

Employee Relations Department

A Guide

**TO MANAGING EMPLOYEE
ATTENDANCE
(Non-Teaching Staff)**

*For
Boards of Education*

Managing employee attendance has arguably become one of the pre-eminent workplace challenges faced by Employers in the present day.

This document was prepared by the Saskatchewan School Boards Association, Employee Relations Department to assist Boards of Education in managing the attendance of non-teaching staff.

If you have questions and/or require further assistance and support, please call your assigned Employee Relations Consultant directly at the Saskatchewan School Boards Association at 569-0750.

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INTRODUCTION

In recent years, direct and indirect costs related to employee absenteeism have increased significantly due to a multiplicity of factors. Managing employee attendance has arguably become one of the pre-eminent workplace challenges faced by Employers today.

The Saskatchewan School Boards Association, Employee Relations Department recognizes that an aging workforce coupled with an increasingly complex legal environment represent considerable challenges for Boards of Education in the management of employee attendance.

The information presented in this document provides processes and tools for Boards of Education and Administrators to effectively and efficiently manage employee attendance.

MANAGING ATTENDANCE – A SYSTEMATIC APPROACH

Employee absenteeism has a direct impact on a Board's ability to actualize strategic organizational goals and provide quality public K-12 education services. High levels of absenteeism lead to poor quality of service, lost productivity reduced morale of employees, and increased costs.

Absenteeism levels are influenced by:

-  Health and Lifestyle Factors (genuine illness, lack of exercise, excessive use of alcohol, smoking, etc);
-  Workplace Factors (working patterns, shift schedules, travel times, etc);
-  Attitudinal and Stress Factors (job satisfaction, organizational commitment, stress, absence culture, etc);
-  Domestic and Kinship Factors (gender, family commitments, lack of flexible working arrangements, etc).

While the causes, effects, and costs of workplace absence are to some extent understood, what is not always clear is how to take action to manage absenteeism in a positive, supportive, consistent manner. Traditional methods of controlling absenteeism by using disciplinary procedures have proven to be ineffective and, given the current trends in the legal environment, may not withstand legal challenge.

As a result, Employers are now adopting more progressive methods of addressing absenteeism. Some of these methods include attendance management programs, wellness programs, and work-life balance priorities.

Regardless of the particular methodology, a consistent, transparent, systematic approach to managing employee attendance produces positive effects in the workplace.



Roles and Responsibilities

Management of employee attendance is the responsibility of many individuals. Success is dependant upon the understanding and commitment of all stakeholders. Outlined below are some of the key roles and responsibilities of the various stakeholders who are likely to have an impact the success of managing employee attendance issues:

- A. Employees**
- B. Employer (Boards and Administrators)**
- C. Human Resources/Return-To-Work Personnel**
- D. Unions**



The Saskatchewan School Boards Association recognizes the diversity within the Boards of Education across the province. The following identifies a general framework of responsibility that may vary depending on the specific organizational structure and delegation of responsibilities.

A. *Employees*

Employees have a responsibility to attend work and fulfill the responsibilities of their positions. Where circumstances arise that require an employee to be away from the workplace, employees have a responsibility to report such absences in accordance with established Board policies and/or procedures, and/or collective agreement provisions.

Where a long-term illness or disability exists, employees have a responsibility to report progress and expected date of return regularly and actively participate in return to work planning and/or accommodation.

B. Employer (Boards and Administrators)

Boards and administrators have the right to expect that employees will attend work regularly and that they will fulfill the services they were hired to provide.

Boards and administrators have a responsibility to put in place policies and/or procedures that assist employees in their efforts to maintain regular attendance at work.

Key responsibilities for administrators that contribute to successful systems of attendance management include:

1. Communication

-  Raising awareness about the importance of consistent attendance;
-  Communicating the attendance expectations to employees;
-  Promoting a positive work environment;
-  Maintaining communications with absentee employees.

2. Monitoring Attendance

-  Maintaining accurate attendance records;
-  Monitoring and assessing attendance statistics consistently;
-  Determining the presence of attendance problems in a timely manner.

3. Recognizing and Encouraging Employees

-  Recognizing the employee's contributions to the workplace;
-  Acknowledging improved attendance;
-  Recognizing and encouraging sustained expected attendance;
-  Exhibiting concern for the employee's well-being and welcoming the employee back to work;
-  Assisting employees who are experiencing personal difficulties that are affecting their attendance (e.g. ensuring awareness of support services, where applicable, such as Employee and Family Assistance Programs).

4. Employee Orientation

-  Discussing, in the newly hired employee's orientation session, the attendance expectations including the proper procedures and expectations for requesting leaves and reporting absences.

