

SUBJECT: ATTENDANCE & PUNCTUALITY

**04/13/15
(Revised)**

Attendance and punctuality are essential to the efficient operation of the business. Good attendance and punctuality are also essential components of each Partner's job performance and are measured by objective standards. Poor attendance and tardiness disrupt productivity, customer service, and place an undue burden on other Partners who must perform additional duties.

During a Partner's employment, the Partner's supervisor(s) evaluates performance and provides feedback as appropriate. This evaluation is based on job performance, including attendance and punctuality. Each Partner shall be responsible for arriving to work at the correct time each day. On occasion, Partners may have reasons to be absent from work. On these occasions, Store Partners are expected to call and speak to a Supervisor a minimum of two (2) hours prior to the start of their shift on the first, and each subsequent day of absence. Partners must also indicate the reason and probable duration of the absence. Subject to applicable law, including the ADA and FMLA, excessive absenteeism or tardiness will result in disciplinary action and possible termination. Patterns of absenteeism, tardiness, or failures to call in at the expected notification time prior to the shift's start time, will be addressed on an individual basis.

Definitions

Subject to the above, the following are key definitions and guidelines comprising the basis for attendance and punctuality guidelines:

Occurrence – Any absence or tardy will result in one occurrence. Attendance and Punctuality occurrences are combined and will be documented together on the same rolling 12-month cycle.

Although Partners are responsible for arriving at the correct time and being present for the entire scheduled shift, we recognize that illness and unforeseen situations may occur. This is why we allow for a limited number of occurrences before disciplinary action is taken.

Absence – An absence occurs when a Partner, who is scheduled to work, does not report for work, but notifies their Manager, prior to the beginning of the scheduled shift. Partners are responsible for notifying their Manager, or Manager in charge, of their absences for each scheduled shift of work. Absences of one or more consecutive days for the same reasons will be documented with supervisor approval as a single occurrence unless they are the result of imprisonment.

FMLA Absence – In addition to timely notifying a Partner's Manager to report an absence, a Partner must report FMLA absences to Liberty Mutual at 800-896-5266, or on the web at www.mylibertyconnection.com. Absent unusual circumstances, the Partner should notify Liberty Mutual at the same time the Partner notifies his/her Manager, and not later than three (3) calendar days following the absence. Failure to do so could result in the absence being considered an occurrence.

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Tardiness/Punctuality – Punching in fifteen (15) minutes or more prior to or after the start of a scheduled shift, or punching out fifteen (15) minutes or more prior to the end of a shift, is considered an occurrence. Partners' shifts may be replaced if they have not reported or called within fifteen

(15) minutes of the scheduled start of their shift. Tardy Partners whose shift has not been filled will be allowed to complete their shift although this will result in one occurrence. Patterns of tardiness, of less than fifteen (15) minutes will be addressed on an individual basis. Patterns of failing to return from breaks or lunches in a timely manner will be addressed under H-E-B's Performance Management Policy (Guideline number 2.3).

No Call/No Show - A Partner who does not report for work and fails to notify their **Manager** prior to the start of their shift will be documented for a "No Call/No Show". Partner's shifts may be replaced if they have not reported or called within fifteen (15) minutes of the scheduled start of their shift. Tardy Partners whose shift has not been filled will be allowed to complete their shift, resulting in documentation for one occurrence, but **NOT** for a "No Call/No Show", regardless of whether the Partner notified their Manager.

A tardy Partner who fails to notify management Prior to the start of shift and whose shift has already been filled will not be permitted to work, resulting in a "No Call/No Show". Excluding extenuating circumstances, Partners who have a "No Call/No Show" will be documented as both a "40" rating for the first offense **and** one occurrence. Partners who fail to report for their scheduled shifts and who do not notify their manager for two (2) consecutive days will be considered terminated from employment. Any two "40" ratings received within a rolling 12-month period, for the same or different areas of accountability will result in termination.

