

**EIGHTH JUDICIAL DISTRICT COURT
LAS VEGAS JUSTICE COURT
ADMINISTRATIVE DIRECTIVE**

KATHY A. HARDCASTLE
Chief Judge, District Court

OCT 14 8 27 AM '08

CLARK COUNTY COURTS ADMINISTRATIVE
DIRECTIVE NUMBER: 08-04

DOUGLAS E. SMITH
Chief Judge, Las Vegas Justice Court


CLERK OF THE COURT

EFFECTIVE DATE: NOVEMBER 1, 2008

EDWARD A. FRIEDLAND
Court Executive Officer

**SUBJECT: POLICY REGARDING TIME AND ATTENDANCE STANDARDS FOR
CLARK COUNTY COURTS**

I. POLICY GOAL

The purpose of this policy is twofold: (1) to motivate staff to use their annual and sick leave in a responsible and considerate manner; and (2) to set forth clear and concise parameters regarding acceptable attendance and punctuality practices and responsibilities, to be fairly and consistently applied to all staff covered under the current SEIU, Local 1107 Labor Agreement, hereinafter referred to as the SEIU Agreement, and any Interlocal Agreement(s) between Clark County and Clark County Courts.

Except as otherwise provided in this Policy, all prior policies are superseded.

II. RESPONSIBILITIES

Employee:

- a. Be aware of, and follow, the provisions of this policy and the SEIU Agreement as they pertain to time and attendance.
- b. Know how much leave time you have or will have available prior to the start of the leave. Ensure leave balances on record are sufficient to cover the leave prior to the first day of the leave.
- c. Contact your immediate supervisor, as soon as possible but no later than fifteen (15) minutes after the start of your work shift, if not reporting to work for your scheduled shift. Unless a specific time period has been pre-approved, you must call in each day of an absence.

Every effort should be made to speak to a supervisor or manager:

1. If you are unable to reach your immediate supervisor, notify any available supervisor.
2. If you can not contact a supervisor attempt to contact a manager.
3. After every reasonable effort has been made to contact a supervisor or manager, you must leave a message on the Court Administration sick line at **392-3659** if you are unsuccessful.

Clark County Courts Policy No: 8-02
Time & Attendance Policy

- d. An updated phone list of supervisor and manager work phone numbers for use in case of an absence or illness emergency will be provided by your supervisor.
- e. Complete a leave slip for the absence immediately upon your return to work.
- f. Accurately and immediately report tardiness via e-mail, leave slip or other written communication to the supervisor for documentation and verification of arrival time.
- g. Submit payroll documents such as leave slips, overtime/comp time forms, etc. to supervisor in time to meet the deadline established by the supervisor.

Managers/Supervisors Must:

- a. Provide and review the attendance policy with employees;
- b. Assign a work schedule to each employee. Have employee sign work schedule agreement (if applicable). Provide employees a minimum of two weeks advance notice (when feasible), in writing, of changes to their work schedule. Depending on operational requirements, two week advance notice may be waived by management during emergency situations;
- c. Provide employee work schedule change notifications to Human Resources at least one pay period in advance of the start date of the change. Start all work schedule changes at the beginning of a pay period;
- d. Administer appropriate action, including discipline, with any staff member in accordance with this policy;
- e. Process all leave requests and overtime/comp time forms in a timely manner;
- f. Make every effort to submit leave requests to Human Resources as soon as approved but no later than 5:00 P.M. the Wednesday prior to the end of the pay period;
- g. Provide employees a list of supervisor and manager work phone numbers to be used in case of an absence or illness emergency; and
- h. Contact HR to provide employees Family Medical Leave Act (FMLA) notification of rights letter whenever employee has been absent three (3) days or more or when FMLA triggering events occur.

III. DEFINITIONS/POLICIES:

INCIDENT: For either scheduled or unscheduled leave, an *incident* is defined as a consecutive absence from work, regardless of length of time, for the same cause. If a non-consecutive absence from work is connected to a prior or future incident, valid proof of the connection may be required. For example, a pre-surgery appointment and a post-surgery follow-up would be considered the same incident as the surgery

Clark County Courts Policy No: 8-02
Time & Attendance Policy

itself. However, a cold in January and another in March normally would be two separate incidents. It is the employee's responsibility to show the connection on their scheduled or unscheduled leave request/report.

