

EMPLOYEE ATTENDANCE

PURPOSE

Good employee attendance is essential for the Swan Valley School Division to achieve its goals and objectives, operate effectively, and successfully meet its obligations to provide quality education for students. Regular attendance promotes higher staff morale, fair workload allocation, efficiency, and a quality-service environment. This Administrative Procedure outlines how the Division will manage attendance to support these goals.

DEFINITIONS

ABSENCE

Any time an employee, who is scheduled or otherwise expected to be at work, is not at work. Absences due to compensable injuries within the meaning of The Workers' Compensation Act are excluded from this definition.

ATTENDANCE

Being at the worksite, on time, for scheduled hours of work and observing approved break periods.

ATTENDANCE MANAGEMENT

Strategies and efforts focused at an entire staff group that encourage and support regular attendance. These strategies generally reflect good management practices that can be used for all staff regardless of site or sector.

ATTENDANCE SUPPORT AND ASSISTANCE PROCEDURE (ASAP)

A procedure developed in consultation between the supervisor, individual employee, human resources, union (if applicable) and other appropriate parties in a concentrated effort to address concerns relating to absenteeism and to assist the employee in their efforts to improve attendance. This process is not disciplinary.

COMPARATOR GROUP

The average level of absenteeism within the employee's comparator group is usually a good indicator for identifying excess absenteeism. The comparator group is determined by the Division and may be the average of the Division, school, role, or classification.

CULPABLE ABSENTEEISM

An absence from work where the employee is at fault. Includes lateness/leaving work early (including break times) without approval or suitable justification, and absence without approval or suitable justification. Culpable absence is dealt with through a disciplinary response and does not form part of the Attendance Support and Assistance Procedure.

EXCESS ABSENTEEISM

Identified as being above the norm for the employee comparator group. An individual staff person's attendance record may reach a level of concern that necessitates direct, individual interaction.

Frustration of Contract: Occurs when an employee is incapable of maintaining regular and consistent attendance in the future, supported by medical prognosis or evidence of failed efforts to improve, leading to the inability to fulfill their employment obligation. Termination due to frustration of contract is non-disciplinary.

NON-CULPABLE ABSENTEEISM (INNOCENT ABSENTEEISM)

An absence for which the employee is not at fault and may result from factors outside the direct control of the employee. Such absences are never dealt with through a disciplinary response, nor do they ever form part of the progressive discipline process or the disciplinary record. Efforts to reduce these absences are dealt with through Attendance Support and Assistance Procedures.

PATTERN ABSENTEEISM

Absences that may appear to be non-culpable when viewed in isolation, but upon review of overall absenteeism, a pattern appears that suggests possible culpability. Examples include frequent absences every third Thursday, before or after weekends/holidays, after requesting time off, or after being counseled/disciplined.

EMPLOYEE ATTENDANCE INTERVIEW REPORT FORM

A form used by principals/supervisors to document interviews with employees regarding attendance concerns. (see Addendum 1)

PRINCIPLES AND GUIDELINES

The management of attendance is based on key elements, including:

1. Employees have a contractual obligation to attend work regularly.
2. Staffing levels are based on the presence of staff as scheduled, and absences affect Division operations, potentially resulting in additional workloads for co-workers. Absence from work results in substantial financial, operational, and quality costs.
3. Active management and communication of expectations are important for staff to understand the importance of regular attendance.
4. Managing absences may reveal workplace variables that can be modified to improve attendance, staff wellness, and productivity. It may also disclose opportunities to assist individual staff in removing obstacles preventing regular attendance.
5. The focus of managing attendance is on removing barriers to regular attendance and rewarding regular attendance.

6. Managing non-culpable absences is not a disciplinary process nor should it be geared toward termination of employment initially. However, on the occasion where regular attendance problems are unlikely to improve and appropriate intervention has occurred, non-disciplinary termination may occur due to the inability of the employee to fulfill their employment obligation.
7. Each employee's attendance should be looked upon individually and evaluated based on its own merits.
8. Efforts to manage attendance will only be successful if all parties fully engage and cooperate.
9. Regular communication between administrators and employees that involves setting goals and expectations enhances cooperation.
10. Dealing with excess absenteeism is an expectation for administration.

