




Memorandum

To: Chief Executive Officers
Chief Operating Officers
Chief Nursing Officers
Chief Medical Officers

From: Andrea Cohen, Senior Vice President & General Counsel 
Yvette Villanueva, Vice President of Human Resources yv

Re: Guidance Regarding Unscheduled Absences by NYC H+H Staff During the COVID-19 Emergency

Date: April 9, 2020

NYC Health + Hospitals is experiencing an unprecedented and increasing number of staff call-outs during the COVID-19 emergency. This includes an extremely high volume of unscheduled absences which has led to staffing challenges and growing concern amongst facility leadership. This guidance has been prepared to assist you in addressing the various types of absence listed below.

While our leave policies are set in collective bargaining agreements and remain unchanged, we are, on an emergency basis, using practices that maximize our authorities to ensure that we are able to meet our operational and staffing needs. **Expedited communication with employees who call-out unscheduled is an important tool to remind them of their role as an integral part of the care team, that their services continue to be essential, and that there are consequences to such absences if not documented.**

1. No Call No Show or Absent Without Official Leave (“AWOL”):

If a staff member does not notify their supervisor that they will be unable to report for duty and fails to report as scheduled, the staff member is deemed AWOL.

- a. The supervisor may code the time sheet “06, absent without pay” for the duration of the shift for which they failed to report.

2. Call-out with No Reason Provided:

If a staff member calls-out in a timely manner, but does not provide a reason for their absence, the supervisor should inform the staff member the leave is denied.

- a. The supervisor may code the time sheet “06, absent without pay” for the duration of the shift for which they failed to report.
- b. Leave balances should not be used to cover a call-out with no reason provided by the staff member.

3. Call-out Requesting Unscheduled Annual Leave (childcare, personal emergency, afraid to report to duty etc.): The supervisor should consider the reason for the request and take into consideration past time and leave/call-out history.

- a. Such requests should not be routinely granted and use of code "06, absent without pay" may be appropriate.
- b. If child care related, ensure the staff member is aware of options through NYC H+H Employee Resources and the NYC Department of Education.
- c. If personal emergency, ask for documentation when appropriate (if documented, leave may be granted).
- d. If afraid to report due to possible COVID-19 exposure and possibility of transmission to family, advise of hoteling options.
- e. Remind staff that PPE is available for their specific assignment.
- f. There is no advancement of leave for childcare purposes.

4. Call-out Requesting Unscheduled Sick Leave Unrelated to COVID-19:

At the time of the call-out, the supervisor may inform the staff member they are required to provide supporting documentation from OHS or their physician.

- a. Documentation may be required for all unscheduled sick days requested.
- b. If the staff member does not provide documentation with 5 calendar days of their return, the time sheet may be coded as "06, absent without pay."

5. Call-out Requesting the use of Pre-Approved Intermittent FMLA:

The time must be approved if the following conditions are met:

- a. The staff member notifies their supervisor in a timely and customary manner.
- b. The staff member has not exhausted their FMLA leave (check with Leaves Administration for usage).
- c. The request is generally consistent with the terms of the existing approval as by HRSS Leaves Administration.

IMPORTANT!

- If questions or concerns exist, reach out your HRSS Leave Coordinator. **DO NOT** confront the staff member about their underlying condition and the need for their request.

6. Call-out Requesting the Use of Code "17" (Quarantine) Related to the Staff Member's COVID-19 Condition, However Occupational Health Services ("OHS") has Deemed the Staff Member Fit for Duty:

If OHS is monitoring the staff member and has deemed the staff member fit for duty, the employee must report as scheduled.

- a. If the staff member fails to report, the time may be coded "06, absent without pay."
- b. If the staff member produces supporting documentation from their physician contrary to OHS' return to duty directive, such documentation must be provided to OHS for review.

Reminder:

- If a staff member is requesting a leave of absence, they must be referred to your HRSS Leave Coordinator.
- If a staff member is requesting a reasonable accommodation, they must be referred to EEO.
- Labor Relations is always available for consultation.