

City of Red Bluff  
Administrative Policies & Procedures – Personnel Manual

<b>Subject:</b>  Work Hours & Attendance		<b>Number:</b> 22-29
		<b>Effective Date:</b> 6/18/2024
<b>Departments Affected:</b> All		<b>Supersedes (Number/Date):</b> 22-29 10/17/2023
<b>Authority:</b>  Section 2.82-A. Red Bluff City Code	<b>File References:</b>	
	<b>Approved:</b> Approved by City Council on: 6/18/2024	

**Overview:** City of Red Bluff employees provide important and valuable services to the public and each other. To accomplish this mission, it is imperative that every employee be present when scheduled to fulfill their obligation. City of Red Bluff employees are expected to report to work and perform assigned duties on a consistent, regular, and punctual basis.

**Applicable to:** All employees

**Guidelines:** Good attendance habits form an integral part of every employee's job and are essential job functions. Among other things, good attendance habits mean:

- Reporting to work at the designated time.
- Being at your workstation ready to work at the start of the shift.
- Remaining at your assigned work location unless the needs of the job require being elsewhere, except during authorized breaks (including restroom breaks) and lunch periods.
- Remaining at work until the scheduled end of your shift, unless excused by a supervisor.
- Leaving promptly at the end of your shift unless you have been given advance permission from your supervisor to work past the end of the shift.
- Calling in and personally notifying your supervisor, or designee, if you are going to be either absent or tardy, unless an emergency makes it impossible for you to do so.

The Department Head may, at any time, cause any employee or group of employees to change their work schedule permanently or temporarily. Except in case of an emergency, the Department Head shall provide the employee with advance notice of fourteen days of a permanent schedule change and/or 12 hours' notice of a temporary change.

Improper use of sick leave, excessive absenteeism, tardiness, unplanned absences, a pattern of absences, or failure to notify your department when you are unable to report to work may result in disciplinary action, up to and including

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termination.

Unless specifically authorized in advance by the department head or their designee, employees may not begin work prior to the regular starting time, take work home, or otherwise engage in overtime work.

**Rest and Lunch Periods**

Non-Exempt employees shall be granted one 15-minute rest period during shifts of four to six hours. Employees whose shift is longer than six hours shall be granted a 15-minute rest period in each half of the work shift. Such breaks shall not be taken within one hour of the employee's starting time, quitting time, or meal break and shall not be accumulated or used to supplement meal breaks, late arrival to work, or early departure, unless emergencies dictate otherwise and approved by a supervisor.

Employees shall be permitted a lunch period of not fewer than thirty (30) minutes or more than one (1) hour, which shall be scheduled generally in the middle of the work shift. Employees working more than ten (10) hours may be entitled to additional rest periods.

Employees are required to take their full rest and lunch periods as directed.

**Meal Waivers**

Some positions at the City do not allow the employee to be relieved for a meal period. These positions are either Safety sensitive (Police staff or Fire staff) or there is no other employee to relieve them from duty. In these cases, an On Duty Meal Waiver form will need to be completed and the employee will be paid for their entire shift. Employees are encouraged to take time to take a meal break as needed and as their duties allow.

**Reporting of Time**

Employees are paid based upon the scheduled shifts they are required to work and verify by approval process at the end of each payroll period. Any changes to actual hours worked must be reported through the City's timekeeping software. This includes changes in start/stop time, not just total hours worked in a day. Other changes, such as calling out sick or working overtime must be requested and approved by a supervisor. Every employee must review their timecards for accuracy and request any necessary changes from their supervisor in a timely manner. All timecards must be reviewed, approved and submitted to payroll when required by the Finance Department.

**Work Week**

For employees classified as 40-hours a week, the FLSA work week is a seven-day period as established by the City. The City's work week starts Saturday at 12:00 AM and ends Friday at 11:59 PM. Employees classified as 56-hours a week (Fire Unit only) are assigned to a twenty-four (24) day work period. Such work week may be changed by the City according to the provisions of the Fair Labor Standards Act (FLSA).

**Overtime and Compensatory Time**

Employees are expected to stop working at the scheduled stop time. Work

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beyond the assigned work period must be expressly approved by the department head or their designee in advance. Except in regard to Call Back Compensation, only those hours actually worked may be used to qualify for overtime compensation.

Refer to the applicable memorandum of understanding for Call Back Compensation rules and payment.

In recording time under the FLSA, infrequent and de minimis periods of time beyond the scheduled working hours, which cannot as a practical matter be precisely recorded for payroll purposes, may be disregarded. For example, if an employee voluntarily comes in before their starting time or remains after quitting time, the employee does not have to be paid for such periods, provided that they do not do any work during this time.