ROLES AND RESPONSIBILITIES

Successful attendance management requires understanding the roles, rights, and responsibilities of all parties.

EMPLOYEES:

- Attend work for all scheduled shifts unless unable for legitimate reasons.
- Adhere to scheduled hours of work, including break times, and attend on a regular basis.
- Improve and maintain personal health and adjust lifestyle, where necessary, to enable regular attendance.
- Make every reasonable effort to attend to personal affairs and obligations (including medical appointments if possible) on their own personal time and not during normal working hours.
- Report all absences from work in accordance with the Division's absence reporting procedure.
- Report work-related injuries and/or illness immediately to a supervisor.
- Provide appropriate and sufficient medical documentation when requested.
- Fully participate in early and safe return to work initiatives and workplace accommodations.
- Fully participate in efforts to identify and implement strategies to improve attendance.
- Maintain regular communication with their supervisor during absences and provide information on expected duration and return date.

- Cooperate fully in efforts and measures implemented to improve attendance, including, as appropriate, an Attendance Support and Assistance Program.

PRINCIPALS/SUPERVISORS (ADMINISTRATION):

- Ensure employee awareness of attendance expectations.
- Review attendance expectations and reporting procedures with staff at the start of the school year and as needed.
- Work with employees to address attendance concerns as they arise.
- Manage attendance of staff reporting to them and communicate expectations.
- Identify and address excessive absenteeism, tardiness, patterns of absences, and questionable explanations for absences.
- Implement and apply the Attendance Support and Assistance Procedure in consultation with Human Resources, when appropriate.
- Inform employees about attendance support procedures and direct questions to appropriate resources.
- Maintain regular contact with and provide support to an employee who is absent.
- Ensure Collective Agreement provisions are followed.
- Respect legislation related to employment, e.g., Human Rights Code.
- Maintain the confidentiality of employee information.
- Deal with excess absenteeism as an expectation.
- Meet with the employee regarding their personal attendance report, clarify expectations, develop an improvement plan, and inform them of support available (including EAP). Use the Employee Attendance Interview Report form for documentation.

HUMAN RESOURCES/SUPERINTENDENT:

- Consult with supervisors/principals regarding the implementation and application of the Attendance Support and Assistance Program.
- Maintain written records of meetings (from procedural Step 2 onwards) in the employee's staff file. The SVSD Employee Attendance Interview Report form is also kept in the staff file.
- Consult regarding accommodation for medical conditions or disability.
- Consult with Legal Counsel and/or MSBA regarding potential termination for frustration of contract.

UNION:

- Educate and support members in relation to regular attendance.
- Identify strategies to assist individual members in their efforts to improve attendance.
- Be informed of meetings when the employee is unionized, unless the employee specifically asks that the union not attend.
- Receive copies of written records of meetings if requested or required by the collective agreement or if the union representative was present.

PROCEDURES

Managing attendance consists of Attendance Management (general strategies) and the Attendance Support and Assistance Procedure (individual process).

ADDRESSING CULPABLE ABSENTEEISM

- Culpable absenteeism is handled through a disciplinary response.
- Absence without prior approval or contact with their supervisor may result in the Division taking appropriate action, up to and including termination.
- Absence of five (5) or more consecutive working days without prior approval or contact may result in termination due to abandonment of duties.
- Culpable absence does not form part of the Attendance Support and Assistance Procedure.

ADDRESSING NON-CULPABLE, EXCESSIVE, OR PATTERN ABSENTEEISM

For employees experiencing non-culpable absenteeism or whose attendance record reaches a level of concern due to excess or pattern absenteeism, the Attendance Support and Assistance Procedure may be applied. This procedure is not disciplinary. It provides clear expectations, a supportive, proactive, and holistic approach, is administered fairly and consistently, provides guidelines for identifying, documenting, and resolving concerns, and identifies resources.

