

DHMH POLICY

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OPERATIONS — Office of Human Resources

DHMH POLICY 02.09.01
Version Effective: May 16, 2016

AWOL POLICY

I. EXECUTIVE SUMMARY

The Department recognizes that emergency situations such as illness, accident, and death in the family may arise that will necessitate an employee's unexpected absence from duty. The purpose of this policy is to provide a uniform method of reporting unscheduled absence throughout DHMH.

This policy requires that a DHMH employee, who is absent from duty without having already obtained his/her supervisor's approval, must notify the supervisor promptly of the absence, the reason for the unscheduled absence, and the expected date of return to duty. An employee who does not have prior approved leave and who does not notify his/her supervisor of an absence shall be considered "absent without leave" or **AWOL**.

A DHMH employee in a 24-hour/day facility or program, or an employee scheduled to work on a State holiday may be denied the use of annual or personal leave for an unscheduled absence. An employee may be charged with insubordination if absent from duty after having been denied leave by a supervisor. Responsibilities of both the employee and supervisor are defined and progressive disciplinary measures are established. Additionally, the Department's position on tardiness is defined and measures on how to deal with it are outlined.

II. BACKGROUND

A DHMH policy on unexpected absence has been in effect since 1971. This version, effective May 16, 2016 updates and replaces the version dated August 8, 2006, and the March 11, 1998 version which, in turn, replaced DHMH Policy 4071 issued May 11, 1988. This version contains the following routine, non-substantive changes: 1) Makes editorial and formatting changes; 2) Updates links to reference materials; and 3) Adds clarifying language.

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III. POLICY STATEMENTS

A. AUTHORITY.

1. Authority for the Maryland State Personnel Management System and this policy can be found in the State Personnel and Pensions Article, Annotated Code of Maryland.
2. Regulatory authority for the State Personnel Management System is found in Code of Maryland Regulations, Title 17, Subtitle 04 Personnel Services and Benefits.
3. The Secretary, DHMH, assigns the Director, Office of Human Resources or designee to oversee the implementation and enforcement of this policy.

B. GENERAL POLICY.

1. An employee who wishes to use annual or personal leave must obtain prior approval from his/her supervisor.
2. An employee who is to be absent from duty without having received prior approval, must notify the supervisor promptly of the absence, the reason for the unscheduled absence, and the expected date of return. (See Section III.C.)
3. An employee who is absent from duty without the prior approval of his/her supervisor and who fails to properly notify his/her supervisor of the absence in accordance with Section III.C of this policy, shall be considered AWOL. This shall also apply to situations in which an employee fails to provide timely notice of illness or accidental injury. Supervisors have the discretion to excuse an AWOL if documentation of an emergency is presented which excuses the employee for failing to make a call.
4. An employee who is absent from duty after being denied leave by his/her supervisor may be charged with insubordination, and is subject to appropriate disciplinary action outside the guidelines of this policy. This would apply even where the request for leave or the notification of the impending absence was timely.

C. RESPONSIBILITIES OF EMPLOYEE.

1. It is the personal responsibility of an employee to report, or have reported to his/her supervisor, that he/she will be absent from work because of illness or other reason. The failure of an employee's designee to properly report the employee's absence will not excuse the employee from the provisions of this policy. The employee is responsible for knowing the name and contact information of the person in the unit to whom the report is to be made.

2. An employee or designee should call as soon as he/she is aware that he/she will be unable to report for his/her next scheduled shift. In 7 day, 24 hour facilities, the notification of absence must be made at least one hour before the beginning of the employee's scheduled tour of duty. In units that do not operate continuously on a 7-day, 24-hour basis, notification of absence must be reported within the first 30 minutes of the workday.
3. After an employee's supervisor has been initially notified of the employee's absence by either the employee or the employee's designee, it will be necessary for the employee or his/her designee to telephone the employee's job daily and speak to the employee's supervisor or other person(s) authorized to receive reports of employee absence. In 7 day, 24 hour facilities, this telephone call must be made daily at least one hour before the beginning of the tour of duty. In units that do not operate continuously on a 7-day, 24-hour basis, notification of absence must be reported within the first 30 minutes of the work day or as directed by the supervisor until an estimate of the employee's date of return has been established.
4. During periods of prolonged illness, the employee or his/her designee must notify his/her supervisor at least bi-weekly of the progress of the employee's treatment until a date of return has been established.

D. RESPONSIBILITIES OF THE SUPERVISOR.

1. Each unit supervisor shall publish, post conspicuously, and explain to all new employees' instructions detailing the unit's procedure for reporting absences.
2. The instructions shall cover the following minimum requirements:
 - a. Persons authorized to receive reports of absence;
 - b. Telephone number(s) to be used to report absence; and,
 - c. In units that operate on a 7 day, 24 hour basis, a statement informing the employee that notification of his/her intended absence must be made at least one hour before the beginning of the tour of duty. In units that do not operate continuously on a 7-day, 24-hour basis, notification of absence must be reported within the first 30 minutes of the work day.
3. Each unit supervisor or employee designated to receive calls shall maintain an official log to record reports of absences. The official log will be posted near the telephone to be used for reporting absences and shall show the following information:
 - a. Name of employee;
 - b. Name of caller, if different from employee;

- c. Reason for absence;
- d. Expected date of return;
- e. Date and time of call; and,
- f. Name of authorized person receiving call.

