

# REFERENCE COPY

FILE: GBCBC  
Critical

## EXPLANATION: STAFF ABSENCES AND TARDINESS

This is a NEW policy for district consideration. MSBA has removed language from GCBDA and GDBDA regarding excessive absences and tardiness and created this policy so that districts may address the thorny issue of employee attendance in more detail. Unfortunately, many districts struggle with employees who do not value regular attendance. This policy allows the district to address the topic separately from paid leaves.

MSBA recommends this policy language because Senate Bill 510 (2014) amended the state unemployment statute to give employers greater freedom in challenging unemployment claims for terminations due to any of the following:

1. A violation of an employer's no-call, no-show policy.
2. Chronic absenteeism or tardiness in violation of a known policy of the employer.
3. Two or more unapproved absences following a written reprimand or warning relating to an unapproved absence, unless the absence is protected by law.

In addition, the law allows for unemployment to be challenged for "violation of an employer's rule." For these reasons, it is important for the district to have a strong attendance policy and written rules on the district's expectations regarding attendance.

*MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.*

|   |                      |  |                            |  |                      |
|---|----------------------|--|----------------------------|--|----------------------|
|   | Board Secretary      |  | Business Office            |  | Coaches/Sponsors     |
|   | Facility Maintenance |  | Food Service               |  | Gifted               |
| X | Human Resources      |  | Principals                 |  | Library/Media Center |
|   | Health Services      |  | Counselor                  |  | Special Education    |
|   | Transportation       |  | Public Info/Communications |  | Technology           |

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## STAFF ABSENCES AND TARDINESS

Consistent contact with students and coworkers is necessary for an optimal learning environment and an effective working environment. Therefore, consistent attendance is an essential duty of any employee's position. While some absences are unavoidable, when an employee is routinely tardy, frequently absent or is absent for an extended period of time, the learning environment and district operations are negatively impacted.

Employees may be disciplined or terminated for excessive absences, which includes situations where employees come to work late, leave early or abandon their duties without permission from a supervisor. Unless authorized by the Board or the superintendent or otherwise authorized by law, an employee's absence will be considered excessive or unreasonable in any of the following circumstances:

1. The absence is for a reason not granted as paid or protected leave under Board policy or law.
2. The absence results in the employee exceeding the amount of leave granted by the Board.
3. The employee has not otherwise exhausted applicable leave days, but the absence exceeds 5 days a month, 20 days in a semester or 40 days per school year, notwithstanding the amount of paid leave accumulated, or is otherwise disruptive to district operations, as determined by the district.
4. The employee fails to appropriately notify the district of an absence as soon as possible after the employee knows he or she will be absent (commonly called No-Call, No-Show).
5. The employee does not provide the district complete and accurate information about the absence, does not respond to requests for information, or does not provide documentation related to the absence as requested or required.
6. The employee does not first obtain permission to be absent from the appropriate supervisor when required to do so.
7. The absence is for any reason other than the one given for the absence.

Even if the absence is authorized by the Board or the superintendent, if the absence occurs for a reason not granted as paid leave under Board policy or if it exceeds the number of days the employee has been granted under a designated leave, the employee's salary will be docked. Violation of this policy constitutes misconduct and may result in the loss of unemployment benefits if a claim is filed.

Employees will not be disciplined or terminated for absences qualifying for protection under the Family and Medical Leave Act (FMLA), the Uniformed Services Employment and Reemployment Rights Act (USERRA) or other applicable law.

**Failure to Contact the District**

If an employee without an employment contract is absent from work, does not contact his or her supervisor, and does not respond to attempts by the district to contact the employee and the employee's emergency contact, the district will assume the employee has resigned his or her employment with the district and will consider the position vacant.

If an employee with an employment contract is absent from work, does not contact his or her supervisor, and does not respond to attempts by the district to contact the employee and the employee's emergency contact, the district will send a letter and any other appropriate communication to the employee stating that if the employee does not contact the district, the district will assume that the employee has voluntarily resigned from his or her position with the district. If the employee still does not contact the district, the district will assume that the employee has resigned and will consider the position vacant.

The district may share with potential employers seeking information about a former employee the fact that the employee failed to contact the district or resign.

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***Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.***

Adopted:

Cross Refs: DLB, Salary Deductions  
HPA, Employee Walkouts, Strikes and Other Disruptions

Legal Refs: §§ 168.114, .116, 288.030, RSMo.  
Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2611 - 2619  
Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C.  
§§ 4301-4333  
*Willis v. School Dist. of Kansas City*, 606 S.W.2d 189 (Mo. Ct. App. 1980)

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*Stewart v. Board of Educ. of Ritenour*, 574 S.W.2d 471 (Mo. Ct. App. 1978)  
*Aubuchon v. Gasconade County R-1 Sch. Dist.*, 541 S.W.2d 322 (Mo. Ct. App. 1976)

Camdenton R-III School District, Camdenton, Missouri

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