

IN THE MATTER OF AN ARBITRATION

BETWEEN:

CANADIAN UNION OF PUBLIC EMPLOYEES and its Local 2875 ("the Union")

- and -

QUEENSWAY CARLETON HOSPITAL ("the Employer")

Policy Grievance: Local 2875 #PA-2013-01-30 (Attendance Management)

Whereas the Board has reviewed the policy grievance, considered the facts as agreed by the parties and heard the submissions of counsel for the parties, the Board hereby orders the following:

1. The Attendance Support Program (ASP) of the employer will be amended to include an "annual reconciliation" method for exiting the ASP. This exit method will work as follows:
 - a. This "annual reconciliation" will apply to all employees in the ASP, regardless of when they triggered into the ASP, and will be calculated on a fiscal year basis.
 - b. At the end of every fiscal year, the employer will calculate the employee's total absences during the fiscal year.
 - c. The annual attendance threshold is to be determined by multiplying the ASP's attendance threshold (which is based on a four (4) month period) by three (3).
 - d. If the employee is at Stage 1 or Stage 2 of the ASP and has not exceeded the annual attendance threshold during the fiscal year, the employee will automatically exit the ASP.
 - e. If the employee is at Stage 3 or Stage 4 of the ASP and has not exceeded the annual attendance threshold during the fiscal year, the employee will automatically step down to Stage 2 of the ASP.
 - f. This "annual reconciliation" is in addition to the method for exiting the ASP found at page 10 of the ASP.
-

2. Any absence for any reason listed in Article 3.02 ("Attendance Management") of the Collective Agreement shall not count for any purpose under the ASP, including but not limited to being placed on the ASP, being held on the ASP or progressing through the ASP:

Article 3.02: Attendance Management


Days of absence arising out of a medically-established serious chronic condition, an ongoing course of treatment, a catastrophic event, absence for which WSIB benefits are payable, medically necessary surgical interventions, or days where the employee is asymptomatic and is under a doctor's care from the commencement of symptoms for a confirmed communicable disease (and has provided medical substantiation of such symptoms) but is required to be absent under the Hospital or public health authority protocol, will not be counted for the purposes of being placed on, or progressing through, the steps of an attendance management program.

Leaves covered under the Employment Standards Act and leaves under Article 12 will not be counted for the purposes of being placed on, or progressing through, the steps of an attendance management program.

3. For clarity, absences for Article 3.02 reasons cannot be included in the calculation of whether ASP attendance thresholds have been exceeded. For any absences for non-Article 3.02 reasons, the requirements of Paragraph 1 above or of the ASP would apply in order to exit the ASP.
 4. Employees must advise their manager and OHS that an absence is related to the listed grounds in Article 3.02, and must provide medical documentation in support of the nature of the absence, if requested by the Hospital.
 5. In order to ensure that both managers and employees are cognizant of the fact that absences for Article 3.02 reasons do not count for any purposes under the ASP:
 - a. The employer will prepare an information sheet that will outline Article 3.02 and explain that absences for any reasons listed in Article 3.02, do not count for any purpose under the ASP, including but not limited to being placed on the ASP, being held on the ASP or progressing through the ASP;
 - b. The information sheet will also outline the requirement for employees to inform their manager and OHS if their absence falls within the definition of Article 3.02 and as such should be excluded from the ASP, and to provide medical documentation if required by the Hospital. The union will be consulted over the content of this information sheet;
-

- c. The employer will provide a copy of this information sheet to all managers and employees so that all parties are fully aware that Article 3.02 absences are not to be counted in the calculation of absences for the ASP;
 - d. The employer will provide an additional copy of this information sheet to all employees whenever they trigger into the ASP or move up a stage on the ASP; and
 - e. Employees will be provided with a copy of the ASP Policy E-211, as amended pursuant to Paragraph 1, above, and will be required to sign off that they have read and understand the policy.
6. Every four months, the employer will provide to the President of CUPE Local 2875, consolidated data showing which of the union's members are on the ASP, which step they are at, and whether they have been moved up a stage, held at the same stage, moved down a stage(s), or exited the ASP in the past four months.
 7. For employees on the ASP, every time an employee is moved down a stage(s) or exits the program the employer will send the employee a letter to inform them of the change. This letter is in addition to the letters that the employer already sends to members every time they enter the ASP or advance a stage.
 8. Should the employer change its attendance threshold as defined in the ASP, the employer will provide the union with three months advance notice of the change.
 9. Save and except for the changes set out above, all other terms of the ASP as set out in the version current to June 30, 2016, shall continue in force.
 10. The above terms are without prejudice to the union's ability to challenge any changes to the ASP in the future.
 11. Should any concerns arise with respect to the implementation of the terms of the Award, the Board remains seized.

Dated at Ottawa this 2 day of September, 2016.



William Kaplan

" K. Butler Malette "

Kathryn Butler Malette

" J. Herbert "

Joe Herbert