



## **Staten Island Railway**

### **ABSENCE CONTROL FOR REPRESENTED EMPLOYEES**

#### **I. PURPOSE**

To ensure that adequate human resources are available to provide continual effective customer service, it is essential that the Authority establish a system to identify and control excessive absenteeism and provide a means of recognizing those employees who achieve perfect attendance.

#### **II. SCOPE**

The procedures outlined herein apply to all represented employees on active payroll status.

#### **III. ESSENTIAL FUNCTIONS**

- A. The Office of Operations Support is responsible for reminding all employees of the contents of this document and the importance of coming to work. The Office of Operations Support will review absence records and identify those employees who have accumulated excessive points and process appropriate action and/or discipline. When formal discipline has been assessed, the Office of Operations Support is responsible for communicating with the Office of Labor Relations for proper record keeping.

The Office of Operations Support will maintain records of all employee attendance files and will perform periodic audits to ensure accuracy of the data entered into the timekeeping system.

The Office of Operations Support will also identify those employees who have achieved Perfect Attendance and who are eligible to receive a Certificate of Commendation. The Certificates of Commendation will be placed in the employee's personnel files.

- B. The Office of Labor Relations will maintain records of discipline for all employees concerning excessive absenteeism.
- C. The Employee Assistance Program (EAP) will provide professional counseling on a voluntary basis to all represented employees regarding attendance issues and/or personal issues that may affect an employee's attendance.

#### **IV. PROCEDURE**

##### **A. Perfect Attendance**

All employees who remain in an active payroll status throughout the calendar year, and who do not take any absence listed in Paragraph IV (B) below, or who do not go out on a service connected injury, will achieve perfect attendance. These employees are eligible to receive a Certificate of Commendation. Copies will be placed in the employee's personnel files.

B. Absence Control Policy Categories

1. Sick (Per Occurrence) - Employee calls off sick or personal injury one (1) or more hours prior to the start of the assigned tour or two (2) or more hours prior to the start of the assigned tour (Transportation).
2. Run Failure\* - Engineer, Conductor or Trainman fails to show up for assigned tour and initial trip is not operated or a substitute employee is called.
3. Failure to Report - Employee reports to duty late within two (2) hours of report time and does not give notification to appropriate supervision prior to the start of the assigned tour.  
- (Only applies to Transportation Employees when the late arrival does not result in a Run Failure)
4. AWOL\* - Employee fails to report to duty and fails to give any notice.  
- Employee reports to duty late two (2) or more hours after report time of assigned tour AND does not give notification to appropriate supervision prior to the start of the assigned tour.  
- Employee is missing from his/her assignment after reporting.  
- Employee leaves job site early without permission of appropriate supervisor.
5. Missed Call - An extra list employee who is not home, or does not answer the phone, when an Authority representative calls with his/her assignment.
6. Early Quit - Employee leaves before the end of his/her tour of duty with permission of the appropriate supervisor
7. Late Start \*\* - Employee reports to duty after required report time with notification to supervision, prior to start of assigned tour.  
(Only applies to Transportation Employees when the late arrival does not result in a Run Failure)
8. Absence Unauthorized- Failure to call off sick one (1) or more hours prior to the start of the assigned tour or two (2) or more hours prior to the start of the assigned tour (Transportation).  
- Failure to report off emergency two (2) hours or more prior to start of assigned tour (All Employees)  
- Failure to be available when called and/or visited while out sick.
9. Absence Known - Employee notifies the appropriate supervisor he/she needs a day off due to an emergency two (2) or more hours prior to the start of the assigned tour  
- Employee returning from sick leave failing to file a sick leave form within three (3) days of returning to duty \*\*\*

\* Considered a serious infraction. Where an employee provides mitigating reasons for failing to notify the appropriate supervisor in a timely manner, the Authority may exercise its discretion in assessing an

alternate classification for the absence. Such determination is in the sole discretion of the Authority and is not subject to review under the grievance and discipline procedure.

\*\* An employee reporting late because of an unusual interruption of service on the New York City Transit System shall suffer no loss of time (or points) for time lost on that account provided such interruption, as the cause of his/her lateness, is established to the satisfaction of his /her superior.

\*\*\* This is in addition to any points assessed for the sick occurrence.

C. Points Per Absence

The following points will be assigned for each absence:

	<u>Absences</u>	<u>Assigned Points</u>
*	Run Failure	Subject to Immediate Discipline
*	Absent Without Leave (AWOL)	Subject to Immediate Discipline
	Missed Call	9
	Failure to Report	9
	Absence Unauthorized (AU)	9
	Absence Known (AK)	5
	Sick (S)(Per Occurrence)	5
	Early Quit (EQ)	4
	Late Start (LS)	4
*	Considered serious infractions. Discipline proceedings may be initiated immediately. Once charged, the occurrence will not be included in any future violations covered under this policy.	

