



Clayton County Police Department

PROCEDURES

Subject ATTENDANCE, LEAVE & OVERTIME			Procedure # C2
Authorizing Signature 	Effective 06-10-2024	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Rescinds	Total Pages 10

I. PURPOSE

The purpose of this procedure is to establish guidelines for all sworn and non-sworn personnel of the Clayton County Police Department (CCPD) regarding employee leave, attendance and overtime.

II. POLICY

It shall be the policy of the Clayton County Police Department (CCPD) to adhere to the *Clayton County Civil Service Rules & Regulations* governing employee paid and unpaid leave, as well as applicable laws and regulations for employee leave, attendance and overtime. Hence, all employees shall be familiar with and comply with *Clayton County Civil Service Rules & Regulations*, applicable laws and regulations, departmental procedures and/or written directives involving employee leave, attendance and overtime. In accordance with these guidelines supervisors shall ensure that adequate staffing shall be maintained.

III. DEFINITIONS

Absence Without Leave (AWOL): Pursuant to Clayton County Civil Service Rule 5.444, “an absence of an employee from duty, including any absence for an entire day or part of a day, that is not authorized by a specific grant of leave of absence under the provisions of the Rules and Regulations shall be deemed to be absence without leave. Any such leave shall be without pay and may be subject to disciplinary action. In the absence of disciplinary action, an employee who absents him or herself for three (3) consecutive days without leave shall be deemed to have resigned.”

Active Pay Status: An employee has leave time and/or work time hours greater or equal to the number of hours in the employee’s regular work week or work cycle as defined in Clayton County Civil Service Rules 5.208.1 and 5.208.2.

Annual Leave (AL): A leave of absence granted to an employee by the Department, in advance, for a specified period of time and to be used by the employee for any reason.

Leave Time: The hours compensated for the use of annual leave, sick leave, holidays taken, and other leave. Leave time will not count toward work time for overtime purposes and will only be compensated at the straight time rate.

Leave Without Pay: Pursuant to Clayton County Civil Service Rule 5.442, a permanent or probationary employee may be recommended, in writing, by the Chief of Police, to be placed in a leave without pay status, provided accrued annual leave has been exhausted. The Board shall review all such requests and grant approval at its discretion. Leaves of absence of this type may not exceed twelve (12) months unless extended by the Board at the request of the Chief of Police. At the expiration of such leave the employee shall be reinstated with all rights and benefits previously enjoyed. Leave without pay in the case of illness may be granted only after an employee's accrued sick and annual leave have been exhausted.

Occurrence: A single incident of planned or unplanned leave for a particular and specified reason, illness or injury, used for any duration of consecutive work days.

Overtime (OT): Only those hours worked during the base work week or work cycle in excess of the number of work time hours in an employee's regular work week or work cycle as defined in Clayton County Civil Service Rules 5.208.1 and 5.208.2.

Planned Leave: A leave of absence granted to an employee by the Department, or designee, no less than twenty-four (24) hours and no more than ninety (90) days prior to the employee's assigned shift or pre-scheduled overtime. Types of planned leave include annual leave, sick leave and leave without pay.

Sick Leave (SL): A leave of absence granted to an employee by the Department, or designee, because of illness or injury, and may be planned or unplanned.

Straight Time: An employee's regular hourly wage rate.

Tardy: An employee is tardy when reporting to work after the time they are scheduled or designated to report, or when reporting to work and they are not in a state of operational readiness.

Unplanned Leave: A leave of absence granted to an employee by the Department, or designee, less than twenty-four (24) hours before the employee is scheduled to work an assigned shift or pre-scheduled overtime. Types of unplanned leave include emergency annual leave and unscheduled sick leave.

Work Time: Only those hours actually worked during the base work week or work cycle.

IV. GENERAL

A. Annual Leave (AL)

1. AL is a benefit of regular, full-time employment status and may only be taken in accordance with Clayton County Civil Service Rule 5.409, which governs the use of AL.
2. Requests for AL will be considered and approved with the best interests of departmental operation in mind.
3. An employee may not use more than fifteen (15) days of AL per year without the authorization of the Chief of Police.
4. Charge of Annual Leave

Employees shall be charged with AL on a quarter (1/4) hour basis for absence only, on days upon which they would otherwise work and receive pay. No charge shall be made against AL for absences on holidays and other non-working days.

