

2.0. Human Resources

2.A. Foundations

2.A. ATTENDANCE MANAGEMENT

Adopted: June 26, 2012

Reviewed by Committee: October 25, 2016, May 25, 2021

Policy Reference: EL-1.2

STATEMENT The Lakeshore School Division is committed to managing employee attendance through a positive, supportive environment that promotes best possible attendance. Every employee has a responsibility to maintain regular attendance at work.

PURPOSE To manage the attendance of Lakeshore School Division's employees.

Note: Some sick leave will always be utilized. The expectation is that employees will use sick leave only when it is required. This Regulation and Procedure is not intended to limit an employee's right to utilize their sick leave for legitimate reasons.

APPLICATION This Regulation and Procedure applies to all employees of the Lakeshore School Division.

CONTACT Human Resources

RESPONSIBILITIES Administration:

- Communicate the protocol for advising of absenteeism and expected attendance standards and obligations to staff.
- Ensure staff are aware of patterns of usage, should an issue with absenteeism be observed.
- Monitor levels of sick leave usage in their schools and offices and take appropriate action to correct absenteeism issues.
- Maintain written documentation where absenteeism issues have been identified.
- Identify unacceptable usage based on the individual situation.
- Using the procedures outlined and guideline references, meet with the employee to discuss and resolve issues regarding attendance. In the case of an extended absence, the supervisor will arrange with the employee to maintain contact at a reasonable frequency determined by the Employer.

Employees:

- To attempt best efforts to be physically and mentally fit for work.
- Attend work, on time, for every scheduled day of work.
- Provide reason for absence, tardiness or leaving early.

- Notify their supervisor as soon as possible when there is a reason to be absent from work.
- Seek medical care when necessary.
- Maintain communication with their supervisor. This is critical when the employee is unable to return to work and the estimated length of illness is unknown.

Human Resources:

- Provide advice to management on the provisions of these procedures and guidelines.
- Work with Administration to identify the source of employee attendance issues, determine available resources and to facilitate return to work programs.
- Provide advice on Human Rights, *The Labour Standards Act*, collective agreement provisions, and policy interpretations where applicable.

DEFINITIONS:

Absence

Is an incident of non-attendance at work.

Culpable Absenteeism

Absence problems for which the employee will be held responsible as the absences are within the employee's power to address and correct.

Non-Culpable Absenteeism

The consistent inability for an employee to attend work on a regular basis due to circumstances beyond the employee's control.

A. MONITORING ATTENDANCE

- i. Attendance records of employee attendance that include absences will be monitored on an ongoing basis.
- ii. Board approved and/or legally required absences will be recorded however, these types of absences will be excluded from statistics for the purposes used in calculating absenteeism rates.
- iii. All available information will be reviewed and considered before determining that an attendance problem exists.
- iv. A potential attendance issue will be considered where utilization appears to be above the norm, or where there are patterns of usage identified.
- v. Once the immediate supervisor has determined that an attendance problem does, in fact exist, action will be taken in accordance with the guidelines outlined in this policy.

B. MEDICAL EVIDENCE

- i. Employees **will not be** required to reveal to the Employer the exact nature of an illness or disability (i.e. diagnosis).
- ii. Subject to the terms and conditions of the applicable collective agreement(s) or Board policy, the employee may be required to provide a physician's certificate when:
 - an employee is absent from the workplace due to illness or injury;
 - an employee's sick leave usage is above the average (as determined by the Employer);
 - or where a suspect pattern of usage exists or is developing.
- iii. Discretion will be used when seeking medical verification of an absence(s) and medical certificates will not be requested simply as a deterrent.
- iv. The certificate should state clearly the expected date of return to work and whether any limitations or restrictions apply. When requesting medical evidence it is reasonable to request clarification from the physician verifying:
 - Whether the absence from work is medically required;
 - Whether restrictions exist;
 - Identification of specific restrictions to guide return to work decisions;
 - Whether treatments or medications have been prescribed that may affect the employee's ability to perform their required responsibilities;
 - Prognosis or expectation for recovery.

C. CONFIDENTIALITY

- i. Medical information received will be treated in a confidential manner and in accordance with applicable laws and regulations.
- ii. Medical information concerning employees will not be discussed or requested unless required in order to verify absence from work or to ensure the employee's capabilities and/or safety in carrying out his or her job duties, or verify absence from work.

D. EARLY INTERVENTION

Where an attendance problem has been identified, the immediate supervisor will commence early intervention in accordance with *Appendix A – Early Intervention Administrative Procedures* outlined in this policy.

E. CULPABLE ABSENTEEISM

Where early intervention does not produce improvement and the attendance problem is deemed to be *CULPABLE*:

- i. The attendance problem will be managed in accordance with *Board Discipline Policy*.

F. NON-CULPABLE ABSENTEEISM

Where early intervention does not produce improvement and the attendance problem is deemed to be *NON-CULPABLE*:

- i. If there is no verification of a disability as defined by *The Manitoba Human Rights Code*, the attendance problem will be managed through providing reasonable assistance and support as determined by the specific circumstances of each case.
- ii. If there is verification of a disability as defined by *The Manitoba Human Rights Code*, the attendance problem will be managed through accommodation to the point of ‘undue hardship’.

