

Memo #4

Date: September 21, 2018

To: Simcoe Muskoka Catholic Elementary Teachers

Re: **Board Attendance Management Program; Unpaid Leave Requests**

Attendance Management Program

This September the Board has indicated that they will be beginning their Attendance Management Program. The Ministry of Education required each school board to create and roll-out their Attendance Management Program a number of years ago. Our Board began their program in September 2011. After a couple of teachers were placed in the Program, we grieved – individually and on the policy - based upon information their principal reported based upon medical documentation. The resolution to the individual grievances was that they were no longer in the Program. The policy grievance resolution required to place the Attendance Management Program in abeyance and the Board was required to review their program and seek consultation from the Simcoe Muskoka Elementary and Secondary.

From that point it has taken 6 years for the Board to create the current Attendance Management Program.

You can find the **Attendance Management Program (AMP)** on Employee Connect – under Board Office, and Human Resources. To the left is a box of titles, and AMP is second on the list.

I have also attached the AMP to this email for your reference.

Statement from Attendance Management Program	Board Interpretation	OECTA Interpretation
The Board receives a limited amount of funding from the Ministry of Education to support paid sick days. Historically, there have been a number of instances where the usage of paid sick time at SMCDSB has exceeded Ministry funding. In such instances, the Board is required to utilize money from other budget areas	Information piece that tries to make all employees aware of the realities of funding the school board receives for absences.	This is not our concern nor our issue. This is an issue that school boards need to address with the Ministry of Education about proper funding of sick leave. We should not feel guilty about this situation and report to work when we are sick.
With as much advance notice as possible, discuss planned absences with their immediate supervisor.	Planned = long term absence versus a sick day or medical appointment	Beware of disclosing any private or confidential information with your administration. Any information shared may not be held in confidence and may be used at an Attendance Management meeting.

For each instance of absence, including incidents of lateness/leaving early, complete a Leave of Absence Request Form	The AMP was created for all worker groups. (Some references don't apply to teachers.)	Teachers do not have to complete a Leave of Absence form for every absence. Past practice has been for use of Personal Days, Unpaid Days, Bereavement etc. We don't have the ability to complete a LOA form for being late or having to leave early.
Attend to personal affairs and obligations (including, whenever possible, medical appointments) during personal time, and not during working hours.	Teachers should be at work during work hours.	There are times when appointments with Specialists are made on our behalf, and the day and time are not in our control.
Supervisors - Actively manage attendance issues and execute this program in a fair and consistent manner.	Supervisors (principals) are being asked to manage staff attendance.	Principals and vice principals are being asked to keep track and manage absences.
Document matters relating to the attendance of individual employees.	Supervisors (principals) are being asked to manage staff attendance.	Principals and vice principals are being asked to keep track and manage absences.
This threshold will be reviewed annually and may be adjusted at the discretion of the Board.	Current threshold may (will) change over time.	Expect the threshold to decrease as more and more teachers meet the current threshold.
Support will be offered to assist an employee ...	Supportive	Attending an Attendance Management meeting is not supportive.

Entering the Attendance Management Program:

An employee will enter Attendance Support when they meet or exceed eleven (11) full-time equivalent (FTE) days of sick leave absence in a school year, September 1st to August 31st, **which have not been deemed to be medically supported** by SMCD SB's Disability Management Office.

Medically Supported Absences:

1. Teachers absent for 5 consecutive days or more are required to provide a medical note/confirmation.

This is a Central Term (3.7.1) negotiated in 2014 and is a change in practice for those that have worked in the Board before 2014.

2. Teachers absent for scheduled or extended absences (i.e. surgery) are required to have a **Medical Certificate** (see attached) completed and sent to the Disability Management Office at the Board.
3. Teachers with an identified disability requiring a workplace accommodation are required to a Medical Certificate completed and sent to the Disability Management Office at the Board.

Notice that the Medical Certificate – which includes personal and confidential information – is sent to the Board, and **not your principal**. Please refer back to the chart where it references the Board would like

employees to discuss planned absences with their immediate supervisor and OECTAs stance on avoiding sharing or disclosing personal/confidential information that can/may be used against you.

Exiting the Attendance Management Program:

An employee will exit Attendance Support when they maintain an absenteeism rate that is below the threshold outlined in Section 3.1.1 for an entire school year, September 1st to August 31st. Upon exiting Attendance Support, the employee will receive written notification via their Board email account.