**Alternate Schedules**

Department Heads who wish to assign alternate schedules must initially have the schedule(s) approved in writing by the City Manager, with the notice to the employee, Human Resources, and the employee's representative (if any).

The usage of accrued leave balances such as vacation, sick leave, and other paid time off shall be on an hour-to-hour basis. For example, an employee on a 4/10 schedule who misses a day because of illness shall be charged 10 hours sick leave for that day.

Management reserves the right to revoke or deny alternate schedules. Denial of an alternate work schedule, or rescission of a work schedule, is not grievable.

**Temporary Flexible Scheduling**

At the request of an employee, the Department Head or their designee, may temporarily flex an employee's schedule, but not as a recurring option. For example, an employee who needs to leave 15 minutes early for an appointment may request to arrive 15 minutes early that day.

**Requests for Time Off**

Employees who have accrued vacation, paid time off, compensatory time, holiday in lieu, or other applicable leave must request permission from their supervisor or designee to be absent from duty. Employees who request permission and receive approval will be on an authorized absence.

Please refer to your applicable MOU for scheduling procedures. If not addressed or applicable then if two or more requests are submitted requesting time off for the time period, the employee whose request is submitted first shall be given priority for time off. If two or more requests are submitted on the same day for the same time off period, the employees will be granted time off by seniority.

**Call out Procedures**

If an illness or emergency causes an unforeseeable absence, employees are expected to notify their immediate supervisor or designee as soon as possible. Notification should be made as soon as practicable, and preferably prior to the employee's scheduled work time on the first day of the absence. If additional

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time off is required, employees must advise the department of each subsequent day during their absence. In the case of an extended leave of absence, employees may be asked to complete additional forms and submit medical certifications as required.

Employees who are on an approved leave of absence do not have to make daily notifications.

**Tardiness**

Tardiness is considered a form of absenteeism. Employees are expected to be at the workstation and prepared to work at the scheduled time. An employee is considered tardy and may be subject to discipline if they report to work after the scheduled start time or returning late following a meal break or rest period.

The supervisor may require an employee who is tardy to: 1) adjust a day's schedule to work the equivalent amount of time at the end of the shift on the same day; or 2) record any missed time of eight minutes or more on their time sheet as vacation or other paid time off (minimum absence of 15 minutes).

**Excessive Absenteeism**

Excessive absenteeism occurs when the amount of time the employee is absent from work is frequent and consistent, or forms a pattern, or significantly disrupts the workflow in the department.

The number of occurrences of absences should not exceed three (3) in a 3-month period. If more than three are used, progressive disciplinary action may be initiated. The City uses a rolling calendar year when determining excessive absences. For the purpose of calculating tardiness for discipline, a tardy of up to 30 minutes is tallied as half an occurrence.

In establishing excessive absenteeism "occurrences", a supervisor may consider:

- An unscheduled absence when an employee calls in sick following the established process and has sufficient leave available to cover the time off.
- A leave that is scheduled when an employee has sufficient leave, but then the employee exhausts all leave prior to the scheduled absence.
- An absence in which an employee failed to appropriately request and receive approval for paid leave or failed to follow the established procedure for calling in to report an unscheduled absence (AWOL).
- Failure to maintain scheduled work hours, tardiness, leaving work early, taking extended breaks, and taking lunch hours beyond the allotted time.
- An absence that is not scheduled in advance and the employee doesn't have sufficient paid leave to cover the absence.
- An absence in which the employee does not have adequate documentation to support an absence when requested by their supervisor.
- When an employee requests to come in late or leave work early for an unexpected event such as a sick child, vehicle issues, home emergency, etc. (The circumstances of these events are usually of a serious nature and it is difficult for the supervisor to say no to the request. An employee may use appropriate leave for the absence.)

An occurrence may qualify under more than one of these descriptions.

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In establishing “occurrences”, a supervisor may not consider:

- Protected leaves of absence such as FMLA, CFRA, pregnancy disability, Military Family Leave, leave for military duties.
- Leave supported by acceptable medical documentation.
- Leave due to an industrial injury.
- Jury Duty.
- Bereavement Leave.
- Leave for victims of domestic violence.
- Approved vacation or administrative leave.

**Abuse of Sick Leave**

For sick leave accruals and standards for sick leave, see AP&P 22-35: Sick Leave.

**No-Call/No-Show or Absent Without Leave (AWOL)**

Not reporting to work and not calling to report the absence is a no-call/no show.

