



National Institute for Occupational
Safety and Health
Robert A. Taft Laboratories
4676 Columbia Parkway, R-12
Cincinnati OH 45226-1998

December 8, 2009

HETA 2010-0003

Debi Honer
Human Resources Director
Central Peninsula Hospital
250 Hospital Place
Soldotna, Alaska 99669

Dear Ms. Honer:

On October 9, 2009, the National Institute for Occupational Safety and Health (NIOSH) received a request for a health hazard evaluation from three employees of the Central Peninsula Hospital (CPH) concerning an attendance policy instituted in November 2008. The employees believed that the leave policy, titled CPH Policy HR-304, encourages employees to come to work when they are ill and remain at work when they are experiencing symptoms because of consequences of taking sick leave. They were especially concerned about the employee leave policy conflicting with the Centers for Disease Control and Prevention (CDC) guidelines concerning novel H1N1 influenza and sick leave [<http://www.cdc.gov/h1n1flu/business/guidance/>].

On November 9, 2009, I received the CPH Policy HR-304 document, which outlines the hospital's leave policy. On November 18, 2009, I sent you an email with questions about the document and received some clarification. The six-page employee leave policy document addresses four areas: 1) Scheduled Time Off, 2) Unscheduled Absence, 3) Timeliness, and 4) Job Abandonment.

Overall, the CPH Policy HR-304 document discourages employees from taking sick. According to the policy, employees will receive "occurrences" for unscheduled absences. These "occurrences" are similar to workplace "demerits," which accumulate over a period of time, and are used to determine "corrective action" by the hospital. Based on the number of absences, these "corrective actions" can be a verbal warning, written warnings, or termination of employment.

Currently the U.S. Department of Health and Human Services, the CDC, and NIOSH have each developed new guidelines for businesses. These guidelines address policies for employee compensation and sick leave during the 2009 H1N1 influenza outbreak and other pandemics. NIOSH also has developed guidance for employees regarding sick leave and symptom reporting in general. Each guideline states that workplace policies regarding reporting of illness and sick leave should not be punitive so that employees avoid bringing illness into the workplace and are able to attend appropriately to their illness. During this 2009 H1N1 outbreak, the CDC has also recommended against employers requiring a doctor's note before allowing an employee to return to work. This means that employers may find themselves in the position of taking the word of

employees that they are ill. Your hospital policy seems to be inconsistent with these recommendations and should be re-evaluated.

Having a hospital policy which uses a demerit system for unscheduled absences may impact in other ways, including discouraging workers to take off time for work-related acute injuries, such as back pain, and not just communicable illness. Also, incurring penalties ("occurrences") for non-scheduled absences, which count towards suspension or eventual termination, may discourage employees from taking leave when they are ill later in the year when they may have accrued close to the number of days when they will be penalized. Workers should be encouraged to stay away from work when they are ill, a policy which should be a key component to an effective health and safety program. Employees should also not accrue penalties when they reasonably request unscheduled absences for medical appointments, evaluations, or treatments.

The U.S. Government is not alone in recommending that employees develop non-punitive employee leave policies. The American Public Health Association also recommends that employers and companies set policies that encourage sick workers to stay home away from the workplace, and encourage businesses to develop non-punitive leave policies^a. I recommend that you closely review your sick leave policies in light of the guidelines discussed above. The current policy of accruing demerits is a punitive approach to sick leave. Policies need to be flexible and non-punitive. The following websites may be useful to you:

2009 H1N1 Influenza Resources for Businesses and Employers:

<http://www.cdc.gov/h1n1flu/business>

CDC/NIOSH Occupational Health Issues Associated with 2009 H1N1 Influenza Virus

<http://www.cdc.gov/niosh/topics/h1n1flu/>

HHS Influenza Planning

www.flu.gov/plan/workplaceplanning/index.html

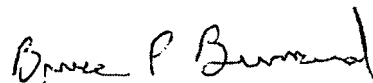
Worker Safety and Health Guidance for a Pandemic

www.osha.gov/dsg/topics/pandemicflu/index.html

This letter closes our file on this health hazard evaluation request.

Thank you for your cooperation with this evaluation. If you have any questions, please do not hesitate to call me at (513) 841-4589, or reach me by email at bbernard@cdc.gov.

Sincerely yours,



Bruce Bernard, M.D., MPH
Medical Section Chief
Hazard Evaluations and Technical
Assistance Branch
Division of Surveillance, Hazard
Evaluations and Field Studies

cc: Brenda Trefren

Policy Title: Attendance and Timeliness

Effective Date: 11/08

Policy #: HR - 304

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Policy Statement: In order to support the commitment of Central Peninsula Hospital /Heritage Place to provide the highest level of service, each department director is responsible to establish work schedules, work times, and monitor the attendance of each staff member.