B. Sick Leave (SL)

1. SL is a benefit of regular, full-time employment status and may only be taken in accordance with Clayton County Civil Service Rule 5.422, which governs the use of SL. However, employees are hired to perform a job and are expected to be at work on a regular and consistent basis.

2. Charge of Sick Leave (SL)

Employees shall be charged with SL on a quarter (1/4) hour basis for absences only on days upon which they would otherwise work and receive pay. No charge shall be made against SL for absences on holidays and other non-working days.

V. PLANNED LEAVE

A. Planned Annual Leave (AL)

1. An employee may request planned AL no more than ninety (90) days, and no less than twenty-four (24) hours, in advance of the date(s) and/or time(s) requested.

AL requests submitted more than ninety (90) days in advance may only be approved at the discretion of the concerned Shift/Unit Commander (rank of lieutenant or higher), or authorized designee, and will require unique or special circumstances for consideration.

AL requests submitted less than twenty-four (24) hours in advance are not considered planned AL. Refer to *Section VI. Unplanned Leave* of this procedure.

2. Employees will only utilize the Kronos/Telestaff system when requesting AL.

The information entered on the Kronos/Telestaff system must be complete and accurate, and include the date(s) and times of the requested AL.

Submission of Annual Leave (AL) Requests

- a. AL requests will only be submitted electronically on Kronos/Telestaff.
- b. An employee must have accrued the number of AL hours requested before the employee may submit an AL request electronically on Kronos/Telestaff.

Example: On October 1st an employee requests twenty-four (24) hours of AL beginning Christmas Eve, December 24th. However, at the time of the request the employee has an accrued AL balance of eight (8) hours. The supervisor is prohibited from approving the AL request because the employee does not have a minimum of twenty-four (24) hours of accrued AL.

- c. Pursuant to Clayton County Civil Service Rule 5.416, the rules of seniority should normally be followed in determining the order by which employees are to be granted AL (unless an employee with less seniority submitted an AL request first) and time off should be scheduled in accordance with the work requirements of the Department, and whenever possible, the personal wishes of the employee.
 - d. An employee may verify the date and time their AL request was submitted via Kronos/Telestaff.
 - e. Once the AL request is electronically submitted, it is the responsibility of the employee to ensure that their AL request has been approved prior to taking leave. An employee who takes leave without approval may be considered absent without leave (AWOL) and may be subject to disciplinary action.
3. Responsibilities & Authority of Supervisors
 - a. Supervisors will notify affected employees of the approval or denial of requested AL.
 - b. Supervisors will use Kronos/Telestaff to track AL requests, which is also accessible to concerned personnel to view.
 - c. AL may be canceled at any time due to staff shortages, excessive workload, or other conditions, at the discretion or authorization of the concerned Shift/Unit Commander (rank of lieutenant or higher), or authorized designee.

- d. The number of employees permitted to be on AL during any given day or time or during major holidays (e.g., Independence Day, Thanksgiving Day, Christmas Day, New Year's Day, etc.) will be at the discretion of the Shift/Unit Commander (rank of lieutenant or higher), or authorized designee. Maintaining staffing levels or managing other uncontrollable circumstances will be factors.

4. Donations of AL to other County Employees

Donations of AL will be in accordance with Clayton County Civil Service Rule 5.407.5.

B. Planned Sick Leave (SL)

1. Employees may request planned SL no less than twenty-four (24) hours before their scheduled/assigned shift. At the discretion of the Shift/Unit Commander (rank of lieutenant or higher), or authorized designee, planned SL requests may require documentation from a health care provider stating the date(s) and time(s) of the requested SL.
2. As outlined in Clayton County Civil Service Rule 5.422, employees may use SL for medical and dental appointments. However, employees are strongly encouraged to schedule appointments on off days, or before or after assigned shift hours or pre-scheduled overtime.

