



TITLE	POLICY NUMBER	
Attendance and Leave	DCS 04-18	
RESPONSIBLE AREA	EFFECTIVE DATE	REVISION
Human Resources	10/14/16	4

*This policy does not create a contract for employment between any employee and the Department. Nothing in this policy changes the fact that all uncovered employees of the Department are at-will employees and serve at the pleasure of the appointing authority.*

## **I. POLICY STATEMENT**

The Department of Child Safety (DCS) recognizes that maintaining adequate staffing levels in its offices is essential to its ability to provide services that ensure the safety, protection, and well-being of Arizona’s children. Accordingly, DCS employees are required to work during normal state business hours and non-state business hours, such as, overtime, on-call, weekends and holidays, as assigned by their supervisors.

All employee absences are to be accounted for, whether scheduled or unscheduled, approved or unapproved. DCS conducts its attendance and leave activities in accordance with the provisions contained in the [Arizona State Personnel System \(ASPS\) Rules](#) and the [Fair Labor Standards Act \(FLSA\)](#).

This policy supplements the ASPS Rules and provides instructions to supervisors and employees on attendance and leave policies and procedures.

## **II. APPLICABILITY**

This policy applies to all DCS employees.

## **III. AUTHORITY**

[Fair Labor Standards Act of 1938, as amended](#)

<a href="#">A.R.S. § 23-391</a>	Overtime pay; work week
<a href="#">A.R.S. § 41-706</a>	State employee living donor leave; definitions
<a href="#">A.R.S. § 41-742</a>	State personnel system; covered and uncovered employees; application; exemptions
<a href="#">A.A.C. R2-5A-404</a>	ASPS Personnel Rule: Overtime
<a href="#">A.A.C. R2-5A-A601</a>	ASPS Rule: Leave
<a href="#">A.A.C. R2-5A-502</a>	ASPS Rule: Hours of Work

#### **IV. DEFINITIONS**

Administrative Leave: A paid leave of absence initiated by the Department for purposes of dealing with: (1) alleged employee wrongdoing or during a disciplinary process; or (2) emergency situations. While on administrative leave, an employee is temporarily relieved of normal responsibilities, but continues to receive regular pay and benefits.

Alternative Work Schedules (AWS): Refers to flexible work schedules, compressed work schedules, or combinations thereof.

Basic Work Requirement: The number of hours, excluding overtime hours, an employee is either required to work or to account for by charging leave, excused absence, or holiday hours. Full-time employees are required to work at least 40 hours within their standard work week.

Department: The Department of Child Safety (DCS).

Director: The Director of the Department of Child Safety.

Employee Time Entry (ETE): An electronic time card located in the "Your Employee Services" portal (YES).

Fair Labor Standards Act (FLSA): State service is subject to the federal Fair Labor Standards Act which prescribes minimum wage and overtime pay standards as well as record keeping standards for employment. The Act requires that employees may not be

employed for more than 40 hours in a week without receiving at least one and one-half times their regular rate of pay for the overtime hours. The terms “non-exempt” and “exempt” refer to employee’s subject or not subject to, respectively, the FLSA (questions regarding FLSA exempt status of any class or position should be referred to the DCS Human Resources).

Holiday: Refers to the state service holidays as identified in [ASPS Rules](#).

Pay Period: The two-week period for which an employee is scheduled to perform work. The standard or normal two-week pay period for state service consists of two consecutive weeks, beginning at 12:00 a.m. on the Saturday of the first workweek and ending at 11:59 p.m. on Friday of the second workweek.

Standard State Service Workweek: The standard or normal state service workweek runs seven consecutive days from each Saturday at 12:00 a.m. to the following Friday at 11:59 p.m.

## V. POLICY

### A. Supervisor Responsibilities

Supervisors at all levels shall:

1. approve, report, and monitor their subordinates’ work schedules, absences, and overtime.
2. be responsible to ensure attendance and documentation of all mandatory training of subordinates through Learning Management System Tracorp. An employee will only be excused from mandatory training for the following reasons:
  - a. illness;
  - b. to testify in court; or
  - c. attending court in response to a subpoena.

Unexcused absences from training are documented in an AZPerforms! note.

