

SECTION 500 – Personnel and Employee Relations

ADMINISTRATIVE PROCEDURE: ATTENDANCE SUPPORT PROGRAM

<i>PROCEDURE CODE:</i>	<i>542 AP 001</i>
Policy Reference: 542 – Attendance	

BACKGROUND

All employees have a responsibility to attend work regularly and to fulfill the duties for which they were employed. Employee absenteeism can have a detrimental effect on the division's operations, including, but not limited to, impact to student learning, reduced facility maintenance, delayed administration, increased workload to staff, financial cost, and morale issues. The division, and all employees, have an obligation to ensure regular and consistent attendance at work.

The division has established an Attendance Support Program (ASP) as a non-disciplinary tool to encourage and promote regular attendance at work for employees with high levels of non-culpable absenteeism.

An Attendance Support Program can:

- increase employee morale;
- improve employee/employer relations;
- improve productivity, planning, and organization of work;
- reduce the amount of time absorbed by attendance problems; and
- reduce overtime/staff replacement costs.

SCOPE OF POLICY AND ADMINISTRATIVE PROCEDURE

This Policy and the Administrative Procedure apply to employees with non-culpable absences. This Policy and Procedure are not disciplinary or corrective in nature and are not intended to allege or address employee misconduct. However, failure to comply with reasonable directives to participate in the Attendance Support Program (ASP) may be considered insubordinate misconduct where circumstances warrant.

The Policy and the Administrative Procedure do not apply to culpable absences. Such absences are addressed through disciplinary measures.

The Policy and the Administrative Procedure do not apply to absences which are caused by a mental disability or physical disability (or by associated treatment) which the division is obligated to accommodate under the Alberta Human Rights Act, or for which accommodation is already being provided by the division. Such absences will be addressed through disability management pursuant to the division's legal responsibilities under contract, collective agreement, and the Alberta Human Rights Act, where such legal responsibilities exist. The division's ASP does not alter any legal duty to accommodate employees with substantiated physical or mental disabilities. The division is obligated to accommodate these employees to the point of undue hardship

APPLICABLE TERMS

Absence: This refers to an incident of non-attendance at work or failing to remain at work for the times scheduled.

Administrative Procedure: Refers to this Administrative Procedure 542 AP 001.

Attendance Support Program (ASP): The Attendance Support Program (ASP) is a process by the division to enable supervisors to address excessive levels of non-culpable absences. The ASP is managed and implemented by Supervisors and Human Resources. The objectives of the ASP are:

- To promote regular attendance at work.
- To raise awareness of the importance of good attendance.
- To promote an atmosphere of mutual respect, fairness, and concern.
- To create a flexible framework for understanding and responding to excessive non-culpable absenteeism.
- To explore opportunities to improve attendance for those employees with excessive, non-culpable, absenteeism.

The ASP focuses strictly on non-culpable absenteeism. The approach is not disciplinary and is intended to provide coaching and support. Culpable absenteeism is addressed using the disciplinary process (progressive discipline), and consequently, does not fall within the ASP.

The ASP also does not address circumstances where absences are linked to a Protected Characteristic. Such absences are addressed through the division's obligations under the Alberta Human Rights Act where they exist.

Culpable Absences: These are absences involving employee fault or wrongdoing. Examples of Culpable Absences include:

- excessive lateness or leaving work early without justification,
- dishonest/false explanations for an absence;
- no explanation for an absence;
- unsubstantiated absences (where evidence of the reason for the absence is required under contract and the employee refuses to provide required evidence);



- where the explanation for an absence is not legitimate;
- pattern absenteeism (e.g. absences on particular days of week, adjacent to scheduled days off, weekends, etc.) that is suspicious and proves to be abuse;
- failure to report for work or follow any established call-in procedure without a legitimate reason.

Culpable Absences give rise to a disciplinary response. They *are not* addressed under Policy 542, this Administrative Procedure, or under the ASP.

Health and Wellness Manager (HWM): The designated Human Resources staff member responsible for overseeing the ASP.

Human Resources: This is the Human Resources department of the division and the personnel within that department.

Medical Diagnosis: A medical diagnosis is a health care provider's identification (or classification) of the specific nature of an illness, disease, or medical condition. While the division may require documentation to validate an absence (unless prohibited by contract, collective agreement, or statute), the division will not seek (and an employee shall never be required or requested to provide) a medical diagnosis under the Policy, this Administrative Procedure, or the ASP. A medical diagnosis is considered to be private personal information belonging to the employee and would only be sought in unique circumstances *not* dealt with under the Policy, the Administrative Procedure, or ASP.

