

12.1 Attendance Management Policy

Policy Statement

The Government of Nova Scotia is committed to providing excellence in service to the general public. It is important for all employees of the Government of Nova Scotia to work as a team in the attainment of this mission.

Quality of service to the public is affected by work performance, including attendance of employees. It is important that employees report to work regularly, be punctual in reporting to work and returning from breaks, and make every effort to maintain good health.

It is recognized that from time to time employees may be absent from work due to disabling illness or injuries. The government is committed to informing employees about the intent and proper use of sick leave, to assuring that employees maintain their work commitments, and to promoting a healthy workplace in which operational effectiveness is not jeopardized by frequent or unnecessary absences.

Policy Objectives

This policy establishes methods for maximizing attendance at work, balancing fairness to the employee, and maintaining work efficiency. The policy has been developed in accordance with the following goals:

- to contribute to excellence in service delivery by having all employees attend work regularly
- to ensure the implementation of measures by manager/supervisors to minimize absences within their respective areas of responsibility
- to approach problem attendance in a positive and concerned manner, in accordance with this policy
- to provide ongoing management support, training, and consultation on attendance problem issues through the Public Service Commission

Application

This policy applies to all civil servants whose terms and conditions are set out in accordance with the *Civil Service Act* and regulations and to all bargaining unit staff who are employed by the Government of Nova Scotia.

Policy Directives

REVIEW POLICY

Each employee will receive a copy of the Attendance Management Policy. The contents of the policy will be reviewed with each employee by his/her manager/supervisor.

SICK LEAVE BENEFITS

Employees may be granted sick leave with full or partial pay in accordance with the various collective agreements and the *Civil Service Act* and regulations when a health condition has impaired them to the extent that they are unable to perform their duties, provided that the department has been satisfied of the condition in such a manner and at such a time, and provided that employees have the necessary sick leave credits.

ABSENCE VERIFICATION

The manager/supervisor may verify absences from work as required.

DEEMED RESIGNATION FROM WORK

An employee who is absent from work without permission for 10 consecutive days shall be deemed to have resigned the position effective the first day of the absence. The employee may be reinstated if he/she establishes to the satisfaction of the employer that the absence arose from a cause beyond his/her control and it was not possible for the employee to notify the department of the reason for the absence.

REPORTING PROCEDURE

1. When an employee, for any reason, is not able to attend work as scheduled, that employee has the responsibility to call and speak directly with his/her immediate manager/supervisor or appropriate designate. Such notification should be provided as soon as possible in accordance with department requirements. Only in extenuating circumstances, e.g., hospitalization, is it acceptable that someone other than the employee make the contact as outlined above. The manager/supervisor or appropriate designate is responsible for returning the employee's phone call.
2. To be eligible to receive leave benefits, an employee must inform the immediate manager/supervisor or appropriate designate of the following:
 - type of leave, such as, sickness, workplace injury, family illness
 - estimated date of return to work
 - whether or not the employee plans to see a doctor

3. To assist with effective leave reporting, the manager/supervisor must document the date and time of the call, expected time/date for return to work, whether or not the employee plans to see a doctor and the type of leave and record the absence by using the applicable symbol via the leave reporting system established in the department. A failure to follow reporting procedures will result in an absence being recorded as leave without pay. This system must create a record for each employee, allow for proper adjustments to payroll, and present a statistical record that can be used to monitor and manage attendance.
4. When an employee fails to call in as prescribed by departmental procedure, the manager/supervisor or appropriate designate shall:
 - make reasonable efforts to contact the employee to discuss the absence and obtain necessary supporting information and discuss the consequences of continued unscheduled absence
 - meet with the employee privately at the commencement of the next scheduled shift, or as soon as the employee is available, to reinforce the reporting procedure and, where appropriate, advise the employee of the availability of the employee assistance program and modified alternative work duties.
5. A failure to follow the reporting procedures set out above may result in the denial of benefits and disciplinary action.
6. In accordance with the collective agreements and departmental requirements, application for paid leave benefits for any period of illness may require medical certification. Failure to provide such medical information, where required, will result in a presumption that the employee does not have a medical reason for the absence from work. In cases of injury on the job, Workers' Compensation Form 67 is filled out by the employee and the employer and Form 444 is given to the employee for completion by his/her physician and is to be returned to the employer as soon as possible.
7. Failure by employees to follow treatment plans, as prescribed by a medical practitioner and/or specialist, will result in their being ineligible for benefits. When the Form 444 indicates that the degree of impairment allows the employee to carry out some of his/her duties and or modified alternative work duties, and that doing so would not adversely affect the employee's health, the employee is expected to attend work; and the employee's duties will be adjusted by the employer accordingly, subject to operational requirements.

