

ATTENDANCE SUPPORT AND
MANAGEMENT PILOT PROGRAM
(ASMPP)
**MCSCS (Correctional Services Division) and
MCYS (Youth Justice Services)
Employee's Guide**
Updated

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INTRODUCTION

Both the Ministry of Community Safety and Correctional Services, Correctional Services Division (CSD) and Youth Justice Service of the Ministry of Children and Youth Services (YJS) value excellence in service delivery through a quality workforce which shows pride in its efforts and the community.

Every Employee of the CSD and YJS has an obligation to regularly perform the functions for which they are responsible. Both CSD and YJS are committed to assisting Employees who may be having difficulty maintaining regular attendance. The Attendance Support and Management Pilot Program (ASMPP) is designed to provide a formal structure that will facilitate assisting Employees in CSD and YJS with managing attendance difficulties.

The Attendance Support and Management Pilot Program (ASMPP) is a non-disciplinary approach designed to manage excessive absenteeism.

The ASMPP applies to all regular and fixed-term Employees in the Correctional Bargaining Unit and all Managers within CSD and YJS.

Employees who are absent more than four occurrences or seven days in any 12 month period will be subject to the Program. The Program calls for 4 progressive Levels if absenteeism continues to exceed these thresholds. When an Employee triggers each level, they will have a meeting with Employer Representatives. The purpose of the meeting is to advise Employees that their non-culpable absenteeism is a serious concern and give them an opportunity to improve. The intent is to be proactive in helping Employees overcome difficulties with maintaining regular attendance and therefore be healthier and more productive at work.

If an Employee continues to exceed acceptable absenteeism with no improvement, they will progress through the program. Ultimately, the Ministries will take appropriate action in order to eliminate excessive absenteeism.

Note: The ASMPP replaces the Attendance Support Program (ASP) in the Ministries. Following the implementation of the ASMPP all Employees will begin at Level 1 in the event their absences trigger entry into the Program. However, an Employee's history of non-culpable absenteeism will continue to be relevant for the purposes of the ASMPP. The Employee's history of non-culpable absenteeism will be considered when developing their Attendance Improvement Plan or required



accommodation as well as when the Employer is making a determination at Level Four of the ASMPP.



PURPOSE

To manage absenteeism within the Ministries in a fair and consistent manner in order to provide cost-effective and efficient public service by:

- a) Increasing attendance awareness and reduce absences from work and the associated costs;
- b) Helping Employees achieve and maintain regular attendance at work by providing accommodation as required; and
- c) Regularly communicating the responsibilities of Employees, Supervisors, Senior Management and Human Resources.

The ASMPP shall be applied in a manner consistent with the Collective Agreement, the Ontario Human Rights Code, and any other applicable legislation.



RESPONSIBILITIES

Employee

1. Maintain an acceptable level of regular attendance.
2. Report all absences in the manner and time prescribed in the Attendance Support and Management Pilot Program, Ministry policy and procedures, and Short Term Sickness Plan.
3. Notify their Reporting Manager of their absence and expected date of return.
4. Be honest and forthright in all dealings regarding absences away from work.
5. Maximize their health, fitness and safety.
6. Attend to any personal affairs and obligations during personal time.
7. Seek assistance through Staff Services and/or the Employee Assistance Program should medical/psychological issues be affecting work performance and/or attendance.
8. Report workplace accidents/incidents immediately.
9. Provide medical/health information in accordance with this Manual, the collective agreement Article 44 -Short Term Sickness Plan, Article 31A -Attendance Credits and Sick Leave or as directed by the Employer.



Management

1. Document and monitor all forms of attendance, paying close attention to attendance trends and patterns.
2. Know and follow the procedures outlined in the Attendance Support and Management Pilot Program.
3. Ensure the consistent application of the Attendance Support and Management Pilot Program within the groups they supervise, treating all Employees with dignity and respect.
4. Ensure all information regarding Employee absences or incidents of lateness/leaving early is forwarded to the appropriate manager for action in a timely manner.
5. Ensure the confidentiality of an Employee's personal health and/or medical information.
6. Manage any attendance issues by coaching Employees (both through meetings and in writing) who need assistance, and by taking other suitable steps to address employee attendance problems.
7. In accordance with Ministry policies, keep in contact with Employees who are absent from work.
8. Discuss issues pertaining to Employee absences with the ASMO as necessary.