Non-Culpable Absences/Absenteeism: These absences are addressed in the Policy, this Administrative Procedure, and the ASP. These are absences where the employee is absent from work and either the absence is authorized (i.e. approval was obtained) or there are genuine, legitimate reasons for the absence. These absences are "innocent" in that the employee is not improperly absent from work. However, high levels of these absences can impact the workplace and the services being provided by the division.

Examples of non-culpable absences may include:

- sick leave, with or without pay;
- outside appointments during working hours;
- absences from work to deal with personal issues.

Policy: Refers to Policy 542 – Attendance.

Protected Characteristic: These are the characteristics on the basis of which discrimination is prohibited under the *Alberta Human Rights Act*. Currently, these are race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status and sexual orientation.



Supervisor: Refers to the individual to whom an employee reports. In the case of a Teacher or Vice/Assistant Principal, this refers to the school Principal. In the case of a school Principal, this refers to the Deputy Superintendent of Human Resources.

PROCEDURE (ASP)

1. The Policy, Administrative Procedure, and the ASP applies to all employees of the Medicine Hat Public School Division.
2. Consideration for the ASP is triggered for an individual employee where the employee has had twelve (12) or more days of non-culpable absences in a twelve-month period (the “**Threshold**”). After reaching the Threshold, an employee may be enrolled in the ASP following the Supervisor’s review of their attendance record. When calculating the number of days to determine whether the Threshold has been reached, the following will be considered:
 - a. A partial day of absence shall only be considered to be the relevant (proportionate) fraction of a day’s absence (ex. an absence for $\frac{1}{2}$ of a scheduled shift would amount to a 0.5-day absence when calculating whether the Threshold is reached).
 - b. An absence due to a medical appointment that could not have been reasonably scheduled outside of working hours will not be considered an absence when calculating whether the Threshold has been reached.
 - c. A series of consecutive days of absence arising from a single incident or condition that rendered the employee unable to work (or perform duties) may be treated as a single day of absence, or may not be considered an absence at all, where individual circumstances warrant.
 - d. An absence due to a Protected Characteristic, will not be included in absences when calculating the Threshold.
3. Where the Threshold is reached, the division may choose to enroll employees into the Attendance Support Program. The process for this is as follows:
 - a. The employee’s Supervisor, in consultation with the division’s Health and Wellness Manager, will review the employee’s attendance record for the previous 12-months. If the employee has reached twelve (12) or more days of non-culpable absence (calculated as above) in the previous 12-months, the employee may be entered into the ASP.
 - b. The Supervisor will schedule a meeting with the employee to discuss their attendance. This is an informal meeting to inquire if any division supports or resources would help the employee in improving their attendance at work. The Supervisor will advise the employee that their attendance will continue to be monitored at least every three (3) months and encourage the employee to communicate if any division supports are required. **If, at any time, the employee states the absence(s) are related to a physical disability or mental disability, or any other Protected Characteristic, the Supervisor is to cease**



communications under the ASP and refer the employee to the division Health and Wellness Manager to explore the division's legal responsibility to accommodate the employee under the *Alberta Human Rights Act (AHR)*. Absences requiring accommodation under the AHR Act are addressed separate from the ASP and its corresponding Policy and Procedure.

- c. The Supervisor will continue to monitor attendance and provide coaching/support to the employee, every three (3) months, or such shorter periods as the Supervisor reasonably determines is needed.
4. Once the employee demonstrates the ability to sustain improved attendance (defined as averaging less than three (3) days of absence every three (3) months) for a period of six (6) consecutive months, they may be discharged from the Attendance Support Program and will not require further follow-up so long as their attendance remains below the Threshold.
5. If the Supervisor determines that the employee's absenteeism has not improved after two (2) consecutive meetings, or if at any time the Supervisor feels referral and assistance from Human Resources is beneficial, then the Supervisor may refer the matter to the Health and Wellness Manager. The HWM will meet with the employee to determine what obstacles present a challenge to improved attendance. The Supervisor is entitled, but not required, to attend such meetings. Where the employee is represented by a recognized bargaining agent (union/association), the employee has the right to seek advice from their union representative.
 - a. The HWM will continue attendance monitoring and shall arrange meetings with the employee every three (3) months, or such shorter periods as the HWM reasonably determines is needed, where it appears that the employee continues to face challenges in maintaining regular attendance. However, where the employee has sustained attendance below the Threshold in a 6-month period, the employee will be removed from the ASP unless the employee wishes to remain enrolled in the ASP.
6. The Supervisor and/or the employee may seek guidance from Human Resources, including the HWM, at any point of the Attendance Support Process.