C. *Human Resources / Return-to-Work Personnel*

Those individuals dedicated to managing Human Resources and Return-to-Work play an important role in developing and supporting systems to manage employee attendance. Services provided by these individuals include:

-  Providing support and guidance in the various stages of the attendance management process;
-  Developing, implementing and interpreting policies and procedures, collective agreement provisions and benefit plan documents;
-  Coordinating Workers' Compensation and Long Term Disability claims;
-  Promoting wellness initiatives and provide Health and Wellness information;
-  Liaising with benefit plan service providers;
-  Assisting in developing and implementing return-to-work plans;
-  Liaising with respective unions.

D. *Unions*

Unions have a legal obligation to represent the interests of their members; however, they can actively contribute to successful attendance management systems by:

-  Providing members with practical, legally defensible advice;
-  Supporting members in achieving optimum attendance;
-  Providing input to the Employer on attendance matters, and ensuring collective agreement provisions do not impose barriers to achieving optimum attendance;
-  Counselling members to use benefits responsibly and appropriately;
-  Participating in and cooperating with employee return-to-work and/or accommodation planning

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Attendance Monitoring and Identifying Attendance Problems

While Boards and administrators have a right to expect regular attendance from their employees, a limited amount of legitimate employee absence is expected.

In order to determine whether action is appropriate, it must first be identified that an attendance problem exists. This section outlines a process for identification of attendance problems.

A. *Monitoring Attendance*

1. *Recording Absences*

Early identification of attendance problems is the most effective mechanism to managing employee absenteeism and begins with monitoring the attendance of all employees regularly and in a consistent manner. As such, it is essential that up-to-date records are kept of employee leaves. Generally, this is best done by the employee's immediate supervisor.

2. *Absences Excluded from Statistics*

By and large, Employer approved and/or legally required absences (excluding sick leave) are excluded from statistics for the purposes of calculating absenteeism rates. While these absences still need to be recorded; they should not be included when determining employee absenteeism levels.

Examples of legitimate absences include, but are not limited to:

-  Annual Vacation and/or Paid Holidays;
-  Bereavement Leave;
-  Witness/Jury Duty;
-  Maternity/Parental/Adoption Leave;
-  Family Medical Leave (as per Employer policy);
-  Approved Union Business

B. Identifying Potential Attendance Problems

When an employee's absenteeism exceeds acceptable levels, this signals that there is a potential attendance issue that requires management. Depending on the specific circumstances, the acceptable level of absenteeism may be calculated based on the average absenteeism rate for all school division employees, for similar occupations, school or attendance area.



Where you are unsure of the average that would be most appropriate, contact the Saskatchewan School Boards Association Employee Relations or Legal Services Departments for advice.

Number of incidents of absence and ***length of absence*** are also important considerations in determining whether or not an attendance problem exists. For example, one (1) incident of twenty (20) days absence due to a medically verified illness or disability is handled differently than twenty (20) unsubstantiated incidences of one (1) day each.

All available information must be reviewed and considered before determining that an attendance problem exists. It is important to recognize that each employee and situation is different and that each case must be assessed independently with consideration and flexibility given to the particular circumstances.

It is equally important to recognize that it may be very difficult to succeed in establishing that the employee's attendance is unacceptable and that action is warranted where an organizational culture of tolerance of absenteeism exists.

Once it has been determined that an attendance problem does, in fact exist, the next step is to determine the appropriate course of action.



It is not appropriate to include absences that have been approved or authorized by the Employer when managing employee absence from work.

3

Absences Due To '*Stress*'

Despite the many causes of employee absence from work, there has been an increasing trend in stress-related absences from work.

Some stress is necessary in that it assists us in achieving both work and personal goals. However, too much stress can make those goals harder to achieve. How an individual responds to a particular stressor will depend on their personality, their perceptions, and past experiences. This unique individual reaction to stress creates a challenge for Employers in managing stress-related absences.

ARE STRESS-RELATED ABSENCES LEGITIMATE?

When employees state the reason to their Employer or even provide medical verification stating absence from work is due to '*stress*', it is not sufficient information to legitimately be absent from work. Employers must take appropriate steps to seek clarification of the information.

Mental or physical impairments or disabilities are considered legitimate reasons for absence. Therefore, stress-related absences are legitimate when the employee has been able to verify the existence of restrictions related to an impairment or disability.

Despite the particular circumstances, there is general agreement that illnesses or disabilities attributed to stress must include assessment of:

- i. external (environmental) stimulus;
- ii. a person's psychological and physical response; and
- iii. some understanding of the relationship between the external stressor and the individual's particular response

EMPLOYER OBLIGATIONS TO PREVENT STRESS IN THE WORKPLACE

An Employer's obligation to reasonably provide a healthy and safe workplace is generally understood when considering hazards to physical safety. It becomes more difficult to understand and address when considering the hazards to psychological health and safety of employees.

