

# **Employee Availability, Scheduling and Attendance Policies and Procedures**

San Jose Arena Management, SAP Center, Oakland Ice center and Solar4America Ice-Fremont/San Jose and its contractor's responsibilities are to ensure that there are a sufficient number of qualified employees staff to each event/shift so that our guest's safety and comfort is assured. It is also our goal to deliver a consistent level of superior service to our guests, by building an experienced, reliable staff and attaining staffing continuity from one event/shift to the next. At the same time, we want to maximize the work opportunities for employees by creating a system that offers employees as many hours of work and shifts as possible, while allowing some flexibility to consider each employee's expressed availability and preference for working events/shifts when the monthly scheduling is done.

For us to accomplish these objectives, minimum standards of employee responsibility regarding availability, scheduling and attendance have been established. We must also maintain a sufficiently large pool of employees who are available and can be depended upon to work their fair share of events/shifts at all times, but especially when circumstances are most demanding, such as:

1. Times when there are an above-average number of events/shifts in a week or a month;
2. Events/shifts which draw large numbers of guests;
3. Events/shifts which occur on holidays; and
4. Events/shifts which present unusual guest service/crowd management challenges demanding more staffing.

To meet the obligations to our guests, as well as to the many employees who are unfairly burdened by unexpected absences among co-workers, we have established the following policies, procedures and standards regarding: Availability and scheduling, as well as attendance and tardiness

## **Availability and Scheduling**

The Availability/Preference Form will be distributed on or about the 10th of each month. Additional forms will also be available for pick-up in the Oakland Ice Center and Solar4America Ice-Fremont/San Jose offices, Uniform Room for Ushering employees, Parking Office for Parking employees, from either Building Services Supervisors or the Building Services Office for Building Services employees.

SAP Center employees when filling out the form, you must indicate your availability/preference for all events/scheduled shifts and make yourself available to work, at a minimum:

1. Two-thirds of the scheduled events for each month, including two-thirds of all weekend events.
2. A variety of events (i.e., concerts, sports, family shows; not just Sharks games).
3. Two-thirds of priority events, which typically draw large numbers of guests, occur on holidays and/or have unusual guest service/crowd management challenges, demanding more staffing. Priority events will be identified as such by SAP Center.

Oakland Ice Center and Solar4America-Fremont/San Jose employees when filling out the form, please keep in mind:

1. Wanting to attend an event or having tickets for the event is not a valid reason for not being available to work a priority event or meet other availability standards. Employees should always check with the Scheduling Coordinator to see if they are needed to work prior to buying tickets or planning to attend an event.

2. Employees planning a vacation should give the Scheduling Coordinator at least one month's notice. Employees should not assume they might receive time off for vacation or other reasons and especially when they make last minute plans. Employees should avoid planning vacations and other activities during busy periods at SAP Center, Oakland Ice Center or Solar4America Ice-Fremont/San Jose.
3. You will need to provide a reason if you are not available to work

Ushering and Parking employees will fill out the Availability/Preference Form using the following key after carefully considering their availability:

- 1 = Available/Prefer to Work
- 2 = Available to Work
- 3 = Available/Prefer Not to Work
- 4 = Absolutely Cannot Work (Must provide brief, legitimate explanation)

Building Services' employees indicate only if they are available or not available to work by writing "yes" for available and "no" for unavailable. If a Building Services' employee indicates that they absolutely cannot work, they must provide a satisfactory explanation. After indicating their availability/preference for all events, employees must review the form to make sure they have indicated their availability for the required two-thirds of events, including two-thirds of all weekend events (i.e., Friday night through Sunday night) and two-thirds of all priority events. Being available means indicating a "1", "2" or "3" on the Availability/Preference Form consistent with the guidelines on the form. Employees who indicate that they absolutely cannot work, "4" and do not provide a satisfactory explanation may be scheduled to work if needed. Compliance with these procedures will be a factor in determining compliance with the policies.