8. If a manager/supervisor has a reasonable basis for believing that an employee is attempting to claim, or has claimed, a benefit to which he/she is not entitled, this may result in a denial of the benefit claimed and/or may subject the employee to disciplinary action, up to, and including, termination.

MONITORING

The Government of Nova Scotia views regular attendance at work as an important issue and consequently requires that an employee's attendance record must be reviewed on an ongoing basis.

ATTENDANCE REVIEW STANDARD

Three incidents of absence from work in a six-month period will trigger the manager/supervisor to review an employee's record and take appropriate action where necessary. If the nature or frequency of an employee's absences leads a manager/supervisor to reasonably believe that regular attendance at work is compromised, the manager should meet with the department's director of human resources to determine if a formal attendance interview is required to be held with the employee.

INFORMAL DISCUSSION

The manager/supervisor may meet informally with an employee at any time to discuss attendance issues.

FORMAL ATTENDANCE INTERVIEW

A formal interview is conducted by the manager, following consultation with the department's director of human resources, with an employee where the nature or frequency of an employee's absences leads a manager/supervisor to reasonably believe that regular attendance at work is compromised. Follow-up interviews should be scheduled as appropriate, following the first interview. The following steps should be followed when conducting the attendance interview:

1. During the interview, employees must be given every opportunity to explain the circumstances surrounding the attendance issue, and reasons for unsatisfactory attendance should be discussed.
2. At every interview the manager/supervisor must ask the employee whether or not there is a medical reason for the employee's absence from work. If the employee indicates that there is a medical reason for the absence from work, where appropriate, the manager/supervisor is responsible for advising the employee that the employee will be provided with a package (Appendix 12-A) which the employee is to give to the employee's physician.

3. During every interview, the manager/supervisor must inform the employee of the availability of assistance through the Government Employee Assistance Program.
4. Following every interview, a letter must be sent to the employee that summarizes the matters discussed during the interview and the matters agreed upon. Should an employee not achieve and maintain a regular and consistent attendance, this may ultimately jeopardize continued employment.

Policy Guidelines for Attendance Management Program

As required, guidelines will be developed to assist departments with implementation and administration of the policy, and they will form attachments to the policy.

Accountability

EMPLOYEES

Employees are responsible for:

- reporting to work on a regular, timely basis
- attending to personal affairs and obligations outside normal working hours, where practical
- reporting all absences according to procedure(s) as outlined in this policy and in accordance with applicable departmental policies
- applying for sick leave benefits in accordance with the provisions of applicable collective agreement and departmental policies and directives
- following recommended assistance or treatment programs to facilitate a prompt return to work, where applicable
- advising their physician of the availability of modified alternative work duties, where applicable

MANAGERS/SUPERVISORS

Managers/supervisors (within departments) are responsible for:

- educating staff on the importance of regular attendance
- providing a safe and healthy workplace
- maintaining accurate attendance records for their staff, working with their respective human resource units (This includes reporting unscheduled absences such as sick leave, family illness leave, and injury on duty leave to the respective human resource units on a regular basis.)
- analysing attendance reports, assessing attendance problems, and monitoring sick leave patterns and usage by their employees

- consistently administering departmental and government-wide policies that relate to attendance management
- ensuring that Form 444 is provided by employees in accordance with departmental policy and the terms of the appropriate collective agreement or other applicable terms and conditions of employment
- addressing attendance problems in a timely manner
- sharing with other managers/supervisors innovative ways to deal with attendance problems
- acknowledging attendance improvement
- informing new employees about attendance expectations and attendance management policy during orientation
- being positive role models with respect to attendance at work
- informing employees about the Employee Assistance Program
- facilitating early return to work by employees through modified or alternative work duties, where appropriate

HUMAN RESOURCE DIVISIONS

The human resource divisions in departments are expected to:

- enter data relating to attendance management on the Human Resource Management System on a monthly basis
- provide manager/supervisors in departments with quarterly departmental attendance statistics, including departmental averages, for their review and assessment
- ensure consistent and effective administration of leave benefits
- provide advice and assistance to the managers/supervisors concerning the implementation of the attendance management policy
- provide management support and consultation on attendance problem issues
- provide assistance with the implementation of modified alternative work duties, where appropriate
- provide training to managers/supervisors on attendance management procedures
- maintain confidential employee medical files containing properly completed medical documentation