D. Positive Points

Transportation employees mandated to work overtime to meet the needs of service shall be eligible to accrue positive points to offset any points assessed for absences under Paragraph IV (C) "Points Per-Absence". An employee will accrue one (1) offset point for each instance of mandated overtime (i) in excess of two (2) hours in conjunction with the employee's regular assigned tour; or (ii) of one (1) round trip or more in conjunction with the employee's regular assigned tour; or (iii) for mandated overtime on an employee's regular day off, provided that said employee is not assigned to the extra list. Positive points shall not be accrued for any overtime assignment voluntarily accepted by an employee. Additionally positive points shall not be accrued for instances of overtime mandated due to an emergency.

E. Review Criteria

The Office of Operations Support will print monthly reports of employees that have potentially violated the Absence Control guidelines using a twelve (12) month look back period. The twelve (12) month look back period will be based on the twelve months prior to the last day of the prior month (e.g. A report printed on January 5, 2016 will be based on the 12 month period prior to December 31, 2015). Absences will be evaluated using the following criteria:

1- Month Period	Any combination of absences totaling twelve (12) points or more during a one-month period will be considered excessive. These employees may be subject to disciplinary action.
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3-Month Period	Any combination of absences totaling eighteen (18) points or more during a three-month period will be considered excessive. These employees may be subject to disciplinary action.
6- Month Period	Any combination of absences totaling twenty-four (24) points or more during a six- month period will be considered excessive. These employees may be subject to disciplinary action.
12- Month Period	Any combination of absences totaling thirty (30) points or more during a twelve-month period will be considered excessive. These employees may be subject to disciplinary action.

If the Office of Operations Support elects to initiate disciplinary action for a violation of the provisions of this document, a Disciplinary Action Notice or Warning Letter shall be issued to the employee and his/her union Chairperson (or his/her designee) in accordance with the applicable contract discipline procedures. In the event an employee's absences during the twelve (12) month look back period would result in a combination of points that is considered excessive under more than one (1) qualifying period (i.e. 1 month, 3 month, 6 month, 12 month period(s)), the charges will be based on the greater time period. Any absence occurrence that is included in a Disciplinary Action Notice cannot be used to assess points in subsequent attendance reviews. There will not be more than one points violation issued for any one (1) lookback period or attendance review. This does not include AWOL and Run Failure violations which are subject to immediate discipline.

It is the intent of the Authority to periodically review each employee's attendance record. However, when it becomes evident that an employee has exceeded the aforementioned criteria, or in the case of a serious infraction, disciplinary proceedings may be initiated prior to the customary review.

#### F. Discipline

1. When charges are upheld, either through Arbitration or a Waiver, the following discipline will be assessed:
  - First Violation      Warning Letter (This shall not constitute a disciplinary sanction) and will include employee counseling.
  - Second Violation\*      Waiver - Formal Reprimand  
Arbitration - Five (5) Working Days Suspension
  - Third Violation\*\*      Waiver - Five (5) Working Days Suspension  
Arbitration - Ten (10) Working Days Suspension
  - Fourth Violation      Waiver - Eight (8) Working Days Suspension  
Arbitration - Fifteen (15) Working Days Suspension
  - Fifth Violation      Waiver - Fifteen (15) Working Days Suspension and Last  
Chance Agreement  
Arbitration - Dismissal

\* When charges for Run Failure are upheld, either through Arbitration or Waiver, and the employee has no prior violations under this policy, the first level of discipline will begin at the Second Violation level under Paragraph IV (F) "Discipline" (i.e. Formal Reprimand or Five (5) Working Days Suspension). If an employee already has a prior ACP violation(s) on their record, discipline will progress from the prior level violation under Paragraph IV (F) "Discipline", except

that, no violation for Run Failure shall be less than the Second Violation level. A prior violation that may no longer be considered for progressive discipline pursuant to Paragraph IV (G) "Reduction of Penalties for Absence Control Policy Violations" shall not be considered a prior violation for assessing discipline under this provision.

\*\* When charges for AWOL are upheld either through Arbitration or Waiver, and the employee has no prior violations under this policy, the first level of discipline will begin at the Third Violation level under Paragraph IV (F) "Discipline." If an employee has a prior ACP violation(s) on their record, discipline will progress from the prior level violation under Paragraph IV (F), except that, no violation for AWOL shall be less than the Third Violation level. A prior violation that may no longer be considered for progressive discipline pursuant to Paragraph IV (G) "Reduction of Penalties for Absence Control Policy Violations" shall not be considered a prior violation for assessing discipline under this provision.