The number of shifts for which an employee is actually scheduled will depend upon a variety of factors, such as timely receipt of the Availability/Preference Form, the availability and preferences of other employees, the qualifications and performance of those responding and the staffing requirements of the events. Accordingly, this policy does not establish a guarantee that employees will be called to a minimum number of events, or to all of the events for which they indicate availability or preference. We hope that in most cases those indicating a number "1" availability ("Available/Prefer to Work") will be able to work, while those indicating a number "3" or lower availability ("Available/Prefer Not to Work" or "Absolutely Cannot Work") will not need to be scheduled.

### **Submission of Availability/Preference Form**

Employees must return the Availability/Preference Form so that it is received by the 17th of each month. It may be returned via fax, mail or in person.

1. The fax number is (408) 999-5797.
2. The mailing address is SAP Center, 525 W. Santa Clara St., San Jose, CA 95113, Attention: Department
3. Return forms in person to the following locations for the listed departments: The Uniform Room for Ushering employees, if the Uniform Room is closed, drop off the forms in the mail slot in the door. The Parking Office for Parking employees, if the Parking Office is closed, drop off the forms by sliding them beneath the door. The Security Office for Building Services employees. The Sharks Store during store hours for Sharks Merchandise employees or you may email the form to your direct supervisor.

The confirmed work schedule for the following month will be distributed on or about the 25th of each

month (i.e., confirmed April schedule will be received by employees March 25, see the Appendix for a sample confirmed schedule). Building Services' employees will have their weekly confirmed schedules posted each Friday on the bulletin board in the hallway by Security. When the policies regarding the timely submission of the Availability/Preference Form or availability standards are not followed, employees will be notified via an Employee Notice. Repeated noncompliance with the policies will be considered in determining whether an employee is meeting the employer's performance standards.

### **Attendance, Tardiness and Failure to Report**

All scheduled employees should be at the designated briefing location in proper uniform at their scheduled report time.

Employees who exhibit attendance and tardiness problems or frequent failures to report shall be subject to discipline up to and including discharge. The level of discipline shall be in accordance with the following schedule. Employees who acquire twenty-one (21) points within any twelve (12) month period are subject to discharge. Employees who acquire 16 points within any 12 month period shall be formally counseled regarding the points they acquired. If the employee request a Shop Steward he/she will be present during this counseling session.

<u>Incident</u>	<u>Points</u>
<b>Failure to Report</b> (i.e., employee scheduled to work fails to appear without prior notice to SAP Center)	7
<b>Late Cancellation</b> (i.e., employee scheduled to work cancels within 24 hours of scheduled shift)	3
<b>Advance Cancellation</b> (i.e., employee cancels a scheduled shift more than 24 hours before scheduled shift)	2
<b>Tardiness</b> (i.e., reporting late to a designated area)	1.5

When the policies regarding attendance and tardiness are not followed, employees will be notified via an Employee Notice.

### **Availability and Scheduling Changes**

If changes develop in an employee's availability, they must call the respective Scheduling Coordinator at:

Parking	(408) 999-5908
Ticketing	(408) 999-5803
Ushering	(408) 977-4716
Emergency Medical	(408) 977-4716
Building Services	(408) 977-4729

Employees may call any time to speak to the Scheduling Coordinator or leave a voice mail message briefly describing the issue. While employees are encouraged to alert the Scheduling Coordinator of any adjustments or changes to their availability as far in advance as possible, it is understood that the employee will continue to be responsible to be available for the required number of shifts and to report on time for scheduled shifts unless otherwise notified by the Scheduling Coordinator. When calling or leaving a message, the employee should provide the following information:

1. Employee Name;
2. Employee ID number
3. The reason for the call;
4. A telephone number and time when you can be reached.

When circumstances reduce an employee's availability below required levels or cause an employee to

be unavailable for shifts they have been scheduled to work, he or she should discuss their availability with the Scheduling Coordinator to determine if the problem will be an isolated or short term circumstance. Vacations and other leaves, that are scheduled in advance with the agreement of the Scheduling Coordinator, will not be considered in determining whether an employee meets the standards. However, unscheduled vacations or leaves taken for emergencies will be considered since the policy is designed to account for such unexpected leaves, and provides employees with the leeway to take time off for the normal number of unexpected events that most people experience. When an employee's changed circumstances make it unlikely that he or she will be able to meet the Availability and Scheduling policy, or the Attendance, Tardiness and Failure to Report policy, for more than isolated, rare and short periods, the employee and the appropriate manager need to evaluate whether continued employment is appropriate.