Employees who come to work before or after planned SL (e.g., medical or dental appointment, etc.) and only complete a partial work day, will not be required to have a doctor's certificate after the leave is taken, unless the employee has already been placed on Excessive Leave Notice. Refer to section *VI.F. Excessive Leave Notice* of this procedure.
3. An employee who has used planned SL must complete the *Clayton County Application for Sick Leave Form* upon returning to work. This form, along with any other required or supporting documentation, must be properly completed and signed, and immediately submitted to the concerned supervisor.

An employee who has used SL for three (3) or more consecutive work days is required to provide a doctor's certificate as evidence of sickness or injury. The doctor's certificate must be attached to the corresponding *Clayton County Application for Sick Leave Form* when submitted.

C. Leave Without Pay

For the purposes of this procedure and regarding proper AL and SL usage, leave without pay is not a disciplinary action, but rather a granted privilege. It is not to be confused with or compared to administrative leave without pay or the resulting unpaid status of being absent without leave (AWOL). As previously defined, Leave Without Pay may be granted pursuant to Clayton County Civil Service Rule 5.442. Circumstances are considered on a case-by-case basis.

D. Additional Responsibility for Personnel

Employees are permitted to work designated and specified time periods for other employees. However, once two (2) employees make such an agreement, they shall submit their request in writing to the concerned Shift/Unit Commander (rank of lieutenant or higher), or authorized designee, for approval. Such agreements will be approved on a case-by-case basis and at the discretion of the concerned commander.

Once approved, each employee involved in the agreement shall have the responsibility of working the designated and agreed upon time period. If circumstances arise that would prevent either one of them from fulfilling the obligation, the employee, or both employees, depending on the circumstance, shall notify the concerned Shift/Unit Commander (rank of lieutenant or higher), or authorized designee, immediately. Failure to fulfill the obligation and/or promptly notify a supervisor may subject the employee or both employees, to disciplinary action.

VI. UNPLANNED LEAVE

A. Unplanned Annual Leave (AL)

An employee may request unplanned AL (also known as emergency AL) less than twenty-four (24) hours from the start of the employee's assigned shift or pre-scheduled overtime.

In the event an employee has committed or agreed to work on behalf of another employee as a part or portion of their forty (40) hour work week, and is unable to fulfill the commitment or agreement, the committed or agreeing employee is responsible for arranging and/or covering the entire work period. Depending on the circumstances, if either employee is unable to make arrangements to cover any portion of the pre-scheduled work period, the committed or agreeing employee may be required to utilize the applicable unplanned AL or SL.

B. Unplanned Sick Leave (SL)

An employee may request unplanned SL less than twenty-four (24) hours from the start of the employee's assigned shift or pre-scheduled overtime.

C. Unplanned Leave Notification Procedures & Guidelines

1. A supervisor's request for an employee's reason for SL does not violate the Health Insurance Portability & Accountability Act (HIPAA). Supervisors fall under the "need to know" and "minimum necessary" standards of HIPAA; employees are required to notify concerned supervisors of the reason for unplanned SL, when requested. Employees are also required to provide the reason for unplanned AL to concerned supervisors, when requested.
2. The Shift/Unit Commander, or authorized designee, will document all unplanned leave utilized by personnel, to include the date, time and reason, using the *Call-In Notification Log*. Due to the inclusion of confidential health information and the requirements of HIPAA, the *Call-In Notification Log* must be treated as confidential and kept in a secured location at all times, when not actively being used.

See *Appendix A* of this procedure for the *Call-In Notification Log*.

3. Upon being notified of unplanned leave, the concerned, on-duty supervisor shall be responsible for the coordination of personnel to ensure proper staffing levels are maintained.
4. Call-In Notification Procedures
 - a. When it is necessary to utilize unplanned leave, it is the employee's responsibility to promptly notify the concerned on-duty supervisor at least one (1) hour before the start of the employee's assigned shift. The employee must speak directly with the supervisor to obtain approval for the use of unplanned leave. Communication through any other means (e.g., text message, email, voice mail, relay of information through another employee, etc.) is not acceptable. Only the on-duty supervisor may accept unplanned leave requests and/or notifications.

The employee shall inform the supervisor of the specific reason (e.g., specific illness or ailment, specific circumstances, etc.) for the unplanned leave and specify whether it is unplanned AL or SL.

