



MIDWESTERN STATE UNIVERSITY

Operating Policies & Procedures Manual

University Operating Policy/Procedure (OP)

OP 52.85: Attendance – Staff Absenteeism and Tardiness

Approval Authority:	President
Policy Type:	University Operating Policy and Procedure
Policy Owner:	Vice President for Administration and Finance
Responsible Office:	Human Resources
Next Scheduled Review:	05/01/2023

I. Policy Statement

The University expects all employees to conduct themselves in a professional manner during their employment. This includes practicing good attendance habits. Employees should regard coming to work on time, working their shift as scheduled, and leaving at the scheduled time as essential functions of their jobs. Employees are expected to adhere to their specified work schedule and be at their workstation and ready to begin work at the start of their shift. Leave is a benefit available for employees to attend to personal needs. However, abuse of leave, or failure to report to work as scheduled, or a pattern of unscheduled and/or excessive absences or tardiness will not be tolerated.

II. Reason for Policy

The purpose of this policy is to establish a policy for employee attendance, and for handling employee absences and instances of tardiness.

III. Application of Policy

This policy applies to all non-faculty staff employees.

IV. Definitions

Absence: An absence is the failure of an employee to report to work during his/her designated work schedule.

Excessive Absenteeism: Two or more instances of unexcused absences in a calendar month.

Tardy: Tardiness is the failure of an employee to report to work at the time scheduled

and/or the failure to return to work promptly at any point during the normal schedule (lunch, break, etc.).

V. Procedures and Responsibilities

A. General

Under the *Texas Government Code*, Section 661.908, the University must keep a record of time and attendance for each employee. This record must include:

1. Time and attendance records;
2. Record of the accrual and taking of vacation and sick leave;
3. Record of the reason an employee takes leave if other law requires the employee to inform the agency of the reason; and
4. Record that shows whether any leave taken is accounted for as sick leave, vacation leave, other paid leave, leave without pay, or other absence.

B. Notification Procedures

In the event of an unanticipated absence, including sickness or tardiness, employees must call and speak to their direct supervisor or other designated individual. If the employee cannot reach the supervisor or his/her designee, a message may be left by voice-mail, text or email. Unless an emergency situation dictates otherwise, the employee must provide notification as soon as possible, but no later than thirty (30) minutes after the start of the scheduled workday. Unless an emergency situation dictates otherwise, messages may not be left by third parties (i.e. friends, relatives, etc.). The reporting of such information must include the reason for the absence, expected duration of the absence, and any other information that would have an impact on the workplace during the employee's absence. For absences lasting more than one day, the employee must follow the notification procedures each day he/she is absent, except where advance notice of the duration of the absence has been provided.

C. Absences

1. Excused Absence

An employee's absences will be considered excused if allowed under OP 52.58: Employee Leave, and if the employee provides proper and timely notification deemed satisfactory to the supervisor. Excused absences include paid leave for vacation, sick leave, and other leave types dictated by state or federal law, including but not limited to, unpaid leave under FMLA and USERRA. Timely notification means providing notification at the start of the workday or providing advance notice for absences which can be anticipated. Supervisors have the discretion to require advance written requests for use of vacation leave with approval based upon department priorities. The University will make every effort to accommodate leave requests that are submitted appropriately and in a timely manner.

2. Unexcused Absences

An employee's absences will be deemed unexcused when an employee fails to provide proper notification, gives a late notice, or fails to give an advance notice or seek approval for an absence which could be anticipated. Employees are not permitted to make up time during the workday or alter their work schedule when they are late to work unless it has been approved verbally or in writing by their supervisor in advance. Employees are not permitted to work through their lunch period or breaks to make up unexcused time.

3. Excessive Absenteeism

Excessive absenteeism is two or more instances of unexcused absences in a calendar month. Such excessive absenteeism is subject to corrective discipline. Six instances of unexcused absenteeism within a consecutive twelve month period is considered grounds for termination.

4. Patterned Absenteeism

Use of sick leave occurring in patterns (same day of week, same time of year, adjacent to a weekend, holiday, vacation or other leave, etc.) may be indicative of an attendance problem; and in cases of excessive abuse, the absences will be treated as unexcused.

5. Tardiness

Employees who are chronically unable or unwilling to report to work on time present a hardship to other employees and those we serve. Unexcused tardiness is being absent from duty without cause for more than five minutes and includes reporting to work late at the beginning of the work shift, leaving early or returning later from a work break or lunch period, leaving the work area without a legitimate reason, or leaving work early at the end of the workday without permission. Employees who receive counseling for tardiness are expected to improve and sustain their improved attendance/punctuality. Unexcused tardiness occurring four times during a calendar month will result in disciplinary action. Any twelve instances of unexcused tardiness within a consecutive twelve month period is considered grounds for termination.

6. Leave Without Pay

Leave-without-pay (LWOP) or docked pay will result when an employee who is absent from duty has exhausted all of his/her available accrued leave balances. LWOP status without legitimate justification is discouraged. Justification would include LWOP status following exhaustion of available leave due to a documented serious medical condition or family emergency, including unpaid leave allowed under the Family Medical Leave Act, the Parental Leave Act, and other extended unpaid Leaves of Absence granted under OP 52.58: Employee Leave. Unauthorized LWOP or docked pay status will result in situations when no paid leave is available and the employee is absent or tardy without adequate justification. Unauthorized LWOP or docked pay status on three occasions within a consecutive twelve month period is considered excessive and is grounds for termination. An occasion of LWOP/docked pay begins when the employee enters unpaid status and ends when the employee returns to paid status,

regardless of the number of hours without pay on that occasion.

D. Disciplinary Action

Supervisors should monitor their employee's attendance on a regular basis and address unsatisfactory attendance and tardiness in a timely and consistent manner. If supervisors notice a pattern of unscheduled use of accrued time off or leave without pay, they should discuss this concern with the employee. When an employee exhibits unsatisfactory attendance or tardiness, supervisors should follow the same procedures as outlined in OP 52.90: Staff Termination/Discharge. This includes disciplinary actions of documented verbal counseling, written disciplinary warning, suspension without pay, and/or termination. Supervisors should consult with Human Resources when taking disciplinary action against an employee. Any disciplinary action, including verbal warnings, should be documented on the employee's annual performance review.

E. Job Abandonment

In the event an employee is absent for three consecutive scheduled workdays without notice or approval, the absence is considered job abandonment. The employee will be considered to have voluntarily terminated his/her employment with the University.

F. Reporting Leave of Absences

Employees are required to report hours worked and leave usage in a manner and form prescribed by the University in order to meet the payroll processing deadlines. Neither an employee nor an administrator may disregard or circumvent the recordkeeping or overtime requirement of the Fair Labor Standards Act (FLSA) or the University by instructing or permitting an employee to submit an incorrect record of hours worked and/or leave usage by any other means.

VI. Related Statutes, Rules, Policies, Forms, and Websites

Related Statutes/Rules:

Texas Government Code Chapter 661 - Leave

Related MSU Policies:

[OP 52.58: Employee Leave](#)

[OP 52.90: Staff Termination/Discharge](#)

VII. Responsible Office

Human Resources Department
(940) 397-4221
Human.Resources@msutexas.edu

VIII. History

10 Nov. 1989

04 Aug. 2006

10 Aug. 2016

30 Nov. 2021: Revised and renumbered MSU Policy/Procedure 3.224 (Attendance – Staff Absenteeism and Tardiness) as OP 52.85. Approved by MSU Interim President James Johnston.