



Departmental Standard Operating Procedure (DSOP)

DSOP No. 22-01

Origination Date: January 1, 2022

Amended and Effective: January 1, 2023

SUBJECT: MIAMI-DADE AVIATION DEPARTMENT ATTENDANCE POLICY FOR OPERATIONS DIVISIONS (LANDSIDE, TERMINAL, AIRSIDE, AND SAFETY AND SECURITY)

PURPOSE: To establish a uniform policy and procedure for managing absenteeism and tardiness that impacts all hourly Aviation employees in Miami-Dade Aviation Department (MDAD) Operation Divisions. Through the development of this policy, Department management is establishing a plan towards reducing infractions of unscheduled sick/annual leave, tardiness, and time clock errors, while ensuring fairness and consistency with the related progressive disciplinary process.

This policy was implemented on January 1, 2022. The amendments to this policy will be effective January 1, 2023. Employees who received verbal counseling(s), a Record of Counseling (ROC), or a Disciplinary Action Report (DAR), and incurred attendance infractions in 2022 will be issued appropriate progressive disciplinary action.

I. AUTHORITY:

- A. Article 16: Hours of Work – AFSCME Local 1542 Collective Bargaining Agreement
- B. Operational Directive No. 99-03, Aviation Department Written Directive System
- C. Departmental Standard Operating Procedure No. 00-01, Departmental Standard Operating Procedures
- D. Chapter 25-1.2 Miami-Dade County Code, Chapter 25 Miami-Dade Aviation Department Rules and Regulations
- E. Fair Labor Standards Act (FLSA)
- F. Family Medical Leave Act (FMLA)
- G. Miami-Dade County Leave Manual
- H. Miami-Dade County Procedure No. 422: Job Abandonment

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II. DEFINITIONS:

- A. Absenteeism – Chronic failure to consistently report to work or remain at work as scheduled.
- B. Fair Labor Standards Act (FLSA) – The Federal law that establishes minimum wage and overtime standards for employees.
- C. Family Medical Leave Act (FMLA) – Absences due to illness or injury which qualify under FMLA and will not be counted against an employee’s attendance record.
- D. Job Basis – Job classifications that are not eligible for overtime compensation.
- E. Leave Restriction – Employees will be placed on leave restriction when they do not report to work as scheduled, frequently calling in sick or annual, and not producing a doctor’s note or documentation to excuse absences of more than sixteen (16) hours of unauthorized leave.
- F. Mandatory Overtime – Overtime required in case of emergency situations or due to operational need where the reasonable efforts to seek volunteers has failed. Mandatory overtime is to be assigned in reverse seniority order.
- G. MDAD – Miami-Dade Aviation Department
- H. Non-Job Basis/Hourly Employees – Job classifications that are eligible for overtime compensation.
- I. Pattern Absenteeism – Unscheduled absences the day before or after a scheduled day off such as a weekend, a scheduled holiday, a vacation, a desirable day off, or a specific day of the week.
- J. Scheduled Absence – An absence that has been approved at least twenty-four (24) hours in advance by the employee’s supervisor and in accordance with Division procedures (e.g., approved annual leave, sick leave, floating or birthday holidays, jury duty, military related leave, bereavement leave, FMLA leave, and disability leave).
- K. Unscheduled Absence – An absence that was not scheduled and approved by management and cannot be substantiated via reasonable explanation, supportive documentation and/or supervisor verification.

Unauthorized PAR Codes:

- i. Unauthorized (Call In) (PAR Code: “U”) – Indicates an unauthorized absence without pay that was not authorized.
- ii. Unauthorized (No Call) (PAR Code: “UN”) – Indicates an unauthorized absence without pay, distinguishing those employees who do not call in.

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- L. Unchargeable Tardy – When an employee arrives less than seven (7) minutes late to work or returns to work more than five (5) minutes after scheduled time but less than seven (7) minutes late from lunch and/or breaks.

III. POLICY:

This policy applies to all Non-Job Basis employees assigned to the MDAD Operation Divisions. Operations employees are expected to adhere to established work schedules to maintain efficient and effective operations which can be adversely impacted by absenteeism and tardiness. Operation employees failing to comply with this attendance policy will have it addressed in their annual performance evaluations which may also result in absences or tardiness being denoted as Leave Without Pay. Non-compliance actions can also lead to disciplinary action up to and including dismissal from County service.

All MDAD employees are expected to report for duty as scheduled and to be ready for work at their assigned starting time, in complete uniform, possessing any required tools, materials, documents, identification, to fulfill assigned responsibilities. Failure to be prepared to perform job duties will result in employees being sent home on their own time. Should an employee fail to return to work, they may be subject to receiving unauthorized leave.