- b. The concerned on-duty supervisor who received the request for unplanned leave will inform the concerned Shift/Unit Commander, noting the date and time of the notification, the type of unplanned leave requested, and the reason for the unplanned leave provided. The Shift/Unit Commander may be informed via email.

The Shift/Unit Commander, or authorized designee, must complete and maintain the *Call-In Notification Log*, noting the date and time the employee made notification and the

reason given. This documentation will be used by the Clayton County Human Resources Department in determining potential Family Medical Leave Act (FMLA) issues.

- c. Employees pre-scheduled for overtime (e.g., employees pre-scheduled to work their off day, employees pre-scheduled to work another shift or portion of another shift, etc.) are required to report for duty as if it is a regularly scheduled work day and must follow the same call-in notification procedures.

D. Documentation of Unplanned Leave

1. Unplanned Sick Leave (SL)

An employee who has used unplanned SL must complete the *Clayton County Application for Sick Leave Form* upon returning to work. This form, along with any other required or supporting documentation, must be properly completed and signed, and immediately submitted to a concerned supervisor.

An employee who has used SL for three (3) or more consecutive days is required to provide a doctor's certificate as evidence of sickness or injury.

An employee who does not complete the *Clayton County Application for Sick Leave Form* as set forth in the *Clayton County Civil Service Rules & Regulations* may be subject to disciplinary action and loss of pay for the time period in question.

2. Unplanned Annual Leave (AL)

An employee who has used unplanned AL is responsible for submitting their AL request electronically onto the Kronos/Telestaff system.

3. Supervisory Documentation

- a. The concerned shift and/or unit supervisors are responsible for reviewing and/or approving *Clayton County Application for Sick Leave Forms*, based on the guidelines established by the Department and the Clayton County Civil Service Board, and then submitting them with all related documentation through the chain of command.

- b. Unplanned AL and unplanned SL usage, along with all attendance records, will be considered for rating purposes during annual and/or monthly evaluations in conjunction with the *Clayton County Performance Evaluation Program (PEP)*. Refer to *Appendix B* of this procedure for the *Attendance Rubric* to be used by supervisors during evaluations of personnel.

- c. Written Notification of Employees

Immediately following an employee's utilization of their eighth (8th) occurrence of unplanned leave during a single evaluation period, the concerned supervisor will give written notification, in the form of a typed *Memorandum*, to the employee that shall include the following minimum information:

- 1) The employee has utilized eight (8) unplanned leave occurrences during a single evaluation period.
- 2) Any further subsequent unplanned leave occurrences during the same evaluation period shall cause their Attendance rating category to be a rating of either a two (2), which is Below Acceptable Performance, or a one (1), which is Unsatisfactory Performance.
- 3) All eight (8) of the unplanned leave occurrences by date and reason.

This written notification is not to be confused with an employee being placed on *Excessive Leave Notice*.

E. Excessive Unplanned Leave

Both unplanned AL and unplanned SL may be considered for disciplinary action if the usage is deemed excessive.

1. Any employee who has four (4) or more occurrences of unplanned leave in a six (6) month period, or if the supervisor determines that the employee has developed a pattern of excessive unplanned leave within a six (6) month period, may be placed on *Excessive Leave Notice* for excessive use of unplanned leave.

Examples of excessive unplanned leave:

- a. Noticeable patterns of unplanned leave taken in conjunction with normal off days, holidays, or other leave;
 - b. Noticeable patterns of unplanned leave taken in conjunction with other personnel, or with the off-days of other personnel, etc.;
 - c. Unplanned leave always taken on certain days; or
 - d. An employee utilizes more than eight (8) days, or sixty-four (64) hours, of unplanned leave in a year for anything other than extended illness or injury.
2. Unplanned leave will not be deemed as excessive if it is for an extended medical incident or complications from the same or related ailment, and it is accompanied by a doctor's certificate. The totality of the circumstances will be considered on a case-by-case basis.
 3. Qualifying FMLA incidents cannot be considered as excessive leave or evidence of excessive leave.