The following identifies the key considerations for Employers regarding reasonable prevention of workplace illness or injury:

-  Employers have a responsibility to provide a workplace that is free of risks to health and safety. This responsibility or 'duty of care' includes a proactive duty to provide a system of work that is free of hazards to physical and mental or psychological safety;
-  Employers must manage risks that are reasonably foreseeable. 'Normal' or reasonable action is considered in the context of what would be commonly accepted within a specific occupation, business or trade;
-  Where an Employer knows or ought reasonably to know that an employee is particularly vulnerable in a psychological sense, the employee should not be exposed to risks in which they may be predictably harmed.

MANAGING STRESS-RELATED ABSENCE

The following key considerations and actions can contribute to successful management of stress-related absence:

-  Where employees identify that absences are due to 'stress', ensure supervisors are aware of the appropriate follow up procedures, including proper processes to verify restrictions;
-  Develop and implement an Attendance Management Program or Policy. *See Section 6 and/or Appendix B of this guide for further assistance and guidance in developing and implementing a successful Attendance Management Program or Policy;*

-  Ensure all employees are aware of the availability of Employee and Family Assistance Programs (EFAP) and/or other services that may be available from regional health authorities or community organizations;
-  Ensure supervisors are in regular contact with employees and that employees are provided with opportunities to raise issues constructively;
-  Review the training, development and support needs of all employees regularly;
-  Ensure supervisors are aware of the potential causes of work-related stress and the recommended approaches for dealing with it;
-  Treat employees who raise issues of stress with dignity and respect and give appropriate support;

4

Managing Attendance Problems – Administrator Actions

In the initial stages of managing attendance issues, a problem-solving approach (i.e. Coaching/Counselling) is most effective. The intent is to understand the absences, to discuss the impact on the workplace, to provide and identify support services available and ultimately, the outcome of the employee attending work regularly in the future.

Generally, with encouragement and support, the employee will be successful in achieving and maintaining an acceptable level of attendance. However, where attendance does not improve, further action will be required. This further action will differ depending on the type or cause of the absence(s).

It is important to understand that it is the manner in which employee absences are handled that will play a critical role in effective attendance management and preventing attendance problems from escalating. The language used by the supervisor can be a critical piece of this management.

This section of the guide provides general guidelines to address those circumstances where an actual or potential attendance problem has been identified. Refer to *Section 2 – Attendance Monitoring and Identifying Attendance Problems* for information and assistance in identifying attendance problems.

The following steps are designed to assist you in working through a process to effectively manage attendance problems:

- Step 1 – Coaching/Counselling
- Step 2 – Determine Absence Type
- Step 3 – Further Action



The steps described are general guidelines only. The specific action(s) taken may vary depending on the specific circumstances of each case.

STEP 1 - COACHING/COUNSELLING

Where an attendance problem has been identified, the appropriate initial response is coaching/counselling.

Coaching/Counselling *is not* intended to be disciplinary, it *is* intended to:

-  Bring to the employee’s attention that the level absence from work is a concern and/or a problem;
-  Explain the negative impact on the workplace and/or other staff;
-  Motivate the employee to improve and sustain regular attendance at work.
-  Provide support and identify the support services available;

Coaching/counselling involves two parts:

- Part A - Initial Discussion/Meeting
- Part B - Meeting Followed By Letter

Part A - Initial Discussion/Meeting

In the initial discussion/meeting, the immediate supervisor brings to the employee’s attention concerns regarding the level of absenteeism and works with the employee to improve the employee’s attendance.

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

a) Plan the meeting

-  Consult with appropriate sources (Human Resources, Senior Administration, Saskatchewan School Boards Association, etc.)
-  Organize information for the discussion including attendance records, appropriate average usage summaries, etc.
-  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 work unit or workplace.

b) Meet with Employee

i. 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, exceeding comparable averages, etc.);
-  Be clear that the goal is improvement;

ii. Explain the Impact on the workplace

-  Provide the employee with a clear explanation of how his/her absences are negatively impacting the workplace (student(s), school operations, programming, public expectations, etc);
-  Clarify that the employee's contribution is valued.

iii. Offer Assistance

-  Identify that the confidential, voluntary services of the Employee and Family Assistance Program or Rehabilitation Services (i.e. Saskatchewan School Boards Association – Disability Management Coordinator) are available, where applicable;
-  Identify the Union as a support, where applicable;
-  Ask the employee if other types of support may be required.

iv. Establish Guidelines and Follow-Up

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

c) Follow Up Meeting with Employee

-  Meet with employee as per the previously agreed timeframe;
-  Provide positive recognition where improvement is the result.

Part B - Meeting Followed By Letter

Where the employee's attendance does not improve, another meeting with the employee will be required.

