

		<b>Municipality of Sioux Lookout</b> <b>Human Resources Policy Manual</b>			
		Date	19-Oct-22	Amendment Date	
Section:	Personnel	Policy Number:	3-58	By-law Number	45-22
Subject	Attendance Management	Repeals: Policy Number:		Repeals: By-law Number	

### Purpose

Every employee of the Municipality of Sioux Lookout has an obligation to perform with regularity the functions for which they were hired. It is the policy of the Municipality of Sioux Lookout to manage employee absenteeism in a fair and consistent manner with the following objectives:

1. To increase attendance awareness and reduce absences from work and the associated costs, and
2. To regularly communicate the responsibilities of employees, supervisors, management, and the HR Department, and
3. To assist employees in minimizing absence from work by making every reasonable effort to provide accommodation, offer assistance, and rehabilitation, and
4. To maximize delivery to the public.

It is essential that any conduct toward an employee is not in breach of the Ontario Human Rights Code and/or its processes or protocols.

### Application

This policy applies to all employees of the Municipality of Sioux Lookout.

### Expectations

All Employees:

The Municipality expects its employees to meet their employment obligation to attend work on a regular basis. To that end, the Municipality will endeavor to foster and encourage workplace conditions conducive to regular attendance.

Management:

Managers will ensure the consistent administration of this policy. Monitoring absenteeism provides managers with opportunities to improve working conditions, efficiency, and communication.

## Responsibilities

### Employees:

1. Must notify their direct supervisor/manager or designate and outline the type of absence requested and expected date of return; and follow any protocol as outlined in the applicable collective agreement and/or Municipal policy.
2. Will maintain contact with their immediate supervisor or designate during absence.
3. When requested, provide a valid physician's note that is dated the day or during the period of absence stating the employee was unfit for work.
4. Will ensure that the medical document is properly completed and received by the immediate supervisor or designate, or the Manger of Human Resources.
5. Will provide a physician's note with expected date of return in cases of extended period of short-term absences.

### Managers and Supervisors:

In order to enable employees to maintain their attendance, the following actions will be taken by the mangers and supervisors:

1. Will ensure that the attendance policy is applied consistently.
2. Will ensure that this policy and its procedures are communicated to employees and form part of the orientation process for new employees.
3. Will assist its employees in minimizing absences by making a reasonable effort to provide accommodation, assistance, and rehabilitation where required.

### Manager of Human Resources:

The Human Resources Department will provide support, consultation, and guidelines as it relates to this policy. It is also responsible for:

1. The analysis of absenteeism statistics and the administration of attendance standards in consultation with the Finance Department and the employee's immediate supervisor.
2. The right to request documentation to support an employee's absence and to substantiate the employee is subsequently fit to return to work.

## Sick Leave Patterns

Abuse of sick days will not be tolerated. Supervisor and managers have been instructed to remain vigilant of the following sick leave patterns, particularly if the patterns are chronic and persistent including but not limited to:

1. Absence of weekends, Saturdays, or Sundays where the employee is scheduled to work.
2. Absences during the day before and/or the day after scheduled vacation day(s) or statutory holiday(s).
3. Absences during the day immediately following a pay day.
4. Absences where an employee calls in sick immediately after another sick day has accrued.
5. Situations where absence(s) coincide with desirable days off.
6. Absences that typically fall on a Monday or a Friday.
7. Situations where employees with past excellent attendance have been frequently missing time.

## Definitions

**Accommodation:** Employees, who have a medically verified and documented requirement, will be accommodated on either a temporary or permanent basis, whenever possible. The primary goal is to have the employee return to their pre-injury/illness job in a timely manner. If the functional abilities of the employee prevent the return to their job, placement in another job in their department is investigated. In certain situations, placement in another position within the Municipality be considered and approved.

**Culpable Absenteeism:** is defined as lateness or absence from scheduled work for which the employee should be held responsible because the reason for the absence is within the employee's power to address and correct.

There are four key types of culpable absenteeism:

- Lateness/leaving early
- Failure to notify
- Absence without approved leave (permission)
- Abuse of leave

If an absenteeism problem is culpable, disciplinary procedures may be invoked by management. The discipline imposed will reflect the gravity of the immediate offence but any prior disciplinary record will be taken into consideration.

**Functional Abilities Form (FAF):** the assessment by an attending physician of the employee's abilities to perform physical or cognitive tasks (eg lifting, standing, walking) in order for the employer to determine the ability of the employee to return to employment and perform their job (or a modified job for a defined period of time).

**Modified Job:** a variance from the employee's regular job duties to accommodate the abilities identified in the Functional Abilities Form, when an employee cannot perform the majority of their job. This is normally a temporary change in work duties or hours.

**Non-culpable Absenteeism:** is defined as absence that is involuntary or not controllable by the employee.

Non-culpable absenteeism is normally non-work related medical leave (illness) but may include other types of non-culpable absence such as:

- WSIB leave
- Maternity/parental/adoption leave
- Bereavement leave
- Jury/witness leave
- Personal leave (may include Emergency Leave as defined by Employment Standards)
- Union leave (where applicable)

**Return to Work Plan:** The focus of a return to work plan is to assist the employee in returning to their pre-injury/illness job in a timely manner and is prepared by the Human Resources Manager in consultation with the Manager/Supervisor, the employee, and the attending physician. The employee is offered suitable work assignments and/or modified hours of work for a temporary period of time, based on the clearly identified capabilities listed by the attending physician in the Functional Abilities Form. The progress of the plan is followed closely and every effort is made to facilitate the employee in returning to their pre-injury/illness job.