It is a serious matter when an employee fails to show up for work as scheduled and does not contact their supervisor. If the department is unable to contact the employee within two hours of the assigned start time, the supervisor should bring the issue to the Department Head. The Department Head, or designee, may begin phoning emergency contacts. If the Department Head, or designee, is still not successful in contacting the employee, the Department Head may contact law enforcement to request a welfare check. The department will make the Human Resources Department aware that law enforcement has been contacted. Supervisors and/or staff are not to make a home visit. A supervisor may start the process of attempting to contact the employee as soon as the supervisor deems appropriate.

If it is determined that the employee is safe, but negligent in contacting their supervisor, the employee will be subject to disciplinary action. A second separate offense may result in severe discipline up to and including termination.

If the employee has already begun the step discipline process for attendance and punctuality when a no-call/no show occurs, the disciplinary process may be accelerated to the final step.

Any no-call/no-show lasting three days is considered job abandonment and will result in immediate termination of employment. However, when there are extenuating or mitigating circumstances which delay the employee's return, the City will allow the employee an opportunity to provide the City with the circumstances to make a final determination of employment by way of appealing a finding that the employee had automatically resigned. Additionally, an employee who fails to return to work within three working days of the expiration of the employee's approved leave shall be deemed to have tendered an automatic resignation. The Department Head will acknowledge the resignation in writing and send the notification to the employee's last known address.

Management may consider extenuating circumstances when determining

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discipline for a no-call/no-show and has the right to exercise discretion in such cases. (For instance, if the employee is in a serious accident and is hospitalized.) When there are extenuating or mitigating circumstances which delay the employee's return from leave, the City will allow the employee an opportunity to provide information regarding the circumstances to make a final determination of employment by way of appealing a finding the employee had automatically resigned.

**Addressing Excessive Absences and/or Tardiness**

Employees who do not adhere to the standards outlined in this rule will be subject to discipline and will be delivered by the direct supervisor or department head. The steps below may vary when used in conjunction with discipline for reasons other than absences or tardiness.

To maintain consistency across the departments, the following guidelines have been established to assist supervisors in the monitoring of attendance and communicate expectations to employees.

A pattern of frequent occurrences (absences and tardiness combined) in less than a 12-month rolling period may be basis for a coaching discussion between the employee and their direct supervisor. The purpose of the coaching session is to make the employee aware of the frequency of occurrences, to be certain the employee understands the rules, and the consequences of violation.

Eight occurrences in the same 12-month rolling period are cause for a face-to-face meeting with the employee's supervisor and documentation in the employee's supervisor's file. Documentation for this meeting may be in the form of a confirming memo when the performance problem is acute or has a demonstrable impact on operations. The confirming memo will memorialize the meeting, what was discussed, the response, and/or an agreement reached.

Ten occurrences in the same 12-month rolling period are cause for a face-to-face meeting with the employee's supervisor and a written counseling memo, putting the employee on formal notice of violation. This documentation will be placed in the employee's personnel file.

Twelve occurrences in the same 12-month rolling period are cause for a face-to-face meeting with the employee's supervisor and an improvement plan (IP). The IP specifies the supervisor's expectations for performance, establishes the standards, sets regular meetings between the employee and supervisor to discuss progress, and explains consequences for failing to meet and/or sustain improved performance within an established time frame. This documentation will be placed in the employee's personnel file.

Fourteen occurrences in the same 12-month rolling period may be cause for severe disciplinary action. This may involve such disciplinary action as a one day suspension, reduction in pay, withholding a salary step increase, or demotion. Documentation will be placed in the employee's personnel file. See applicable MOU for rules regarding sever disciplinary actions.

Eighteen occurrences in the same 12-month rolling period are cause for severe

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disciplinary action. This may involve such disciplinary action as termination. Documentation will be placed in the employee's personnel file. See applicable MOU for rules regarding sever disciplinary actions.

Supervisors shall thoroughly document all absences, tardiness, and sick leave abuse.

If requested, the Human Resources Department may provide guidance to the department head or supervisor. Human Resources will maintain any documentation or discipline for violation of this rule in the employee personnel file as provided by the department.

**References:** U. S. Department of Labor Fair Labor Standards Act; Govt. Code §12945.1-12945.6 Calif Family Rights Act; Govt. Code §19702.3 Family Care Leave; Code of Regulations Title 2 §11087-11098 California Family Rights Act; United States Code Title 29 §2601-2654 Family and Medical Care Leave Act of 1993; Code of Federal Regulations Title 29 §825.100-825.800 Family and Medical Leave Act of 1993; Family Sick Leave CAL Labor Code §233; bargaining unit MOUs