

<b>Procedure Title</b>	<b>Absence Reporting for Personal Illness or Injury</b>		
<b>Date of Issue</b>	October 18, 2011	<b>Related Policy</b>	BP 7210-D
<b>Revision Dates</b>		<b>Related Forms</b>	AF 7360
<b>Review Date</b>		<b>Originator</b>	Administrative Council
<b>References</b>			
AP 7215-D "Confidentiality of Medical Records", AP 7220-D "Disability Support – Early Intervention, Accommodation and Return to Work"; AP 7701-D "Personnel (general)"; Workplace Safety and Insurance Act, 1997			

**Procedure:**

In accordance with Collective Agreements and Board Policy, employees are required to advise their Principal or Supervisor when any illness or accident prevents them from working in order to discuss a return to work date.

**1.0 Absences of more than five (5) consecutive working days related to illness or injury**

- 1.1 If the return to work date is greater than five (5) consecutive working days, documentation from the appropriate treating medical practitioner may be requested by, and submitted to, the Administrator of Employee Relations, or designate.
- 1.2 The documentation required shall minimally consist of the following, as outlined on the Standardized Medical Certificate and/or Bluewater District School Board Accommodation in the Workplace/Return to Work Functional Abilities form and/or Workplace Safety and Insurance Board (WSIB) Functional Abilities form:
  - 1.2.1 Medical restrictions and/or limitations that are preventing the employee from working and which may require accommodation upon return to work, if any;
  - 1.2.2 Expected date of recovery and/or return to work date.
- 1.3 If restrictions and/or limitations have been identified by the employee's appropriate treating medical practitioner, the employee will have communication with the Administrator of Employee Relations or designate.

**2.0 Absences of ten (10) or more consecutive working days related to illness or injury**

- 2.1 When an employee is going to be absent for ten or more consecutive working days, the employee will notify his/her Principal or Supervisor immediately of absence.

- 2.2 The Principal or Supervisor shall indicate to the employee that the Administrator of Employee Relations, or designate, will be notified of the employee's absence to enable early intervention and to facilitate a safe and timely return to work, where appropriate.
- 2.3 The Principal or Supervisor will notify the Administrator of Employee Relations, or designate by email, fax or telephone.
- 2.4 The Administrator of Employee Relations, or designate, may require the employee to provide documentation completed by the appropriate treating medical practitioner that may include, but is not limited to, the following information:
- 2.4.1 a functional abilities form that describes the medically supported restrictions or limitations the employee is experiencing in relation to the essential duties of their position;
  - 2.4.2 confirmation that the employee is participating in the appropriate treatment to expedite the employee's safe and timely return to work;
  - 2.4.3 Confirmation of estimated recovery period;
  - 2.4.4 expected date employee could participate in the Return to Work Program (AP 7220-D "Disability Support – Early Intervention, Accommodation and Return to Work") with appropriate modifications/accommodations based on restrictions/limitations;
  - 2.4.5 expected return to work date at regular hours and duties;
  - 2.4.6 any other information required to safely return the employee to work in a timely manner;
  - 2.4.7 treating medical practitioner's name, address, phone number and fax number;
  - 2.4.8 treating medical practitioner's signature.
- 2.5 Unless otherwise arranged, this documentation must be submitted by the employee or appropriate treating medical practitioner to Administrator of Employee Relations, or designate, within a reasonable timeframe agreed to by the Administrator of Employee Relations, or designate, and the employee.

The Administrator of Employee Relations, or designate, must exercise discretion in each case in determining whether to ask for a medical certificate in accordance with 1.0 and 2.0.

### 3.0 Sick Leave Benefit

- 3.1 As outlined below, an employee may access or is eligible for sick leave benefits if they become injured or ill and have a credit of unused sick leave. Access to sick leave may be available in situations not involving personal illness or injury as outlined by collective agreements, Board policy or relevant legislation.
- 3.2 An employee may also access or is eligible for sick leave if he/she is disabled, which is defined by the Ontario Human Rights Code as:
- any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
  - a condition of mental impairment or a developmental disability,
  - a learning disability, or a dysfunction in one or more of the process involved in understanding or using symbols or spoken language,

- a mental disorder, or
- an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997

3.3 Sick leave benefits are not payable:

- 3.3.1 in cases which are compensable by Workplace Safety & Insurance Board (WSIB), excluding top-up, where applicable;
- 3.3.2 for 12-month employees during scheduled vacation unless the illness requires hospitalization, or as dictated by Administrative Procedure AP 7701-D "Personnel (general)" or collective agreement(s);
- 3.3.3 when an employee is on an authorized unpaid leave of absence;
- 3.3.4 when an employee does not have sick credits or a bank of sick days;
- 3.3.5 while in receipt of full Long Term Disability (LTD) Benefits; or
- 3.3.6 when appropriate medical documentation has not been received as requested.

3.4 To be eligible for sick leave benefits, the employee must follow the board's procedures for reporting absences related to illness or injury, and for returning to work, in accordance with 4.0 of this procedure.

3.5 The Board will endeavour to accommodate the return to work and placement of temporary and/or permanently and/or partially disabled employees in accordance with Administrative Procedure AP 7220-D "Disability Support – Early Intervention, Accommodations and Return to Work".

3.6 Access to sick leave benefits may be denied for failure to provide all appropriate medical documentation requested. Appropriate medical documentation may include, but is not limited to, those items included in section 2.4 as they relate to the employee's ability to meet the essential duties of their position. It is the employee's responsibility to submit appropriate documentation to Administrator of Employee Relations, or designate, as applicable.