SCHEDULED LEAVE: A scheduled absence is defined as an employee's use of vacation leave, compensatory time, catastrophic leave, sick leave, holiday leave, or miscellaneous leave as provided in various Articles of the SEIU Agreement that has been **authorized in writing prior to the leave** by the employee's CEO or designee. Scheduled time off will be granted fairly and consistently by the supervisor based upon operational needs. Requests for scheduled leave should be submitted at the earliest possible date so the supervisor can plan for the absence.

UNSCHEDULED LEAVE: An unscheduled absence is defined as an employee's absence from work **without prior written authorization**. Leave for bereavement purposes of up to three (3) shifts per occurrence will not be considered an unscheduled absence. Patterns of unscheduled absences may result in progressive discipline.

SICK: Paid sick leave may be used by employees who:

- a. Are incapacitated to perform job duties because of illness or injury;
- b. Are prevented by public health requirements from being at work;
- c. Need to absent themselves from work for bereavement and to attend the funeral of a member of the employee's immediate family. Immediate family shall be defined as the employee's spouse, mother, father, brother, sister, child, foster child, stepchild, grandchild, and grandparent, or any in-law of the employee's bearing any of the previously specified relationships;
- d. Are required to absent themselves from work upon incapacitating illness or injury in the immediate family to personally care for that family member;
- e. Need to be absent from work when receiving medical or dental treatment or examination;
- f. Need to be absent when incapacitated from performing job duties because of pregnancy or childbirth; and
- g. Need to be absent to care for a newborn child or children.

VACATION: Accumulated vacation (annual) leave may be taken after a staff member has completed six (6) months of employment with the County **and** has successfully passed his/her probationary period.

- a. Requests for vacation leave of one working day or less **may** be approved on the same day as the requested leave. Such vacation leave request approvals are considered scheduled leave;
- b. Requests for vacation leave of two (2) to three (3) working days shall be submitted in writing no less than 24 hours prior to the leave date;

Clark County Courts Policy No: 8-02
Time & Attendance Policy

- c. Requests for vacation leave of four (4) to five (5) working days shall be submitted in writing no less than ten (10) days prior to the leave date;
- d. Requests for vacation leave of six (6) or more working days shall be submitted for approval no less than thirty (30) days prior to the leave date;
- e. In the event of extraordinary circumstances, the above timelines may be shortened as authorized by the CEO or designee.

VACATION (HOLIDAY) SCHEDULING: Employees and supervisors are encouraged to work together to develop an amicable plan that allows everyone the opportunity for vacation time during holiday periods.

LEAVE OF ABSENCE WITHOUT PAY (LWOP): Upon written application to the CEO, a permanent status employee may be granted a leave of absence without pay for a period not to exceed ninety (90) calendar days, without prejudice to his/her status, but no vacation or sick leave credits shall accrue during any such leave period. Failure to receive prior written approval may result in unauthorized leave without pay (non-FMLA LWOP) and subject to disciplinary action. LWOP occurs when you have exhausted all leave balances. Employees are encouraged to maintain adequate leave balances to avoid going into LWOP status. Periods of LWOP can affect employee benefits as follows:

- A. At the County's sole discretion, a permanent status employee may be granted a leave of absence without pay for a period not to exceed 90 calendar days. Any additional leave must be recommended by the Department Head and approved by the County Manager or his/her designee.
- B. Leave of absence without pay may not be granted until all accumulated vacation leave is used unless approved by the Department Head and the Deputy Director of the Office of Human Resources.
- C. An employee on a leave of absence without pay will not accrue vacation, sick leave, or retirement credits during any such leave period.
- D. Except as provided for in Section I, Policy VII of Clark County Personnel Policies and Procedures, an employee on a leave of absence without pay for over 30 consecutive calendar days will be required to pay the entire medical insurance, life insurance and long-term disability insurance premiums in order to continue coverage in those plans.
- E. Any period during which an employee is on leave of absence without pay over a period of 21 consecutive calendar days in a calendar year will be deducted from the employee's creditable service for longevity pay.
- F. A leave of absence without pay granted to an employee must be taken continuously and will not be approved intermittently with other forms of leave.

Clark County Courts Policy No: 8-02
Time & Attendance Policy

- G. An employee absent without authorized leave for more than five days may be regarded as having abandoned his/her position in the County service. A termination under these conditions will render the employee ineligible for placement on a rehire list.

The above information is from Clark County Personnel Policies and Procedures, Personnel Policy VII, Section III, page 39.