G. TERMINATION OF EMPLOYMENT

- i. Termination of employment will be considered **only** as a last resort. In assessing the option of termination, the facts of each case will be assessed in relation to applicable laws and regulations.

FURTHER REFERENCE:

APPENDIX A – Early Intervention Administrative Procedures

APPENDIX B – Medical Verification – Employee Absence From Work Form

APPENDIX C – Managing Employee Attendance – Flow Chart

APPENDIX A

Early Intervention Administrative Procedures

These EARLY INTERVENTION procedures are intended as guidelines only.

The Board and Administrators will use their discretion to apply these procedures in a constructive, reasonable manner. The goal is to manage attendance issues to ensure appropriate attendance at work.

Step 1.A: Initial Discussion/Meeting

The immediate supervisor meets with the employee. The following provides a general framework for the discussion with the employee and is a guide to ensure the discussion remains focused:

i) Plan the meeting

- Consult with the appropriate sources (Superintendent, Manitoba Schools Boards Association, Manitoba Teachers' Society, CUPE Local #3206, etc.);
- Organize information for the discussion including attendance records;
- Note any patterns;
- Identify incidents vs. days;
- Identify any known reasons for absences and whether all absences are related;
- Identify the negative impact on the workplace and students.

ii) Meet with Employee

- Identify the problem;
- Clarify the meeting is not intended in any way to be disciplinary;
- Ensure privacy;
- Describe attendance problem (trends/patterns, incidents vs. days, etc.);
- Provide the employee with a clear explanation of how his/her absences are negatively impacting the workplace;
- Be clear that the goal is improvement;
- Ask the employee if other types of support may be required.

iii) Establish Guidelines and Follow Up

- Determine if the employee expects his/her attendance to improve and note responses – ask the employee to provide suggestions on how to improve their attendance and obtain their commitment to improvement;
- Re-communicate procedures and guidelines for reporting absences;
- Establish a follow up date to review progress (*generally one to three months is a reasonable time period, but depending on the particular facts, the timeframe could be shorter or longer*).

iv) Follow Up

- Meet with employee as per the previously agreed timeframe;

- Provide positive recognition where improvement is the result.

Step 1.B: Discussion/Meeting followed by a Letter

- i) The immediate supervisor, once again, meets with the employee. The meeting should follow the guidelines outlined in Step 1.
- ii) The employee is advised a letter summarizing the meeting will follow.
- iii) A letter is sent to the employee.

The following provides general guidelines for the specific items to be included in the letter:

- Meeting date;
- Reference to previous discussions with the employee (including dates);
- Clear identification of the attendance issues discussed with the employee (trends/patterns, incidents vs. days, etc.);
- Clear identification of the negative impact on the workplace;
- Clear identification of the expectations;
- The employee's explanation for the absences;
- Any commitments made by the employee, including his/her commitment to improve;
- The timeframe for follow up.

Step 2: Determining Absence Type

- i) Where attendance has not improved and the reasons for the absence are unknown, an assessment as to whether the cause of the absence is culpable or non-culpable will be made prior to taking further action.
- ii) Another meeting is held with the employee. This meeting can be facilitated by the immediate supervisor or Superintendent and should follow the guidelines outlined in Step 1.
- iii) As the process is intended to assess the type of absence, the employee will now be required to produce medical verification of the absences.

In addition to the discussion items identified in Step 1 as noted above, the following additional discussion items and documentation are to be included at this step:

- Advise the employee that medical verification of the absence and medical confirmation of their ability to maintain regular attendance at work in the future is required;
- Emphasize that you are seeking prognosis information only, and will not accept diagnosis information;

- Emphasize that the medical information received will be kept confidential and confirm to whom the information is to be returned;
- Inform the employee that they will be required to attend a follow-up meeting to discuss the medical information received;
- Confirm that the intent of gathering the information is to assist the employee in maintaining regular attendance at work or to appropriately assess alternatives if a disability exists;
- Warn the employee that if the required medical information is not provided or the information provided does not verify the legitimacy of the absences, disciplinary action may be considered.

APPENDIX B
Medical Verification – Employee Absence From
Work Form



LAKESHORE
SCHOOL DIVISION

PHYSICIAN'S REPORT

1. Date of last attendance on (employee name): _____

2. In your opinion, does (employee name) have a medical condition that would prevent him/her from attending work on a regular, consistent basis? Yes _____ No _____
If 'Yes' go to a)
 - a) In your opinion can (employee name) carry out his/her duties
On a full-time basis: Yes _____ No _____
On a part-time basis: Yes _____ No _____
If part-time, what % of full time? _____
 - b) On what date can we expect (employee name) to be able to resume his/her duties on a regular basis: _____

3. In your opinion, does (employee name) have a medical condition that would prevent him/her from performing his/her full duties? Yes _____ No _____
If 'Yes' go to a)
 - a) Please identify the specific restrictions that prevent (employee name) from fulfilling his/her full duties:

 - b) On what date can we expect (employee name) to be able to resume the full scope of his/her duties: _____

4. Is (employee name) currently on a course of treatment that involves prescription drugs or over-the-counter medications that may affect his/her ability to perform some or all of the assigned duties or which could affect the safety of (employee name) or others?