IV. PROCEDURES:

Operations Division management (i.e., Division Directors, Chiefs, Supervisors) is responsible for informing and reviewing the policy with their division employees of this Aviation Operations Attendance Policy, and assuring all policies are accessible and in compliance by division employees. All employee communication is to be documented on a Personnel Record Summary and/or Attendance Report.

A. GENERAL REQUIREMENTS:

1. Employee work responsibilities are to commence at their assigned starting time through the end of their workday.
2. Employees are to make every effort to call in prior to the start of their assigned work shift to report late arrivals. Failure to call in will result in employees being charged Unauthorized No Call (UN).
3. If an employee has concerns as to whether a swipe was properly accepted, they are required to promptly notify their direct supervisor to review the swipe for any discrepancies.
4. Employees are required to work scheduled or mandatory overtime.
5. Employees are required to report to work on scheduled County holidays.
6. Employees are required to work their full scheduled shift on scheduled County holidays.

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B. EMPLOYEE RESPONSIBILITIES AND GUIDELINES:

1. Employees must submit and have documented approval for Leave to be considered Scheduled Leave.
2. Employees are required to notify their immediate supervisor or designee whenever they will incur an unscheduled absence, arrive late, or need to leave early. This is considered Unscheduled Leave.
3. For an absence charged to Annual Leave (AL) to not be considered as unscheduled, eight (8) hours advance notice is required, and it must be approved by a supervisor in accordance with the respective division's minimum staffing Standard Operating Procedure.
4. Non-Job Basis employee time is captured utilizing the Department's TimeTrak System, which is the Department's official time keeping record. Employees are expected to swipe in and out to maintain an accurate record of their time and attendance.
5. Swiping in or out for another employee or allowing another employee to swipe in or out for that employee is considered a policy infraction which will result in disciplinary action, up to and including dismissal from County service.
6. Employees are required to swipe in and out at their designated TimeTrak System clock at the start of a shift, when a break is taken, when returning from a break (as applicable), and at the end of a shift, except for operational field personnel who do not swipe in and out for breaks. Failure to swipe in or out at the designated TimeTrak clock(s) will result in appropriate administrative action.
7. When an hourly employee is off from work due to a reason other than a pre-approved scheduled leave, the employee must call in or speak to a supervisor or designee.
8. Employees shall notify their supervisor when they have excessive annual leave hours that may be forfeited if not used by leave anniversary date.

C. MANAGEMENT RESPONSIBILITIES AND GUIDELINES:

1. Division management shall communicate this Attendance Policy to all Aviation Department employees under their supervision and advise of its accessibility for reference.
2. Division management shall acknowledge good attendance for reinforcement.
3. Division management shall uniformly enforce this Attendance Policy to maximize operational effectiveness.

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4. Division management shall ensure all absences, late arrivals, and early departures are properly recorded in the employee records to include supporting documentation and any action taken.
5. Division management shall review and respond to employee requests for time off within 72 hours if request is made at least 30 days prior to leave date(s) requested.
6. Division management shall review for patterns of abuse or misuse of sick or annual leave, late arrivals, early departures and/or failure to swipe in and out. Examples of patterns: same day each week, before or after assigned days off, after payday, or excessive/frequent use. Employee absence records are to be reviewed no less than monthly. For individuals that have attendance problems, bi-weekly reviews are required until the employee shows signs of improvement.
7. Division management is required to inform its staff of which TimeTrak System clock(s) they are required to utilize for arrivals and departures.
8. If Division management suspects that an employee may be abusing FMLA, they are to contact MDAD's Human Resources Division (MDAD HR) for guidance.

D. TIMETRAK TIME REPORTING:

1. Time reporting elements are as follows:
 - i. Time is captured in 15-minute increments: .25, .50, .75, and 1:00.
 - ii. If there is a seven (7) minute or less variance from the quarter hour when clocking in, the TimeTrak System will result in the time being rolled back to the closest quarter hour in the elapsed timesheet.
 - iii. If there is an eight (8) minute or more variance from the quarter hour when clocking in, the TimeTrak System will result in the time being rolled forward to the closest quarter hour in the elapsed timesheet.
2. The following procedures are to be followed when an employee expects to be late for work and/or fails to swipe in or out on the TimeTrak timeclock:
 - i. Late seven (7) minutes or less – Employee must call their division's applicable Control Center or designee to advise of the situation. If the designee is unavailable, the employee must leave a voice message. Although these incidents are not considered chargeable, an employee is still considered tardy, and each incident will be recorded and monitored. Within a 12-month period, employees with three (3) late arrivals that are seven (7) minutes or less, will be verbally counseled. If employees incur six (6) late arrivals within the 12-month period, their continuous occurrences will be recorded on a Personnel Record Summary (PRS). If employees incur nine (9) or more late arrivals with the 12-month period, it will result in appropriate administrative action and will be reflected in an employee's annual performance evaluation. Below are the recommended

