2019 CUPE Sick Leave Protocol (effective November 4th, 2019)

Q&A

We hope you find the answers you need on this page but if not, please contact us through the links provided. The following chart provides a comparison between the 2017 and the new 2019 protocol for managing sick leave in the workplace for CUPE employees.

What has changed?

<table>
<thead>
<tr>
<th></th>
<th>2017 Protocol</th>
<th>2019 Protocol effective November 4, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Aggregation</strong></td>
<td>Sick leave is aggregated over a 7 year period up to 26 weeks per illness or injury</td>
<td>No aggregation. Sick leave will be paid up to 26 weeks for any continuous period of absence</td>
</tr>
<tr>
<td><strong>Entitlement for Continuing Employees</strong></td>
<td>Sick leave for those with less than 5 years’ seniority includes salary reductions to 75% and subsequently to 60% of salary after a period of time based on years of seniority</td>
<td>60% reductions no longer apply</td>
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<td>75% reductions continue to apply based on years of seniority for the balance of the 26 weeks</td>
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<tr>
<td><strong>Seniority</strong></td>
<td>Sick leave entitlement is based on seniority in place on the first instance of sick leave for an illness or injury</td>
<td>Sick leave entitlement is based on seniority at the start of each continuous period of sick leave</td>
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<tr>
<td><strong>Medical Certificates</strong></td>
<td>Only physician’s certificates are accepted, and may be required after more than 3 days of absence</td>
<td>Definition of physician has been broadened to include licensed medical practitioners operating within the scope of their license. Certificates may be required after more than 5 days of absence</td>
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</tbody>
</table>
| **Excessive use of casual illness (under 21 hours)** | When two times the University average sick leave is exceeded, a physician’s certificate may be required for all future casual sick leave | The new threshold is 4 occurrences and 14 days/98 hours (pro-rated for part-time) of sick leave in a 12 month period. Once exceeded, a medical certificate may be required for all future sick leave for a period of 6 months. If after 6 months, sick leave
| **New Clause – Recurrence of an illness or injury** | **Recurrence of the same illness or injury (leading to sick leave) within 4 weeks from a return to full duties and full hours will count towards the same 26 week period of sick leave.**  
A return to full duties and full hours for more than 4 weeks will trigger a new continuous period of sick leave due to that illness or injury with a new 26 week maximum period. |
| --- | --- |
| **Claim for Casual Illness or Sick Leave Form** | **The form must be completed for each paid sick leave absence.**  
No specific form is required. Reporting method is at the discretion of the Supervisor. |
| **Coding sick leave on pay records** | **Two separate payroll codes:**  
#465 Sick 21 hours or less  
#525 Sick more than 21 hours  
**One sick leave code for all paid sick leave:**  
#466 – CUPE Paid Sick Leave for Salary  
#216 – CUPE Paid Sick Leave for Hourly |
| **Wellness & Recovery** | **Return to Work/Disability Management**  
Return to Work/Disability Management department is now the Wellness & Recovery (W&R) department |
| **Collective Agreement Articles** | **Some Collective Agreement articles still applied**  
Collective Agreement articles that still apply are: 35.01 and 35.06 to 35.16 |
| **New Joint Case Review Committee** | **N/A**  
New Joint (Union/W&R) Case Review Committee is established to review appeals |
Transferring to the new Protocol

**When does the new Protocol come into effect?**

The new 2019 Protocol threshold (14 days and 4 occurrences/98 hours in the last 12 months) will be introduced on November 4th 2019. If you meet the threshold during the 12 months prior to November 4th, 2019, you will be placed on the new protocol. We will be running reports and sending out letters in a 4-week transition period from October 28th, 2019. Due to payroll scheduling, the 4-week transition period is needed to put all the changes into place after the go-live date. If new letters are required, please allow 4 weeks for these to be sent out.

**What happens to the sick leave that was previously aggregated?**

Only the continuous sick leave still ongoing as of the go-live date will be counted towards the 26-week maximum. Any sick leave previously aggregated will not be brought forward.

**What if I am on sick leave on the go-live date?**

The entire amount of continuous sick leave that started before and continues after the go-live date will be counted towards your 26-week maximum. Any previously aggregated sick leave will not be brought forward or counted towards the 26-week maximum.

**What will happen if I am on the old protocol on the go live date?**

If you previously received a letter on the old protocol, it will be no longer be valid if you do not meet the new threshold as of the go-live date.

You will receive a letter from W&R after the transition period advising you that you are no longer on protocol unless you have met the new threshold. If you have met the new threshold, you will receive a new letter from W&R explaining the new threshold and the 6-month requirement to submit medical certificates for every sick leave.

**What if I haven’t received a letter after go-live?**

New letters will be sent from W&R during the transition period. If you have not received a new letter by Dec. 1, 2019 and you believe you should no longer be on the old protocol, send an email to rtw_dm@sfu.ca.