F. Excessive Leave Notice

1. The Chief of Police, or authorized designee (hereinafter referred to as the Chief of Police), may place an employee on *Excessive Leave Notice* when a supervisor determines that the employee has developed a pattern of excessive unplanned leave, and has been counseled by a concerned supervisor and the excessive unplanned leave has continued.
2. A supervisor who identifies an employee, who meets the criteria for excessive unplanned leave, will counsel the employee utilizing a *Clayton County General Counseling Form* in an attempt to correct the behavior. If this fails to correct the behavior, the following procedures will be followed:
 - a. To place an employee on *Excessive Leave Notice*, a *Memorandum* must be completed by the concerned supervisor and forwarded through the chain of command. The *Memorandum* must include the dates the employee took unplanned leave, the date the employee received the *Clayton County General Counseling Form*, and any continuous pattern noted. The *Memorandum* must be submitted to the concerned Division Commander, or authorized designee, for approval. This matter shall be forwarded to the Chief of Police to determine whether or not the employee will be placed on *Excessive Leave Notice*. If approved by the Chief of Police, a copy of the *Excessive Leave Notice* will be given to the affected employee and their supervisor. The original document will be placed in the employee's personnel file.
 - b. Once an employee is placed on *Excessive Leave Notice*, they must provide documentation for any unplanned leave utilized.
 - 1) For each occurrence of unplanned SL, the employee must provide a doctor's certificate. A doctor's certificate is a document produced by a doctor's office, hospital or clinic upon completion of an actual examination conducted by a licensed

health care provider, e.g., physician, physician's assistant, nurse, nurse's assistant, etc. An employee's self-reporting of injury or illness without an actual examination does not comply with this standard.

- 2) For each occurrence of unplanned AL, the employee must provide a typed *Memorandum* explaining the reason(s) for the unplanned AL. The employee may attach other documentation supporting their *Memorandum*.
- c. The attendance record of an employee who has been placed on *Excessive Leave Notice* will be reviewed after six (6) months. If there have been three (3) or fewer occurrences of unplanned leave during that time, the Chief of Police may rescind the *Excessive Leave Notice*.
3. If an employee has been counseled and given an *Excessive Leave Notice*, yet continues to be out of work for unplanned leave purposes, disciplinary action may be taken.
Employees should note that simply bringing a doctor's certificate for an absence does not give the employee permission to be out of work. Absences with doctor's certificates may still be considered an excessive use of unplanned SL if it is used more than permitted. Disciplinary action may be taken.
4. Employees may be required to submit to a fitness for duty examination if the Chief of Police, in consultation with the Director of the Clayton County Department of Human Resources, believes that such an examination is in the best interests of the County.
5. An employee who continues to use unplanned leave excessively, despite efforts to help the employee, may be subject to disciplinary action up to, and including, termination.

VII. ATTENDANCE

A. Effect of Attendance on Employee Pay

1. In accordance with Clayton County Civil Service Rule 5.403(a)(1)(a), when an employee reports for work eight (8) or more minutes after the beginning of the work day, they will not receive credit for the first quarter hour.
2. Employees will not be paid for any scheduled work time missed due to being tardy or AWOL.

B. Reporting for Duty & Tardiness

1. Personnel shall follow the work schedule assigned by their concerned supervisor. Temporary changes, in whole or in part, to the normal work schedule may be required to meet the needs of the Department.
2. To maintain the efficiency of the Department, all employees are expected to report to work as scheduled and in a state of operational readiness. Employees will be prepared for their assigned duties, including any and all required equipment or tools in their proper place, ready to work.

Employees who report to work after the time they are scheduled or designated to work, or employees who report to work not properly prepared for duty or work at the assigned or designated time(s), will be considered tardy.

3. Notification Requirement When Tardy

- a. When an employee will be tardy for their assigned or designated shift or work day, they are required to notify the on-duty supervisor and provide the reason for being tardy.

The employee must make direct contact with the on-duty supervisor for the notification to be acceptable. Only leaving a message (e.g., text, recorded voice, written by third party, etc.) or multiple messages, is not acceptable and is a violation of this procedure.

- b. Disciplinary action for failure to notify when tardy shall be administered and listed as a separate policy violation from the actual tardy, but either violation will be used as evidence in support of the other.