OVERTIME PAY: Overtime pay is at the rate of time and one-half (1½) and shall be made in compensatory time off or overtime cash payment at the discretion of the employee and approval of the department head based on financial or operational needs. Employees may not work overtime without the prior approval of their supervisor. All overtime must be approved in writing by the employee's supervisor before the overtime is worked and must indicate whether payment is to be made in cash or compensatory time. If circumstances preclude written authorization in advance, verbal authorization must be obtained to be followed by written approval at the earliest opportunity. Overtime shall be based on a measurable product of output warranted by operational need. For additional information refer to the Clark County Courts Overtime Policy or Article 18 of the SEIU Agreement.

COMPENSATORY TIME: Requests to earn compensatory time as payment for overtime worked are approved at the discretion of the employee and approval of the department head based on financial or operational needs. Under the direction of the department head, the supervisor has the authority to approve up to 60 hours of comp time. Any additional comp time accrual (over 60 hours) must be approved by the CEO or designee. Compensatory time must be accrued (listed on the staff member's paycheck stub) prior to request for use. Compensatory time balances must be zero before vacation leave may be used.

HOLIDAY: Holiday banked leave must be accrued (listed on the staff member's paycheck stub) prior to request for use. Holiday bank leave may not be used within the same pay period earned.

INCENTIVE TIME (IT): Incentive time is given to employees as a reward to recognize employee accomplishments. IT is given as "free time" which is not counted against the employee's leave balances. IT can be earned for commendable performance; monthly, quarterly, and yearly awards; employee recognition, etc. Requests to use IT must be scheduled in advance through the supervisor. Incentive time awards are distributed on a fiscal year basis and balances must be used by June 30th of the fiscal year in which received.

ALTERNATE WORK SCHEDULE: The 9/80 alternate work schedule consists of eight workdays of nine hours each, one workday of eight hours, and an alternate day off for a total of 80 hours during the two week pay period. The eight-hour workday must be on the same day of the week as the employee's alternate day off. For example, if an employee's alternate day off is Friday, the Friday on the opposite week must be the employee's scheduled eight-hour day. The alternate day off cannot be "floated;" the employee must adhere to the set schedule.

All employees on 9/80 alternate work schedules must sign an Alternate Work Schedule Agreement which can be obtained from their supervisor or from Human Resources. Alternate work schedules are authorized based on operational need as determined by the department head. Public service areas must maintain adequate staffing to serve the public between the hours of 8:00 AM and 5:00 PM. Twenty-four hour operations must be adequately staffed at all times. Alternate work schedules will be re-evaluated periodically to ensure services are not adversely affected.

THIRTY-MINUTE LUNCH: The Courts provide the opportunity for employees to have their work schedules adjusted to allow for a 30-minute lunch (meal break) instead of the usual 60-minute lunch. The 30-minute lunch break is optional and contingent upon department head approval. The 30-minute lunch option may not be available to all work units depending on the operational needs of that unit. If approved, supervisors will adjust the work schedule to allow the employee to come in a half-hour later or leave a half-hour earlier, contingent upon operational needs.

This is a schedule change. Employees can not flip-flop between 30-minute lunches on some days and 60-minute lunches on others. Employees can not come in late on some days and leave early on others. Thirty-minute lunches are authorized based upon operational need as determined by the department head. Public service areas must maintain adequate staffing to serve the public between the hours of 8:00 AM and 5:00 PM. Twenty-four hour operations must be adequately staffed at all times. Thirty-minute lunch schedules will be re-evaluated periodically to ensure services are not adversely affected.

NO CALL/NO SHOW: An employee who is incapacitated and unable to call prior to the beginning of his/her shift shall provide acceptable written documentation regarding the inability to call upon his/her return to work. Failure to provide acceptable written documentation will result in leave without pay. The absence will still be considered unscheduled, unauthorized, and a separate incident.

IV. TYPES OF SCHEDULED LEAVE

EMERGENCY ANNUAL LEAVE: Emergency leave is defined as an unexpected, unforeseen, occurrence of a sudden or urgent nature requiring immediate remedial action. Leave which qualifies and is approved by the respective supervisor and/or manager as emergency leave is considered scheduled. The supervisor, along with the employee, should determine with the employee if a leave qualifies as emergency annual leave prior to the start of the leave. In the event circumstances prevent the determination being made prior to the start of the leave, the supervisor will make the determination as soon as he/she has enough information to make a determination.

Employees are allowed two (2) emergency annual leave occurrences without written justification within a rolling twelve month period. Each request for emergency annual leave thereafter will require reasonable proof of the emergency. If reasonable proof is not provided or if the supervisor determines that the incident does not qualify for emergency annual leave, the appropriate leave type will be designated and may include unauthorized LWOP.

