



# LEAVE RESTRICTIONS

PERSONNEL MANUAL ISSUANCE SYSTEM

**dchr**

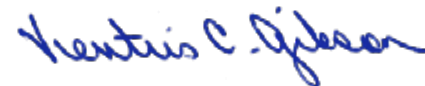
**DISTRICT PERSONNEL  
ISSUANCE No. 2018-11**

Effective Date:  
June 5, 2018

Related DPM Chapters:  
12

# Overview

The District government provides its employees a competitive benefits package that includes a generous leave package. Most employees make proper use of unscheduled leave in order to tend to emergencies or illnesses. However, occasionally an employee may abuse the District's unscheduled leave policies, for instance, by calling out frequently to avoid undesirable shifts or work responsibilities. When there is substantial evidence that an employee is abusing unscheduled leave, an immediate supervisor may restrict the employee's unscheduled leave usage for up to ninety (90) days. This instruction provides a step-by-step explanation of the leave restriction process.



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Ventris C. Gibson, Director

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# Leave Restrictions

## Leave Restrictions

Whenever an employee's immediate supervisor identifies substantial evidence of a pattern or practice of leave abuse, the supervisor may place the employee on leave restriction. An employee on leave restriction may not take any form of unscheduled leave without first receiving the approval of their immediate supervisor or, if the immediate supervisor is not available, the approval of another supervisor in the employee's chain of command. If an employee takes unscheduled leave without prior approval, they will be placed in an Absence Without Leave (AWOL) status and shall be subject to administrative action as indicated in Chapter 16 of the District Personnel Manual. Additionally, if an employee on leave restriction takes unscheduled sick leave without approval, a supervisor may request that the employee provide proof that they were seen by a health care provider.

# Identifying Leave Abuse

## Identifying Leave Abuse

Maintaining compliance with the District's unscheduled leave policies is essential to government accountability and efficiency. Chronic absenteeism directly impacts productivity and inhibits the District's ability to provide services to city residents. Managers and supervisors must consistently monitor employee unscheduled leave usage and immediately address potential abuse. When there is substantial evidence that an employee has engaged in a pattern or practice of leave abuse, they may be placed on leave restriction.

Examples of leave abuse include, but are not limited to, taking unscheduled leave:

1. To avoid certain work shifts or work assignments;
2. When a personal emergency does not exist;
3. With such frequency that the employee is absent from duty for a part of the workday or an entire workday on a consistent and regular basis; or
4. With such frequency that it results in the employee being unavailable immediately before or after their scheduled day(s) off, such as before or after holidays and weekends.

## Leave Patterns and Other Evidence

Before managers and supervisors can restrict an employee's use of unscheduled leave, they must have substantial evidence that an employee has engaged in a pattern or practice of leave abuse. Substantial evidence may include, but is not limited to, time records, turnstile reports, management notes with specific dates the employee was late, or any information that establishes the employee used unscheduled leave for purposes other than what was reported to their supervisor.

### Example 1

Jill typically works the day shift but is required to work the night shift every Thursday. Her manager notices that she has consistently called out sick every other Thursday, and suspects that Jill is trying to avoid some of her night shifts.

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JUNE						
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 *Jill's Unscheduled Sick Leave Usage*

**Evidence:** A calendar of days that Jill took unscheduled sick leave shows that she has called out sick from the night shift every other Thursday for the last two (2) months.

## Leave Patterns and Other Evidence (Cont.)

### Example 2

Ben's AWS day is every other Friday, and he frequently calls out the business day before or after. Ben requested to take annual leave on May 24, but his manager denied his request due to coverage issues. After being denied annual leave, Ben calls out sick on the 24th and uses unscheduled sick leave for that day. His supervisor later receives reports that Ben posted a video of himself frolicking on the beach on that Thursday (24th).

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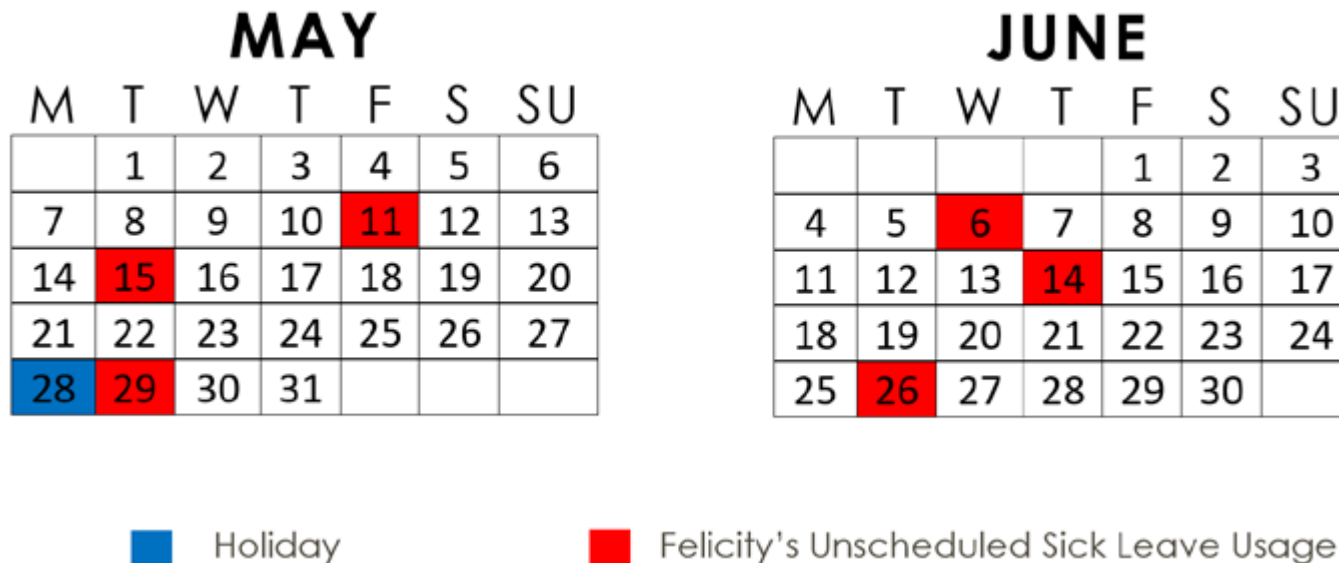
■ Holiday   
 ■ Ben's AWS Day   
 ■ Ben's Unscheduled Sick Leave Usage