3. require that the employees under their supervision:
  - a. are compensated in accordance with applicable rules and laws;
  - b. work their assigned schedules and designated hours only, unless a revised schedule is pre-approved by the supervisor;
  - c. obtain their supervisor's prior approval for changes to their regular work schedule;
  - d. if FLSA non-exempt, list the actual time worked and leave taken on the Employee Time Entry (ETE) form;
  - e. if FLSA exempt, correctly complete the ETE. Exempt employees are not eligible for overtime.
  - f. obtain their management's approval prior to working overtime hours in accordance with established procedures.

B. Hours of Work

1. Standard State Service Workweek. [A.A.C. R2-5A-502](#) states that the state service workweek is the period of seven consecutive days starting Saturday at 12:00 a.m. and ending Friday at 11:59 p.m. Standard work hours are 8:00 a.m. to 5:00 p.m. If, at the Director's discretion, it is determined that the Department's existing services can be maintained by employees working a 40-hour workweek in a flexible schedule, the Director may authorize this option.

For further information, refer to the [DCS 04-28 Alternative Work Schedules \(AWS\)](#) policy.

2. Approval of AWS Requests. Supervisors shall determine, prior to approval, that a proposed work schedule is justified and:
  - a. does not interfere with a unit or program's accessibility to the public between the hours of 8:00 a.m. and 5:00 p.m. when state offices are open;

- b. does not impose an unnecessary burden on other employees.
3. Breaks and Meal Period. The FLSA does NOT require the Department to provide meal or rest breaks. Breaks are a privilege, not a right.
- a. Breaks - It is important to remember that breaks are not mandatory. It is a privilege, not a right. At DCS, non-exempt employees may be permitted one 15-minute mid-morning break and one 15-minute mid-afternoon break. Breaks cannot be accumulated, cover for late arrival to work, extended lunch hours, or be used for early departure from work. The time spent on authorized breaks must be counted as hours worked. Supervisors are responsible for staggering breaks so that the office and telephones are covered at all times. Supervisors will also ensure that employees do not interrupt, stop, or postpone work requiring immediate attention to accommodate a “scheduled break.” When circumstances do not allow an employee to take a break, the Department is not required to make up that lost break to the employee in terms of time or compensation .
  - b. Meal Periods - Even though the FLSA does not require employers to provide meal periods, it does stipulate that if one does exist, at least 30 minutes or more constitute a bona fide meal period. Meal periods are not counted as work time. Normally, employees remove themselves from the work location and are therefore not performing any duties. However, when an employee remains at the work location and while eating performs any job-related duties, other than de minimis ones (such as answering a question), the time must be counted as hours worked. A supervisor may adjust an employee’s work schedule to prevent an overtime situation when an employee works during a meal period. Supervisors should attempt to establish regular employee meal periods. Coverage of the office and telephones must be maintained at all times, and established meal periods may not interfere with the needs of the Department as outlined under breaks.
4. Odd-Hour Shift Assignments

If it becomes necessary to extend the working hours of any office beyond the hours of 8 a.m. to 5 p.m., the following will apply:

- a. Employees who request the odd-hour shift shall be the first scheduled for the shift. Employees who volunteer to work the odd-hour shift if they are needed shall be the next scheduled;
- b. If additional staff is required, other employees shall be scheduled on a rotating basis. Based on state service seniority, newer state employees shall be scheduled to work the odd-hour shift before the state employees with longer tenure;
- c. A minimum number of experienced employees (excluding supervisors) may be required to work the odd shifts in order to provide well-rounded coverage during all shifts;
- d. This procedure does not apply to supervisory and management personnel who may be required to work any shift in order to provide sufficient supervision during all shifts;
- e. Employees for whom an odd-hour shift assignment poses a problem due to health problems substantiated by a physician's statement, child care arrangements, transportation problems, religious practices, current enrollment in school, arrangements for care of adults or other dependents, should submit a written request to be exempted from the odd-hour shift requirement to the supervisor. The above listed reasons do not constitute an automatic exemption, but are the basis by which exceptions may be made. Supervisors must consider the needs of their unit or section when deciding whether or not an exception may be made.

C. Absence from Work

1. Pre-Planned Absence

Any time planned by the employee to be away from their regularly scheduled hours of work must be approved, at least 48 hours in advance, by the manager/supervisor and must be done in compliance with any departmental policies regarding scheduled time off.

2. Notification

If for any reason an employee is unable to report to work or is going to be late for duty, it is the employee's responsibility to notify their manager/supervisor through the appropriate department notification procedure. This is necessary so that arrangements for coverage can be made. Notification should be at least two (2) hours in advance of scheduled start time; however, individual units or sections may set a different minimum standard for notification. The notification requirement applies to each day of absence unless the manager/supervisor approves an extended absence (up to 3 days). The employee must contact personally, unless a bona fide emergency exists and is unable to communicate.