2. Suspensions

For all Absence Control Policy Violations that result in disciplinary suspensions, employees shall work off suspension time. Employees shall work for the full period of suspension and pay a fine equal to thirty percent (30%) of his/her regular salary during the period in question. For purposes of progressive discipline, the only penalty reflected on the employee's record will be the suspension time that was originally accepted or imposed through waiver or arbitration. SIRTOA shall not deduct more than thirty percent (30%) of an employee's weekly salary in any given week.

3. Abandonment

An employee absent without leave for five (5) consecutive work days who has had no contact with the Authority immediately prior to or during the five day period shall be presumed to have abandoned his/her position and charges will be brought for his/her dismissal. Instances where an employee is absent without leave for five consecutive work days and the Authority received notification from the employee of a sickness or emergency immediately preceding the AWOL will continue to be addressed through the normal disciplinary process.

G. Reduction of Penalties for Absence Control Policy Violations

1. One Time Penalty Reduction - Effective upon full and final ratification of this agreement, all employees that are at violation levels one (1) through four (4) under the prior Absence Control Policy at the time of ratification shall immediately be reduced one violation level below his or her current level under this revised Absence Control Policy.

All employees who, on the date of ratification of this agreement, are at violation level five (5) on a Last Chance Agreement under the prior Absence Control Policy shall be reduced to violation level four (4) under this revised policy if a period of one (1) year from the execution of the Last Chance Agreement passes without the employee incurring a further violation under this policy. If an employee at violation level five (5) executed a Last Chance Agreement more than one (1) year prior to the ratification of this agreement and has not incurred a subsequent violation, he or she shall be immediately reduced to violation level four (4).



2. Reduction for Violation Levels 1-4

Effective upon the date of full and final ratification of this agreement, employees that are at violation levels one (1) through four (4) of Paragraph IV (F) "Discipline" may improve their disciplinary record. Such improvement of record shall be determined by the following time schedule:

TIME OF NEXT ACP VIOLATION	REDUCTION PENALTY ASSESSED
Violation(s) within one (1) year of the last violation	Follow Progressive Discipline
Violation(s) between one (1) and two (2) years from the date of last violation	Repeat last penalty
Violation(s) between two (2) and three (3) years from date of last violation	Penalty is reduced one violation level below prior imposed penalty
Violation(s) between three (3) and four (4) years from date of last violation	Penalty is reduced two violation levels below prior imposed penalty
Violation (s) Four (4) or more years from date of last violation	Penalty is a Warning Letter and will include employee counseling

3. Violation at Level 5

If an employee was assessed the fifth level penalty for their last violation (i.e. a 15 working days suspension and last chance agreement), the following penalty reduction shall apply:

If more than three (3) years have elapsed since such employee's last violation and present violation, the employee will be eligible for another Last Chance Agreement;

If more than five (5) years have elapsed since such employee's last violation and present violation, the penalty will be reduced by one step;

If more than ten (10) years have elapsed since such employee's last violation and present violation, the employee will be eligible for a Fresh Start.

4. Reduction for Run Failure and AWOL Violations

The above reduction schedule shall apply to Run Failure violations. However, the penalty for another Run Failure shall not be reduced below the Second Violation level regardless of the number of years from the date of the last violation. The above reduction schedule shall also apply to AWOL violations. However, the penalty for another AWOL shall not be reduced below the Third Violation level regardless of the number of years from the date of the last violation.

H. ACP Counseling

The Office of Operations Support will offer employee counseling in conjunction with an employee's first violation level of discipline.

I. Monitoring of the Policy

Designated Department Representatives will meet periodically to discuss problems, concerns and any unforeseen issues.

Designated Authority Representatives will meet periodically with the Union Chairperson (or his/her designee) representing each bargaining unit to discuss problems, concerns and any unforeseen issues.

Designated Authority Representatives will arrange to meet with the Union Chairperson (or his/her designee) representing each bargaining unit to review proposed discipline actions against employees before a Disciplinary Action Notice is issued. Such meetings are for the purpose of avoiding unnecessary/unreasonable disciplinary actions. However, they are not intended to delay the issuance of a disciplinary action. Therefore, the Authority reserves the right to proceed with initiating disciplinary actions in instances where such meeting cannot be scheduled in a timely manner.

This policy is not intended to affect any existing rights under federal or state law. Any amendments, modifications, or revisions must be mutually agreed to by the parties.