Attendance Support and Management Office (ASMO)

1. Design and support human resource strategies that assist management and Employees in achieving regular attendance levels across the organization.
2. Provide overall administration of the Attendance Support and Management Pilot Program, including providing timely attendance reports to the Joint Attendance Strategic Implementation Committee (JASIC) and regularly informing management of the effectiveness of the Attendance Support and Management Pilot Program.
3. Assist Cost Centres where possible to address Health and Productivity programs to improve health, wellness and levels of attendance and cooperative approaches to accommodation.
4. Ensure the confidentiality of an Employee's personal health/medical information.
5. Assist departments in reviewing individual Employee health issues impacting attendance or performance of work duties.
6. The ASMO shall exercise reasonable discretion to deal with non-culpable absenteeism on a case-by-case basis at progression through levels of the program.

Centre for Employee Health Safety and Wellness, HROntario

1. Health, Safety and Wellness Services

- Advice and consultation.
- Program development and delivery.
- Hazard assessment and mitigation.
- Support to Internal Responsibility System and Joint Occupational Health and Safety Committees.
- Employee Assistance Program coordination.



2. *Injury and Illness Management*

- Employment accommodation and return to work advice and case management (not related to the ASMPP).
- Workplace Safety and Insurance claims administration.
- Employer representation for appeals/disputes before the WSIB.



HUMAN RIGHTS CONSIDERATION

When addressing absenteeism, it is important to remember the requirements of the *Human Rights Code*, and to understand the inter-relationship between absenteeism and disability.

The *Human Rights Code* protects persons with disabilities as defined by the *Code* from discrimination in employment and from harassment in the workplace because of disability. It is generally held that ‘illness’ in the context of the *Code* does not apply to illnesses of a temporary nature, such as colds or the flu. The WDHP, the policy preventing harassment and discrimination, protects employees from all forms of harassment and discrimination. This would include protection for Employees with disabilities (visible/invisible, physical/mental) from harassment or discrimination (intentional or systemic).

It is necessary to differentiate between those persons who are absent due to disability as defined by the *Code*, and those who are absent due to an illness which would not be considered a disability. If the absence is due to a disability, the application of these guidelines may not be appropriate. Managers requiring assistance in determining an appropriate course of action in individual cases should consult with the Attendance Support and Management Office.

The Employer shall give proper consideration of implications arising under the Ontario Human Rights Code and preclude the consideration of absences that flow from a Disability as defined by the Code.



DEFINITIONS

ASMPP deals primarily with absences that are generally defined as “innocent” or “non-culpable”. Such absences act as “triggering events” in the ASMPP and will be managed on a case-by-case basis. “Culpable” absences are generally defined as wilful acts resulting in violation of rules, regulations, policies, procedures or standards and may result in disciplinary action, but are not “triggering events” in the ASMPP.

Culpable Absenteeism

Refers to Employees who are absent without authorization for reasons which are within their control. Key types of culpable absenteeism include:

- Lateness/leave early
- failure to notify
- Absence without leave
- Abuse of leave
- Failure to explain absences
- Consistent patterns of unexplained absences

Non-Culpable or Innocent Absenteeism

Refers to absences that arise due to an Employee’s involuntary condition. Such absences are not dealt with through discipline. Rather, they are dealt with by coaching the Employee through the ASMPP; however such absenteeism may ultimately result in the termination of the employment.

Health Assessment

The Health Assessment is a formal assessment requested through the Employer (usually the Reporting Manager) when an Employee states that a medical condition is the reason for inadequate attendance.

Triggering Events

These are events that will result in the Employee’s record being reviewed and a meeting being held with the Employee about their attendance. Triggering events include.

- More than four (4) occurrences or seven (7) days of absence in a twelve (12) month period.
 - Absences related to “innocent absenteeism”.
-



ASMPP LEVELS

Level 1

Level 1 is triggered if an employee exceeds four occurrences of absence or seven days of absence in any 12 month period.