The meeting framework described in ***Part A - Initial Discussion/Meeting*** should be duplicated. The process becomes more formal in that a letter summarizing the meeting is sent to the employee following the discussion.

The following specific points to be covered in the letter include:

-  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, exceeding comparable averages, etc.);
-  Clear identification of the negative impact on the workplace or work unit;
-  Clear identification of the expectations;
-  The employee's explanation for the absences and whether explanation is reasonable or acceptable;
-  Any commitments made by the employee, including his/her commitment to improve;
-  The timeframe for follow up.



The letter is a summary of the meeting and should contain information that was specifically discussed in the meeting.

Appendix A – Sample Letters provides further guidance to assist you in drafting appropriate documentation.

STEP 2 – DETERMINING ABSENCE TYPE

If the employee's attendance still does not improve, the reasons or cause for the absence(s) must be assessed prior to taking further action.

This step requires another meeting with the employee.

The meeting should follow the general framework as described in *Step 1 – Coaching/Counselling*. As the process is intended to assess the type of absence, in Step 2, the employee will be required to produce medical verification of the absences.

The following additional discussion items and documentation are to be included at this step:

-  Advise the employee that the Employer requires medical verification of the absence and medical confirmation of their ability to maintain regular attendance at work in the future;
-  Provide the employee with a letter to take to their physician;
-  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 A – Sample Letters provides further guidance to assist you in drafting appropriate documentation.

Generally speaking, absences can be categorized into two (2) types:

- A. Culpable
- B. Non-Culpable

The following provides a general description of each type of absence to assist in your determination:

A. *Culpable Absenteeism*

These are unauthorized absences where there is no reasonable, acceptable or substantiated explanation. Culpable absences are within the employee's control and meet the following conditions:

- i) The employee **KNOWS** the expectations
- ii) The employee is **CAPABLE** of meeting the expectations
- iii) The employee **CHOOSES** to act otherwise

The following provides examples of culpable absence:

-  excessively arriving late for work or leaving early;
-  excessive absence (without substantiation) or abuse of leave;
-  no reason is provided for the absence;
-  the reason for the absence is not legitimate.

B. *Non-Culpable Absenteeism*

These are situations where an employee is absent from work and has genuine and documented reasons for the absences. While, the employee is not fulfilling the obligations set out in the employment contract, he/she is not completely responsible for this result.

Non-culpable absences require special attention since they are more difficult to manage and most often require significant flexibility and adaptability. There are two categories of non-culpable absences:

1. *Disability* is used to define absences that result from an identified condition of disability within the meaning of the law. Employers are required to accommodate employees with a disability, to the point of “undue hardship”.

Generally speaking, *The Saskatchewan Human Rights Code* includes the following in the definition of disability:

-  any degree of physical disability, infirmity, malformation or disfigurement;
-  an intellectual disability or impairment;
-  a learning disability or a dysfunction in one or more of the processes involved in the comprehension or use of symbols or spoken language;
-  a mental disorder

2. *Non-disability* absences are those, where after investigating the situation, there is a reasonable, acceptable explanation or medical substantiation that the absences are beyond an employee’s control.

In the case of non-disability absences, the Employer is not obligated to accommodate as the reason or substantiation for the absence is not related to the existence of a disability within the meaning of the law.

Examples of non-disability absences could include:

-  incapacity due to a lack of skills and/or abilities for reasons that are not attributed to a disability;
-  excessive sick leave, with or without pay (even though there is medical certification) that is not attributed to a disability;
-  excessive absences from work to deal with ongoing family matters or responsibilities.

When managing attendance problems, the following points are important to keep in mind:

-  While consistent application of the process is important, in order effectively manage the specific circumstances of each case, flexibility and discretion will be required;
-  Depending on the facts of each particular situation, it may be advisable to repeat one or more of the steps;
-  Unionized employees should be afforded the right to union representation at meetings, if requested by the employee and where collective agreement provisions prescribe.



For unusual situations, further assistance, and support seek advice from the Saskatchewan School Boards Association Employee Relations or Legal Services Departments.

STEP 3 – FURTHER ACTION

A. *Addressing Culpable Absenteeism*

Where attendance issues have been identified, and early intervention efforts do not produce improvement, and where the absenteeism is deemed to be culpable, a process involving discipline is the appropriate response.

Discipline sanctions may vary depending on individual Board administrative procedures, practices and/or policies and whether unionized or non-unionized, however, courts and arbitrators have imposed the following tests to determine whether discipline is fair, reasonable, and legally defensible:

1. *Is There An Attendance Problem? (The onus rests with the Employer to prove that an attendance problem actually exists)*

 The Employer must demonstrate that a reasonable person, given the same set of circumstances, would reach the same conclusion.