Re-entry to Attendance Management Program:

An employee who exits Attendance Support and subsequently meets/exceeds the threshold during either of the next two (2) school years, will re-enter Attendance Support at the step at which they exited the process.

Important: If you are asked to attend an Attendance Management Meeting, make sure you contact the Unit Office. Either Shannon McGlynn or I will attend the meeting with you.

Use of Sick Days and Medical Appointments:

Within the AMP (section 1.2.1 Culpable Absences) it references abuse of leave (using sick days for absences unrelated to employee illness or injury).

It is important to point out that our 11 sick days (paid at 100%) and 120 Short Term Leave Days (paid at 90% - with potential to top-up) are for the sole use of the teacher. Any medical appointments or sick family members fall under our 8:01 E of our local Collective Agreement, when it references the ability to use two (2) personal days, and two (2) serious family illness days.

It is also important to point out that any discussions had in the staff room or with your administrator can be used at a possible future Attendance Management meeting.

Those with an Ongoing or Chronic Illnesses:

In an email to all members via their oectasm email accounts, which can be found below, I detailed how a teacher with a chronic illness – Crohns, IBS etc – would go about obtaining medical in order to avoid being placed in the Attendance Management Program (AMP).

AMP may create some concerns for teachers that experience ongoing or chronic medical concerns - migraines, irritable bowel syndrome, Crohns, etc.

With Attendance Management, an employee will enter AMP when they have **met or exceeded eleven (11)** full-time equivalent days of sick leave absence in a school year before a possible meeting with principal, union and the Board occurs to discuss absenteeism concerns. However before any possible meeting, the Board will contact the Disability Management Office at the Board and inquire if the teacher in question has provided medical to support the medical need for frequent or recurring absences (please know that no personal information will be shared).

Those teachers that are off due to medically supported reasons (determined by the Disability Management office at the Board) would be excluded from any Attendance Management meetings.

However, teachers that have ongoing medically issues/concerns that have not been reported to the Disability Management Coordinator (not your principal or union) may be required to have a meeting. In order to avoid the stress and anxiety and possible disclosure of personal medical concerns, I am suggesting the following steps:

1. Bring the attached Medical Certificate to your family physician or specialist to complete.

- Please have your doctor specify that this medical issue/concern may result in you being absent for x# of days per month
- if you are charged for completion, please pay and submit the receipt with the medical certificate to the Disability Manager for reimbursement. The Board will reimburse up to \$45.

2. Send in the completed Medical Certificate to Gord Van Clieaf (gvanclieaf@smcddb.on.ca) or confidential fax 705-812-0035. There is no need to provide this information to your principal if you don't wish to share any private or personal information.

3. I am suggesting that on a quarterly basis, go to your doctor and have them complete a medical note (same reimbursement applies) referencing previous absences/dates that were the result of your ongoing medical issue/concern and send the note to Gord Van Clieaf.

The hope is, with these steps may reduce the stress of being part of the Attendance Management Program.

What is OECTA Simcoe Muskoka Elementary Doing?

1. The AMP document has been shared with OECTA Provincial for review
2. Continuing to consult with the Board about wording, intent and rationale of the AMP
3. We – myself or Shannon McGlynn - will attend Attendance Management meetings with teachers
4. We – myself or Shannon McGlynn - are available to discuss any issues related to current or upcoming absences
5. OECTA will grieve disciplinary action placed upon a teacher

Unpaid Leave Requests

In connection with the Board's rationale around Attendance Management – teachers should be at work. We have been notified by the Board that they will be taking past absences – or attendance record – into account when reviewing requests for unpaid leave.

Article 9:02 Discretionary Leave states our Collective Agreement language around requesting unpaid leaves.

Upon written request, the Director of Education or designate, may extend a leave of absence or grant a leave in special or compassionate circumstances.

As you can see the Board can grant or deny any request for unpaid leave, and they are not required to provide a reason for the denial.

I have requested that the Board – when reviewing attendance – take into consideration medically supported absences.

It is always important if you are thinking of requesting an unpaid leave, to request the leave before booking flights, hotels etc.

Finally, the Board is open to the idea of granting a “once-in-a-lifetime” request, but they are not committing to the length of that request. (It may be two days or a week.) Therefore, you may request an unpaid leave and the Board may grant the request under the “once-in-a-lifetime” clause, and any similar requests will be automatically denied.

If you have any concerns, please contact the Unit office at 705-733-9625 or 1 800 558 4815