Where Level 1 is triggered, the Employer's representative(s) will meet with the employee to confirm with the employee that he or she is in Level 1 of the ASMPP, to review the employee's attendance record with the employee, to provide information to the employee (e.g., the importance of good attendance, the impact of attendance on the workplace and the costs associated with absenteeism) and to offer assistance to the employee, as appropriate. Such assistance could include, for example, an offer of accommodation or information about the Employee Assistance Program.

The Employer's representative(s) will advise the employee that he or she will proceed to the next Level in the ASMPP if the employee's absences continue to exceed four occurrences or seven days within the applicable 12 month period.

The employee will receive a non-disciplinary letter confirming what was discussed at the Level 1 meeting.


Level 2

Level 2 is triggered if an employee exceeds four occurrences of absence or seven days of absence in the 12 month period following the triggering of Level 1.

Where Level 2 is triggered, the Employer's representative(s) will meet with the employee to confirm with the employee that he or she is in Level 2 of the ASMPP. The Employer's representative(s) will review the employee's attendance record with the employee and their concerns about the record. The Employer's representatives will explore with the employee whether there is a need for accommodation, including additional or different accommodation and ways in which the Employer can support the employee to improve his or her attendance and reduce absenteeism. The Employer's representative(s) will remind the employee about the availability of the Employee Assistance Program.

The Employer's representative(s) will advise the employee that he or she will proceed to the next Level in the ASMPP if the employee's absences continue to exceed four occurrences or seven days within the applicable 12 month period. The Employer's representative(s) will inform the employee that continued progression through the ASMPP levels may lead to non-culpable termination.

The employee will receive a non-disciplinary letter confirming what was discussed at the Level 2 meeting.



Level 3

Level 3 is triggered if an employee exceeds four occurrences of absence or seven days of absence in the 12 month period following the triggering of Level 2.

Where Level 3 is triggered, the Employer's representative(s) will meet with the employee to confirm with the employee that he or she is in Level 3 of the ASMPP. The Employer's representative(s) will review the employee's attendance record with the employee. The Employer's representative(s) will reaffirm both their concerns with the employee's absenteeism record and their objective of supporting the employee to achieve and maintain an appropriate level of attendance. The Employer's representative(s) will again explore accommodation issues with the employee and whether other supports might assist the employee to improve his or her attendance and reduce absenteeism.

The Employer's representative(s) will advise the employee that he or she will proceed to the next and last Level in the ASMPP if the employee's absences continue to exceed four occurrences or seven days within the applicable 12 month period. The Employer's representative(s) will remind the employee that continued attendance issues may result in termination for innocent absenteeism.

The employee will receive a non-disciplinary letter confirming what was discussed at the Level 3 meeting.

Level 4

Level 4 is triggered if an employee exceeds four occurrences of absence or seven days of absence in the 12 month period following the triggering of Level 3.

Where Level 4 is triggered, the Employer's representative(s) and senior management will review the employee's circumstances, including the employee's attendance record, the reasons for the employee's absences, the employee's medical status and accommodation (including efforts to accommodate the employee), where applicable.

The Employer Representative will assess the Employee's individual circumstances, assess the reasons for the absences, give proper consideration of implications arising under the Ontario Human Rights Code, and exclude any absences related to absences that flow from a Disability as defined by the Code. . **The Employer shall preclude the consideration of WSIB absences in making any determination at Level 4 of the ASMPP.**

If senior management is satisfied that the employee's absenteeism is excessive and there is no reasonable prognosis for improvement, after taking into account the Employer's obligation to accommodate an employee, if applicable, the employee's employment may be terminated for innocent absenteeism.



MULTIPLE ASMPP LEVEL MEETINGS

Employees who may have triggered absences which span more than one attendance interval may be identified to attend an attendance meeting which incorporates up to a maximum of 2 ASMPP levels. However, the level 4 meeting will not be combined with any other level.