The following will not be counted as an occurrence:

1. Partner requests a schedule change at least forty-eight (48) hours in advance and management approves the request.
2. Partner finds a qualified replacement for his/her scheduled shift and his/her Manager approves the request (as business needs permit).
3. Partner receives an approved military, personal, or medical leave of absence.
4. Partner is on approved vacation, personal holiday, jury duty, or funeral leave.
5. Partner is absent under FMLA ("Family and Medical Leave Act") for such matters such as a "serious health condition" affecting themselves or their child, step-child, spouse, and/or parent (NOTE: "Parent" includes mother and father only.); or because of any qualifying exigency arising out of the fact that the spouse, child, or parent of the Partner is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of contingency operation; or for eligible Service Member Family Leave.

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6. Partner with a qualifying absence under the ADA or FMLA. Partners should request to have any chargeable absence or occurrence excused as a reasonable accommodation if they meet the requirements under the ADA, or if the absence qualifies under FMLA.
7. Partner has extenuating circumstances and an exception is approved by management and supported by Human Resources.

Note: "Serious health condition" is defined as an illness, injury, impairment, or physical or mental condition involving inpatient care in a hospital, hospice, or residential medical care facility or continuing treatment by a health care provider. In order to qualify as an FMLA absence, a serious health condition involving "continuing treatment" must include a period of more than three (3) consecutive calendar days. Also, continuing treatment includes treatment by a health care provider at least once and then a course of prescription medication or therapy requiring special equipment.

A "serious health condition" includes a "flare-up" of a chronic condition where the Partner is not incapacitated for more than three (3) days and does not visit a health care provider during the leave. (For example: A Partner with asthma may take FMLA leave for a "serious health condition" if this health care provider advises him or her to stay home when the pollen count is high. A pregnant woman may take FMLA leave for a "serious health condition" when she has pregnancy complications.) In addition, a "serious health condition" includes conditions which are not ordinarily incapacitating, but which would be so in the absence of medical intervention or treatment. (For example: dialysis for kidney disease or physical therapy for severe arthritis.) To take leave for this reason, the "serious health condition" must require multiple treatments.

"Serious health conditions" do not **ordinarily** include:

1. Common cold
2. Flu
3. Ear aches
4. Upset stomachs
5. Minor ulcers
6. Headaches (other than migraines)
8. Routine dental or orthodontic problems

All medical records or documents, both work and non-work related, should be located in a separate medical file. (refer to Guideline 6.1).

Management may contact their Human Resources Manager for any questions regarding which absences are excused under FMLA. Human Resources will contact the Compliance Coordinator for approval as necessary.

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Process

When applicable, as described below, incidents of punctuality or attendance should be documented in writing on an Attendance/Punctuality form. Such documentation should include the specific date(s), time(s), and circumstance(s) of the occurrence. The Partner and his/her manager should sign and date the document. Should the Partner refuse to sign the form, it should be noted and witnessed by another member of the management team, preferably salaried. The Partner should then receive a copy of the documentation.

Attendance and punctuality occurrences are combined and will be documented together on the same rolling 12-month cycle. The level of appropriate discipline will be based on the number of incidents that have occurred within the current 12-month period.

<u>No. of Occurrences</u>	<u>Disciplinary Action</u>
One (1) Occurrence:	<i>No counseling or documentation</i>
Two (2) Occurrences:	<i>No counseling or documentation</i>
Three (3) Occurrences:	<i>No counseling or documentation</i>
Four (4) Occurrences:	POLICY REVIEW <i>(Partner receives policy copy)</i>
Five (5) Occurrences:	FIRST WRITTEN RECORD
Six (6) Occurrences:	SECOND WRITTEN RECORD
Seven (7) Occurrences:	DEVELOPMENTAL (35 RATING)
Eight (8) Occurrences:	PROBATIONARY (40 RATING)
Nine (9) Occurrences:	TERMINATION

Any dismissal for an attendance or punctuality reason, is to be coded in the PeopleSoft System as “*Attendance & Punctuality*” with a brief description of the circumstances noted in the Partner’s personnel file. Once completed, the personnel file should be sent to Partner Services for filing (see Guideline number 6.1).

ATTENDANCE & PUNCTUALITY GUIDELINE ACKNOWLEDGEMENT

I have read and understood the Attendance & Punctuality Guideline 2.71 and agree to abide by its terms.

Signature: _____

Date: _____

Name (Print): _____

Store: _____

Social Security/PeopleSoft Id. _____