Employees are expected to inform the supervisor/manager if an absence is due to a medical condition covered by the Family and Medical Leave Act (FMLA).

An employee who fails to report to work and does not call to report the absence is considered to have an unreported absence, more commonly known as a No Call/No Show; this is the most serious absence offense and may result in disciplinary action. Failure to notify the manager/supervisor for three (3) consecutive days will be considered job abandonment.

### 3. Unit and Section Requirements

Units and sections need to assess their business needs and develop attendance procedures and standards which can be fairly and consistently applied.

Units and sections are required to review their proposed procedures with DCS Human Resources, Employee Relations Department. Once approved, units and sections will communicate the procedures to all existing employees as well as all new hires.

## D. Leave

1. Request for leave. Supervisors shall determine the most appropriate use of leave considering the employee's regular work schedule, the employee's wishes for use of leave balances, and the impact of schedule adjustments on the work unit. Employees request leave, including leave without pay, in writing by completing a Leave Request form. Prior to being used, leave must be approved by the supervisor. Leave usage is subject to the

provisions and limitations outlined in [A.A.C. R2-5A, Article 6](#).

2. Advancing leave prohibited. Leave time may not be borrowed or advanced. If an employee is absent from work and has exhausted all accrued leave, they must be coded as leave without pay (LWOP) (640).
3. Reporting Leave
  - a. If an employee is FLSA non-exempt, any scheduled hours that are not worked are to be accounted for by either authorized leave (refer to the categories of leave listed in section V.E) or unauthorized leave.
  - b. All FLSA-exempt employees must ensure that leave time is properly reported on their ETE. Contact the DCS Payroll Office at (602) 255-2701 for instructions on ETE corrections.
4. Unauthorized Absence
  - a. Unauthorized and/or unreported absences will be considered absence without approved leave, and a deduction of pay will be made for each period of such absence. Time lost because of unauthorized absence cannot be made up at a later date. Unauthorized absences may also constitute grounds for disciplinary action and may serve to interrupt continuous state service.
  - b. Unauthorized absence shall be reported on the ETE by selecting the “Leave Without Pay - Unauthorized” pay code (641).
5. Failure to Return from Approved Leave

The failure or inability of an employee to return to work on the first work day after an approved leave without pay may be considered a resignation, pursuant to [A.A.C. R2-5A-C602 \(C\) \(3\)](#). Supervisors *must* contact HR Employee Relations prior to taking action based upon this rule.
6. Job Interviews



- a. Employees will be authorized to take time with pay to participate in AZ State job interviews and to take a test for a position in state service.
  - i. This includes only the time spent at the interview and actual travel time, not to exceed one hour each way.
  - ii. Employees must receive supervisory approval in advance and are to exercise reasonable consideration in requesting time off for these purposes.
  - iii. If necessary, the supervisor may instruct the employee to arrange a more convenient time for the interview or test if the employee's absence will adversely affect the unit or program.
  - iv. Employees who are authorized to use such leave shall charge this authorized absence to the regular scheduled hours worked on their ETE. Travel time in excess of one hour each way must be charged against accrued annual leave if available or leave without pay, if it occurs during regular hours of duty.
- b. Time off with pay will not be authorized to take a test or to attend an interview for a position outside of state service. Employees must request and receive approval for leave and charge time against annual leave.
- c. Employees SHALL NOT use state vehicles to travel to job interviews or to take a test, and they SHALL NOT be paid mileage or per diem to attend a job interview or to take a test.

#### E. Holidays Observed and Compensation

1. Holidays observed by the state are shown below. Holidays that occur on a Saturday are observed on the preceding Friday. Holidays that occur on a Sunday are observed on the following Monday. All references to holidays in this section refer to the day the state service holidays are observed as outlined in the [Arizona State Personnel System](#) Rules:

<b>DATE</b>	<b>HOLIDAY</b>
<b>January 1st</b>	New Year's Day
<b>3rd Monday in January</b>	Martin Luther King, Jr. Day/Civil Rights Day
<b>3rd Monday in February</b>	Presidents Day
<b>Last Monday in May</b>	Memorial Day
<b>July 4th</b>	Independence Day
<b>First Monday in September</b>	Labor Day
<b>Second Monday in October</b>	Columbus Day
<b>November 11th</b>	Veterans Day
<b>4th Thursday in November</b>	Thanksgiving Day
<b>December 25th</b>	Christmas Day

2. If it is necessary to schedule employees to work on a holiday, the schedule for a pay period in which the holiday falls (and the succeeding pay period, if necessary) is to be posted with as much advance notice of the holiday to permit employees to plan accordingly. An employee scheduled to work a holiday is to be rotated so as not to be required to work a second holiday before other employees are scheduled to work a holiday when practical.