4. If an employee initially fails to advise his/her supervisor of his/her absence and is absent for five successive work days, the supervisor shall notify the unit personnel officer or agency administrator who will in turn advise the employee by certified and regular mail that the employee is considered to have resigned without notice.

E. DISCIPLINARY MEASURES.

1. In accordance with State Personnel and Pensions Article, §11-106, Annotated Code of Maryland, and prior to taking any disciplinary action related to any violation of this policy, the appointing authority shall:

- a. Investigate the alleged AWOL violation;
- b. Meet with the employee;
- c. Consider any mitigating circumstances;
- d. Determine the appropriate disciplinary action, if any, to be imposed; and
- e. Give the employee a written notice of the disciplinary action to be taken and the employee's appeal rights.

2. Any disciplinary action must be imposed within the time limits prescribed by law and regulation.

3. The appointing authority shall take the following disciplinary measures when an employee fails to report for duty and fails to provide timely notification of his/her absence in accordance with Section III.C of this policy:

- a. First AWOL Occasion - The employee will be issued a written reprimand in accordance with Section III.E.1 of this policy warning him/her that repeated absences without leave during a twelve-month period will be met with disciplinary suspension which may result in the employee being terminated.

The entire period of the employee's absence shall be charged to Lease of Absence Without Pay (LAW).

b. Second AWOL Occasion - In the event of a second occasion of absence without leave within a twelve-month period, the employee's absence shall be charged to LAW and the employee shall be suspended without pay for a minimum of one work day in accordance with Section III.E.1 of this policy.

Upon the employee's return from the suspension, the employee's immediate supervisor will discuss with the employee the reason for the employee's absences. Every effort should be made through counseling and, where appropriate, remedial action to help the employee improve his/her attendance record. A written summary of the counseling session along with the supervisor's recommendations will be given to the employee, a copy retained by the supervisor, and a copy placed in the employee's official personnel file.

c. Third AWOL Occasion - In the event of a third occasion of absence without leave within the twelve-month period, the employee's absence shall be charged to LAW and the employee shall be suspended without pay for a minimum of three consecutive work days in accordance with Section III.E.1 of this policy.

Upon return from suspension, the employee's program director is personally responsible for investigating the causes of the employee's absenteeism, counseling the employee, and taking any action deemed appropriate to encourage the employee to improve his/her work habits. A written summary of the counseling session shall be forwarded to the agency personnel officer for inclusion in the employee's official personnel file and a copy shall be provided to the employee.

d. Fourth AWOL Occasion - In the event of a fourth occasion of absence without leave within a twelve-month period, the employee's absence shall be charged to LAW and the employee shall be suspended without pay for a minimum of five consecutive work days in accordance with Section III.E.1 of this policy.

Upon return from suspension, the employee shall be counseled by the unit personnel officer or agency administrator and warned in writing that future absences without leave within a twelve-month period will result in termination from State service. A copy of the written summary of the conference shall be forwarded to the personnel officer for placement in the employee's official personnel file and a copy given to the employee.

e. Fifth AWOL Occasion - In the event of a fifth occasion of absence without leave within a twelve-month period, the appointing authority shall immediately begin employee termination proceedings in accordance with the requirements of the State Personnel and Pensions Article and the Code of Maryland Regulations (COMAR). The entire period of the employee's absence shall be charged to LAW.

All reprimands, suspensions, and terminations must meet the time limit requirements of the State Personnel and Pensions Article of the Annotated Code of Maryland and COMAR.

Prior to an appointing authority's decision to institute termination proceedings against an employee with a documented AWOL history, attention should be given to the employee's record as a whole to include job performance, attitude, work habits, and attendance. While an employee may give the required timely notice of his/her intended absence, continued unexpected or "emergency" requests for leave result in a hardship on the functioning of the unit. Timely, but unexpected, absences may be dealt with by using progressive discipline to curb abuses.

F. TARDINESS / LATENESS.

Frequent unexcused tardiness will be cause for disciplinary action. Tardiness should be considered when an appointing authority reviews an employee's overall work record before taking any disciplinary actions, and tardiness can be sufficient cause for applying progressive discipline.

G. DISTRIBUTION.

A copy of this policy shall be posted on the DHMH policy web page and shall be given to every new employee at the time of his/her orientation.

IV. REFERENCES

- State Personnel and Pensions Article, Annotated Code of Maryland
<http://mgaleg.maryland.gov/webmga/fmStatutesText.aspx?article=gsp§ion=1-101&ext=html&session=2016RS&tab=subject5>
- Code of Maryland Regulations (COMAR), Title 17, Department of Budget and Management, Subtitle 04 Personnel Services and Benefits.
http://www.dsd.state.md.us/COMAR/subtitle_chapters/17_Chapters.aspx

APPROVED:



Van T. Mitchell, Secretary

May 16, 2016
Effective Date