On rare occasions, unforeseen circumstances beyond an employee's control may call for making an exception to the employer's Availability and Scheduling policy or the Attendance, Tardiness and Failure to Report policy. For example, where an unexpected employee illness or event entitling an employee to a pregnancy or family leave under state or federal law occurs, the employer will consider making an exception to the policies and standards, provided the employee notifies the employer of his or her changed availability as soon as possible. Similarly, if an employee encounters an unforeseen change in his or her personal circumstances beyond the employee's control (such as a transfer, or a change of schedule at primary employment or school, or the rescheduling of other binding commitments), the employer may consider such facts in deciding whether to make an exception. If an employee has otherwise complied with the Availability, Scheduling and Attendance policies and a single unexpected incident will cause the employee to miss multiple events, the employer may treat the consequent absences as a single "incident" under the Attendance, Tardiness and Failure to Report policy. An employee's past compliance with the policies, together with his or her overall performance record, will be considered as well. Before making any exceptions, however, the employer may require an employee to provide satisfactory evidence confirming the circumstances.

Generally, the employer will consider making an exception to its Attendance, Tardiness and Failure to Report policies only when an employee's continued employment will be jeopardized as a result of an accumulation of points under that policy. When an employee has accumulated sixteen (16) points within any twelve (12) month period, management will meet with the employee to review the employee's work history and continued employment.

At that point, management will look at all the incidents giving rise to the points, and will consider reducing points incurred from the latest incident as circumstances warrant. Management may also consider whether the circumstances warrant reducing points accumulated before the latest incident.

Any exceptions to the employer's Scheduling and Availability policy, or its Attendance, Tardiness and Failure to Report policy, must be authorized in writing by the V.P. of Building Operations, the Director of Guest Services or the Director of Ticket Operations. When exceptions to these policies are made, the exception and the reason for it will be noted in the employee's file.

### **Vacation and Leave of Absence Scheduling Policy**

Vacations must be scheduled consistently with the employer's operational needs, and to ensure adequate coverage of the jobs and staffing requirements dictated by SAP Center events. In order to minimize disruptions to the employer's operations, therefore, employees should make requests for vacation time off

*as far in advance as possible*, but in any event before filling out the Availability/ Preference Form for the upcoming month.

All vacation requests are subject to approval by the employer at its discretion. If the employer can accommodate an employee's request for vacation time off with the demands of its schedule, and if the employee has submitted his or her vacation request before filling out the Availability/Preference Form, the employer will normally be able to grant the request for time off. Employees adhering to this procedure and making their vacation requests sufficiently early will not have vacation leaves that are granted be considered or counted in determining compliance with the Availability, Scheduling and Attendance Policy. Absence and unavailability on such early scheduled vacations will not cause the employee to receive any "points" under the policy.

If an employee submits a vacation request after the deadline for returning the Availability/Preference Form for the coming month, it is less likely that the employer will be able to grant the time off. The employer will consider all extenuating circumstances for the late request, and if scheduling and operational needs can still be met, permission to take the late-scheduled vacation may still be granted. Employees who submit requests for vacation time off after they have scheduled for the month are subject to the Availability, Scheduling and Attendance Policy, and will have points assessed even if the employer can accommodate their late vacation request. The Availability, Scheduling and Attendance Policy anticipates and allows for the fact that employees may have a certain number of unanticipated absences or late cancellations in any 12 month period, and late vacation requests are such a circumstance.

All requests for vacation days must be submitted in writing to the Scheduling Coordinator. **See Tab for Vacation/ Leave of Absence Request Form** Employees should recognize and anticipate that there will be times when it may be difficult or impossible to approve individual vacation requests, because of operational or scheduling demands, or the popularity of certain times of the year for vacations. (Examples are school vacation periods, school breaks, holidays, and times when SAP Center's event schedule is busiest.) Employees who anticipate wanting a vacation during such periods should notify the Scheduling Coordinator at the earliest possible date. If the Scheduling Coordinator receives multiple vacation requests for the same period, he or she will determine how many employees can be released, and who will be allowed to go based upon the employer's operational needs.