PUBLIC SERVICE COMMISSION

The Public Service Commission will:

- provide corporate agency reports to departmental human resource units on a quarterly basis
- promote consistent and effective administration of leave benefits
- provide guidance to departments concerning the implementation of the attendance management policy
- provide management support and consultation on attendance issues
- provide advice and assistance regarding the design and implementation of modified alternative work duties, where appropriate
- develop and update related policies and programs
- provide information concerning Employee Assistance Programs and policy guidelines and operational support
- through Government Employee Health and Safety Services, maintain confidential employee medical files containing properly completed medical documentation.

SENIOR MANAGEMENT

Senior management is expected to:

- ensure that manager/supervisors implement the Attendance Management Policy and that training is provided, establish goals and objectives within the department, and actively support the Attendance Management Policy
- facilitate internal departmental audits of the Attendance Management Policy
- ensure that managers/supervisors are held responsible for implementation of the Attendance Management Policy.

Monitoring

Departments are responsible for complying with the terms of this policy. The Public Service Commission may periodically conduct audits of departmental attendance management practices to ascertain compliance by departments with this policy.

References

Civil Service Act and regulations

Workers' Compensation Act

Collective agreements between the Public Service Commission and the NSGEU; the Department of Transportation and Public Works and CUPE; and the Department of Justice and the NSGEU.

Appendix

Appendix 12-A - Employee Package for Physician

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

Approval date: June 3, 1997

Manual release date: January 9, 2003

Approved by: Mildred Royer, Deputy Minister

Most recent review:

Appendix 12-A

Covering Letter From Supervisor To Employee

DATE

TO: *Employee Name*

RE: ATTENDANCE

During the attendance interview you advised that you had a medical condition that has prevented you from reporting for work on a regular and consistent basis.

In order that we may assist you in attaining more regular attendance, please take the enclosed confidential letter to your physician. Please have your physician provide a response to the Occupational Health Medical Consultant, Government Employee Health & Safety Services, Public Service Commission, who can then advise our department as to what might be reasonable occupational demands and expectations. All medical information will remain confidential to staff of Government Employee Health & Safety Services. Management in our department will be provided only with information on fitness for work.

It is your responsibility to ensure that this report is completed and mailed to Government Employee Health & Safety Services within 14 days, and a failure to do so will result in a presumption that there is not a medical reason for your absence from work.

Sincerely,

Manager

cc: Dr. Matthew Burnstein, Occupational Health Medical Consultant
Human Resources Director, Department

Encl.

Attendance Letter to Doctor to Be Used When Employee States There Is a Medical Reason for Absences

DATE

Dear **Dr.** _____

RE: **Employee's Name**

Employee's name, an employee of the Province of Nova Scotia, was recently interviewed to review **his/her** work attendance. During this interview, **Employee's name** indicated that there was a medical condition that contributed to his/her use of sick leave.

In order that I may advise the **department's name** accurately as to what might be reasonable expectations for this employee's attendance, I require further information. To this end, would you please provide answers to the following questions. The medical information you provide will remain confidential. Management will be provided only with information regarding the employee's fitness for work.

1. Does the employee have a medical condition that would prevent **him/her** from attending work on a regular and consistent basis?

Yes _____ No _____

If yes, what is the diagnosis?

2. Please provide the dates on which this employee consulted you for this condition in the past year.

3. What is the current treatment plan and what specialists, if any, have been involved in this employee's care?

4. Is any improvement in this condition expected?
Yes ___ No ___
5. If yes, when do you anticipate this employee being able to attend work on a regular and consistent basis?

6. Is there anything that the employer can do to assist this employee in their medical rehabilitation/attendance? (Employee Assistance Program, modified alternative work duties [please specify], etc.)

Please provide your confidential report in the enclosed envelope. Costs associated with completion of this form may be submitted along with the confidential report to the above address. The employee has been given 14 days from the date of this letter in which to see you and have a response provided to my office.

Thank you in advance for your timely attention to this matter.

Sincerely,

Matthew Burnstein, B.Sc., M.D., MRO (MROCC)
Occupational Health Medical Consultant

cc: **Employee's Name**