Following assessment of attendance, situations for which Attendance Support and Assistance Procedures have been identified as appropriate are addressed through the following steps:

STEP 1: COMMUNICATE THE CONCERN – INITIAL MEETING

This step may be initiated when an employee's attendance is above the norm for their comparator group.

1. Before the Meeting: Review attendance records (incidents, days missed relative to comparator group). Determine if union representation is required or appropriate. Advise employee and union that the meeting is to discuss attendance.
2. At the Meeting:
 - a) Inform the employee that this meeting and Attendance Management are non-disciplinary.
 - b) Share collected information regarding absences and the resulting concern.
 - c) Discuss and identify the cause(s) for the absenteeism. Use the Employee Attendance Interview Report form to document the discussion.
 - d) Clearly communicate expectations regarding attendance (e.g., attendance rate at or below comparator group).
 - e) Encourage open dialogue to identify causes that may be mitigated by joint efforts and establish plans for appropriate attendance. This includes developing an attendance improvement plan with the employee.
 - f) Offer assistance and remind the employee of confidential medical and counseling supports (e.g., Employee Assistance Program) and provide contact numbers.
 - g) Inform the employee about Attendance Management and the Procedure, explaining it is a tool to improve attendance and the difference between culpable and non-culpable absence.
 - h) Discuss consequences if the plan produces no improvement, which could result in outcomes up to and including termination. Document this on the Interview Report form.
 - i) Advise that a follow-up meeting will occur in approximately 8 to 10 weeks to review progress. Agree to the follow-up date.
 - j) Advise that if required improvement is not achieved, the next step (Procedural Step 2) may be implemented.
3. After the Meeting: The School Leader is to document the meeting and discussion. This documentation is kept in a management file; it does not get copied to the staff file at this step. Complete the Employee Attendance Interview Report form and forward it to the Superintendent, and ensure a copy is kept in the personnel file. Follow up on action items.
4. 1 to 2 Weeks Prior to Next Meeting: Assess whether attendance has improved to a satisfactory level (at or below the comparator group average).

5. Review after Step 1 Meeting:

- a) If attendance has improved to a satisfactory level: Proceed with a meeting. Acknowledge the improvement, review strategies, ask for commitment, inform the employee that their attendance will be monitored with follow-up in 8 to 10 weeks. Confirm the next meeting date. Advise the employee that if improvement is maintained, further meetings may not be required; but if not maintained, Procedural Step 2 is possible. Document the meeting locally.

6. If attendance did NOT improve to a satisfactory level: Proceed with meeting.

- a) Consider individual circumstances: If individual circumstances warrant, a repeat of Procedural Step 1 may occur.

STEP 2: FORMAL ATTENTION TO ATTENDANCE

This step typically occurs if attendance does not improve after Procedural Step 1.

Before the Meeting: Review attendance records since the last meeting. Determine if union representation is required or appropriate. Inform the union rep if employee is unionized, unless employee requests otherwise.

1. At the Meeting:

- a) Review the employee's attendance record since the previous meeting.
- b) Inform the employee they are at Step 2 of the Procedure.
- c) Recognize any level of improvement that has occurred.
- d) Ask if the employee has reviewed the administrative procedure and do they have any questions. Ensure the process is identified as a tool to improve attendance, not disciplinary.
- e) Discuss and identify cause(s) for absenteeism.
- f) Review and discuss strategies previously developed and how they may need to be supplemented or revised.
- g) Offer assistance and remind employee of confidential supports (EAP).
- h) If a medical condition is identified, ask for verification and information regarding restrictions and assess potential accommodations (consult Division designates or MSBA). Reasonable accommodations may be required if absence is due to a medical condition that constitutes a disability under the Manitoba Human Rights Code.

