



CITY OF HOUSTON

Administrative Procedure

Subject: **Absence**

A.P. No:

3-11

Effective Date:

April 6, 2012

1. AUTHORITY

- 1.1 Article VI, Section 7a, City Charter of the City of Houston; and Chapter 14 of the Code of Ordinance.

2. PURPOSE

- 2.1 To define and characterize the various conditions that involves work breaks, paid and unpaid time away from work and excused and unexcused absences.

3. OBJECTIVE

- 3.1 To distinguish the management of, and discipline for, absenteeism.
- 3.2 To define clear expectations in regards to an employee's time management.
- 3.3 To identify and categorize various kinds of absence.

4. SCOPE

- 4.1 This program applies to all departments and all employees of the City of Houston.

5. DEFINITIONS

Absence – Time away from work during what would be considered an employee's scheduled work hours. An employee's absence may be the result of an employee benefit, a specific goal with supervisors consent, or unauthorized.

Salary – The regular rate of base pay plus longevity, but exclusive of other allowances, incentives, differentials or other compensation ordinarily received by the employee.

6. POLICY

- 6.1 Employees are expected to report for work whenever scheduled. Employees who for any reason will be delayed in reporting for work are required to notify their supervisor promptly by a direct telephone call. Other forms of notification, including but not limited to text messages, emails, do not comply with this policy without expressed written approval from

Approved:

Date Approved:

04/06/2012

Page 1 of 7

management or department policy. A telephone call from someone other than the employee does not comply with this policy, except in emergency situations, excluding incarceration. Supervisors shall identify another supervisor to call in the event of an absence or unavailability.

- 6.2 Employees should notify their supervisor in advance whenever they are unable to report to work for any reason. As much advance notice as possible should be given. If the supervisor is not available, the employee should contact another management member of the department and then make attempts later to contact the immediate supervisor. Department policy may amend these protocols based on business needs as approved by the director. If an employee is unable to report to work without advance notice, the employee must comply with the notice requirements set forth in 6.1.
- 6.3 A failure to notify the immediate supervisor of any anticipated absence or delay in reporting for work can result in loss of compensation during the absence and may be grounds for disciplinary action up to and including indefinite suspension or termination. Supervisors should be aware of these behavior patterns as they develop and should make every effort to discover the reason and to assist the employee in correcting the problem. It shall be the responsibility of the immediate supervisor to document any such tendencies and to produce such documentation should disciplinary action be required as a result.
- 6.4 Employees may be compensated during authorized absences. Absences in excess of the amount of the employee's accrued leave by an employee will not be compensated, but will not necessarily jeopardize the employee's employment status.
- 6.5 Employees shall not be required nor permitted to work any period of time beyond the normal starting or quitting times for the purpose of making up lost time unless it is otherwise specified in this policy or authorized by the department director or designee.
- 6.6 Employees who are absent from work for three (3) consecutive work days without good cause and without giving proper notice to their immediate supervisor shall be considered to have resigned from the employment of the City.
- 6.7 Excused absence, paid and unpaid, with approval:
 - 6.7.1 Vacation
 - 6.7.2 Holidays §6.11
 - 6.7.3 Floating Holiday §6.12
 - 6.7.4 Court Related Absence §6.13
 - 6.7.5 Funeral leave §6.14
 - 6.7.6 Disability accommodation leave
 - 6.7.7 Military leave §6.16
 - 6.7.8 Personal leave
 - 6.7.9 Leave of absence
 - 6.7.10 Illness
 - 6.7.11 Family Medical Leave Act leave §6.20

- 6.7.12 City business pre-approved by supervisor
- 6.7.13 Voting §6.17
- 6.7.14 Political party affiliation §6.18
- 6.7.15 Participation in Community/Civic Affairs §6.19
- 6.7.16 Approved employee bargaining unit leave
- 6.7.17 Voluntary and involuntary furlough
- 6.7.18 Inclement Weather §6.15

Excused absences can be paid out of accrued leave available only with supervisory approval.

6.8 Unexcused and/or unpaid absence:

- 6.8.1 Tardiness
- 6.8.2 Illness, where patterned and unsupported by medical documentation
- 6.8.3 Absence without notification
- 6.8.4 Absence as a result of incarceration or other legal detainment. Absence as a result of incarceration shall always be unpaid absence.

6.9 Meal Breaks

- 6.9.1 Each full-time employee may be allowed a meal break from thirty (30) to sixty (60) minutes near the middle of the workday, and each part-time employee shall be allowed a meal break of the same duration before five (5) consecutive hours are worked. Exceptions to address matters of public safety and health are subject to approval by the department director.
- 6.9.2 Employees shall not be compensated during their meal breaks and shall adhere to whatever sign out/sign in policy is in effect within a given department. The duration and time of employee meal breaks shall be determined by each supervisor with appropriate regard for the work load. In either case, the employee shall be expected to work a full work day.