CHANGING LEVELS THROUGH CHANGING ATTENDANCE

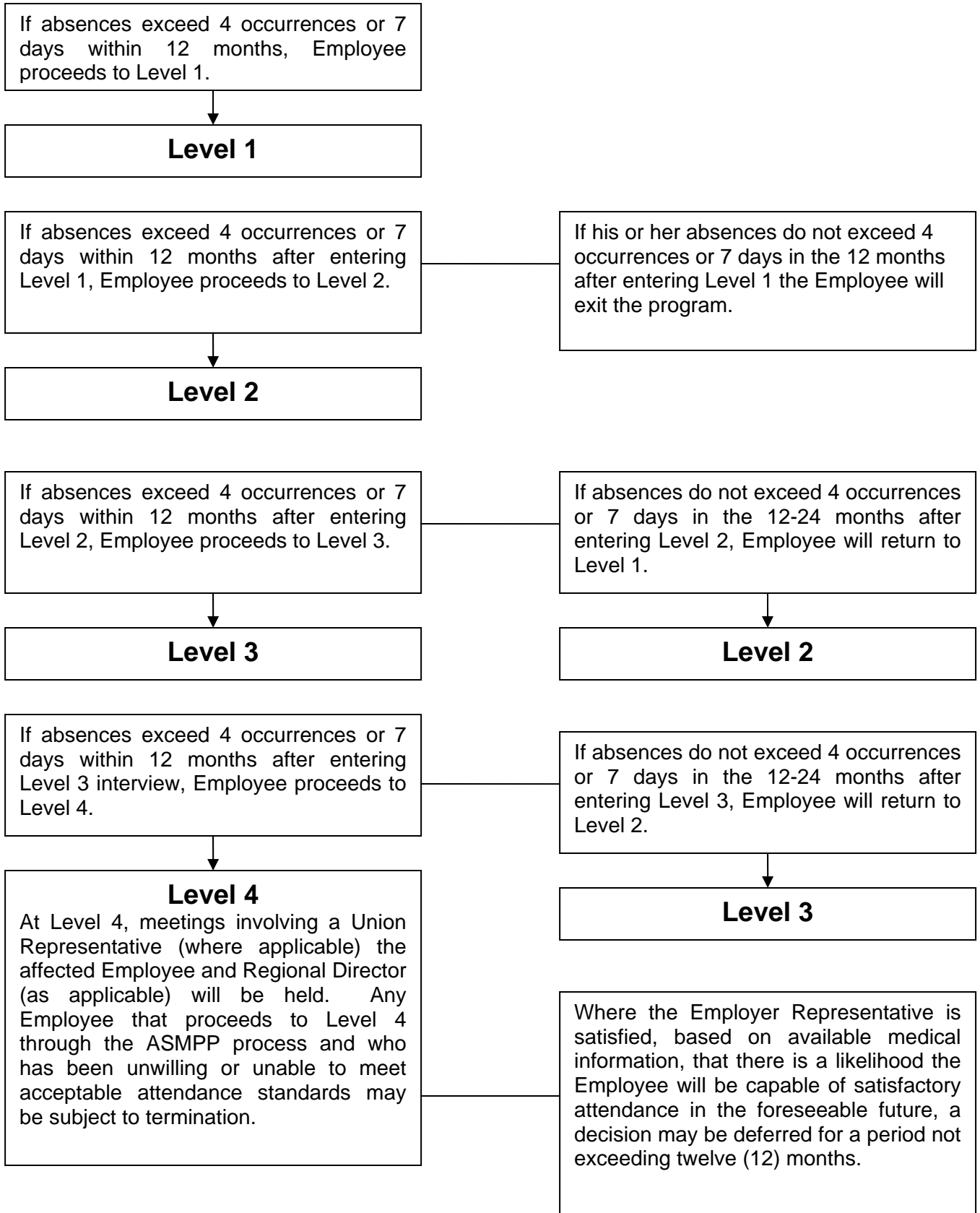
- A.** If the non-culpable absenteeism of an employee at any level in the ASMPP remains within four occurrences or seven days for 12 months from the date of the last Level was triggered, the Employee will drop down one Level in the process.
- B.** In the 12 months following the drop in Level (i.e., in the period from the 13th to the 24th month), if the employee's non-culpable absenteeism exceeds four occurrences or seven days, the employee will progress to the next (i.e., former) Level.
- C.** In the 12 months following the drop in Level (i.e., in the period from the 13th to the 24th month), if the employee's non-culpable absenteeism remains within four occurrences or seven days, the employee will be removed from all Levels of the ASMPP.
- D.** If the employee is removed from all Levels of the ASMPP (C above) and subsequently the employee's non-culpable absenteeism exceeds 4 occurrences or 7 days, the employee will trigger a Level 1 meeting.

