

SUPERIOR COURT OF THE STATE OF DELAWARE

ATTENDANCE POLICY

Objective: This policy is intended to supplement the Judicial Personnel Rules (JPR) in matters relating to annual leave, sick leave, tardiness, and failure to honor a denial of a leave request.

Statement: All employees of the Superior Court of the State of Delaware are required to report to work on time and to remain at work until the end of each scheduled work day, unless the employee has received approval for the use of available annual or sick leave.

Procedure:

Annual Leave:

1. Employees must obtain approval for the use of annual leave, in advance, from their immediate supervisor, except in the case of an emergency. See Judicial Personnel Rule (JPR) 5.7.2 for a complete definition of emergency. Under no circumstances shall an immediate supervisor approve requests for annual leave where the employee does not have sufficient time to cover the absence.
2. Requests for annual leave may be denied based on operational needs. The supervisor is responsible for responding to the employee's request as soon as practically and reasonably possible.
3. In the case of an emergency where the employee cannot report to work as scheduled, the immediate supervisor shall be notified within the first hour of absence or as soon as practical. Failure to do so may result in the absence being designated as an unauthorized absence. (JPR 5.7.2)
4. Employees who call off on annual leave, outside of an emergency, who have not received prior approval may be charged with an unauthorized absence. (JPR 5.7.2)
5. Employees who call off on annual leave, in an emergency, who do not have enough leave to cover the absence may be charged with an unauthorized absence. (JPR 5.7.2)

Sick Leave:

1. Employees must obtain approval for use of sick leave, in advance, from the immediate supervisor, except in cases of sudden illness or medical emergency. Under no circumstances shall an immediate supervisor approve requests for sick leave where the employee does not have sufficient time to cover the absence. This excludes employees who have a qualified absence under the Family and Medical Leave Act (FMLA). Medical documentation verifying the need for sick leave and/or the employee's ability to return to work may be requested by the supervisor. (JPR 5.3.2)
2. In the case of sudden illness or medical emergency where the employee cannot report to work as scheduled, the immediate supervisor shall be notified within the first hour of absence or as soon as practical. (JPR 5.3.2) Failure to do so may result in the leave being designated as unauthorized and the employee being charged with an unauthorized absence. (JPR 5.3.2)
3. Employees who do not have enough sick leave to cover a medical absence may request to use annual leave, approval of which will be at the supervisor's discretion.
4. Employees who call in sick and have no sick or annual leave accrued will be charged with an unauthorized absence. This excludes employees who have a qualified absence under the FMLA, Short Term Disability leave or Worker's Compensation. (5.7)

Tardiness:

Tardiness may be considered an unauthorized absence. Absences for a fraction of an hour shall be rounded up in one quarter (1/4) increments and charged against annual leave.

Failure to Honor a Denial of a Leave Request:

An employee who fails to honor a denial of a leave request may be subject to disciplinary action beginning at the fourth offense as stated within the progressive discipline steps.

Progressive Discipline:

The progressive discipline steps listed below are designed to provide the employee with notice that conduct in violation of this policy could result in disciplinary action. These steps are intended as a guideline to be used to correct a problem.

1 st Offense	Verbal warning and loss of pay for the period of the unauthorized absence.
2 nd Offense	Verbal warning and loss of pay for the period of the unauthorized absence.
3 rd Offense	Written reprimand and loss of pay for the period of the unauthorized absence.
4 th Offense	Written reprimand, loss of pay for the period of the unauthorized absence, and a one-day suspension without pay.
5 th Offense	Written reprimand, loss of pay for the period of the unauthorized absence, and a three-day suspension without pay.
6 th Offense	Written reprimand, loss of pay for the period of the unauthorized absence, and a five-day suspension without pay.
7 th Offense	Written reprimand, loss of pay for the period of the unauthorized absence, and a ten-day suspension without pay.
8 th Offense	Dismissal

Date Established: 12/07/06
Date updated: 1/18/16

I have received a copy of this policy.

Employee's Printed Name

Employee's Signature

Date