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- i) Assess if options like reduced FTE or work hours, change in position, or leave of absence are appropriate to assist improvement (cannot be mandated, requires agreement and medical support).
 - j) Ask for the employee's commitment to continue efforts.
 - k) Inform attendance will be monitored with follow-up in 8 to 10 weeks. Confirm the next meeting date.
 - l) Advise that a written record of this meeting will be produced, shared, and maintained on the employees' Staff File. Acknowledge this record shall be copied to the union if requested or required.
 - m) Advise that if satisfactory improvement is not achieved or maintained by the next meeting, they may be proceeding to Procedural Step 3.
2. After the Meeting: Follow up on the action items. Ensure a written record of the meeting is sent to Human Resources for the Staff File. Ensure a written record is provided to the employee and the union rep (if required or present).
3. 1 to 2 Weeks Prior to Next Meeting: Assess whether attendance has improved to a satisfactory level.
4. Review after Procedural Step 2 Meeting:
- a) If attendance improved to a satisfactory level:
 - i. Proceed with a meeting.
 - ii. Acknowledge any improvement, review strategies, ask for commitment, and inform the employee that attendance will be monitored with follow-up in 8 to 10 weeks.
 - iii. Confirm the next meeting date.
 - iv. Advise the employee of written record being placed in their staff file.
 - v. Advise that if improvement is maintained, further meetings may not be required, but if not maintained, Procedural Step 3 is possible.
 - vi. Follow up on action items and documentation. Then, assess if a further meeting is required. If so, repeat Procedural Step 2 for improved attendance. If not, meet with the employee to advise that participation in meeting and the procedure is no longer required and provide a Congratulatory Letter.
 - b) If attendance did NOT improve to a satisfactory level:
 - i. Proceed with meeting with the employee and their union representative if requested or required.

- ii. Consider individual circumstances: If individual circumstances warrant, a repeat of Procedural Step 2 may occur. If not, proceed to Procedural Step 3.

STEP 3: FORMAL ATTENTION TO ATTENDANCE: NOTICE OF POSSIBLE TERMINATION

This step typically occurs if attendance did not improve after Step 2, or a repeat of Step 2.

1. Before the Meeting: Review the employees' attendance records since the last meeting. Determine if a union representation is required or appropriate. Inform the union representative if the employee is unionized, unless employee requests otherwise.
2. At the Meeting:
 - a) Review the attendance record since the previous meeting.
 - b) Inform the employee they are at Step 3 of the Procedure.
 - c) Recognize any level of improvement that has occurred.
 - d) Ask if the employee has any questions regarding the procedure; ensure it's understood as a tool to improve attendance, not disciplinary.
 - e) Discuss and identify cause(s) for absenteeism, if possible.
 - f) Review and discuss strategies previously developed and how they may need to be supplemented or revised.
 - g) Offer assistance and remind the employee of confidential supports (EAP).
 - h) If a medical condition is identified, ask for verification and information regarding restrictions and assess potential accommodation (consult Division designates or MSBA).
 - i) Assess if options like reduced FTE or work hours, change in position, or a leave of absence are appropriate to assist improvement (cannot be mandated, requires agreement and medical support).
 - j) Ask for the employees' continued commitment to trying to improve.
 - k) Inform attendance will be monitored with follow-up in 8 to 10 weeks. Confirm the next meeting date.
 - l) Advise that a written record of this meeting will be produced, shared, and maintained on the employees' Staff File. Acknowledge this record shall be copied to the union representative if present.
 - m) Advise the employee that if satisfactory improvement is not achieved by the next meeting, an assessment will be made by the Employer as to whether their employment will be continued or terminated due to Frustration of Contract because of their inability to attend work on a regular basis (Procedural Step 4).

3. After the Meeting: Follow up on action items. Ensure a written record of the meeting is placed in the Staff File and provided to the employee and union representative (if required or present).
4. 1 to 2 Weeks Prior to Next Meeting: Assess whether attendance has improved to a satisfactory level.
5. Review after Procedural Step 3 Meeting:
 - a) If attendance improved to a satisfactory level: Proceed with a meeting with the employee.
 - i. Acknowledge improvement, review strategies, ask for commitment, inform the employee that attendance will be monitored with follow-up in 8 to 10 weeks.
 - ii. Confirm the next meeting date.
 - iii. Advise the employee that a written record will be placed in their staff file.
 - iv. Advise the employee that if improvement is maintained, further meetings may not be required, but if attendance is not maintained, Procedural Step 4 is possible.
 - v. Follow up on action items and documentation.
 - vi. Assess if a further meeting is required. If so, repeat Procedural Step 3 path for improved attendance. If not, meet with the employee to advise that participation in meetings or procedure is no longer required and provide a Congratulatory Letter.
6. If attendance did NOT improve to a satisfactory level: Proceed with a meeting.
7. Consider individual circumstances: If individual circumstances warrant, a repeat of Procedural Step 3 may occur. If not, Apply Procedural Step 4.

