

Introduced by: Council Present

AN ORDINANCE OF THE CITY OF BERKELEY AMENDING THE EMPLOYEE HANDBOOK OF PERSONNEL RULES AND REGULATIONS, POLICIES, AND BENEFITS IN SECTION 9.00 BY ADDING A NEW SUBSECTION 9.19, ENTITLED EXCESSIVE ABSENTEEISM

Now, Therefore, Be it ordained by the City Council of the City of Berkeley, Missouri, as follows:

Section 1 PURPOSE

This policy provides general guidelines for attendance and provisions for addressing excessive absenteeism for full-time permanent employees, including, permanent part-time, police and fire employees.

Section 2 DEFINITION(S)

Excessive Absenteeism is defined as six (6) unscheduled occurrences of absence in a "rolling" twelve-month period. The first forty (40) hours of paid absences related to sick leave in a rolling twelve-month period cannot be counted towards occurrences when determining excessive absenteeism.

Section 3 PROCEDURES

1. Excessive Absenteeism

- a. Unscheduled absences that are similar or repetitive in nature (e.g., before or after days off, weekends, holidays, vacation days, using sick days before scheduled vacation days, and paydays) may be construed to reflect a pattern of absenteeism that improperly utilizes City's leave policies, and such absences may subject disciplinary action, up to and including termination.
- b. An employee who is absent after a request for time off has been denied by his or her supervisor may be subject disciplinary action, including and up termination.
- c. Failure to adhere to the above expectations will subject disciplinary action, up to and including termination.

2. FMLA Excluded

- a. Absences occurring because of approved Family and Medical Leave, Personal Leave of Absence, leave due to work-related injuries or Court Duty, Bereavement Leave, and Military Leave will not be included when considering an employee attendance record, and such absences will not be considered an occurrence of absenteeism or lateness. However, such absences should be documented by the supervisor.

3. Positive corrective action options include but are not limited to:

- a. **Verbal warning** to clarify expectations of acceptable performance, development of an action plan for improvement, and advising of consequences if the performance problem is not corrected
- b. **Written Warning** which states that performance or conduct is unacceptable, development of an action plan for improvement, and a written warning of termination that states that continuation of any unacceptable performance for the same or different reason may result in termination (**Exhibit A**)
- c. **Suspension**: Time off without pay as part of a written warning of termination or for situations

requiring time for the city to investigate an identified performance problem.
d. **Discharge:** Termination of employment with or without notice.

Section 4 Excessive Absenteeism shall be added to the Section 6.05 as new item(s).

Section 5 AT-WILL EMPLOYEMENT NOT AFFECTED

Notwithstanding anything to the contrary stated in this policy, nothing herein is intended to alter the at-will status of any Professional Staff Member. City of Berkeley always retains the right to terminate any Professional Staff Member at any time for any lawful reason, or for no reason at all.

Section 6 That all ordinances and parts of ordinances in conflict herewith are hereby repealed for purposes of this ordinance only, and only to the extent of the conflict.

Section 7 This Ordinance shall be in full force and effect from and after the date of its passage.

1st Reading this _____ day of _____ 2017

2nd Reading this _____ day of _____ 2017

3rd Reading, PASSED and APPROVED, this _____ **day of** _____ **2017**

Theodore Hoskins, Mayor

ATTEST:

Deanna L. Jones, City Clerk

Approved As To Form:
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Kirkland	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mathison	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman-at-Large McDaniel	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mitchell	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___