter to the next higher level of supervision that shall either affirm or reverse the immediate supervisor's decision.
9. Employee requests for leave in excess of two (2) consecutive weeks shall be approved only by the Director/Chief Officer or designee and a copy shall be sent to Human Resources.
10. Recommendations for approving an employee's request for two (2) weeks of consecutive leave shall be submitted in writing to the Director/Chief Officer, accompanied by information from the supervisor or designee regarding plans for coverage of the employee's duties and responsibilities during the requested leave.

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1. An employee may be granted sick leave if unable to perform work due to:
 - a. Personal illness.
 - b. Disability due to an accident.
 - c. Exposure to contagious disease.
 - d. Maternity or sickness due to pregnancy.
 - e. Adoption.
 - f. Medical or dental appointments.
 - g. Illness or death in the immediate family.
2. Any employee may be required to present a physician's statement or other evidence at the request of a supervisor or designee or appointing authority to support the reason for any absence during the time sick leave was taken.
3. Other than in an emergency or a planned medical appointment, the employee shall notify his/her supervisor or designee by telephone of the need to take sick leave no later than one (1) hour before the leave is taken. This prior notice allows time for the supervisor to arrange for coverage of the employee's duties.
4. Notification of the need to take immediate sick leave shall occur directly to the supervisor or designee. Messages left for the supervisor or designee do not count as prior notification, as they do not allow sufficient time to arrange for coverage for the employee's duties.
5. When taking sick leave for two (2) or more consecutive days, the employee shall either call in to the supervisor each day to explain the extension of sick leave (e.g., "I am still running a fever today. I hope to be in tomorrow") or state at the beginning of the leave the number of days expected to recover from the illness (e.g., "My doctor said I should take off through this Friday"). Otherwise, any leave taken past the initial notification shall be considered unapproved leave.
6. Any employee who is absent due to personal illness for three (3) consecutive days or more shall be required to present a statement from a licensed medical professional (with the name of the practice, the address and a telephone number) upon the day the employee returns from work, attesting he/she has received medical treatment and is sufficiently recovered to be able to fully perform his/her duties.
7. If an employee is absent due to personal illness for three (3) consecutive days or more and does not bring a statement from a licensed medical professional upon the day the employee returns to work, the employee shall be shown in a leave without pay status for the time absent.

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8. Sick leave cannot be denied to any employee who presents a valid statement signed by a licensed medical professional (with the name of the practice, address and telephone number) certifying that the employee's health requires or has required him/her to be absent from work.
9. Sick leave shall be granted for medical or dental appointments only when reasonable efforts to schedule those appointments on days off or before or after work hours have failed. When such an absence is required, the requesting employee shall make the request at least three (3) workdays prior to the absence. If it is not possible to schedule the appointment at least three (3) workdays in advance, the sick leave request shall be made immediately upon scheduling the appointment.

C. Approved Leave

1. To be counted as approved leave (regardless of type, as defined in the DOHR Attendance and Leave Policies and Procedures Manual), the employee shall have prior approval from the supervisor or designee.
2. The granting of a leave request, including a subtraction from any leave balance, does not prevent the provision of disciplinary measures for failure to follow reporting or recording requirements.

D. Unapproved Leave

1. Any leave taken without prior approval from the supervisor or designee shall be counted as an occurrence of unapproved leave. Unapproved late arrival to the employee's work station, leaving work early without approval, late return from an approved break, taking an unapproved break, an unexcused absence, or the failure to provide a physician's statement to justify sick leave (when requested) all count as occurrences of unapproved leave.
2. If an employee is absent due to leave approved under the Family and Medical Leave Act (FMLA) of 1990, an occurrence of unapproved leave shall not be assessed.
3. An employee who has three (3) or more consecutive unexcused absences shall be terminated for job abandonment in accordance with this policy.
4. The supervisor or designee may grant exceptions from unapproved leave in individual cases based on mitigating circumstances.
5. No employee shall be allowed to work during breaks or meals or to work later than scheduled to make up time lost due to tardiness.

E. Pattern of Unsatisfactory Attendance

1. The supervisor or designee shall be responsible for recognizing patterns of an employee's unsatisfactory attendance.
2. As soon as a pattern of unsatisfactory attendance is identified, the supervisor or designee shall meet with Human Resources prior to meeting with the employee to discuss the apparent pattern and any possible mitigating circumstances. Based on this discussion, the supervisor or designee shall discern whether or not disciplinary action is warranted.

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1. An employee who is absent from duty more than three (3) consecutive scheduled workdays without giving notice to his/her supervisor of the reason of such absence and without securing permission to be on leave, or who fails to report for duty to the immediate supervisor or the appointing authority within two (2) scheduled workdays after the expiration of an approved leave of absence will be sent a letter requesting an immediate response prior to considering them to have resigned "not in good standing."
2. Employees that are on full FMLA are considered to have satisfied the notice requirement as long as the time the employee is out of work corresponds with the medical statement.
3. Employees that are on intermittent FMLA are required to notify management for any time away from work and shall state at that time of the notification that the absence is due to the condition associated with intermittent FMLA.

G. Overtime Status

1. Once an employee has agreed to work a voluntary overtime shift, the staff becomes a scheduled employee. If a staff member calls in to be absent or does not show for the scheduled overtime shift, this shall be considered unapproved leave.
2. If an employee is scheduled to work mandatory overtime, any absence from the scheduled overtime shift shall be considered unapproved leave.

H. Disciplinary Action

1. The supervisor or designee shall recommend disciplinary action, based on the severity of the nature of the unapproved leave or pattern of unsatisfactory attendance and its potential impact on the well-being of people supported at the department ICFs/IID, developmental centers or HJC.
 - a. At a minimum, the first occurrence shall result in the employee receiving oral (for less severe infraction) or written warning (for more severe infraction) by his/her supervisor.
 - b. At a minimum, the second occurrence within twelve (12) months of the first occurrence shall result in the employee receiving a written warning (for less severe infraction) or a suspension without pay for one (1) day (for more severe infraction).
 - c. At a minimum, the third occurrence within twelve (12) months of the first occurrence shall result in the employee receiving a suspension without pay for one (1) to five (5) days, based on the severity of the infraction.
 - d. The fourth occurrence within twelve (12) months of the first occurrence shall result in the employee being separated from service.

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2. When recommending disciplinary action more severe than an oral warning, the supervisor or designee shall contact the Human Resources Department and show all evidence of leave slips, call-in documentation, physician/health provider documentation, and/or any evidence of mitigating circumstances that have been considered.
3. Human Resources shall review this information and guide the supervisor in the proper procedures for implementing and documenting disciplinary action.

I. Flexible Work Schedules

1. Some employees are required to work irregular work schedules due to the nature of their work. Each supervisor shall determine these schedules following the guidelines of the Department of Human Resources Leave and Attendance Manual.
2. Employees who take an unplanned or unapproved leave shall not work other days/shifts in the same week to make up for the time lost.
3. Any voluntary overtime worked in the same week shall be driven by the needs of the home and provider and requested by the supervisor (per policy 205 Ensuring Coverage and Scheduling Overtime).

VII. ATTACHMENTS: None