ROLES AND RESPONSIBILITIES

Employees are expected to:

- participate in the ASP where the Threshold is met;
- seek to be physically and mentally fit for work;
- attend work as scheduled and fulfill the responsibilities of his/her position (excepting where legitimate absences are required);
- make efforts to avoid absences during working/scheduled hours where practical;



- notify Human Resources as early as possible if the employee's ability to attend work is affected by a mental disability or physical disability requiring accommodation so that the division can assess its obligations and ability to find accommodations, and inappropriate application of the ASP Policy and Procedure can be avoided; and
- employees are entitled to seek information from Human Resources where they have any questions or uncertainty with respect to the interpretation or application of the ASP, or any other issues relating to attendance. Employees who are represented by a bargaining agent (union/association) are entitled to seek advice from their union representatives.

Division is responsible for:

- implementing the ASP;
- communicating attendance expectations and how the ASP will be implemented to all employees;
- maintaining communications with absentee employees;
- accurately tracking employee absences, determining whether absences are non-culpable absences or culpable absences, and accurately determining whether the Threshold has been reached;
- monitoring and assessing attendance statistics regularly and identifying attendance issues promptly;
- implementing the ASP in a non-rigid and contextualized manner that takes into account the particular employee's individual circumstances;
- ensuring that the ASP is not applied to circumstances of non-culpable absences arising from mental disabilities and physical disabilities (as understood under the Alberta Human Rights Act), and that such absences are addressed under the division's disability management process in accordance with any legal obligation to accommodate a disability;
- ensuring confidentiality and protection of privacy over all personal information provided by an employee under this Policy and Administrative Procedure; and
- respecting the supremacy of any applicable Collective Agreement in the event of a conflict between the Policy and/or this Administrative Procedure.

Health, Wellness, and Attendance Advisor (the "HWM"). The division, with the approval of the Deputy Superintendent, Human Resources, shall appoint a HWM. The HWM is responsible to:

- implement the HWM's roles under the ASP;
- support Supervisors in implementing their responsibilities under the ASP;
- ensure that communications are maintained with employees enrolled in the ASP;
- assist the Supervisor in determining whether absences are non-culpable absences or culpable absences, and accurately determining whether the Threshold has been reached;
- monitor and assess attendance across the division's entire workforce;



- ensure the ASP is applied in a non-rigid and contextualized manner that takes into account the particular employee's individual circumstances;
- ensure the ASP is not applied to circumstances of non-culpable absences arising from Protected Characteristics, and that such absences are addressed under the division's disability management process in accordance with any legal obligation to accommodate a disability; and
- ensure that the ASP is not applied to circumstances of culpable absences.

Human Resources staff are responsible for:

- monitoring employee absences, determining whether absences are non-culpable absences or culpable absences, and accurately determining whether the Threshold has been reached;
- identifying circumstances where an employee's absences relate to a Protected Characteristic and ensuring such absences are not included in the calculation of the Threshold and that those absences are not addressed through the ASP but through the division's legal obligation to accommodate an employee;
- identifying circumstances where an employee's absences are culpable and ensuring that such absences are not addressed within the ASP but within a disciplinary framework; and
- providing advice and assistance to Supervisors and employees with respect to the interpretation and application of the ASP. Human Resources shall respect all employee requests for advice and assistance which are submitted personally and those submitted with the assistance of, or through, the employee's bargaining agent (union/association).

Supervisors are responsible for:

- implementing the ASP in accordance with this Policy and Administrative Procedure with the assistance of the HWM or other Human Resources member;
- assisting Human Resources in identifying employees to be enrolled in the ASP;
- commending employees with improved attendance;
- seeking assistance from Human Resources on any attendance-related issues, including the ASP; and
- making employees aware of services provided by the division to support employees (including the Employee Family Assistance Program "EFAP").

Unions are not subject to the division's direction or control and are not bound by this Policy or Administrative Procedure, however, the division recognizes that where an employee is unionized, that employee has a right to seek consultation and advice from his or her union/association. The division respects the right of a union's role to participate in the ASP. The division also respects the role of the union to participate in any accommodation process pursuant to the *Alberta Human Rights Act* – recognizing that the Policy, this Administrative Procedure,



and/or the ASP shall not be the framework for addressing discrimination and accommodation under the *Alberta Human Rights Act*.

REFERENCES

ALBERTA HUMAN RIGHTS ACT, RSA 2000, c. A-25.5

[POLICY 542 - ATTENDANCE](#)

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