**How will you be informed that you have reached the new threshold?**
On your next sick day, your Supervisor will advise you if and when you have met the threshold. See “How does the new threshold apply?”
The 2019 Protocol Threshold

How does the new threshold apply?

If you have been away 4 times for a total of 98 hours (14 days counted as 7 hours per day and pro-rated for part-time employees) of paid sick leave in a 12-month period, your supervisor will refer you to Wellness and Recovery (W&R). W&R staff may suggest resources and explore options if there are chronic health issues, which may include looking at appropriate accommodations to help you to stay at work. Your supervisor will advise if you are required to provide a medical certificate for every sick leave absence for the next 6 months.

At the end of 6 months on protocol, if your sick leave has dropped below the threshold, your supervisor will let you know that medical certificates are no longer required.

The threshold is calculated over a rolling 12-month period. If you take sick leave while you are on the protocol, you may reach the threshold again, and your period on protocol will be extended.

The threshold will be pro-rated for part-time employees (ie, if you work 0.5 FTE, the threshold will be 4 occurrences/shifts and 49 hours).

**Supervisors** will receive system-generated emails after the payroll exception reporting is processed if sick leave meets the new threshold. You will receive a system-generated email when the 6 month period has expired. Letter templates are available for use in both circumstances.

What is meant by an occurrence under the new threshold?

An occurrence is any continuous period of time on sick leave (no full days/shifts worked between sick leave days), including any portion of a day or shift. Split shifts in the same day will be considered one occurrence.

**As a Supervisor, how will I know when a staff member has reached the threshold?**

You will receive a system-generated email advising you of the date that your staff member reached the threshold. You will contact W&R to discuss whether any chronic illnesses are impacting the threshold; and, if not, you will provide your staff member with a letter explaining how the threshold applies. See “How does the new threshold apply?” above.
If your employee has additional sick leave during the 6-month period, you will receive another system-generated email with the new date the threshold was met. This will start a new 6-month period. You will provide your staff with a new letter indicating medical certificates will be required until 6 months from the new date.

As you do today, you can check the “Sick Time Review by Dept Spvr” table and you will see a * beside any staff that have met the threshold.

**As a Supervisor, when will I know that my staff member’s sick leave has dropped below the threshold?**

You will receive a system-generated email, following completion of the 6-month period, advising you that your employee is no longer over the threshold. You will provide a letter confirming that medical is no longer required. See “**How does the new threshold apply?**”

**The Wellness & Recovery Office**

**What is the Wellness and Recovery (W&R) office, and why am I being referred when I reach the threshold?**

The Wellness & Recovery department (previously known as Return to Work/Disability Management) will continue to evolve over the next few years. The W&R staff will review any medical certificates provided for sick leave and will connect with employees to provide assistance and suggest resources to support their recovery and return to work. They will work with the supervisors to explore accommodations, if required, and support the workplace in implementing them. They will advise supervisors if workplace adaptations are required and if the 6-month requirement for medical certificates for sick leave can be waived due to documented chronic illnesses.

**As a supervisor, when do I refer my employee to the W&R team?**

You can refer an employee to the W&R office at any time, and employees are welcome to contact the office for assistance, advice and resources at any time. There are, however, 2 occasions when you must refer your employee to the W&R office:

- When an employee has been or indicates they will be on continuous sick leave for 4 weeks;
- When you receive a notification that the employee has reached the threshold.
Seniority

Are there any changes for staff with less than 5 years of seniority?

Previously, salary would drop to 75% and then 60% based on years of seniority. From the go-live date, salary will drop to 75% as before, but there will be no further reductions for the remainder of the 26-week sick leave period. These reductions are handled by the W&R staff.

Supervisors will advise staff with less than 3 months' seniority if they have met their maximum paid sick leave limit (if they are away more than 1 week) and ensure any additional days in the continuous period are coded as “unpaid sick leave”.

Salary Reductions

What if I am currently on 60% of my salary on the go-live date?

W&R will review all current reductions during the transition period, and your salary will be increased to 75% for the balance of the 26-week period. This adjustment will be effective from the go-live date.

Recurrence of Illness

What happens if I get sick again?

If, after a period of sick leave, you return to work full hours, full duties for more than 4 weeks, your period of continuous illness will be concluded. Should you become ill again as a result of the same illness or injury more than 4 weeks later, you would be entitled to another 26 weeks of continuous sick leave.

Supervisors will work with W&R to confirm when you have returned to full duties (if that was the advice from your physician) and your return to work will be concluded. If an accommodation is recommended by your physician, your full return to work will not apply until the end of that accommodation period.

