



Administrative Report

Office of the Director of Human Resources

To: Warden McNamara and Members of County Council

**From: Greg Schlosser
Director of Human Resources**

Date: Wednesday, February 19, 2020

**Subject: Modification to Attendance & Wellness Program (AWP)
2007-02**

Report #: 2020-0219-HR-R01-GS

Purpose

To seek County Council's approval of a proposed modification to section 5.4 of the program document for the Corporate Attendance & Wellness Program (AWP).

Background

Since its approval in 2007, it has been part of Administration's standard procedure to review this program, and all programs, on a regular basis to determine what can be improved and how it compares to industry best practices. This recommended revision is a result of such a review.

Discussion

To summarize, within the current AWP, employees with absence records significantly above their employee group's average rate of absence become involved within the program guidelines. They would participate in a quarterly progression of meetings to explore ways of improving their attendance. If they have a quarter with good attendance, they would drop back one step in the quarterly meeting progression.

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Modification to Attendance & Wellness Program 2007-2

It is proposed to revise section 5.4 of the program (attached). This revision changes what happens when there is a period of good attendance. As noted, in the current AWP an employee drops back one step in the meeting progression if they have one good quarter. In the proposed revised AWP an employee drops back one step in the meeting progression if they have two good quarters.

The intent of this modification is to better reflect industry best practices and to be more impactful in Administration’s efforts to manage attendance.

Financial Implications

Anticipated improved attendance at work.

Recommendation

That County Council approve the proposed modification to section 5.4 of the Attendance & Wellness Program 2007-02.

Respectfully Submitted

Greg Schlosser

Originally Signed by

Greg Schlosser Director Human Resources

Concurred With,

Robert Maisonville

Originally Signed by

Robert Maisonville, Chief Administrative Officer

Appendix No.	Title of Appendix
A	Draft Attendance & Wellness Program 2007-02



County of
Essex

County of Essex Policy Manual

Attendance and Wellness Program

Policy Number:	07-002 (Formerly 2007-02)
Approved by:	County Council
Department:	All Departments of the Corporation
Date Approved:	2015-05-06
Effective Date:	2015-05-06
Originating Department:	Human Resources
Last Revision Date:	2020-02-19
Scheduled for Review By:	2021-03-01
Replaces Policy No:	Click here to enter text.

1.0 Purpose

To set out the Corporation's expectation of regular work attendance by all its employees, its commitment to assist and encourage employees to attend work regularly and its intent to take appropriate action for excessive absenteeism.

To ensure employee awareness of the impact of absences due to non-occupational illness or injury; to monitor on a quarterly basis incidents and/or total hours of absences due to illness (including medical leaves of absence); to provide a system by which employee difficulties related to absences due to non-occupational illness or injury can be monitored and appropriate assistance provided; to provide a format by which appropriate non-disciplinary action can be taken with regards to absences due to non-occupational illness or injury.

This policy does not deal with attendance issues such as being late for work.

2.0 Overview

The Corporation of the County of Essex is dedicated to providing the highest possible level of service to those in the community. All employees of the

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Corporation contribute to these objectives, and their regular attendance is critical to maintaining this high level of service.

This policy is directed towards:

- Employees managing their attendance with a wellness focus
- Ensuring that all employees meet their obligation to maintain regular attendance.
- Assisting employees to return to work as quickly as possible, including where appropriate, assisting employees with referrals for appropriate care.
- Providing clear guidelines for the County of Essex to reasonably and consistently manage all absences due to non-occupational illness.
- Increasing attendance awareness.
- Enabling the County of Essex to better ascertain employee job fitness through objective findings and, where appropriate and possible, to accommodate employees with performing the essential duties of their jobs.

This policy is not intended to address issues of culpable absenteeism

3.0 Scope

This policy applies to all employees of the Corporation of the County of Essex.

4.0 Responsibilities

4.1 Employee Responsibilities

It is the responsibility of each employee to attend work regularly and to take all steps necessary to ensure that they attend work regularly by:

- Not allowing minor ailments and inconveniences to prevent attendance at work.

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- Making every effort to live and work safely by following proper safety procedures and by practicing accident prevention at all times.
- Making every effort to attend to personal affairs and obligations outside working hours.
- Seeking assistance to resolve any problems that are affecting their ability to attend work regularly.
- Maintaining contact with their manager/supervisor if absent, and to providing information sufficient to allow the Corporation to manage absenteeism.
- Co-operating in the return to work and collaboration with a union (if applicable and necessary) in the identification of any reasonable accommodations for disabilities as defined under the Ontario Human Rights Code.
- Following procedures set out by the Corporation.

