



Omar Gonzalez, Western Regional Coordinator

## LEAVE MY LEAVE ALONE

**Y**ou earn leave, it's yours! Pursuant to the Collective Bargaining Agreement (CBA) Articles 3,5,10,19 management must comply with the leave regulations outlined in Chapter 510 of the Employee and Labor Relations Manual (ELM). Far too often, managers ignore or misapply those rules. Here are some common misapplications that must be challenged:

**THREE ABSENCES IN 90 DAYS TRIGGER DISCIPLINE:** There is no such rule. It's the supervisor's review of the attendance record on a case-by-case basis in light of "all" relevant evidences and circumstances, NOT any set number of absences that determine whether discipline is warranted. (JCIM 10 page 3)

**NEEDS OF THE SERVICE ONLY REQUIREMENT FOR LEAVE REQUESTS:** The supervisor must also consider your individual welfare. Failure to do so likely violates the CBA. (ELM 511.1)

**PS 3971s ONCE ISSUED BY eRMS CALL IN SYSTEM CAN'T BE CHANGED:** It is your leave request. You complete the form when you return. You need to review and change the Leave Type, Remarks, Hours boxes then sign and date the form. Not being permitted to do so likely violates the CBA (JCIM 10 page 12; F21Ex 142.31)

**MUST SIGN THAT FORM INSTRUCTIONS WERE ISSUED AND UNDERSTOOD:** Bosses cannot require you to sign or initial that you read and understand instructions or face discipline. (Step 4 N4N-5C-11608)

**COVID POLICIES EXPIRED, ABSENCES FOR COVID NO LONGER PROTECTED:** COVID has not disappeared, nor have protections under the CBA for contagious diseases. Ignoring the conditions for authorizing leave for contagious diseases likely violates the CBA. (ELM 513.32)

**YOU MUST USE LITEBLUE OR APP TO REPORT AN ABSENCE:** What is required is to notify management of the inability to report as soon as possible. Calling the 877 number is the recommended method. Be

Warned: when using the apps, you agree to waive your right to privacy and your device may be monitored. If the boss requires you to use the apps, the CBA is likely violated. (JCIM 10 page 4,5)

**DEEMS DESIRABLE ALLOWS SUPERVISORS TO DEMAND DOCUMENTATION FOR ALL ABSENCES:** An absence of 1 to 3 days can be substantiated by an employee's stated explanation. Demands for medical documentation deemed desirable for protection of the service can not be unreasonable or arbitrary and must be stated by the Supervisor in eRMS. (JCIM pages 4;13)

**NOT REPORTING AS SCHEDULED IS AN AUTOMATIC AWOL:** There are exceptions to reporting as scheduled. Documentation may be submitted later. AWOL is serious but not automatic. AWOLs must be challenged. (ELM 665.42)

**ALL CALL-INS ARE UNSCHEDULED ABSENCES:** An absence of more than one day does not mean all the days are automatically marked unscheduled depending on when notice was given. The first "may" be unscheduled, but subsequent days could be marked as scheduled, and challenged when marked or listed in discipline. (ELM 510-83-9; APMG Gildea '84 policy)

**IT IS LEGITIMATE TO HAVE EMPLOYEES SIGN PS 3971s AT AN INVESTIGATIVE INTERVIEW:** 3971s are to be completed upon return from an absence and acted upon "approved or disapproved." If disapproved, a reason must be stated, and a copy issued to the employee. (JCIM 10 page 12; ELM 513.342)

There are many more misapplications. Stewards need to fully investigate and document facts to determine if CBA violations occurred. **Do not let bosses abuse your leave, challenge violations!**

**ON ANOTHER NOTE,** Regional Coordinators Tiffany Foster, AJ Jones, Yared Wonde and I welcome Central Regional Coordinator Amy Puhalski to the NEB and wish Sister Sharyn Stone the best in retirement! ■