Yes _____ No _____

If yes, please describe:

5. Are there any other specific stressors/situations that would affect (employee name)'s ability to perform some or all of the assigned duties? If yes, please describe:

6. Please provide any additional information that you feel would be pertinent and beneficial in order to facilitate (employee name) regularly attending work:

7. Has (employee name) been referred to a specialist who would have relevant information concerning the issues discussed in this report? Yes _____ No _____

If 'yes', referred to Dr. _____

Please print name of Physician: _____

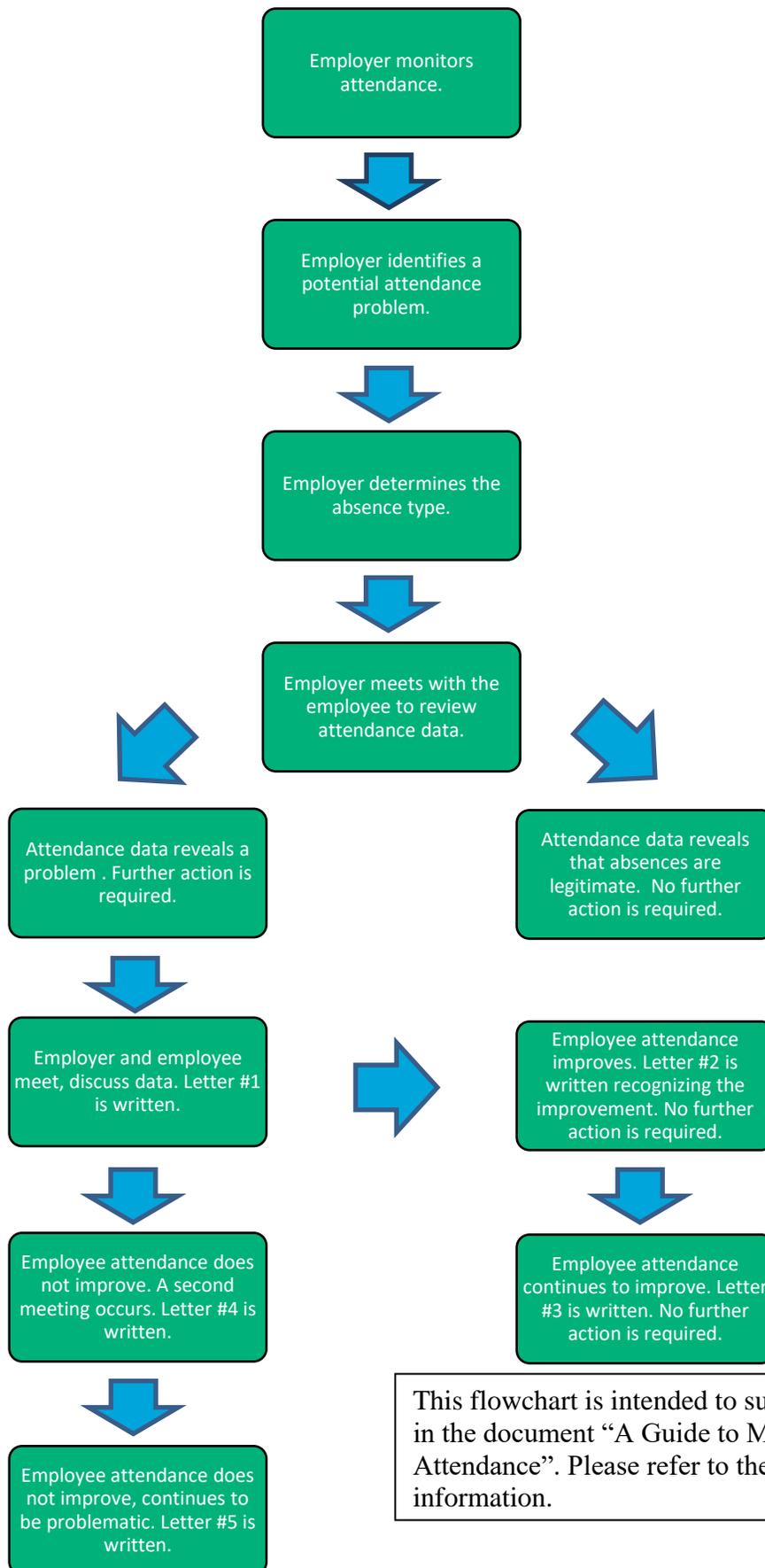
Signature: _____ Date: _____

Please provide completed report to Superintendent

APPENDIX C

Managing Employee Attendance - Flow Chart

Managing Employee Attendance – Flow Chart



This flowchart is intended to support the information in the document “A Guide to Managing Employee Attendance”. Please refer to the document for further information.