Employees are to provide all relevant information in reporting the reason for any period of absence to their department and/or Human Resources when said information is requested.

At the discretion of the Corporation, and in accordance with this policy, employees are required to complete and submit the required forms and information.

Employees shall provide, when absent due to non-occupational illness or injury for a period of greater than three working days, or for each absence when so directed by his/her manager to do so due to an unsatisfactory attendance record, an appropriate licensed health care professional's certificate. To be assessed as an S.T.D. claim that qualifies for the Corporation's S.T.D. plan, said appropriate licensed health care professional's certificate shall contain the following base minimum information:

- the name of the employee/patient;
- the name of the appropriate licensed health care professional;

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- the date of the visit;
- the start date of the absence period caused by illness or injury;
- the anticipated date of return to work, with the note covering the entire period of absence;
- the reason for absence, limited in content to one of the following:
 - (i) non- occupational illness
 - (ii) non-occupational accident
 - (iii) proof of treatment that can only be performed in a hospital;
- a notation to specify if this is a re occurrence of a previous illness or accident;
- a declaration that the employee was fit for work (upon return to work);
- the appropriate licensed health care professional's signature;
- The appropriate licensed health care professional's note is to have been signed immediately prior to or during the period during which the employee was absent, unless due to unusual circumstances deemed acceptable by the employee's manager.

For reimbursement for the cost of the certificate, the appropriate licensed health care professional's certificate and receipt must be original document.

For extended or more complicated absences more detailed appropriate information may be requested.

4.2 **Manager/Supervisor Responsibilities**

The authority and accountability for managing day-to-day administration of absences and the promotion of working conditions

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conducive to good attendance shall primarily be the responsibility of the appropriate manager/supervisor. This shall occur by:

- Ensuring that all employees are familiar with this policy and their responsibilities under it.
- Ensuring that all employees have been advised of their responsibility to maintain contact with their manager/supervisor if absent, and to provide information sufficient to allow the Corporation to manage absenteeism.
- Communicating with absent employees on a regular basis.
- Assisting in the employee's return to work and, when required, assisting Human Resources in identifying reasonable methods of accommodation of an employee's disability, as defined under the Ontario Human Rights Code, on an individual basis.
- With the assistance of Human Resources, monitoring and documenting the absence record of each employee and assessing if absences are within acceptable limits, as defined herein.
- Meeting with employees to discuss attendance concerns, to offer assistance, and to ensure that any action plans identified in the course of such meetings are carried out.
- Recognizing employees for good attendance.
- Maintaining contact with employees throughout extended absences due to non-occupational illness or injury.
- Following procedures set out by the Corporation.

4.3 Human Resources Responsibilities

Utilizing in-house or external resources, Human Resources will assist the departments and the employees to assure an effective absence management program by:

- 1) Acting as the liaison with the employee, who will serve as an intermediary to request his or her appropriate licensed health care professional to complete the necessary

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paperwork. If this does not succeed, Human Resources may request appropriate written consent from the employee to contact the appropriate licensed health care professional. This may be performed directly, or through an appropriate licensed health professional recommended by the Corporation. In these cases, the Corporation will not request confidential information, but will require a clear medical prognosis, a comprehensive list of restrictions, and a clear delineation of the employee's abilities.

- 2) Human Resources will not request or demand that an employee produce a diagnosis of his or her illness or injury, since this is private information. However, it will ask for a prognosis, and request the employee obtain from the employee's appropriate licensed health care professional details of the employee's abilities and explain the restrictions required to allow the employee to return to work as soon as possible.
- 3) Preparing health assessment forms or letters to assist in the management of a disability as required. In doing so, the following information will be gleaned from the form or letter completed by the appropriate licensed health care professional:
 - verification that the employee is unable to attend to work due to a non-occupational illness or injury
 - if the employee has received or is receiving medical attention
 - if the level of absence is reasonable with respect to the nature of the employee's condition
 - if the level of absence is expected to increase, decrease or remain constant
 - any other information pertinent to evaluating the employee's situation
 - any recommendation that may be appropriate