BEREAVEMENT LEAVE: Bereavement leave of up to three shifts per occurrence is considered scheduled leave. Any additional leave time in excess of three shifts requires prior supervisory or management authorization. Staff members may choose to use sick or annual leave for bereavement purposes.

FAMILY AND MEDICAL LEAVE: Approved Family and Medical Leave is considered scheduled leave in accordance with the Family and Medical Leave Act (FMLA) of 1993.

WORKER'S COMPENSATION LEAVE: Service connected disability leave approved by the Worker's Compensation Program is considered scheduled leave.

MISCELLANEOUS LEAVE: Miscellaneous leaves as provided for in Article 25 of the SEIU/Clark County Agreement which are requested and approved in advance of the leave are considered scheduled. Court Leave, Military Leave,

Leave Without Pay, Parental Leave, Blood Donor Leave, Education Leave, and Application and Examination Leave are considered miscellaneous leaves.

V. EXCESSIVE UNSCHEDULED LEAVE

The progressive discipline process for unscheduled absence will start when the employee's incident total reaches nine (9) within a rolling twelve (12) month period. The 12 month period is computed by counting backwards 12 months from the present incident. For example, if the present unscheduled incident happens on November 1, 2008; all incidents between November 1, 2007 and November 1, 2008 are counted.

Employees currently on a discipline track for time and attendance remain on their discipline track until it has been completed or expired. Progressive discipline will continue with the next violation. This pertains to discipline only; employees currently on a discipline track are responsible for compliance with all other aspects of the new policy. Unscheduled leave is subject to the following progressive disciplinary action.

PROGRESSIVE DISCIPLINE FOR UNSCHEDULED LEAVE:

- a. Counseling will begin whenever abuse is suspected but not later than the eighth (8th) incident.
- b. The ninth (9th) incident will result in a Documented Oral Warning (DOW). At this level of discipline your unscheduled incidents cease rolling off until the discipline has expired. The expiration period for the DOW is six (6) months.
- c. The tenth (10th) incident will result in an Admonishment. Your unscheduled incidents cease rolling off until the discipline has expired. The expiration period for the Admonishment is twelve (12) months.
- d. The eleventh (11th) incident will result in a Written Reprimand. Your unscheduled incidents cease rolling off until the discipline has expired. The expiration period for the Written Reprimand is eighteen (18) months.
- e. The twelfth (12th) incident will result in a Final Written Warning (FWW). Your unscheduled incidents cease rolling off until the discipline has expired. The expiration period for the Written Reprimand is thirty-six (36) months; and
- f. The thirteenth (13th) incident will result in a recommendation for termination.

VI. TARDINESS

An employee is considered tardy when the employee does not begin to perform assigned duties at the start of

his or her designated shift. In addition, tardiness of 15 or more minutes shall be reported as leave without pay rounded to the nearest ¼ hour.

An exception to unscheduled tardy may be made for an **emergency tardy** which is defined as an unexpected, unforeseen, occurrence of a sudden or urgent nature requiring immediate remedial action. An emergency tardy shall normally not include incidents for which sick leave is to be used. Any staff member whose tardy qualifies and is approved as an emergency tardy must utilize available leave time. Leave which qualifies and is approved by the respective supervisor and/or manager as an emergency tardy is considered scheduled. Employees are allowed two (2) emergency tardy occurrences without written justification within a rolling twelve (12) month period. Each request for emergency tardy thereafter will require reasonable proof of the emergency.

The progressive discipline process for unscheduled tardiness will start when the employee's incident total reaches nine (9) within a rolling twelve (12) month period. The number of cumulative incidents of tardiness will determine the threshold for commencing disciplinary action. Unscheduled tardiness is subject to the following progressive disciplinary action.

PROGRESSIVE DISCIPLINE FOR UNSCHEDULED TARDINESS:

- a. Counseling will begin whenever abuse is suspected but not later the eighth (8th) incident.
- b. The ninth (9th) incident will result in a Documented Oral Warning (DOW). At this level of discipline your unscheduled incidents cease rolling off until the discipline has expired. The expiration period for the DOW is six (6) months.
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- f. The thirteenth (13th) incident will result in a recommendation for termination.

VII. UNACCEPTABLE ATTENDANCE

A Certificate Of Illness (COI) from a state licensed health care provider in an appropriate discipline may be required when there is one (1) absence in excess of three (3) consecutive scheduled workdays or whenever there is substantiated reason to believe that sick leave benefits are being abused. Any use of unscheduled leave in conjunction with weekends, holidays, alternative scheduled days off, holidays, or annual leave that constitutes a pattern of frequency greater than a random occurrence may be considered abuse of leave.