 Objective data such as: Employer attendance averages, employee monitoring reports, payroll records, etc are useful tools in this regard.

2. *Does the Absenteeism Warrant Discipline? (The Employer must demonstrate that the absences violate its legitimate interests and that the absences are culpable)*

 Provide specific examples of how the employee's absences impede the ability of the Employer to provide services.

 Provide evidence that:

- the employee was aware of the expectations;
- the absences were within the employee's control to improve;
- the employee was provided a reasonable opportunity to meet the expectations; and
- the employee did not meet the expectations.

 The Employer must also demonstrate the employee was made aware that discipline would be the result if attendance did not improve.

Where the Employer has met its obligations as described in #1 and #2, the court or arbitrator will further assess:

3. Was the sanction appropriate? (*The Employer must demonstrate that the 'punishment fit the crime'*). The following mitigating factors are most often considered:

-  Length of service;
-  Previous employment record;
-  Employer actions (unreasonable, discriminatory);
-  Special hardship;
-  Any others that may reasonably excuse the employee's absence(s);

B. Addressing Non-Culpable Absenteeism

As non-culpable absences are those in which the employee is not completely responsible, it is not appropriate to manage this type of absenteeism by using a disciplinary approach. Not only will it be ineffective in improving the behaviour, it would not be legally defensible.

The appropriate response is to provide assistance, support and where a disability has been medically verified, accommodation to the point of 'undue hardship'. It is important to remember and understand that *undue hardship* is an incredibly difficult threshold to meet and involves a significant amount of time and financial liability for an Employer.

The relevant factors that may be considered when assessing the duty to accommodate an employee to the point of undue hardship may include:

-  the financial cost of the possible method of accommodation;
-  the disruption to the operations and/or provision of service;
-  the relative changeability of the workforce and facilities;
-  the threat to the health and safety of the employee and/or others;
-  the prospect of substantial interference with the rights of other employees;
-  the impact on a collective agreement;

Not all factors carry the same weight and depending on the particular facts, some may carry sufficiently more weight than others.

Even when such factors are identified, the question of *when* the threshold of undue hardship has been reached will vary from case to case. For Boards of Education, an important consideration in demonstrating undue hardship will be the extremely high responsibility for duty of care to its students.

Discharge should be considered **only** when every possible action has been taken to accommodate the employee. Courts and arbitrators have generally speaking, imposed the following tests when considering the discharge of employees where attendance issues are deemed to be non-culpable:

1. The absences have been shown to be clearly excessive.
2. It has been proven that the employee will be unable to attend work on a regular basis in the foreseeable future.
3. All reasonable accommodations have been considered.

The following questions are examples of considerations that should be made:

-  What actions has the employee taken and has the employee done everything reasonably possible to regain his or her health and return to work?
-  Has the employee been provided assistance in every way reasonably possible (i.e. counselling, support, time off.)?
-  Has the employee been given sufficient notice that the attendance problem is jeopardizing his/her employment?
-  Has there been an assessment to determine if a disability requiring accommodation exists?
-  Has enough time elapsed to allow for every possible chance of recovery?
-  Has the employee been treated in a fair, reasonable and non-discriminatory manner?

5

Developing An Attendance Management Program/Policy

An Attendance Management Program or Policy will be an invaluable method in achieving a consistent, transparent, systematic approach to managing employee attendance. Where appropriately developed and implemented, an Attendance Management Program/Policy will produce the following results:

-  Promote an atmosphere of mutual respect, fairness and concern;
-  Promote optimal and consistent attendance at work;
-  Reduce costs and the amount of time absorbed by attendance problems including, but not limited to hiring; recruitment; overtime; staff training and orientation; sick leave, etc.;
-  Assist individual employees overcome difficulties which adversely affect consistent attendance and to help prevent absenteeism problems from escalating;
-  Improve Employee/Employer relations;
-  Provide a consistent, transparent approach for responding to excessive absenteeism.

When developing and implementing your Attendance Management Program/Policy, it is most important that the policy and/or procedures:

-  Are not inconsistent with the Employer's collective agreement(s);
-  Distinguish between culpable and non-culpable absences;
-  Are not discriminatory and do not penalize or disadvantage an employee for taking authorized leaves;
-  All employees are made aware of the policy.

The key is to focus on facilitating open, regular communication between the affected employee and supervisor/administrator and the procedures are applied consistently, given the specific facts of each case. This includes, in the case of a long-term medical absence, regular medical assessments of the employee's ability to return to work.



As medical information and the doctor–patient relationship is subject to strict privacy guidelines and regulations; ensure any attendance management program or policy provisions concerning medical verification meet these legal requirements.

See ***Appendix B – Sample Attendance Management Policy*** for further guidance to assist you in drafting your policy and/or administrative processes.