EMPLOYEE REPRESENTATION

Attendance Support and Management meetings are not disciplinary but rather an opportunity to increase communication between the Employee and the Employer. Mutual information exchange, clarity of expectations, and referral for medical or other assistance if appropriate are the desired outcomes of such meetings.

However, should a unionized Employee wish to have Union Representation during a formal attendance meeting, union representation will be permitted in accordance with Article 44.13 of the Collective Agreement. If the Employee opts to meet without representation, a "Waiver of Representation" form must be signed by the Employee and retained on file.

ASMP Meeting Flow Chart





VOLUNTARY ASMP PROGRAM

On a one time only basis, Employees may themselves declare their need for attendance assistance.

A voluntary ASMPP option will be provided to Employees who identify themselves as individuals who require a more detailed review of their medical issues and consultation (i.e. participation in an IME).

Individuals in levels 1-3 of the ASMPP are eligible to elect such a program and by fully completing this option, their current level in the ASMPP process will be downgraded one level. For example, Employees at Level 3 may drop to Level 2. Employees may request this option during a formal ASMPP meeting and/or at any time in between meeting dates. Requests for attendance assistance by the Employee will be viewed as a tangible demonstration of their sincere desire to improve their attendance at work.

Employees choosing to elect voluntary assistance will be referred to the Staff Services Manager (Reporting Manager, as applicable) for a formal evaluation and will co-operate in all reasonable initiatives identified to assist them in maximizing their health and attendance at work.

Given the spirit and intent of the ASMPP program in providing appropriate medical referrals, assistance and coaching for Employees with “non-culpable”, medically-related absences, such voluntary requests are encouraged.

EMPLOYEE ASSISTANCE PROGRAM

The Ministries have an Employee Assistance Program (EAP) that is designed to assist Employees with any personal issues that may be affecting their ability to attend and participate productively at work. The Employee Assistance Program for the Ministries is Shepell.fgi and can be reached at www.shepellfgi.com or by a toll free number at 1-800-268-5211.

The Ministries’ EAP services are provided free of charge on a confidential basis. Employees should be aware that the Ministries and the Employer and/or Manager are not told which Employees, if any, use the EAP.

An Employee who is having difficulties in his or her personal life is encouraged to discuss these issues with their Supervisor so that if possible, the Ministries may assist the Employee. In addition, Employees are encouraged to discuss any medical restrictions that may require accommodation with the Employer Representative(s) attending the Level Meeting, so that the Ministries can accommodate those medical restrictions where possible.



Pandemic

In the event of a declared pandemic by the World Health Organization or the Ontario Chief Medical Officer of Health, the Employer will consider whether to suspend the ASMPP, and notify OPSEU of their decision.



Waiver of Representation

I understand that I am entitled to have Bargaining Agent Employee Representation at the Level **(insert Level number)** interview under the Attendance Support and Management Pilot scheduled for **(date)**. I have chosen to decline that representation.

Name of Employee

Signature of Employee

Date

Name of Witness

Signature of Witness

Date



Medical Information Form (Draft)

**Health Professional Statement
For MCYS (YJS) and MCSCS (CSD)
Employees Only
Attendance Support Management Office
Employee Relations Division, HROntario**

Employee Name: _____ Position: _____

Ministry: MCYS - YJS MCSCS -CSD

Location: _____

Work Tel. Number: (_____) _____

Start date of absence: _____(dd/mm/yy)

In order to assist the employee with employment accommodation and return to work, we require medical restrictions/barriers regarding the employee's ability to work. Please ensure the form is completed in full, as any missing information may result in attendance approval delay.