6.10 Rest Breaks

- 6.10.1 Each employee may receive a rest break of fifteen (15) minutes at approximately the middle of every four (4) hours of work not broken by a meal break as permitted by work requirements. Time spent on rest breaks will be compensated, but employees should still follow the department's sign out/sign in policy where such policy is in effect. The time and availability for employee rest breaks shall be determined and scheduled by each supervisor with appropriate regard for the work requirements.
- 6.10.2 Those employees choosing to remain at their work station during rest breaks will not be entitled to leave before the end of a scheduled shift.
- 6.10.3 An employee's supervisor may require that an employee remain in the immediate work area during a rest break. When this requirement is not in place, employees are discouraged from leaving the immediate work area.
- 6.10.4 Rest breaks shall not be used in conjunction with a meal break or a shift start or end.

Subject: Absence	A. P. No.: 3-11	Page 3 of 7
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6.10.5 The department director can alter or amend meal or rest break schedules as necessary to ensure proper operational functioning of a department or any division or area therein.

6.11 Holidays

6.11.1 If an employee's regularly scheduled day off occurs on a holiday and the employee does not work, the employee is paid at 1.0 times his/her regular rate of pay for his/her scheduled hours.

6.11.2 If an employee's regularly scheduled day off occurs on a holiday and the employee is not called into work, the employee may be given, at the department director's discretion, another day off in lieu of the holiday or can be paid at straight time for the number of hours normally worked. If given another day off in lieu of the holiday, the holiday must be used within 180 days or the day will be paid out.

6.11.3 If an employee works on a holiday, the employee shall be (1) paid at 1.0 times his/her regular rate of pay for hours worked plus be given an alternate paid day off to be used within 180 days (or the day will be paid out) or (2) the employee shall be paid at 2.0 times his/her regular rate of pay for hours worked. If the employee is scheduled to work on short notice (less than 24 hours), the employee will be paid/accrue an additional .5 times for hours worked on the holiday. The method used shall be at the discretion of the department director.

6.11.4 Specific days of observation may vary from year to year and are not official until so declared by motion of the City Council. The following holidays are typically observed by the City each calendar year:

6.11.4.1 New Year's Day

6.11.4.2 Martin Luther King Day

6.11.4.3 Memorial Day

6.11.4.4 Independence Day

6.11.4.5 Labor Day

6.11.4.6 Veterans' Day

6.11.4.7 Thanksgiving Day

6.11.4.8 Day After Thanksgiving (Friday)

6.11.4.9 Christmas Eve

6.11.4.10 Christmas Day

6.12 Floating Holiday

6.12.1 The City may grant employees one floating holiday each calendar year as declared by motion of the City Council.

6.12.2 The floating holiday must be taken on a date mutually acceptable to the employee and management with at least seven days advance notice. This timeline may be increased or decreased by department policy.

- 6.12.3 The floating holiday not taken within the calendar year will not accrue. If the floating holiday is not taken for reasons within the employee's control, it shall be lost and neither compensatory time nor pay in lieu of a holiday will be created.
- 6.12.4 If an employee is required to work or is called in to work on a day previously arranged and approved as a floating holiday, the employee will be given the opportunity to re-schedule the holiday.
- 6.12.5 Employees hired on or after July 1st of any given calendar year will not be eligible to take a floating holiday for that year.
- 6.12.6 Rehired employees shall be treated as new employees in determining floating holiday eligibility regardless of service date computation.

6.13 Court Related Absence

- 6.13.1 Employees shall be paid for court related absences when the court appearance is in response to a summons for jury duty or is otherwise consistent with City related business.
- 6.13.2 Employees summoned to appear for jury duty shall be required to furnish proof of summons and shall be paid for time spent in court and thirty (30) minutes travel time after release from court only when such time can be validated by an instrument of the court, such as a court attendance slip, signed by an officer of the court.
- 6.13.3 Subpoenas, summons, or other such court ordered appearances shall be treated and compensated in the same manner as jury duty only when such an appearance is related, directly or indirectly to City business or to the employee's role as a City employee. The employee shall otherwise be held accountable for any and all court time absence(s) not so related.
- 6.13.4 Similar restrictions of being related to City business shall apply when an employee is called upon to offer testimony, to act as a witness, to give deposition, to attend consultations or interrogations, or to otherwise appear before a board, commission, or agency, committee or subcommittee, or other official body of the city, state, or federal government.
- 6.13.5 Should what would normally qualify as a compensated court related absence occur during the period outside an employee's shift, the employee's supervisor may grant a change in schedule to coincide with the absence. Supervisors shall attempt to avoid overtime obligations.

6.14 Funeral Leave

- 6.14.1 Immediate Family – Includes the father or father-in-law, mother or mother-in-law, sister, brother, spouse, child or step-child, grandparent and grandchild. Other relatives by blood or marriage may be included if, in the opinion of the department director, the employee's presence would be appropriate given the nature of the individual relationship.
- 6.14.2 Employees may receive an excused absence for up to a maximum of three (3) paid calendar days with the approval of the department director in the case of death in the immediate family. The department director or designee may grant

additional time in cases involving extenuating circumstances or extreme traveling distances if requested. Additional time granted must be documented as some other form of excused absence beside funeral leave.

