APWU

**Joe Macias**
National Business Agent, Clerk Division
jmacias@apwu.org
(626) 319-3580

# Challenging AWOL Designations

## Protecting Employee Rights

### 1 Employees: Take Immediate Action

Employees should never ignore an AWOL entry or assume it will correct itself.

**Instead, employees should:**

- Report absences promptly.
- Request the proper leave status.
- Obtain written decisions.
- Retain records.
- Contact the union immediately.

The union should treat every disputed AWOL as time-sensitive by investigating the facts, assessing compliance with the Agreement and applicable leave rules, and filing a grievance when warranted.

**Timely action protects the employee and the bargaining unit's negotiated leave and due-process rights.**

### 2 Investigate the Facts

An AWOL entry is not justified merely because a supervisor entered the code.

The employee's notice, leave request, supporting circumstances, and management's reasons must be examined.

Employees should act quickly, preserve evidence, and notify the union because grievance deadlines may begin before a pay stub or formal disciplinary notice is received.

**Important:** Although an AWOL entry may later be cited in an attendance case, it is not formal discipline. Any resulting discipline remains subject to the just-cause and grievance requirements of the collective bargaining agreement.

### 3 Review Your LiteBlue Timecard Daily

Employees are not always notified when they are marked AWOL. Because employees can access virtual timecards on LiteBlue, they should review them daily for errors.

Article 15 generally requires an aggrieved employee to discuss the grievance with the immediate supervisor within 14 days of when the employee or union first learned, or reasonably should have learned, of its cause.

**Missing this deadline can waive the grievance.**

**Prompt notice allows the steward to:**

- Identify the triggering date.
- Request records.
- Interview witnesses.
- Compare the leave decision with the Agreement and applicable manuals.
- Seek correction before an improper code becomes part of a broader attendance record.

### 4 File a Timely Protective Grievance

Union representatives should file a timely protective grievance for every disputed, unexplained, or unsupported AWOL.

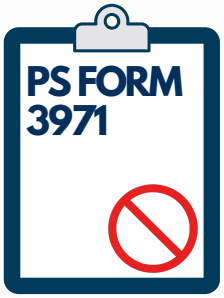
- Filing preserves contractual deadlines and prevents silence from being treated as acceptance of the designation.
- It does not decide the merits.
- It protects the employee's right to an investigation, a reasoned decision, and an appropriate remedy after the facts and records are reviewed.

### 5 Challenge Automated or Unsupported AWOL Entries

A missing PS Form 3971, or one not signed by the employee, may indicate that the AWOL designation was entered automatically. The union should challenge blanket or automated practices and prevent unsupported entries from becoming a basis for progressive discipline.

The investigation should determine:

- Whether the absence involved an emergency, illness, injury, or FMLA.
- Whether management considered the employee's explanation and evidence instead of relying solely on an automated entry.




**TIMELY ACTION PROTECTS THE EMPLOYEE AND THE BARGAINING UNIT'S NEGOTIATED LEAVE AND DUE-PROCESS RIGHTS.**