3.7 In order to maintain access to sick leave benefits, the Administrator of Employee Relations, or designate, may request the employee to attend an Independent Medical Assessment (IME) and/or have completed a Functional Abilities Evaluation (FAE) to determine the employee's restrictions and/or limitations related to the employee's position, This will assist in providing return to work and/or accommodation options. In requesting the IME, the following protocol will apply:

- 3.7.1 If the Administrator of Employee Relations, or designate, reasonably requires medical information to determine whether an employee is able to return to work or should properly remain off of work and in receipt of sick leave benefits, the Administrator of Employee Relations, or designate, shall so advise the employee and request that such information be provided;
- 3.7.2 The employee is required to provide the requested medical documentation to the Administrator of Employee Relations, or designate, in response to the request;
- 3.7.3 The Administrator of Employee Relations, or designate, will review the documentation provided by the employee. If the Administrator of Employee Relations, or designate, is not satisfied with the adequacy of the medical information provided, the Administrator of Employee Relations, or designate, will clearly identify to the employee why the information is not adequate;
- 3.7.4 The employee will be given an opportunity to provide the Administrator of Employee Relations, or designate, with further medical information;

- 3.7.5 The Administrator of Employee Relations, or designate, will review any further documentation provided by the employee. If the entirety of the medical documentation provided does not reasonably permit the Administrator of Employee Relations, or designate, to determine whether the employee should return to work or remain off of work, the employee may be requested to submit to an IME;
- 3.7.6 If the employee fails to attend the IME or does not, prior to the IME, provide the Administrator of Employee Relations, or designate, with further medical information to reasonably permit the Administrator of Employee Relations, or designate, to determine whether the employee should return to work or remain off of work, the employee's wages and/or benefits may be discontinued.

#### **4.0 Responsibilities of the Employee**

- 4.1 Personally report an absence, unless the employee is incapacitated and unable to do so. Failure to report absences at the first opportunity in accordance with these procedures may result in denial of pay and/or benefits.
- 4.2 Indicate, in general terms, the reason for the absence, i.e. due to accident, illness, contractual, etc.
- 4.3 To call in directly to their Principal or Supervisor and if not immediately available, the Principal or Supervisor will return the call. Unless otherwise arranged with the Principal or Supervisor, the employee is to call in on each day of absence.
- 4.4 Assume responsibility for the costs associated with the initial documentation from the appropriate treating medical practitioner in relation to the absence. Costs associated with subsequent request(s) for medical documentation by the Administrator of Employee Relations, or designate, will be borne by the Board.
- 4.5 To be eligible for sick leave benefits, employees may be required to provide satisfactory medical documentation in the form of a Standardized Medical Certificate completed by the appropriate treating medical practitioner, in accordance with 1.0 and 2.0 of this Procedure.
- 4.6 Maintain reasonable contact with their Administrator of Employee Relations, or designate regarding the status of his/her absence when he/she is unable to perform essential duties of their position due to disability.
- 4.7 Participate in appropriate treatment, as determined by the treating medical practitioner(s), to ensure a safe and timely return to work.
- 4.8 Participate in the development of his/her Return to Work Plan, including taking the proposed Return to Work Plan (including accommodations and/or modifications) to the appropriate treating medical practitioner(s) for approval, if necessary.

#### **5.0 Responsibilities of the Principal/Vice-Principal or Immediate Supervisor**

- 5.1 Communicate the Attendance Support Program Procedures and Guidelines to the employee.
- 5.2 Ensure the maintenance of accurate, up-to-date records regarding employees' absences as designated by Administrator of Employee Relations, or designate.
- 5.3 Receive call-ins or return employees' calls should a message be received from employees, and determine the reason for absence.

- 5.4 Ensure employee confidentiality in relation to absences and medical information by following the procedure outlined in AP 7215-D “Confidentiality of Medical Records”.
- 5.5 Contact the Administrator of Employee Relations, or designate, for assistance when restrictions and /or limitations have been identified.
- 5.6 Forward all medical documentation (if received) directly to the Administrator of Employee Relations, or designate, in a secure and confidential manner.
- 5.7 Advise employees of their obligation to provide satisfactory written proof of disability, as required, confirming disability and ensuring continued payment of sick leave benefits. Principals and Supervisors shall not require an employee to sign a release to authorize collection of medical information.
- 5.8 Participate in the development of the employee’s Return to Work Plan, including providing accommodations and/or modifications to the employee’s duties and/or hours, based on recommendations from the Administrator of Employee Relations, or designate.

**6.0 Responsibilities of the Administrator of Employee Relations, or Designate**

- 6.1 Request proof of continuing disability from the employee in the case of absences exceeding 10 consecutive working days, at appropriate intervals, in order to maintain the sick leave benefit or determine if participation in a Return to Work Program is appropriate.
- 6.2 Receive all medical documentation required and provide support to the employee during their time of disability.
- 6.3 Assist the Principal or Supervisor by maintaining contact with employees disabled for more than 10 consecutive working days, verifying that the employee is under the active care of the appropriate medical practitioner and following an appropriate treatment plan, and advise the Principal or Supervisor of the expected return to work date, when known.
- 6.4 Develop an appropriate Return to Work Plan (including appropriate accommodation and/or modification recommendations) based on the employee’s restrictions and/or limitations.

**7.0 Responsibilities of Superintendent(s)**

- 7.1 It is the responsibility of the appropriate Superintendent to administer this Procedure and Program Guidelines.
- 7.2 The Administrator of Employee Relations, or designate, shall review this Procedure and Program Guidelines on a regular basis or as required by legislative change.

For further direction beyond this Procedure, refer to AP 7220-D “Disability Support – Early Intervention, Accommodations and Return to Work”.