STEP 4: FORMAL ATTENDANCE MANAGEMENT: ASSESSMENT OF ONGOING VIABILITY OF EMPLOYMENT

This step is applied if attendance did not improve after Procedural Step 3, or a repeat of Procedural Step 3, and individual circumstances do not warrant repeating Procedural Step 3.

1. Senior Administration shall consult with the Board, MSBA, and/or Legal Counsel prior to meeting with the employee.
2. Determine, based on factual circumstances, whether a further opportunity to improve should be afforded to the staff member (repeat of Procedural Step 3) or whether it is time to end the employment relationship due to **frustration of contract**.
3. Before terminating for non-culpable or innocent absenteeism, two conditions must be satisfied for the termination to be upheld:

- a) The employee has a history of excessive absenteeism, was aware of it, and understood the need to improve it to a reasonable level.
 - b) The employee is incapable of maintaining regular and consistent attendance in the future, supported by medical prognosis or evidence of failed efforts to improve.
4. The onus of demonstrating **frustration of contract** rests with the Division and must be demonstrated through clearly documented, objective evidence.
5. If employment is to be terminated, the Division will prepare the letter of termination and conduct the meeting with the appropriate union representative and a second Division employee/administrator present.

DIVISIONAL DOCUMENTATION

- Accurate documentation is critical.
- Maintain a written summary of all meetings with employees, whether informal or formal.
- For Step 1 meetings, documentation should be kept in the supervisor's file and not copied to the staff file. The Employee Attendance Interview Report form, used in the initial meeting phase, is to be kept in the Staff File.
- For Step 2, Step 3, and Step 4 meetings; documentation and written records shall be placed in the employee's Staff File.
- Ensure supporting scheduling and payroll records are maintained.
- Provide written records of Step 2, 3, and 4 meetings to the employee.
- Provide written records of Step 2, 3, and 4 meetings to the union representative if they were in attendance or if required under the collective agreement.

ADDENDUM 1 – EMPLOYEE ATTENDANCE INTERVIEW REPORT**AP 813A: Employee Attendance**

The following is a record of the interview conducted with the employee, which is to be forwarded to the Superintendent and kept in the personnel file.

ADDENDUM 1 – EMPLOYEE ATTENDANCE INTERVIEW REPORT

Name:

Date:

Location:

Check all that apply (attach
a copy of the attendance
record)

- ☐ Excessive Absenteeism
☐ Pattern of Absenteeism
☐ Reasons for Absenteeism
☐ Tardiness
☐ Other:

To be completed by Immediate Supervisor:

Comments:

Plan for Improvement:

Consequences of Further Infractions:

Signature of Immediate Supervisor_____
Date**To be Completed by Employee:**

Comments:

By signing this form you confirm that you understand the information discussed with you.

Signature of Employee_____
Date



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AP 813A: Employee Attendance

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ADDENDUM 1 – EMPLOYEE ATTENDANCE INTERVIEW REPORT

Name: _____ Date: _____

Location: _____

Check all that apply
(attach a copy of the
attendance record)

- ☐ Excessive Absenteeism
- ☐ Pattern of Absenteeism
- ☐ Reasons for Absenteeism
- ☐ Tardiness
- ☐ Other: _____

To be completed by Immediate Supervisor:

Comments:

Plan for Improvement:

Consequences of Further Infractions:

Signature of Immediate Supervisor

Date

To be Completed by Employee:

Comments:

By signing this form you confirm that you understand the information discussed with you.

Signature of Employee

Date