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benchmarks to downgrade an employee's performance evaluation in the "Work Habits" category:

- Six occurrences – Downgraded one level
- Nine occurrences – Downgraded two levels
- Twelve or more occurrences – Unsatisfactory Rating

Occurrences will be recorded and monitored every 12-months during an employee's applicable performance rating period. If an employee incurs less than six (6), or no occurrences the following rating period, they may be eligible to receive a "Satisfactory" if their performance rating was downgraded to a "Needs Improvement" or "Unsatisfactory." If the employee incurs less than six (6), or no occurrences for two (2) consecutive performance rating periods, they may be eligible to receive an "Above Satisfactory" in the "Work Habits" category.

- ii. Late eight (8) minutes or more – Employee must call their division's applicable Control Center or designee to advise of the situation. If the designee is unavailable, the employee must leave a voice message. Incidents will result in employees being charged an infraction for each late occurrence and appropriate administrative action will be administered and reflected in an employee's annual performance evaluation.
 - iii. Fails to swipe in or out – Employee must notify their direct supervisor or designee immediately to advise them of the situation so their arrival and/or departure time can be properly recorded.
3. Employees are considered tardy if they are not ready or not already working at their workstation/post at the beginning of their assigned work schedule.
4. Employees will be required to verify their swipes to warrant that the swipes are accepted in the TimeTrak System. Employees are to refer to their respective Divisional Standard Operating Procedures (SOP) for instructions on how to verify TimeTrak swipes.
5. Employees are not to make multiple swipes to warrant that the original swipe registered. This will require management to review and research the unnecessary swipes and eliminate them from the TimeTrak System.
6. Employees who are having problems swiping in or out are to immediately notify their supervisor or division management. If there is no supervisor or division management on duty, employees are to notify their supervisor via email. Once reported, employees are to contact extension 5900 to report any problems not resulting from human error.

E. UNSCHEDULED LEAVE:

1. Once the employee speaks to a supervisor or designee, the supervisor or designee shall record the employee's leave time according to his/her situation. If the employee has been approved for FMLA, the supervisor must confirm if the

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situation is related to his/her FMLA and if so, the supervisor or designee must utilize the correct code (SF, AF or WF) for the FMLA leave, as indicated by MDAD HR. Otherwise, code the employee as "S" Sick or "A" Annual.

2. Employees who fail to call in to report they will not be coming into work will have the day coded Unauthorized No Call "UN".
3. For unscheduled leave, proof of illness and/or medical condition(s) may be required by the employee's supervisor and coordinated through the MDAD HR. Only MDAD HR is authorized to maintain employee medical documentation. All medical documentation is to be submitted to MDAD HR prior to or up to three (3) days from an employee returning to the workplace. All medical documentation will be verified by MDAD HR. If determined that the documentation is fraudulent, the employee will be subject to appropriate administrative action. Any medical documentation submitted after the allotted three (3) days will not be accepted nor reviewed by MDAD HR.

F. INFRACTION TIERS:

The following tiers are intended to establish a standard for administering administrative action for attendance infractions which are individual occurrences of Unauthorized Absence (Annual or Sick Leave), Late Arrivals, Early Departures, and Failure to Swipe In or Out.

1. **First Tier** – Within a twelve (12) rolling month period, employees with six (6) attendance infractions will be verbally counseled. The verbal counseling will be recorded on a Personnel Record Summary. If employees incur less than six (6) attendance infractions within a twelve (12) calendar month period, employees' attendance occurrences will be monitored and tracked again starting January 1st of each year.
2. **Second Tier** – Within a twelve (12) rolling month period, employees with twelve (12) attendance infractions after being verbally counseled will receive a Record of Counseling (ROC). If no further combined attendance infractions, or administrative action for performance and/or behavior occurs during a twenty-four (24) rolling month period, and depending on an employee's current disciplinary history, the employee may return to the first tier.
3. **Third Tier** – Within a twenty-four (24) rolling month period, employees with fifteen (15) attendance infractions after receiving an ROC will receive a DAR (Written Reprimand) and placed on Leave Restriction. If no further combined attendance infractions, or administrative action for performance and/or behavior occurs during a twenty-four (24) rolling month period, and depending on an employee's current disciplinary history, the employee may return to the first tier.
4. **Fourth Tier** – Within a twenty-four (24) rolling month period, employees with eighteen (18) attendance infractions after receiving a DAR (Written Reprimand) will receive a five (5) day suspension and remain on Leave Restriction. Continuous attendance infractions may result in being charged Unauthorized Leave "U" and

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receiving progressive disciplinary action, up to and including dismissal from County service.