## Conditions

Each manager/supervisor will be responsible to monitor attendance within their department.

In the event a manager/supervisor detects an employee has exceeded the established benchmark (37.5 hours for 1950 employees, 40 hours for 2080 employees) over a three (3) month period the manager/supervisor shall refer to the Attendance Management Program.

When an employee's absenteeism is excessive the Department Manager, or designate, needs to review all available information to determine the appropriate course of action. It is important to recognize that each employee and situation is different and that each case must be assessed objectively with some consideration and flexibility given to the individual circumstances. Therefore, once an attendance issue has been identified all available information must be considered before deciding how to proceed and to determine if an employee enters the Attendance Management Program.

### **Attendance Management Program**

**Stage 1 meeting:** When an employee's rate of absence has exceeded the established benchmark over a three (3) month period, whether cumulative or on one single occasion, the Department Manager, or designate, will meet with the employee to have a discussion about attendance expectations.

- If it is determined an employee will be entered into Stage 1, the Department Manager, or designate, will follow-up with the employee via written documentation.
- If it is determined an employee will not be entered into Stage 1, there will be no further action taken.

**Stage 2 meeting:** Three months after being admitted into Stage 1, the Department Manager, or designate, will review the employee's attendance since the Stage 1 meeting. If the employee's attendance is not acceptable during those three months, the Department Manager, or designate, and Human Resources Department will meet with the employee and their union representation, as applicable, to discuss the employee's ongoing failure to meet attendance expectations.

- At this meeting, if the employee does not identify a medical issue contributing to the employee's ongoing failure to meet attendance expectations, the Department Manager, or designate, will follow-up with a letter to the employee. At this time, the employee should be advised that a continued failure to demonstrate a significant and sustained improvement in their attendance may place their employment with the Municipality in jeopardy.
- If the employee identifies a medical issue, the employee shall be provided with a Functional Abilities Form by the Department Manager, or designate, and advised to return the completed FAF to Human Resources. The Department Manager, or designate, will follow-up with a letter to the employee.
- After Human Resources has reviewed the FAF, the Department Manager, or designate, will meet with the employee and their union representation, as applicable, to discuss attendance expectations over a further three month monitoring period. The Department Manager, or designate, will follow-up with a letter to the employee.

**Stage 3 meeting:** Three months after the Stage 2 meeting, the Department Manager, or designate, will review the employee's attendance since the Stage 2 meeting. If the employee's attendance has not shown a significant and sustained improvement, and there is no reasonable basis upon which to believe that the employee's attendance will improve to an acceptable level within the foreseeable future, consideration should be given into entering a LAST CHANCE AGREEMENT.

If management determines that a LAST CHANCE AGREEMENT is the best option, the Department Manager, or designate, along with the assistance and advice of Human Resources will develop the appropriate documentation and hold a meeting with the employee and union representation, where applicable.

If management does not choose to pursue a LAST CHANCE AGREEMENT, the Department Manager, or designate, and Human Resources will meet with the employee and their union representation, where applicable, to advise the employee that their employment with the Municipality of Sioux Lookout is in effect terminated for just cause arising out of their inability to fulfill their part of the employment relationship. This meeting will be followed up with a letter to the employee.

If there is a reasonable basis upon which to believe that the employee's attendance will improve to an acceptable level within the foreseeable future, the employee will repeat Stage 2 until either it is determined that there is no longer a

reasonable basis upon which to believe this, or the employee's attendance improved and the employee begins moving backwards through the program as described in Note "3" below.

**Note:**

1. For specific details as to union representation at meetings and titling of meetings, please refer to the relevant collective agreement.
2. At any stage of the above noted process, the Department Manager, or designate, may, in consultation with Human Resources, exercise their discretion to extend the review period or to exclude from consideration specific absences if appropriate in the circumstances.
3. If, at the end of any review period referred to above, the employee has shown significant and sustained improvement in their attendance, they move to the previous stage. This process shall continue until the employee exits the attendance management program by moving backward through each Stage.
4. If, at the end of any review period referred to above, the employee has shown some improvement in their attendance, they repeat the same stage.
5. The complete Attendance Management Program is attached to this policy as Appendix A.
6. The attached forms and letters are samples only and should be modified to reflect the actual circumstances. Department Managers, or designates, are encouraged to customize the letters to suit their needs.
7. If at any stage of the process set out above, the employee reveals that their excessive absences are due to a disability/underlying medical issue, the Municipality's duty to accommodate must be considered before continuing with the attendance management process. When a disability/underlying medical issue is revealed, the Department Manager, or designate, should discuss the matter with Human Resources. While attendance may still be managed during the accommodation process, special considerations may apply. In all cases, Human Resources will require a completed Functional Abilities Form (FAF) to substantiate any request for accommodation.

**Posting, Notice, and Retention**

1. The Municipality shall provide a copy of this Policy to each employee of the Municipality within 30 calendar days of implementation. Should any changes be made to the Policy after its implementation, the Municipality shall provide each employee of the Municipality a copy of the revised Policy within 30 days of the changes being made.
2. The Municipality shall provide a copy of this Policy to all new employees upon onboarding and within 30 calendar days of the employee commencing employment with the Municipality.
3. The Municipality shall retain a copy of this and any revised version of this Policy for three years after it ceases to be in effect.

**Policy Implemented on: October 19, 2022**