

THE SUPREME COURT OF THE
FEDERATED STATES OF MICRONESIA

GENERAL COURT ORDER)
)
Trial and Appellate Divisions)

GCO No. 2017-002

**UNEXCUSED AND EXCESSIVE ABSENCE AND TARDINESS POLICY
FOR EMPLOYEES OF THE
SUPREME COURT OF THE FEDERATED STATES OF MICRONESIA**

Pursuant to the authority granted to the Chief Justice of the FSM Supreme Court in art. XI, sec. 9 of the Constitution and section 117 of title 4 of the Judiciary Act of the Code of the Federated States of Micronesia (4 F.S.M.C. sec. 117) , and in conformity with

Action Item 1.10(d) of the Strategic Plan (2012 to 2017) of the FSM Supreme Court, which empowers the FSM Supreme Court to ensure that the administration of justice to the general public is not adversely affected by unexcused and excessive staff absences, and tardiness of court employees and staff, and to create a healthy work environment where good attendance and punctuality is valued.

NOW THEREFORE IT IS HEREBY ORDERED, that the following policy is hereby adopted:

UNEXCUSED AND EXCESSIVE ABSENCE AND TARDINESS POLICY
(Promulgated April, 2017)

All of the personnel of the FSM Supreme Court shall adhere to the following policies.

1. Definitions:

1.1 For the purposes of this policy, the following definitions are established:

- (a) *Absence/absent*: not present at a designated workstation or office.
- (b) *Adverse action/major disciplinary actions*: demotion, termination, and/or suspension for more than three (3) working days, pursuant to 52 F.S.M.C. secs. 151 & 152.
- (c) *Excessive Absence*: two (2) or more instances of unexcused absence in a calendar month.
- (d) *Excused Absence*: absence based on the taking of available annual or sick leave, or at the expressed authorization of one's immediate supervisor. Adequate and timely notification is needed for excused absences.

(e) *Minor disciplinary actions*: oral admonitions, written reprimands, and/or suspensions for not more than three (3) working days.

(f) *Tardiness*: arrival to the designated work station or office after 45 minutes of the designated time to begin performance of duties.

(g) *Unexcused Absence*: absence not based on available annual or sick leave, or not at the expressed authorization of one's immediate supervisor. An employee's absence will also be deemed unexcused when an employee fails to call in or fails to give notice for an absence.

Unexcused absentees are subject to corrective discipline or termination as defined in policies on discipline and separation of employment and by law.

2. Leave:

2.1 Each non-exempt employee is entitled to Annual and Sick leaves as established under 52 F.S.M.C. 145 and Part 10 of the FSM Public Service System Regulations (PSSR). Employees exempt from the PSSR may take leave subject to the approval of the Chief Justice.

3. Work Schedule:

3.1 Normal working schedule, except weekends and designated holidays, begins at 8:00 a.m. and ends at 5:00 p.m. with a one-and-a-half-hour lunch break period. The lunch break may be determined and coordinated by supervisors and co-workers. Employees are expected to be at their work station in a fit condition and ready to work at starting time. Work activity should commence at the designated starting time and continue until the normal designated ending times for lunch or the end of work.

3.2 In the event of absence or tardiness from an assigned work schedule, the employee is required to report the absence or tardiness to his/her supervisor immediately. If the supervisor is unavailable, notification shall be made to other staff so that the court is made aware of the absence or tardiness. When reporting absence or tardiness, the employee (or spouse or child) must telephone or use other forms of communication to his/her supervisor, or other designated individual.

3.3 The court reserves the right to require an employee to submit a physician's certificate in the event of repeated absences for the medical reasons or in the event of medical absences exceeding three (3) days.

3.4 Employees are expected to be present at their workstations during normal working hours. Employees are not allowed to coordinate with other employees as to absences from their workstations.

4. Excessive Absence and Tardiness:

4.1 As defined in § 1.1, excessive absenteeism is defined as two (2) or more instances of unexcused absence in a calendar month. Such excessive absenteeism is subject to minor and/or major discipline. Any eight (8) instances of unexcused absenteeism in a calendar year are considered grounds for Adverse Action as defined under §1.1.

4.2 In the event an employee is absent for six (6) consecutive days or more without prior notice or approval, such absence is viewed as job abandonment. The employee is then separated from employment as a voluntary quit, pursuant to 52 F.S.M.C. sec. 146.

4.3 Excessive tardiness shall be subjected to corrective discipline or termination. Excessive tardiness is defined as three (3) or more instance of lateness in a calendar month and is subject to corrective discipline. Any twelve (12) instances of lateness in a calendar year are considered grounds for discharge.

4.4 An employee's request to leave work early may be considered by the supervisor. Approval of such absences should be based upon the urgency of the reason for absence and work station staffing needs. As a general guide, leaving early should not exceed one instance per month or five instances in a calendar year.

4.5 It will be the responsibility of each supervisor to monitor the attendance record of each employee and to determine whether excessive absenteeism, excessive tardiness, or patterns of concern exist. All excessive absence and tardiness, both excused and unexcused, shall be recorded and submitted as part of the employees file with the Court Administration office.

5. Penalties

5.1 Initial violations of these policies may warrant a meeting between the employee and his/her supervisor, along with other designated staff to discuss excessive absences/tardiness, and to reach possible solutions.

5.2 Employees found in continuous violation of these policies will be subject to minor disciplinary action and/or adverse action/major disciplinary action as defined under §1.1, and may lead to suspension, demotion, and/or termination from employment.

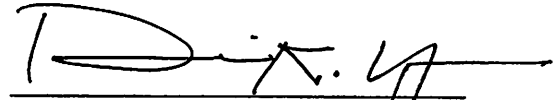
5.3 All penalties and disciplinary measures shall be in accordance with sections 17 and 18 of the Public Service System Regulations, and subchapter V of title 52 of the Code of the Federated States of Micronesia (FSM Code), and shall be a made a part of the employee's file with the Court Administration office.

5.4 Employees may file grievances in accordance with section 16 of the Public Service Systems Regulations, and subchapter V of title 52 of the FSM Code.

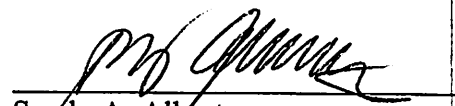
6. Amendments

6.1 All items under this policy is subject to amendment. Amendments shall go through a thirty (30) day notice and comment period to all employees prior to implementation by the Chief Justice.

SO ORDERED this 17th day of April, 2017.


Dennis K. Yamase
Chief Justice

ENTERED this 17th day of April, 2017.


Sandy A. Albert
Clerk of the FSM Supreme Court