Additional Resources

ASSISTANCE AND SUPPORT:

The Saskatchewan School Boards Association provides direct support services to Boards of Education including the areas of Employee Relations, Disability Management, Legal Services and Benefits Administration. Association staff are available to provide advice and assistance to Boards of Education in managing employee attendance including:

-  Assisting in the development, implementation and management of employee attendance issues, programs and policies;
-  Interpretation and application of applicable legislation, collective agreement and benefit plan provisions;
-  Coordination of benefit plan claims;
-  Assistance in the development, implementation and promotion of wellness initiatives and health and wellness information;
-  Liaise with benefit plan service providers;
-  Support and assistance in the development of return-to-work plans and employee accommodations;
-  Assistance in developing and delivering training on Performance Management, Attendance Management and Disability Claims Management Procedures;
-  Provide advice in situations of culpable absenteeism and potential termination of employment.



The Saskatchewan School Boards Association Early Intervention/Return To Work Guide provides additional guidance and support.

ACKNOWLEDGEMENTS:

City of Regina

Health Canada

Queen's University

The Saskatchewan Workers' Compensation Board

University of Western Ontario

APPENDIX A

Sample Letters

**SAMPLE LETTER #1
(CONFIRMATION OF CONCERN)**

[DATE]

PERSONAL & CONFIDENTIAL

[Employee Name]

Dear [Employee]:

This letter is to summarize and confirm the information discussed in our meeting held on [DATE].

A review of your attendance record for the period of X to Y indicates you were absent and accessing sick leave for X days (please see the attached copies of your attendance record). Your use of sick leave over the past x months is above the school division average of X days.

You explained that the reasons for your use of sick leave above the acceptable average is due to X. While we sympathize with your apparent need for frequent use of sick leave, the school division must insist upon regular attendance. I indicated at the meeting that when you are absent from work it directly affects our ability to plan, organize and provide quality educational services to the students trusted to be in our care. Significant absences affect your co-workers and result in a lack of continuity necessary for the success of the students to which you are assigned.

Your attendance record is a concern and improvement in your attendance is required. Your attendance record will be monitored closely and reviewed again for improvement in approximately three (3) months time or sooner if required.

We are willing to provide you with reasonable assistance in order to maintain your attendance at an acceptable level. If you are experiencing personal difficulties, which you feel may be affecting your attendance; I recommend you contact the Employee and Family Assistance Program (EFAP). The EFAP is a voluntary, confidential service and can be reached at [Phone number]. There are also services available from regional health authorities and community service organizations.

Yours truly,

Supervisor
attachment

c: Superintendent
Personnel File

**SAMPLE LETTER #2
(RECOGNITION OF IMPROVEMENT)**

[DATE]

PERSONAL & CONFIDENTIAL

[Employee Name]

Dear [Employee]:

I am writing to confirm the information discussed in our meeting held on [DATE].

In that meeting we reviewed your attendance record and identified that your absence from work exceeded the school division average. I also advised you that improvement in your attendance at work was required and that your attendance record would continue to be monitored closely and reviewed further in approximately three (3) months or sooner if required.

Assessment of your attendance for the period X to Y reveals you recorded (no/very few) sick leave absences during this period. I want to commend you for the effort you have made and acknowledge the improvement in your attendance.

While your attendance record will continue to be monitored on a regular basis for a period of up to one (1) year, I trust that you will continue to meet the expectations as previously outlined.

Keep up the good work!

Yours truly,

Supervisor

c: Superintendent
Personnel File

**SAMPLE LETTER #3
(RECOGNITION OF SUSTAINED IMPROVEMENT)**

[DATE]

PERSONAL & CONFIDENTIAL

[Employee Name]

Dear [Employee]:

Further to the letter sent to you on [DATE], a review of your attendance record for the period X to Y reveals you recorded (no/very few) sick leave absences during this period.

This is a dramatic improvement and you have been able to minimize your absences for an extended period of time. I am very pleased and would like to recognize your efforts and congratulate you on this improvement.

Recognizing that you have met your attendance targets, no further meetings will be required as long as an acceptable attendance record is maintained.

Thank you again for your efforts and diligence in improving your attendance.

Yours truly,

Supervisor

c: Superintendent
Personnel File

**SAMPLE LETTER #4
(NO IMPROVEMENT DURING REVIEW PERIOD)**

[DATE]

PERSONAL & CONFIDENTIAL

[Employee Name]

Dear [Employee]:

This letter confirms the information discussed in our meeting held on [DATE].

In this meeting I reviewed a letter dated [DATE] that was sent to you following a previous meeting in which I discussed concerns regarding your attendance. We also discussed your attendance record for the period from X to Y. During this period, you accessed an additional X days of sick leave (*a copy of your most recent attendance record is attached*).