Clark County Courts Policy No: 8-02
Time & Attendance Policy

Any time a staff member's fitness for duty is questioned the staff member may be required to submit a Certificate of Fitness (COF) for duty.

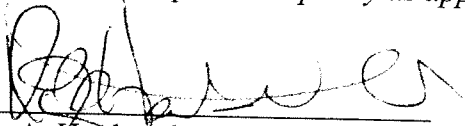
A staff member who feels personal circumstances may be contributing to his/her unsatisfactory attendance and/or tardiness is encouraged to contact the Employee Assistance Program (EAP) at 455-5930. This Program provides assistance to employees who believe that outside problems may be adversely affecting their job performance. This Program is confidential and does not require approval or knowledge of the employee's supervisor or management for appointments attended outside of the employee's normal work shift. The approval process of requesting scheduled leave is to be followed for appointments during work hours. However, every effort should be made to schedule EAP appointments during the employee's off duty hours. Scheduled time off for EAP appointments is not charged against the staff member's leave bank.

VIII. The Clark County Courts reserve the right to amend this policy at any time with the required joint Labor/Management Committee.

IX. RESOURCES:

- a. Clark County Personnel Policies & Procedures
- b. SEIU Contract
- c. Interlocal Agreement between Clark County and Clark County Courts
- d. Clark County Courts Overtime Policy
- e. Alternate Work Schedule Agreement

In the event of a conflict between this Time and Attendance Policy and the SEIU Agreement, both parties (The Courts and the employees) agree that the SEIU Agreement shall govern. The Time and Attendance Joint Committee will reconvene three months after approval of this policy to revisit any areas of concern. Thereafter, the Joint Committee will meet as necessary, or at least annually, to review the effectiveness of the policy and to update the policy as appropriate.



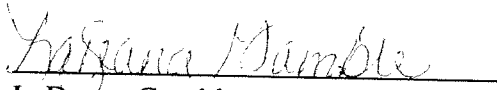
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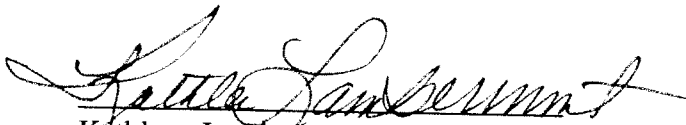
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Chief Judge, Las Vegas Justice Court


Clark County Courts Labor & Management Committee:

Management:

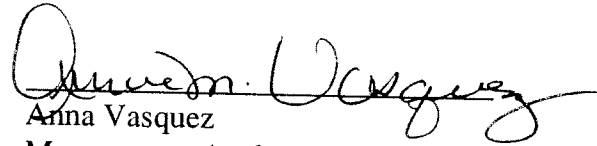

LaDeana Gamble
Assistant Court Administrator

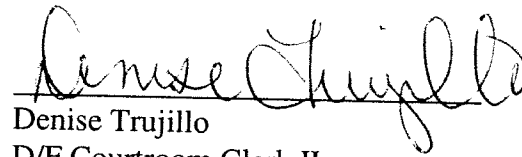

Theresa A. Bowe
Administrative Services Manager

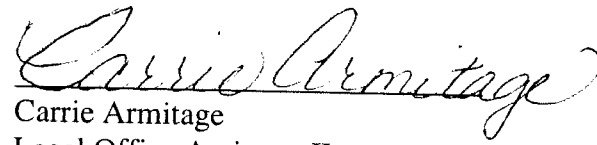

Kathleen Lambermont
Human Resources Manager

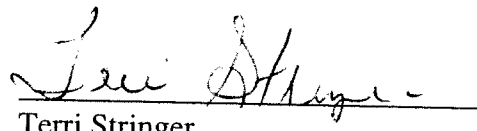

Melody Long
Senior Management Analyst

Labor:


Anna Vasquez
Management Analyst II


Denise Trujillo
D/F Courtroom Clerk II


Carrie Armitage
Legal Office Assistant II


Terri Stringer
Legal Office Assistant II

Clark County Courts Policy No: 8-02
Time & Attendance Policy

I acknowledge that I have received Clark County Courts Administrative Directive Number 8-02, Policy Regarding Time and Attendance Standards for Clark County Courts, and that I agree to read and familiarize myself with its contents and will comply with it at all times.

Employee – Print Name

Employee – Signature

Organization

Date