G. SCHEDULED ANNUAL AND SICK LEAVE APPROVAL PROCESS:

1. To be approved for annual or sick leave, employees **must** have the applicable accrued leave available at the time the leave is requested. Failure to have available accrued leave hours may result in the leave being denied. Examples of authorized absences are:
 - i. Funeral Leave
 - ii. Family Medical Leave Act (FMLA) / Leave of Absence
 - iii. Jury Duty
 - iv. Job Injury
 - v. Military Leave
 - vi. Pre-approved leave through the Division's Leave Approval process
 - vii. Required Court Appearances
 - viii. Union Business that has been approved by Labor Relations, MDAD HR and the respective Division
 - ix. Sick Leave covered by a doctor's note
 - x. Other circumstances approved by a Division Director with supporting documentation
2. Employees may submit leave requests during bids for vacation for leave to be taken when their leave conversion occur. However, if the employee does not have sufficient accrued leave to cover the hours requested, their leave may be denied.
3. In the event the employee has a verifiable emergency or unforeseen circumstance (personal doctor's appointment, doctor's appointment for a family member, death of a family member or friend) the employee must provide supportive documentation for review and approval by their Division Director.

H. WELLNESS CALLS:

1. Calls that will be conducted by an employee's supervisor when an employee is absent two (2) consecutive days and fails to communicate the reason(s) for the absence.
2. If it is determined an employee is absent due to a medical matter, they will be advised to contact MDAD HR for guidance.

I. DOCUMENTATION TO BE CLEARED TO RETURN TO WORK:

Employees who are out sick for three (3) or more consecutive days, and the absences are not related to a current approved FMLA, are required to submit a doctor's note and/or supportive documentation to be reviewed and cleared by MDAD HR to return to work.

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J. JOB ABANDONMENT:

When an employee fails to call or report to work for three (3) consecutive days, such unscheduled absence may be considered a resignation by Job Abandonment. Supervisors are directed to begin the abandonment process immediately upon an employee's failure to report their absence from work. MDAD HR will provide guidance and assistance concerning issues related to Job Abandonment.

K. EMPLOYEE WORK SCHEDULES:

1. Employee work schedules are determined by the employee's Division Management. Schedule changes are to comply with Article 16: Hours of Work, AFSCME Local 1542 Collective Bargaining Agreement.
2. For the purpose of time keeping, employees attending Department approved meetings, training, and seminars are considered as time worked.
3. Non-Job Basis employee will be compensated for time worked in excess of their normal work schedule at an overtime rate.
4. Overtime hours will be assigned and approved by Division Management.

V. EXCEPTIONS:

- A. This policy does not apply to employees approved for FMLA. If employees exhaust their approved FMLA leave, this policy will be applied.
- B. The Job Abandonment procedure is only applicable to employees with classified service rights, or for exempt employees who previously attained permanent status in the classified service.
- C. Management will impose appropriate disciplinary action based on the nature of an infraction committed and in accordance with Administrative Order No.: 7-3: Disciplinary Action.

VI. ENFORCEMENT:

- A. MDAD does not accept any liability when actions are in violation of this policy.
- B. Employees who violate this policy will be subject to corrective and/or disciplinary actions as defined and deemed appropriate by Department Management.

VII. AMENDMENTS:

The Department reserves the right to amend this operating policy at any time based on current law, Miami-Dade County policies and operating needs.

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VIII. REVOCATION:

Revocations and removal of established Department policies requires written justification by requesting division management for review and concurrence by the Department's Professional Compliance Division. Upon written concurrence, the revocation request will be submitted by Professional Compliance for approval by the Aviation Director. Should the written directive be an Operational Directive, the authorized revocation justification will be sent to the Clerk of the Board for filing with the original Operational Directive under revocation. All approved revocation justification memoranda shall be posted to the Department's Written Directives Log to identify why the directive has been revoked to maintain ongoing operational accountability and transparency.

IX. SEVERABILITY:

If any court of competent jurisdiction determines that any provision in this policy is illegal or void, that provision shall be nullified, and the remainder of this policy shall continue in full force and effect. If such court rules that any charge, fee, or security deposit requirement is illegal or void, the Aviation Director is authorized and directed to impose a charge, fee, or security deposit requirement that complies with the court order or applicable provisions of law, which shall become effective on the date of imposition and shall continue until modified by the Miami-Dade County Board of County Commissioners.

Approved By:



Ralph Cutié, Aviation Director

Date: 12/30/2022