Responsibility: It is the responsibility of each staff member to report ready to work, at their scheduled time for each scheduled shift.

Definitions:

1. **Scheduled Time Off:**
An absence of which the individual's supervisor has been notified in advance, and has obtained approval for absence or late arrival.
2. **Absence:**
Unscheduled absence from work for any scheduled shift, for a period equal to or greater than one-half of the scheduled shift is considered an absence occurrence. When a staff member is absent consecutive days of scheduled work due to the same sickness, injury or approved personal reasons, it will be counted as one absence occurrence.
3. **Timeliness:**
Staff are expected to be present at their workstations or duties at the scheduled start time, when returning from breaks and/or meal periods, approved departures from work, and to remain at work for duration of scheduled shift. Failure to comply with timeliness expectation is considered tardiness.
4. **Job Abandonment:**
Absences of three (3) consecutive scheduled shifts. In most circumstances, daily contact with the supervisor is required, unless other arrangements have been approved by the supervisor.

ATTENDANCE

Scheduled Time Off

All Central Peninsula Hospital/Heritage Place staff members are encouraged to take scheduled time off. Supervisors and staff members are expected to work together to schedule periods of time off. Scheduled time off is arranged at the mutual convenience of the department and the staff member. It is also based upon the operational needs of the department. To help employees comply with the CPH/HP standards for attendance, Supervisor and Directors are expected to work with employees to uncover the reasons for any attendance problems and to encourage voluntary changes.

Each department or unit will create guidelines regarding the amount of advance notice required for an absence to be considered as a "scheduled absence". These guidelines must be in writing, approved by Human Resources, and communicated to all department staff.

This form of time off includes absences such as vacations, holidays, personal days, medical or dental appointments, extended bereavement leaves, and all types of approved leaves of absence covered under HR Policy – 502, Leaves of Absence.

Staff members must notify their supervisor and gain approval as early as possible when wishing to schedule time off from work - whether paid or unpaid. It is not guaranteed that a supervisor will approve a request for time off due to pre-paid travel arrangements.

Unscheduled Absence

If a staff member is unable to report to work for a scheduled shift due to illness or other causes, he or she must notify their supervisor according to their department's notification procedures. Any absence from a scheduled shift is considered an unscheduled absence.

Each department or unit will create guidelines regarding notification procedures required for an "unscheduled absence". These guidelines must be in writing, approved by Human Resources, and communicated to all department staff.

When a staff member notifies their supervisor of an unscheduled absence that is health related regarding the staff member, or an immediate family member, involving hospitalization, or any absence that is expected to last for more than three days, the supervisor should contact Human Resources to assess for applicability of Family Medical Leave. (See HR 502 - Leaves of Absence).

Unless they have made other arrangements with their supervisor(s), staff member is required to call in each day during any period of absence. If a staff member has an unscheduled absence lasting three (3) consecutive scheduled work shifts, and the staff member does not stay in contact with the supervisor as above, the staff member's job will be considered as "abandoned" and his or her employment will be terminated.

Staff members returning to work following an absence of three (3) days or more, due to illness may be required to provide a health care provider's certificate releasing the staff member to return to work citing any restrictions and when full return to work is approved.

TIMELINESS

KRONOS time keeping clocks are the approved method of recording staff members' worked time. In accordance with our approved 7 (seven) minute rounding on the KRONOS reporting system, a tardy is defined as punching in AFTER the 7 (seven) minute rounding as recorded on the KRONOS clock. Each staff member is expected to be at his/her work station, ready for work, at the start of each shift. If a staff member fails to report to the assigned work station at the scheduled time or departs early from work, he or she is considered "tardy." This applies to returning to work after breaks and meal periods. If a staff member is unable to report to work for a scheduled shift due to illness or other causes, he or she must notify their supervisor according to department notification procedures.

Late arrivals to work, late returns from departures from work, failure to report back to work or failure to remain at work during one's scheduled working time for that day are each defined as a Tardy occurrence.