You were given an opportunity to meet our expectations regarding your attendance at work. You have not met these expectations.

As previously discussed, when you are absent from work it directly affects our ability to plan, organize and provide quality educational services the students trusted to be in our care. Excessive unscheduled absences such as yours undermine the school division's ability to meet the needs of our students and provide the continuity necessary for our student's success.

You identified that your continued absence from work is due to X and once again committed to improve your attendance at work. Your attendance record will continue to be monitored closely over the next three (3) months and immediate and significant improvement is required. A meeting will be scheduled with you in approximately three (3) months, or sooner if required, to discuss your progress.

I would also like to take the opportunity to remind you again that if you are experiencing personal difficulties which you feel may be affecting your attendance, we strongly encourage you to contact the Employee and Family Assistance Program (EFAP). The EFAP is a voluntary, confidential counselling service for school division employees and their families and can be reached at [Phone Number]. There are also services available from regional health authorities and community service organizations.

Yours truly,

Supervisor

c: Superintendent
Personnel File

**SAMPLE LETTER #5
(ASSESSING CAUSE OF ABSENTEEISM)**

[DATE]

PERSONAL & CONFIDENTIAL

[Employee Name]

Dear [Employee]:

I have met with you on a number of occasions (X times) regarding your unacceptable level of sick leave usage. As confirmed in the letters dated [DATE], you were advised that your attendance record was unacceptable and that these absences were having an adverse effect on the school division's ability to appropriately meet the needs of our students. You were also advised of the expectation for immediate and significant improvement and that your attendance would be monitored on an ongoing basis.

A review of your attendance for the period X to Y indicates you have accessed X days of sick leave. Although you have been given a number of opportunities to improve over the past X years/months, your attendance continues to be substantially below acceptable levels. We view this as a very serious matter.

To date you have not demonstrated that regular attendance can reasonably be expected in the future. As such, you are required to provide medical documentation confirming the absences are medically related and whether the school division can expect regular and consistent attendance from you in the future. I have enclosed a letter for you to take to your physician. Please return this information in a sealed envelope to me directly prior to [DATE].

I am requesting that you attend a meeting with me on [DATE] at [TIME]. At this meeting we will discuss your ability to maintain regular attendance in the future and the review the expectations for your attendance. If you do not to provide the requested medical information, the school division will be forced to rely on our current information to determine the appropriate action that will be taken. This may include disciplinary action up to and including termination of your employment. You have the right to union representation at the meeting. It is your responsibility to made the necessary arrangements to have a union representative present.

I will take the opportunity to remind you again that if you are experiencing personal difficulties which you feel may be affecting your attendance, we strongly encourage you to contact the Employee and Family Assistance Program (EFAP). The EFAP is a voluntary, confidential counselling service for school division employees and their families and can be reached at [Phone Number]. There are also services available from regional health authorities and community service organizations.

Yours truly,

Supervisor

c: Superintendent
Personnel File
Union

**...con't SAMPLE LETTER #5
(LETTER TO PHYSICIAN)**

CONFIDENTIAL

Dear Physician:

RE: *[NAME OF EMPLOYEE]*

[EMPLOYEE] is employed with the X Board of Education as a *[EMPLOYEE'S POSITION TITLE]* where the requirements of *[his/her]* position include:

[BRIEF DESCRIPTION OF POSITION RESPONSIBILITIES]

You will find a job description attached for your information.

Over the past X months/year, *[EMPLOYEE]* has been frequently absent from work accessing sick leave. Based on the average of other employees who are employed with the *[SCHOOL DIVISION]*, the amount of time *[EMPLOYEE]* has been absent from work is excessive and is a cause of concern for us.

[EMPLOYEE] has identified that the reasons for the excessive absence is due to X. However, the information provided to date is not sufficient for the *[SCHOOL DIVISION]* to adequately confirm these reasons; assess whether duties could be modified in consideration of the needs of the school and the students; and whether we can reasonably expect *[his/her]* attendance to improve in the future.

In order for us to make a determination of what, if any, modifications can be made to *[EMPLOYEE]* duties or the workplace in order to facilitate an improvement in *[his/her]* attendance, we require medical confirmation that *[EMPLOYEE]* is in fact, medically unable to meet attendance expectations and if so, *[his/her]* abilities, limitations and prognosis for improvement in the future (Please note that we will not accept diagnosis information).

The *[SCHOOL DIVISION]* is committed to working with our employees to facilitate regular attendance at work, and would appreciate any help you can provide in this regard.

Please complete the attached form. We have requested *[EMPLOYEE]* to return it to me by *[DATE]*.

We thank you for your anticipated cooperation.

