



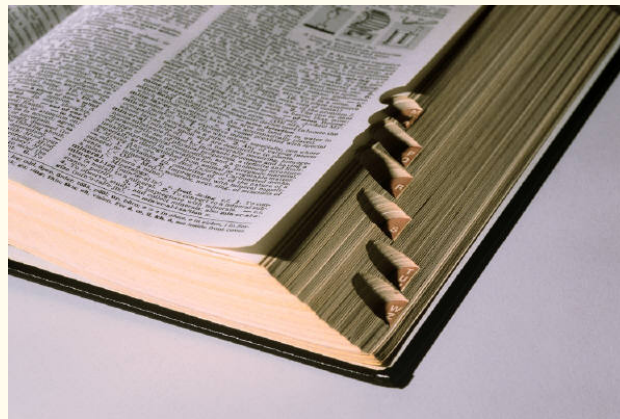
*A New Day for the Civil Service*

# Addressing AWOL

# What is AWOL?

## Absence Without Leave:

- AWOL is a non-pay status that covers an absence from duty which has not been approved.



# Why Address AWOL?

- AWOL is misconduct!
- Attendance issues are among the most common challenges for federal supervisors.
- Employees' failure to report to work as scheduled can have a negative impact on an organization's ability to complete the mission.



# AWOL Facts

- AWOL is an employee attendance issue.
- An agency may discipline an employee who is AWOL.
- Remember, an employee is AWOL when:
  - An employee is absent from their assigned place of duty;
  - The absence was not authorized; and/or
  - The leave requested by the employee has been properly denied



# AWOL and Administrative Case Law



The legal elements of AWOL have been established through decisions of the Merit Systems Protection Board and the Federal Circuit.



# Addressing Attendance

## Supervisors should:

- Establish written leave procedures for their employees to follow.
- Address tardiness or leave abuse promptly.
- Document!



# Recording AWOL

- AWOL can be recorded in fractions of an hour – in accordance with the agencies' payroll system.
- Notating AWOL in and of itself is not a disciplinary action, however it could be the *basis* for taking disciplinary action.





## A Basic Approach to Unexcused Absences:

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- Ensure employee is on notice of work schedule
- Ensure employee was notified of policy and procedures for excused absences
- Determine appropriate discipline based on the circumstances of the case



# Where's Waldo?

- Employee remains on agency premises, but not at the specified work location.

***“an employee need not be absent from the work site to be found AWOL”***



*\*Buchanan v. Department of Energy 247 F.3d 1333 (2001)*

# But the bus was late- again!

- The responsibility of arriving to work on time is the employee's!

***“An agency is under no obligation to accommodate an employee's transportation problems”***

*\*Williams v. Department of Health and Human Services 29 M.S.P.R. 525 (1985)*





# Leave Restriction Letters

- A leave restriction letter is a non-disciplinary letter to the employee that conveys the following information:
  - The supervisor's expectations regarding leave usage
  - Specific information about leave balances and/or specific dates when employee has not followed proper procedure or the pattern of leave abuse
  - The leave procedures that they are required to follow
  - The period of restriction
  - Consequences of not following the procedures in the future

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# Charging AWOL

AWOL should be charged when the following conditions are met:

- 1) The employee was instructed to report for duty and fails to do so, OR
- 2) The requested leave was appropriately denied and the employee did not show up for work, OR
- 3) The employee does not provide medical documentation, the documentation is insufficient or not submitted within the time frame provided

# Efficiency of the Service

MSPB has consistently held that there is a connection between AWOL and the efficiency of the service standard.

***“Unauthorized absence, by its very nature, disrupts the efficiency of the service”***

*\*Crutchfield v. Department of the Navy  
73 M.S.P.R. 444 (1997)*



# AWOL Nexus

- The Board has determined that unauthorized absences are directly related to the performance of an employee's duties.

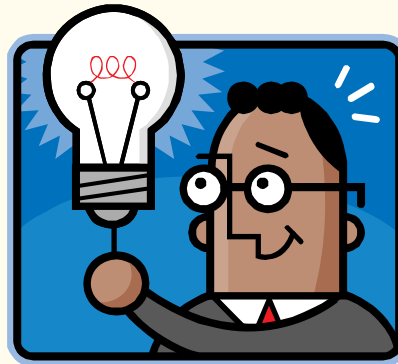
*“The relationship between an employee's unauthorized absences and the efficiency of the service is so direct that proof of unauthorized absences generally is sufficient to establish the required nexus”*

*\*Williams v. Department of Army 24 M.S.P.R. 537 (1984)*



# Charge 'Failure to Follow' Too!

- When an employee is AWOL and has not requested leave, charge 'failure to follow instructions' as well, if you can prove the following elements:
  - There were proper leave procedures in place
  - The employee was *aware* of the procedures
  - The employee did not follow them



A vertical strip on the left side of the slide shows a close-up of the American flag, focusing on the white stars on a blue field and the red and white stripes.

# LWOP $\neq$ AWOL!

- Leave without pay (LWOP) is an *approved* temporary *nonpay* status and absence from duty.
- In most instances, granting LWOP is a matter of **supervisory discretion** and may be limited by agency internal policy.
- In general, management should not retroactively charge AWOL if the employee was granted the leave in the first place!
- However, an employee who fails to provide requested medical documentation may have previously approved LWOP changed to AWOL.