6.15 Inclement Weather

6.15.1 See Administrative Procedure 2-3, Severe Weather and other Emergency Conditions.

6.16 Military Leave

6.16.1 After the initial period of 15 workdays per federal fiscal year (10/1 - 9/30), an employee who is granted military leave under Chapter 14, Article IV, of the Civil Service Code and whose military salary is less than his/her City salary shall be entitled to compensation for the difference (differential pay).

6.16.2 The differential pay period is limited to ninety (90) days, including the fifteen days of paid military leave, unless an extension is approved by City Council. Such compensation shall not apply to any period prior to the reporting of the employee for the military call up or following the employee's discharge from the call up.

6.16.3 An employee on active military duty can be authorized to use up to eighty (80) hours of accrued leave per pay period.

6.16.3.1 Accrued hours include, but are not limited to, floating holiday or deferred holiday, personal leave hours, compensatory time, vacation hours, or Paid Time Off (PTO) under the Houston Police Department Paid Time Off Program. Sick Leave Hours and no-value PTO hours may not be used. Value of leave used will be computed using biweekly base plus longevity rates of pay.

6.16.3.2 Total compensation by the City, including differential pay plus leave hours, cannot exceed 100 percent (100%) of the employee's biweekly regular pay, to include, base pay and longevity pay. Certification pay shall be granted and restricted to compensatory time.

6.17 Voting

6.17.1 The City encourages employees to participate in the electoral process by exercising their right to vote in all city, county, state, and national elections in which they are eligible to vote.

6.17.2 If an employee's work schedule does not permit him/her adequate time to vote, the employee's supervisor may grant the employee up to two hours to vote if requested in advance.

6.18 Political Party Affiliation

6.18.1 Employees may attend precinct conventions of a political party with which the employee is affiliated or is eligible to affiliate or a county, district, or state convention to which the employee is a duly constituted delegate and for which the employee can present evidence of authenticity.

6.18.2 Where such convention attendance conflicts with an employee's work hours and necessitates the employee taking time off, the supervisor, with appropriate notice, shall make allowances as required to accommodate the employee's

attendance privilege. Such time off, however, shall not be paid and shall be regarded as an excused leave of absence without pay unless otherwise charged against an employee's earned benefit such as vacation time, a floating holiday, accumulated overtime, etc., exclusive of sick leave.

6.19 Participation in Community/Civic Affairs

- 6.19.1 The City encourages employees to take an active interest in community activities of charitable, religious, fraternal, or civic natures and to apply for membership in service, trade, and professional organizations.
- 6.19.2 Time spent in such activity normally should be outside of the employee's working hours and will not be considered hours worked for pay purposes. However, time spent in work for charitable, public, or similar purposes at the request of the City or under its direction or control shall be considered hours worked for pay purposes. Voluntary employee participation in community affairs that may involve an extended period of time away from work shall be handled at the discretion of the department director.
- 6.19.3 Employees are encouraged to accept invitations to speak before civic groups and to contribute articles to professional or trade publications. However, if any such communication might be construed as representing the City's official position on any given subject, prior approval must be obtained from the department director.
- 6.19.4 If an employee engages in any political activity, he/she must do so as an individual and not as a representative of the City. Campaigning, fundraising, and other partisan political activities must be conducted on the employee's own time.

6.20 Family and Medical Leave (FMLA)

- 6.20.1 See Administrative Procedure 3-2, Family and Medical Leave.

7. COMPLIANCE

- 7.1 Unauthorized absence or tardiness will not be tolerated and may result in disciplinary action up to and including termination or indefinite suspension.

8. CONFLICT AND REPEAL

- 8.1 This Administrative Procedure supersedes Mayor's Policy No. 301.00, Compensation: Voting, signed November 3, 1983; Mayor's Policy No. 401.00, Benefits: Holidays, signed February 25, 1983; Mayor's Policy No. 402.00, Benefits: Floating Holidays, signed March 7, 1983; Mayor's Policy No. 601.00, Absence: Funeral Leave, signed August 22, 1983; Mayor's Policy No. 602.00, Absence, signed August 22, 1983; Mayor's Policy No. 603.00, Compensation: Court Related Absences, signed August 22, 1983; Mayor's Policy No. 604.00, Absence: Attendance and Punctuality, signed February 14, 1985; Mayor's Policy No. 605.00, Absence: Inclement Weather, signed February 14, 1985; Mayor's Policy No. 606.00, Absence: Lunch and Rest Breaks, signed February 14, 1985; and Mayor's Policy No. 804.00, Miscellaneous: Participation in Community/Civic Affairs, signed February 14, 1985, which shall be of no further force or effect.
- 8.2 Fire and Police Department agreements approved by the Mayor's Office that conflict with any section herein shall supersede this policy. This supremacy is limited solely to those specific points of direct conflict.

Subject: Absence	A. P. No.: 3-11	Page 7 of 7
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