- Evidence:** (1) A list of days Ben took unscheduled sick leave shows that he consistently called out sick on workdays following his AWS day;
- (2) A copy of a Facebook post from Ben on May 24<sup>th</sup> that says, "relaxing on the beach;" and
- (3) A copy of the email Ben received denying his request for annual leave for May 24<sup>th</sup>.

## Leave Patterns and Other Evidence (Cont.)

### Example 3

Felicity is scheduled to work Monday through Friday. She has no AWS or telework days, but is frequently absent 1-2 times per pay period.



**Evidence:** A list of days Felicity took unscheduled sick leave showing that she's called out sick on a consistent or regular basis, including after a holiday.



**Leave Management Toolkit:** Managers and supervisors may find it helpful to **generate an Absenteeism Report** to assist them in identifying patterns of abuse. Detailed information on how to generate a report along with general information on the leave management process can be found in the **Leave Management Toolkit** available on DCHR's intranet site via the following link: <https://dchr.in.dc.gov/node/10326>





# Administering Leave Restrictions

## Administering Leave Restrictions

Upon discovery of substantial evidence of a pattern or practice of suspected leave abuse, immediate supervisors have the option to place an employee on leave restriction using the following steps:

1. Determine if leave restriction is necessary
2. Gather evidence and place the employee on leave restriction
3. Notify the employee
4. Assess the employee's behavior
5. Lift the restriction

## Step 1: Determine if Leave Restriction is Necessary

Not all employees may be misusing unscheduled leave intentionally, or for frivolous purposes. Before placing an employee on leave restriction, supervisors should have an informal conversation with the employee about their frequent use of unscheduled leave to determine the cause. Additionally, when appropriate, supervisors should provide alternatives to leave restriction, such as changing their schedule, or if applicable, referring them to other resources such as the FMLA Coordinator or the Employee Assistance Program (EAP). An employee who continues to experience challenges with unscheduled leave usage should be verbally counseled.

## Step 2: Gather Evidence and Place the Employee on Leave Restriction

If there is a determination that leave restriction is necessary, the immediate supervisor should contact their HR office and gather the necessary substantial evidence and place the employee on leave restriction. Supervisors should administer leave restrictions in increments of thirty (30) days; the total duration of leave restriction may not exceed ninety (90) days.

## Step 3: Notify the Employee

Supervisors should notify the employee of the leave restriction in writing. The notice must clearly outline the expectations for standards of conduct, the employee's violations, expectations going forward, the period of leave restriction, and the conditions of leave restriction (See Attachment 1, Leave Restriction Notice).

## Step 4: Assess the Employee's Behavior

Before the expiration of an employee's leave restriction, the supervisor will assess the employee's behavior to determine if an additional thirty (30) day restriction is required. If the employee's attendance does not improve, the restriction may be extended in thirty (30) day increments up to a maximum period of ninety (90) days.

## Step 5: Lift the Restriction

If the employee's attendance improves, they should be notified in writing that the period of leave restriction has ended and they may resume requesting unscheduled leave, when necessary, in the usual manner.



**Disciplinary Actions:** While the period of restriction may be extended in thirty (30) day increments for a period not to exceed ninety (90) days, to allow the opportunity for the employee to improve their attendance, it does not prevent the manager or supervisor from taking disciplinary action.



# Legal

## Authorities

1. **Statutory Authority:** [D.C. Official Code § 1-612.01 et seq.](#)

2. **Regulatory Authority:** [Chapter 12 of the D.C. personnel regulations, Hours of Work, Legal Holidays, and Leave.](#)

## Applicability

This issuance applies to all employees in District government agencies subordinate to the Mayor's personnel authority. Independent personnel authorities may elect to follow the provisions of this issuance.

# Additional Information

For additional information concerning this instruction, please contact the DCHR's Policy and Compliance Administration, by calling (202) 442-9700 or by sending an e-mail to [dchr.policy@dc.gov](mailto:dchr.policy@dc.gov).