Part A: Employee's Ability to Work

Medical restrictions prevent the employee from performing the following

Physical/Cognitive Demands of the Jobs: O = Occasional 0-33% of day
F = Frequent >33-66% of day
C = Constant >66% of day

<input type="checkbox"/> Staying at work <input type="checkbox"/> Performing a Task – Please check restrictions below					
Body Position	<input type="checkbox"/> Sitting <input type="checkbox"/> O <input type="checkbox"/> F <input type="checkbox"/> C	<input type="checkbox"/> Standing <input type="checkbox"/> O <input type="checkbox"/> F <input type="checkbox"/> C	<input type="checkbox"/> Walking <input type="checkbox"/> O <input type="checkbox"/> F <input type="checkbox"/> C	<input type="checkbox"/> Carrying <input type="checkbox"/> O <input type="checkbox"/> F <input type="checkbox"/> C	<input type="checkbox"/> Climbing <input type="checkbox"/> O <input type="checkbox"/> F <input type="checkbox"/> C
Lifting	<input type="checkbox"/> Up to 5 kg. (1 – 10 lbs) <input type="checkbox"/> O <input type="checkbox"/> F <input type="checkbox"/> C	<input type="checkbox"/> 5 – 10 kg. (11 – 20 lbs) <input type="checkbox"/> O <input type="checkbox"/> F <input type="checkbox"/> C	<input type="checkbox"/> 10 – 22 kg. (21 – 50 lbs) <input type="checkbox"/> O <input type="checkbox"/> F <input type="checkbox"/> C	<input type="checkbox"/> 23 – 50 kg. (51 – 100 lbs) <input type="checkbox"/> O <input type="checkbox"/> F <input type="checkbox"/> C	<input type="checkbox"/> 50+ kg. (100+ lbs) <input type="checkbox"/> O <input type="checkbox"/> F <input type="checkbox"/> C
Repetitive Movement	<input type="checkbox"/> Gripping <input type="checkbox"/> O <input type="checkbox"/> F <input type="checkbox"/> C	<input type="checkbox"/> Reaching <input type="checkbox"/> O <input type="checkbox"/> F <input type="checkbox"/> C	<input type="checkbox"/> Bending <input type="checkbox"/> O <input type="checkbox"/> F <input type="checkbox"/> C	<input type="checkbox"/> Twisting <input type="checkbox"/> O <input type="checkbox"/> F <input type="checkbox"/> C	Manipulation <input type="checkbox"/> O <input type="checkbox"/> F <input type="checkbox"/> C
Work Zone	<input type="checkbox"/> Waist Level <input type="checkbox"/> O <input type="checkbox"/> F <input type="checkbox"/> C	<input type="checkbox"/> Overhead <input type="checkbox"/> O <input type="checkbox"/> F <input type="checkbox"/> C	<input type="checkbox"/> Below Waist Level <input type="checkbox"/> O <input type="checkbox"/> F <input type="checkbox"/> C	<input type="checkbox"/> Extended <input type="checkbox"/> O <input type="checkbox"/> F <input type="checkbox"/> C	
Environmental	<input type="checkbox"/> Heat/Cold	<input type="checkbox"/> Noise	<input type="checkbox"/> Lighting	<input type="checkbox"/> Working in Groups	<input type="checkbox"/> Working Alone
Cognitive	<input type="checkbox"/> Memory	<input type="checkbox"/> Concentration	<input type="checkbox"/> Vision	<input type="checkbox"/> Hearing	<input type="checkbox"/> Communication

Part B: Return to Work Plan

Modified Duties: _____ _____ _____ _____
Modified Hours: _____ _____ _____ _____

Employee Name: _____
 Position: _____
 Ministry: MCYS -YJS MCSCS – CSD
 Facility: _____
 Start date of absence: _____(dd/mm/yy)

Part C: Health Professional's Authorization

Name of attending physician <i>(please print)</i>	Specialty	Telephone No.
Address (number, street, city, province, postal code)		Fax No.
Signature		Date (day, month, year)

Part D: Employee's Release

I consent to releasing the above information to my employer in accordance with provisions of OPS agreements negotiated with bargaining agents, provincial legislation (statutes) and OPS policies and programs.

Employee Signature: _____ Date: _____(dd/mm/yy)