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- 4) Referring employees for Medical Assessments to facilitate an evaluation of an employee's ability to perform his/her regular job tasks in relation to current health status.
- 5) Monitoring and assessing fitness to return to work.
- 6) Assisting in the development of case management strategies.
- 7) Co-operating with managers/supervisors to formulate appropriate return to work strategies.
- 8) Identifying, monitoring and, with the employee's written consent, referring health problems for appropriate follow-up.
- 9) Communicating with employees consistent with Corporation policies.
- 10) Keeping the manager/supervisor advised of an employee's medical progress (in a manner respecting employee confidentiality), the possibility of a return to work, or planned date of return, and the potential need for accommodation of a disability as defined under the Ontario Human Rights Code.
- 11) Compiling quarterly reports related to employee absenteeism for review with departments.
- 12) Preparing and distributing for signature any correspondence between a department and its employees.
- 13) Following procedures set out by the Corporation.

5.0 Procedure for Monitoring Absences Due to Non-Occupational Illness or Injury

5.1 Employee Absence Recording

Department Managers/Supervisors are responsible for ensuring that all occurrences are recorded for all employees within their department. The resulting statistical information will be used by Human Resources to compile quarterly reports. Statistics utilized for

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this purpose will be based upon the Absence Concern Identifier methodology as detailed in section 6.0 of this policy

5.2 Meetings

Meetings between the Corporation and the employee will be scheduled in order to notify an employee that the Corporation is concerned with his/her record of absences due to non-occupational illness/injury and to allow for discussions which may assist the employee in improving his/her attendance at work. Where possible or appropriate, a representative from Human Resources and a union representative will attend all iterations of meetings.

At all meetings, the Department Head (or designate) must stress that it is not a disciplinary meeting, but rather a meeting to discuss the employee's record of absences. It should also be noted, however, that if there is not an improvement in the employee's attendance record without adequate justification, then consideration may be given to terminating the employee's employment for innocent absenteeism.

The Department Head (or designate), will speak to the following in these meetings:

- A review of the employee's absences due to non-occupational illness or injury as it compares to others in the employee's comparator group, indicating to the employee that the record is unsatisfactory.
- Determine if there is additional information the employee has and wishes to bring forward regarding the reasons for the absence.
- Determine if the Corporation can provide any assistance to the employee such as referrals, etc.
- Review the impact of the absences on the Corporation, the public, and fellow employees.
- Determine whether or not the reasons given by the employee for the absences should be reviewed by Human Resources to determine if there is a recognized disability, as

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defined under the Ontario Human Rights Code that must be taken into consideration.

- Inform the employee that failure to improve his/her absence record could result in non-disciplinary action up to and including the termination of his/her employment.

First Meeting

The first meeting will occur when an employee's absences have been initially identified or re-identified as an absence concern, based upon information provided by Human Resources. The employee will be presented with an Absence Occurrence Record outlining his/her absences due to non-occupational illness or injury during the review time in question. At this meeting, the employee will be given the opportunity to explain or justify the absences. The employee will not be asked about private medical information, but may, if he/she so chooses, provide such information on a voluntary and confidential basis. If a medical issue is identified, a follow-up meeting between the employee and Human Resources will be set up to assist the employee.

A note regarding the nature and the results of this meeting will be forwarded to Human Resources.

While a meeting is the preferred approach, due to resourcing limits, the Corporation may replace the "first meeting" with a letter summarizing what would have been covered in the meeting. This letter would include an invitation to the employee to initiate a follow-up meeting.

Second Meeting

A second meeting is to be held when an employee has an absence concern identified by Human Resources, and has already had a first meeting (or alternatively a letter). It will follow the same format as the first meeting. After the meeting, a letter is to be sent to the employee, with a copy to Human Resources and to the appropriate Union (if applicable), summarizing the meeting.

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Third Meeting

A third meeting is to be held when an employee has an absence concern identified by Human Resources and has already had a second meeting. It will follow a similar format to the second meeting. In addition, the employee will be given a letter, unless the Corporation deems it inappropriate, which requests that the employee have his/her appropriate licensed health care professional provide medical documentation. Should the employee decide not to provide the medical documentation, a letter will be sent to the employee confirming this fact as well as the Corporation's ongoing concern regarding the employee's absences.

Should the employee decide to have his/her appropriate licensed health care professional provide medical documentation, Human Resources and the Department Head (or designate) will schedule an additional meeting after the return and review of the medical documentation. In attendance at that meeting will be the Department Head, the employee, a representative of Human Resources, and a Union representative (if applicable). During the follow-up meeting, the Department Head (or designate) will review the results of the medical documentation with the employee.