3. Employees are eligible for holiday pay or compensation under the following conditions:

a. **Employees Scheduled to Work**

Unless required to work to maintain essential state services, an employee who is regularly scheduled to work on a day on which one of the holidays listed above is observed is entitled to be absent with pay for the number of hours regularly scheduled to work, not to exceed eight hours, provided the employee is not on leave without pay on the employee's work days immediately preceding or following the day on which the holiday is observed.

b. **Employees Not Scheduled to Work.**

An employee, excluding part-time and temporary employees, who is not scheduled to work on a day on which one of the holidays listed above is observed shall receive holiday compensation for the number of hours normally worked per day, not to exceed eight, provided the employee is not on leave without pay on the employee's work days immediately preceding or following the day

on which the holiday is observed.

NOTE: An employee who does not work the same number of hours per day is compensated for the holiday based on the greatest number of hours worked in a given day during the week in which the holiday falls, not to exceed eight hours. (Refer to [DCS 04-28 Alternative Work Schedules](#) policy for specific information regarding employees on alternative work schedules).

c. Employees Required to Work

An employee who is required to work on a day on which a holiday listed above is observed shall receive:

- If FLSA non-exempt - both holiday compensation and one hour of pay at the employee's current salary rate for each hour worked.
- If FLSA exempt - no additional compensation.

Holiday compensation is described further in Section V.D.3.g below.

- d. Temporary employees shall receive holiday pay provided they are in a pay status the day before and the day after the holiday and are regularly scheduled to work on the day of the holiday.
- e. Part-time employees who work  $\frac{1}{4}$  time,  $\frac{1}{2}$  time, or  $\frac{3}{4}$  time are entitled to a proportional amount of holiday pay. Part-time employees who work a percentage of full-time other than  $\frac{1}{4}$  time,  $\frac{1}{2}$  time, or  $\frac{3}{4}$  time are entitled to holiday pay at the next lower rate. A part-time employee who works less than  $\frac{1}{4}$  time is not entitled to holiday pay.
- f. An employee is considered to be in a pay status when receiving compensation for work performed or for an approved paid leave.
- g. Holiday Compensation

- i. An FLSA non-exempt employee may accrue one hour for each holiday hour worked, up to eight hours. The accrued holiday leave must be used in the succeeding pay period or in a future pay period.
- ii. Administrative Leave Exception
  - (a) Administrative Leave is not intended to affect an employee's eligibility for holiday compensation. Under this policy *only*, an employee who is on Administrative Leave, either immediately preceding or immediately following a day on which a holiday is observed, will be eligible for the holiday.
  - (b) An employee may not be placed on Administrative Leave on a day on which a holiday is observed. Contact HR Employee Relations with specific questions related to Administrative Leave in conjunction with a holiday.

#### F. Categories of Leave

1. Except in an emergency, an employee is required to request and obtain approval prior to taking any leave.
2. The available categories of leave (paid and unpaid) available to employees are identified below. Refer to either the [ASPS Rules](#) or the [Employee Handbook](#) for more information on each of these categories of leave:
  - a. Annual Leave;
  - b. Sick Leave;
  - c. Administrative Leave;
  - d. Bereavement Leave;
  - e. Civic Duty Leave;
  - f. Living Donor Leave;
  - g. Furlough;
  - h. Leave without pay;
  - i. Family and Medical Leave Act (FMLA). For further information, refer to [DCS 04-25 Family and Medical Leave Act](#) policy;
  - j. Industrial Leave ([R2-5A-D602](#));

- k. Military Leave. For further information, refer to [Military Emergency Activation Differential Pay](#) published by the Arizona Department of Administration General Accounting Office (GAO);
- l. Victim Leave;
- m. Compensatory Leave;
- n. Donated Leave;
- o. Meritorious Service Leave.

## **VI. FORMS INDEX**

[Leave Request \(DCS-1015\)](#)