MISSED TIME CLOCK PUNCH

KRONOS time keeping clocks are the approved method of recording staff members' worked time. Reporting work time accurately is the responsibility of each staff member and is an expectation of performance. Failure to record work time results in processing delays and may require modification to payroll. Failure to punch in at the start of the shift, at the end of the shift and at any time when leaving or returning to work during an assigned shift, or in instances that involve leaving the campus on personal business, are each defined as a Missed Punch occurrence. Missed punches that are the direct result of an employee responding to an organizational emergency (i.e. patient care) may be allowed at the Department Directors discretion. Instances that involve both a Tardy and a Missed Punch will be handled as separate occurrence and recorded accordingly.

WELLNESS BENEFIT

In order to encourage and reward employees for perfect attendance, bonus PTO hours will be awarded to every full and part-time status employee who did not have an unscheduled absence, or use IAP during the previous six (6) months. Each eligible employee will receive an additional PTO hour's credit of up to a maximum of twelve (12) hours per six (6) months period on July 1 and January 1 of each year. Per Diem staff is not eligible for this benefit.

ACCOUNTABILITY FOR ATTENDANCE

Unscheduled absences as defined above are assessed as an occurrence. Occurrences are cumulative over a rolling 12-month period starting from the first occurrence, and will be removed from the employees' record at the end of the rolling twelve (12) months.

CORRECTIVE ACTION GUIDELINES FOR ABSENCE OCCURRENCES

The following provides guidelines for notification and corrective action steps based on the accumulation of unscheduled absence occurrences.

6 cumulative occurrences – Verbal Warning

Accumulation of unscheduled absence occurrences totaling six (6) occurrences under this policy, the Director will be required to provide a verbal notice of the cumulative value to the staff member and advise them of the consequences of continued accumulation within the rolling 12 month period.

7 cumulative occurrences - 1st Written Warning

Accumulation of unscheduled absence occurrences totaling seven (7) occurrences under this policy, the Director will be required to provide a written notice of the cumulative value to the staff member and advise them of the consequences of continued accumulation within the rolling 12 month period.

8 cumulative occurrences - Final Written Warning

Accumulation of unscheduled absence occurrences totaling eight (8) occurrences under this policy, the Director will be required to provide a final written warning of the cumulative value to the staff member. This written warning will advise the staff member of the consequences of continued accumulation within the rolling 12 month period to include notice that upon reaching the policy limit of nine (9) cumulative occurrences within the rolling 12 month period, the staff member is subject to termination of employment.

9 cumulative occurrences – Termination of Employment

At the accumulation of unscheduled absences totaling nine (9) occurrences under this policy, and all of the prior notifications steps have been documented, the staff member is subject to immediate termination of employment.

ACCOUNTABILITY FOR TARDY AND MISSED PUNCHES

Tardy and Missed Punches as defined above are assessed as an occurrence. Occurrences are cumulative over a rolling 12-month period starting from the first occurrence, and will be removed from the employees' record at the end of the rolling twelve (12) months.

CORRECTIVE ACTION GUIDELINES FOR TARDY AND MISSED PUNCH OCCURRENCES

The following provides guidelines for notification and corrective action steps based on the accumulation of Tardy and Missed Punch occurrences.

12 cumulative occurrences – Verbal Warning

Accumulation of Tardy and Missed Punch occurrences totaling twelve (12) occurrences under this policy, the Director will be required to provide a verbal notice of the cumulative value to the staff member and advise them of the consequences of continued accumulation within the rolling 12 month period.

14 cumulative occurrences - 1st Written Warning

Accumulation of Tardy and Missed Punch occurrences totaling fourteen (14) occurrences under this policy, the Director will be required to provide a written notice of the cumulative value to the staff member and advise them of the consequences of continued accumulation within the rolling 12 month period.

16 cumulative occurrences - Final Written Warning

Accumulation of Tardy and Missed Punch occurrences totaling sixteen (16) occurrences under this policy, the Director will be required to provide a final written warning of the cumulative value to the staff member. This written notice will advise the staff member of the consequences of continued accumulation within the rolling 12 month period to include notice that upon reaching the policy limit of eighteen (18) cumulative occurrences within the rolling 12 month period, the staff member is subject to termination of employment.

18 cumulative occurrences – Termination of Employment

At the accumulation of Tardy and Missed Punch occurrences totaling eighteen (18) occurrences under this policy, and all of the prior notifications steps have been documented, the staff member is subject to immediate termination of employment.

Cumulative Occurrences under this policy are separate for Unscheduled Absence and Tardy and Missed Punches. Cumulative occurrences for Tardy's and Missed Punches, **only**, are combined under the corrective action guidelines. The two sections are not added together under the corrective action guidelines.

Human Resources Vice President

Date

Review Dates:

Revision Dates: 1/98; 9/01; 4/04; 7/07; 9/08