

ARTICLE III: DISCIPLINE

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**3.06 Leave Abuse**

**(a)** (i) Once an employee has not reported to work as scheduled four (4) times within the employee's twelve (12) month Attendance Period, the employee shall receive a first written notice; five (5) times within the employee's twelve (12) month Attendance Period, the employee shall receive a one (1) day suspension; six (6) times within the employee's twelve (12) month Attendance Period, the employee may be terminated.

(ii) Once an employee has reported to work late (*i.e.*, not appropriately dressed and at the employee's work station within the recognized grace period of six (6) minutes) four (4) times within the employee's twelve (12) month Attendance Period, the employee shall receive a first written notice; five (5) times within the employee's twelve (12) month Attendance Period, the employee shall receive a one (1) day suspension; six (6) times within the employee's twelve (12) month Attendance Period, the employee may be terminated.

(iii) If an employee reports to a scheduled shift but leaves prior to working one-half (1/2) of the employee's shift ("Early Departure") three (3) times within the employee's twelve (12) month Attendance Period, the employee shall receive a first written notice; four (4) times within the employee's twelve (12) month Attendance Period, the employee shall receive a one (1) day suspension; and five (5) times within the employee's twelve (12) month Attendance Period, the employee may be terminated.

(iv) A No Call/No Show shall subject an employee to an immediate two (2) day suspension. A second No Call/No Show within a rolling twelve (12) month period shall subject the employee to immediate termination, even if the employee's first No Call/No Show prevented the Hospital from providing the employee with notice of the initial two (2) day suspension prior to the second No Call/No Show.

(v) Where an extraordinary event impacting no less than several employees occurs which prevents the affected employees from reporting for work on time (*e.g.*, a shutdown of the subway, weather emergency or Hospital shuttle accident or breakdown), the Hospital in its discretion may determine that staff who as a result were late for their scheduled shift will not be considered tardy pursuant to (a) (ii) above. If the Union provides written notice of such an extraordinary event to the designated Hospital official within twenty-four (24) hours, this provision will apply. The Hospital's determination will apply to all the employees impacted by the event.

**(b)** Scheduled overtime shall be considered regularly scheduled time for purposes of determining if an employee has not reported to work as scheduled or reported to work late.

~~If an employee receives a suspension due to failure to report to work as scheduled or reporting to work late during any Attendance Period, the suspension will carry over into, and remain in effect, during the following Attendance Period.~~

**c** The foregoing shall not restrict the Hospital, in its discretion, in determining the appropriate level and nature of discipline based on the facts of each case and the Hospital may start at any level of discipline, or may skip or repeat disciplinary steps, depending on the nature and circumstances of the conduct involved.

**d** Employees who leave before the end of their shift after their manager or supervisor has instructed them not to leave will be considered insubordinate and subject to immediate termination.

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**e** Absence or an Early Departure due to statutorily protected leave, Bereavement Leave, Military Obligation, Jury Duty, and other circumstances including hospital confinement and work incurred injury or work incurred illness will not be recorded as leave abuse for purposes of corrective action.

**~~HOSPITAL PROPOSAL: WITH THE RETENTION OF THE PROCEEDING PARAGRAPH, THE JUNE 17, 2014 SETTLEMENT AGREEMENT RELATING THE REPORTING OF INTERMITTENT FMLA LEAVE WILL NO LONGER BE IN EFFECT AS OF JULY 1, 2022.~~**

**f** Consistent with Hospital policy, all terminations should be reviewed in advance by Human Resources. This review shall include a review of all the facts and circumstances of the particular employee's record.

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(v) Where an extraordinary event impacting at least three employees occurs which prevents the affected employees from reporting for work on time (*e.g.*, a shutdown of the subway, weather emergency or Hospital shuttle accident or breakdown), the Hospital in its discretion may determine that staff who as a result were late for their scheduled shift will not be considered tardy pursuant to (a) (ii) above. If the Union provides written notice of such an extraordinary event to the designated Hospital official within two (2) business days, this provision will apply. The Hospital's determination will apply to all the employees impacted by the event.

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~~If an employee receives a suspension due to failure to report to work as scheduled or reporting to work late during any Attendance Period, the suspension will carry over into, and remain in effect, during the following Attendance Period.~~

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