See also CCPD SOP: *B11: Disciplinary Procedures*, Appendix A: *CCPD Discipline Guide* regarding the administration of discipline for employees.

C. Absence Without Leave (AWOL)

As defined earlier in this procedure (i.e., *Section II. Definitions*), and pursuant to Clayton County Civil Service Rule 5.444, AWOL is defined as the following: An absence of an employee from duty, including any absence for an entire day or part of a day, that is not authorized by a specific grant of leave of absence under the provisions of the Rules and Regulations shall be deemed to be absence without leave. Any such leave shall be without pay and may be subject to disciplinary action. In the absence of disciplinary action, an employee who absents him or herself for three (3) consecutive days without leave shall be deemed to have resigned.

D. Documentation of AWOL, Tardiness & General Attendance

1. Employee Documentation

When applicable, a supervisor shall require an employee to complete a typed *Memorandum* stating the reason(s) and details for being AWOL, tardy, or any other attendance issue(s).

2. Supervisory Documentation

- a. Supervisors are responsible for maintaining attendance logs for all personnel within their immediate supervisory span of control. The attendance logs will indicate which employees were present for roll call, and employee leave of any kind, to include any employee who is AWOL, or any employee that reports for work tardy, eight (8) or more minutes after the beginning of their work day.
- b. Supervisors will adhere to the *CCPD Discipline Guide* when administering the disciplinary process to any employee. Specifically, regarding tardiness and AWOL, supervisors do not have discretionary authority in applying the disciplinary process. Disciplinary action will be considered and determined on a case-by-case basis.
- c. In the event an employee is AWOL, the concerned shift and/or unit supervisor will immediately complete a *Memorandum* detailing the incident, employee's actions, and the supporting evidence. The *Memorandum* will be submitted through the chain of command to the concerned Division Commander, or authorized designee.
- d. Copies of related and/or corresponding attendance logs will be attached to any departmental or county documentation explaining an employee's attendance for the purpose of administering the disciplinary process.

VIII. OVERTIME (NON-EXEMPT EMPLOYEES)

- A. Overtime will be compensated in accordance with Clayton County Civil Service Rule 5.208.2.
- B. Non-exempt employees will receive pay as compensation for overtime.

At the discretion and approval of the concerned Shift/Unit Commander (rank of lieutenant or higher), or authorized designee, employees may have their schedules adjusted in order to compensate for total time worked during assigned off days, or additional time worked during a scheduled work day, in lieu of receiving pay as compensation for overtime. The action or adjustment by the Shift/Unit Commander (rank of lieutenant or higher), or authorized designee, must occur within the same two (2) week pay cycle as the employee's worked overtime.

Example 1: If an employee attends court or Department approved training during both of the employee's two (2) off days, the concerned Shift/Unit Commander (rank of lieutenant or higher), or authorized designee, may permit the employee to have the weekend off, or two (2) other specified days off.

Example 2: If an employee attends court, Department approved training, or works a temporary detail, for three (3) additional hours on the employee's scheduled work day, the concerned Shift/Unit Commander (rank of lieutenant or higher), or authorized designee, may permit the employee to count the additional time as scheduled work time for that work day, subtracting the additional three (3) hours from the employee's scheduled work day.

C. Submission of Overtime for Pay

1. All overtime must be pre-approved by an employee's concerned Shift/Unit Supervisor, or authorized designee.
2. When employees have been pre-approved and/or qualified to receive overtime, they are required to submit their overtime hours electronically on Kronos/Telestaff at the end of their tour of duty.
3. Supervisors shall check all payroll hours submitted for all employees that are under their direct supervision. Supervisors are responsible for verifying payroll records and approving payroll hours each week before and no later than midnight on Sunday.
4. Overtime Resulting from Court Attendance

Employees shall adhere to OCGA § 24-13-28 when submitting forms and documentation for any overtime pay resulting from court appearances.

D. Exempt Employees

Exempt employees are not paid overtime and are personally responsible to account for their time and productivity in fulfilling the requirements of their job, per Clayton County Civil Service Rule 5.220.

IX. CANCELLATION

This procedure amends and supersedes the following standard operating procedure: C2: *Attendance, Leave & Overtime*, dated June 29, 2021.