If the parties agree with the contents of the medical documentation provided, the appropriate course of action will be discussed with the employee. If the employee has a disability as defined under the Ontario Human Rights Code, the Corporation will follow its legal obligation to accommodate as set out in the Code.

If the parties disagree with the content of the medical documentation, the Corporation may require the employee to obtain further information from his or her appropriate licensed health care professional. Further, the Corporation may recommend that the employee attend an independent appropriate licensed health care professional agreed upon by the Corporation, the employee, and the union (if applicable). In this case, the appropriate licensed health care professional will not be required to divulge private medical information directly to the Corporation, but shall provide a clear prognosis, and an acceptable list of abilities and restrictions.

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Fourth Meeting

A fourth meeting will occur when an employee has had an absence concern identified by Human Resources and has already had a third meeting. It will follow a similar format to the previous meetings.

This meeting will be convened for one of two purposes. First, if the employee has been identified as having a disability under the Ontario Human Rights Code, this fourth meeting will be arranged if it appears that the previously identified methods of accommodation are not working well enough to return the employee to acceptable levels of functionality. At this juncture, further methods of accommodation will be discussed. All of the medical information provided at the third meeting may be revisited, and the same steps used to elicit the information will be repeated. A letter, confirming the results of this meeting, including the acceptance or refusal by the employee of any offer of suggested accommodations, will be sent to the employee by his/her Department Head, with a copy to Human Resources and the union (if applicable).

Second, if there is no identified disability under the Ontario Human Rights Code, but there continues to be an absence concern identified, the fourth meeting will be called to discuss the employee's attendance, and to give the employee an opportunity to explain the absences. The employee will be reminded again that failure to maintain acceptable attendance may lead to dismissal. At the discretion of the Department Head, this meeting may canvas the possibility of changing the employee's status. For example, if the employee is full-time, he/she may be able to achieve appropriate attendance by switching to part-time status. If the employee works part-time, the employee might become more productive in a casual position. A letter confirming the results of this meeting, including the acceptance or refusal by the employee of any offer to change employment status, will be sent to the employee by his/her Department Head, with a copy to Human Resources and the union (if applicable).

Fifth Meeting

A fifth meeting will occur when an employee has had an absence concern identified and has already had a fourth meeting. In

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attendance will be the Department Head, the employee, Human Resources, and a representative of the union (if applicable).

This meeting is not automatically called. It is open to the discretion of the Department Head, in consultation with the Director, Human Resources, to decide if the meeting shall be convened. This meeting will be called to either terminate the employee's services or to offer the employee, if applicable, a last chance agreement.

At this meeting, the employee will be presented with an Absence Occurrence Record outlining his/her absences due to non-occupational illness or injury during the review time in question.

If the employee has previously been identified as having a disability as defined under the Ontario Human Rights Code, this meeting will only be called if every attempt to reasonably accommodate the employee has been tried and failed, and that the prognosis for the employee's improved attendance is poor. The employee will have been advised previously that his/her employment is at risk should attendance improvement not be achieved.

If the employee does not have a disability as defined under the Ontario Human Rights Code, and continues to have absence concerns identified, the employee will be offered a last chance agreement or will be terminated if his/her future prognosis for achieving appropriate attendance, as determined by the Corporation, is poor.

It is further recognized that there may be instances that, as a result of the customization noted in this "fifth meeting" section, where there may be fewer or additional meetings with the employee. These meetings may be to gather more information or advance through the meeting progression outlined in this policy.

5.3 Medical Assessments

The purpose of the Medical Assessment Form is to provide the employee with a means of bringing forward any additional medical information to the Corporation regarding his/her medical condition and prognosis for the future. Human Resources will determine whether the employee's medical condition is a disability pursuant to the Ontario Human Rights Code, as amended.

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When deemed necessary and appropriate, Human Resources will consult with an appropriate licensed health care professional to assist in making the appropriate recommendations on received assessments.

The Corporation recognizes the employee's right to privacy. Human Resources will not request or demand that an employee produce a diagnosis of his/her illness or injury, since this is private information.

However, the Corporation will ask for a prognosis, and request the employee's appropriate licensed health care professional to detail the employee's abilities and explain the restrictions required to allow the employee to return to work as soon as possible. When the employee discloses specific medical information, the Corporation agrees to safeguard it to the best of its abilities. In all cases, the employee has the right to disclose specific medical information to Human Resources only. Human Resources will not disclose the information to anyone else without the express written consent of the employee. All in receipt of this information are to treat it with the utmost confidentiality.