If you return to working your full hours and full duties, but become ill again as a result of the same illness or injury within 4 weeks, that sick leave is considered a recurrence of the same illness; both periods will be counted together towards the 26 weeks.
Supervisors will be instrumental in determining when your staff member has returned to full duties. In a Gradual Return to Work (GRTW), W&R will be monitoring the plan and the increase in hours to full time but will rely on your expertise in determining if and when your staff is working at full duties so the Return to Work (RTW) plan can be closed.

Medical Documentation

When do I need to provide medical documentation?

If you have been away for 35 consecutive hours (5 continuous days, including any Modified Day Off as a result of a modified work week arrangement), prorated for part-time staff, your supervisor may request that you provide medical documentation.

Supervisors may use discretion depending on the circumstances. Any medical documentation is to be sent to W&R.

What is meant by “physician’s certificate satisfactory to the University”?

SFU will accept medical certificates from medical practitioners who are providing care within the scope of their license (e.g. midwife in non-complicated pregnancy, physiotherapist in restoring function for a physical injury or disease, psychologist treating mental illness). When employees are required to provide satisfactory medical information to support their sick leave it should contain but is not limited to:

- The nature of the illness or injury.
- The employee’s first day of absence due to the current illness or injury.
- If treatment or therapy been prescribed.
- If the employee is following the treatment and/or therapy.
- If the employee is currently able to perform full or modified duties and/or hours.
- The current functional limitations and restrictions.
- The prognosis and anticipated date for return to work to part time or full time duties and/or hours.

The employee has the option to provide the above information through a medical note or an SFU Attending Physician’s Statement (APS). It can be provided to the supervisor or sent directly to W&R.
Appealing a Decision

What if I don't agree with a decision related to my sick leave?

We encourage you to have a discussion with the W&R staff; but if you still disagree with the response, you may send an appeal (appeal format is being developed) to the W&R email address rtw_dm@sfu.ca with a copy to the Union office and specify what you are appealing and why. Formal appeal cases will be referred to the Joint Case Review Committee, and a response will be provided within 10 working days.

Attendance Management

As a Supervisor, what if I am concerned that an individual’s sick leave is excessive and the W&R staff advise they are unaware of any chronic illness?

SFU has Attendance Management Guidelines which address this issue. The document is available on the SFU website and provides step by step directions. Please connect with your HR Advisor to discuss next steps.
Examples

The following scenarios provide some practical examples of how the 2019 protocol will work:

Threshold is met (4 occurrences AND 14 days/98 hours in a 12-month period)

A continuing full time employee, who had no sick leave earlier in 2018, takes sick leave as follows:

December 18-21, 2018 (4 days-shifts sick leave)
February 6-7, 2019 (2 days-shifts sick leave)
May 6-8, 2019 (3 days-shifts sick leave)
November 15, 18-21, 2019 (5 days-shifts sick leave)

The threshold has been reached on November 21, 2019. The employee is referred to the W&R team. If there is a chronic condition which is impacting the amount of time off, the W&R team can assist with accommodation, resources and support with confidentiality. If there is no chronic condition, the supervisor will require medical certificates for all future sick leave for 6 months after the threshold was reached (in this case, May 21, 2020).

Sick Leave during the 6-month period

A continuing full time employee reaches the threshold on November 21, 2019. There is no chronic condition impacting the individual’s ability to come to work, so they are placed on the protocol until May 21, 2020. During the 6 months on protocol, they take sick leave again on January 14-17, 2020 (4 days). The rolling total of sick leave in the last 12 months (January 17, 2019 to January 17, 2020) meets threshold again. A new 6-month period starts on January 17, 2020, so the employee will continue on the protocol until July 17, 2020 (6 months from January 17, 2020).

On sick leave on the go-live date November 4, 2019

A continuing full time employee has been on sick leave since October 11, 2019 and is likely to stay on sick leave for a while longer. They have 20 weeks of aggregated sick leave over the last 7 years for this illness. They will remain on paid sick leave for up to 26 continuous weeks counted from the start date of the current absence which is Oct. 11, 2019. Any aggregated time before the start of the current continuous absence will not be brought forward. The employee will
receive a new letter from W&R during or after the 4-week transition period with your new sick leave entitlement remaining. (26 weeks Oct. 11, 2019 to April 9, 2020, extended by any statutory holidays during this period).

Entitlement and Reductions for continuous staff with >1 year and <5 years of seniority

A continuing full time employee with 3 years of seniority has taken 16 weeks of sick leave. The sick leave started on October 11, 2019. The period of continuous sick leave for the same illness or injury will be paid for 12 weeks from the start date at 100% of salary and the balance of 14 weeks at 75%. The employee will receive a new letter with the revised reductions and end date during the 4-week transition period.

If the employee was at 60% reduction on November 4, they will be brought back up to 75% reduction and the difference reimbursed from November 4 after the 4-week transition period. W&R will send a letter with the new entitlement.

More questions? Contact the Wellness & Recovery Office rtw_dm@sfu.ca