(Note: Attach an envelope to the letter, with your name and address, and marked "PERSONAL & CONFIDENTIAL".)

PHYSICIAN’S REPORT

1. Date of last attendance on [EMPLOYEE]: _____

2. In your opinion does [EMPLOYEE] have a medical condition that would prevent [him/her] from attending work on a regular, consistent basis? Yes _____ No _____

If ‘Yes’ to #2

a) In your opinion can [EMPLOYEE] 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] to be able to resume [his/her] duties on a regular basis: _____

3. In your opinion does [EMPLOYEE] have a medical condition that would prevent [him/her] from performing [his/her] full-duties? Yes _____ No _____

If ‘Yes’ to #3

a) Please identify the specific restrictions that prevent [EMPLOYEE] from fulfilling [his/her] full duties:

b) On what date can we expect [EMPLOYEE] to be able to resume the full scope of [his/her] duties: _____

Please answer the following questions only if, in your opinion, [EMPLOYEE] has a medical condition that prevents [him/her] from regularly attending work and/or performing the full-scope of duties as described in the job description.

- 4. Is [EMPLOYEE] 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] or others?

Yes _____ No _____

If yes, please describe: _____

- 5. Are there any other specific stressors/situations that would affect [EMPLOYEE'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] regularly attending work:

- 7. Has [EMPLOYEE] 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: _____

APPENDIX B
Sample Attendance Management Policy

The following represents a sample attendance management policy designed to assist Administrators in the development of an internal attendance management policy for your school division.

ATTENDANCE MANAGEMENT

Effective Date: TBD

Reviewed/Revised Date: N/A

POLICY STATEMENT

The Board of Education 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 *Board of Education'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 policy is not intended to limit an employee's right to utilize their sick leave for legitimate reasons.

APPLICATION

This policy applies to all employees of the *School Division No.*

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 reasons 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 of used to 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 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 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

To ensure all relevant information is provided, and to facilitate administrative ease, completion of the "Medical Verification – Employee Absence From Work" form may be required.

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 Saskatchewan 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 Saskatchewan 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 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: 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 appropriate sources (Human Resources, Director, Superintendent, Saskatchewan School Boards Association, etc.)
 - Organize information for the discussion including attendance records, appropriate average usage summaries, etc.
 - 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 work unit or workplace.

- ii) Meet with Employee
 - Clarify the meeting is not intended in any way to be disciplinary;
 - Ensure privacy;
 - Describe attendance problem (trends/patterns, incidents vs. days, exceeding comparable averages, etc.);
 - Provide the employee with a clear explanation of how his/her absences are negatively impacting the work unit or workplace;
 - Be clear that the goal is improvement;
 - Identify that the confidential, voluntary services of the Employee and Family Assistant Program or Rehabilitation Services or other regional health authority or community services are available, where applicable;
 - 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 2 – 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, exceeding comparable averages, etc.);
- Clear identification of the negative impact on the workplace or work unit;
- 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 3 – 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;
- Provide the employee with a letter to take to their doctor;
- 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 A

PLEASE HANDLE THE COMPLETED FORM IN A CONFIDENTIAL MANNER

School Division No.

**MEDICAL VERIFICATION
EMPLOYEE ABSENCE FROM WORK**

| Employee Information: | | | |
|-----------------------|---|-------------|---------------|
| Last Name: | First Name: | Initial: | Employee ID # |
| Street Address: | City: | Postal Code | |
| Home Phone Number: | On what date did your illness/injury begin? DD / MM / YY | | |

This section must be completed by a **Licensed Medical Physician** or other Health Provider.**DO NOT INCLUDE ANY DIAGNOSIS INFORMATION.**

Date of Visit for current illness/injury:

| | | | | |
|----|---|----|---|----|
| DD | / | MM | / | YY |
|----|---|----|---|----|

Date of Next Clinical Assessment, if required:

| | | | | |
|----|---|----|---|----|
| DD | / | MM | / | YY |
|----|---|----|---|----|

In my opinion, the above patient is incapable of working due to medical reasons:
 Yes No

Identify expected date for return to work to full duties:

| | | | | |
|----|---|----|---|----|
| DD | / | MM | / | YY |
|----|---|----|---|----|

Identify expected date for return to work to less than full duties:

| | | | | |
|----|---|----|---|----|
| DD | / | MM | / | YY |
|----|---|----|---|----|

NOTE: If employee is able to return to work to less than full duties, please indicate the specific restrictions/limitations (attach additional information if required).

Limitations: (please print)

Name of Medical Physician or Health Provider (please print):

Address:

Signature:

Date

TO BE COMPLETED BY Employee's Immediate Supervisor:**NOTE:** Ensure form is kept in a confidential file or location that is only accessible to authorized personnel.

Reviewed by:

Date:

DD / MM / YY