The completion and return of the Medical Assessment Form is voluntary. If the employee decides not to provide this document, however, the Corporation will proceed with the information available in its existing records.

5.4 Impact of a Quarter of Good Attendance

If an employee has two consecutive quarterly reports where no absence concerns have been identified, the employee will move back one meeting step within the system. For example, an employee is at meeting step 1 in the process in quarter 2 of the year, then is below the qualifying threshold in quarter 3, they would stay at meeting step 1 for quarter 3. If for quarter 4 they are again below the qualifying threshold they would then drop back one meeting step, and in this case out of the program. Conversely, If the employee's absence level is above the qualifying threshold in either quarter 3 or quarter 4, they would progress to the next meeting step; in this case, step 2 per article 5.2 of this policy. This process will continue with each quarterly review period, until the employee is seen to have no meetings and no longer in the Program. Should,

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however, the employee have an absence concern identified in the future, they will start again within the Program.

5.5 Recognized Disability

Where an employee has a disability, as defined by the Ontario Human Rights Code, it is the duty of the employee to co-operate fully in the search for a reasonable accommodation, as defined under said Code. The Corporation will follow its obligations to accommodate as defined under said Code.

Where an employee is disabled, as defined under said Code, particularly when the disability may exceed six (6) months in duration, the effect of this policy upon such an employee may be waived or modified. In this case, the goal of this policy will be to determine the employee's restrictions and abilities and return to productive capacity with the Corporation in accordance with the Corporation's duty to accommodate under said Code. Ultimately, however, where the disability cannot be reasonably accommodated, the employee may be terminated.

Wherever applicable and appropriate, the Corporation will seek union involvement and cooperation in the review of matters related to the issue of a recognized disability.

5.6 Case-by Case Assessment

Where an employee's record of absence becomes of concern to the Corporation, participation of an employee in meetings described in Section 5.2 is not automatic. Participation will be assessed on a case-by-case basis. The nature, extent and circumstances related to an employee's record of absences will be considered by the Corporation in determining how to proceed in accordance with Section 5.2.

6.0 Calculation of Absence Concern Identifier (ACI)

6.1 Purpose

The purpose of the Absence Concern Identifier (ACI) is to provide a system whereby an individual employee's reported absences due to

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non-occupational illness or injury over a given period of time can be compared to those of his/her fellow employees.

Where an individual employee's figure exceeds that of the comparator group, there is an absence concern. To ensure that the individual's absences are at a level that justifies concern, a multiplier effect is compared to the group's Absence Concern Identifier (GACI- as described on page 15).

6.2 Criteria

There are two criteria assessed in determining if there is a qualifying absence concern. These are both related to innocent absenteeism, and NOT patterns and volume of potential culpable absenteeism. The two innocent absenteeism criteria are:

- 1) Number of Occurrences
- 2) Number of Days

Absence Occurrence Identifier

The Absence Occurrence Identifier is based on the number of occurrences of absence due to non-occupational illness or injury experienced by the employee/comparator group over a designated period of time.

An Absence Occurrence is defined as a consecutive and unbroken period of time during which an employee is absent from work due to a non-occupational illness or injury. An Absence Occurrence can be established as the result of being absent for a part of a shift.

Multiplier

A multiplier is a figure used to ensure that those employees identified as being of concern to the employer as a result of their Absence Concern Identifier (ACI) has an ACI well above the average of the comparator group.

Calculation of Occurrences ACI

Calculations are based on the following formula for a comparator group over the specified period of time:

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Number of Employees in Group divided by the Number of Absence Occurrences of the Employee Group = Average Group Absence Occurrences

Average Group Absence Occurrences x Multiplier = Group Absence Concern Identifier (GACI).

Calculation for an Individual Employee is based on the employee's Absence Occurrences during the specified period of time.

Number of Days

Full time employees absent for more than 1/4 of the day's equivalent of a full time employee in that quarter is deemed to be an absence concern.

There are some exceptions in the application of these two measures for small employee groups with very low absence rates. These employees will be advised of the appropriate criteria that apply to their particular group.

4th Q 19

	<i>FIRS</i>	<i>#.20</i>	<i>average</i>
EMS FT	6527	16193 178	36.700
EMS PT	1909	68 106	18
SPH FT	6575	130 136	50
SPH PT	1630	172	12