Guidelines on Employee Absences Due to COVID-19

The health and safety of the University community remains its highest priority. In order to mitigate the potential spread of COVID-19, Public Health authorities have set out guidelines for individuals who have been exposed to the virus, or are at greater risk of being exposed to the virus. Links to these guidelines have been consolidated on the University's coronavirus information site.

Recommendations include self-isolation for some individuals, including those that have recently travelled outside of Canada, for a period of up to fourteen (14) days. While many of our employees have sick leave provisions in their respective collective agreement or employment policies that sufficiently address such absences, the University has, on an exceptional basis, agreed to temporarily modify and/or improve upon existing provisions for absences specifically related to COVID-19.

COVID19 Sick Leave

While many of our appointed employees have sick leave provisions in their respective collective agreement or employment policies that sufficiently address such absences, the University has, on an exceptional basis, agreed to temporarily modify and/or improve upon existing provisions for absences specifically related to COVID-19.

- Employees with paid sick leave in their collective agreement or employment policy should use paid sick leave for COVID-19 related absences, in accordance with public health authorities/guidelines or as directed by health care providers.
  - Provisions related to attendance management programs will be waived in these circumstances
  - Employees who have exhausted paid sick leave in accordance with their underlying collective agreement or employment policy will be provided additional days of paid sick leave sufficient to cover a COVID-19 related absence
- Employees in bargaining units or employee groups that do not have paid sick leave provisions will suffer no loss of pay as a result of related absences:
  - Hourly paid employees will be paid for the greater calculation of either any scheduled shifts that they miss up to and including April 5, 2020 if the absence is due to COVID-19 or the average weekly wages for casual employees calculation set out in the Employment Standards Act (ESA) (see Appendix A) if the absence is due to COVID-19
  - Salaried employees (including appointed employees and monthly salaried casual employees in CUPE 3902 units 1, 3, and 5) will receive their regular salary during related absences
• A new reason code for casual pandemic payments, and a new leave code for appointed pandemic payments have been created in HRIS; detailed instructions will be distributed separately

• **For the purposes of absences related to COVID-19, requirements to provide a medical note will be waived, to prevent additional strain on healthcare providers**

• Absences unrelated to COVID-19 will continue to be administered in accordance with the applicable collective agreement or employment policy

**COVID Self-Isolation**

• Employees that are instructed to self-isolate by a healthcare professional and/or those self-isolating due to recent travel outside of Canada, and whose roles allow them to work from home, are expected to perform the full scope of their duties to the extent possible while in self-isolation

• All employees (appointed and casual) who are required to self-isolate and whose roles are not suited to work from home will continue to receive their regular salary (for salaried employees) or for casual / hourly paid employees, the greater calculation of either their scheduled shift payments or the average weekly wages for casual employees calculation set out in the *Employment Standards Act* (ESA) (see Appendix A) for the period March 14 – April 5, 2020

• Employees self-isolating are reminded to complete the appropriate form through ServiceNow:
  
  [Appointed Faculty, Librarian & Staff Self-Declaration form](#)
  
  [Non-Appointed Employee Self-Declaration form](#)

**COVID Closures**

Appointed employees in programs or units that are closing due to COVID - and who are not required to self-isolate for the reasons above - fall into two categories:

1. Employees that may continue performing their duties remotely (e.g. administrative staff), provided such work continues to need to be performed during the closure

2. Employees that cannot continue to perform their duties remotely and/or the duties cannot be performed for the period March 14 – April 5, 2020

   • Appointed employees in this category may indicate their willingness to their manager and to their Divisional HR Office, to be reassigned into alternative roles that fall within the recognition and scope clause of their collective agreement. For clarity, willingness to be reassigned is not a guarantee that the employee will in fact be reassigned

   • Appointed employees continuing to work in this way will continue to receive their regular pay during this period
• Appointed employees that are not reassigned will receive their regular pay during this period
  o Departments will be asked to submit information regarding these employees, and the Division of HR & Equity will online a paid pandemic leave to account for this time

Casual employees in units that are closing due to COVID will be paid the greater calculation of either:
• any scheduled shifts impacted by closure for the period March 14 – April 5, 2020;
  or,
• the average weekly wages for casual employees calculation set out in the Employment Standards Act (ESA) (see Appendix A).

Those Impacted by COVID School or Daycare Closures
• Appointed employees impacted by the closures of daycares and schools across the province may request remote work arrangements from their manager, for the period March 23, 2020 to April 3, 2020 inclusive. The University asks managers to be as flexible as possible and to grant requests wherever operationally feasible
• Appointed employees that are unable to work remotely due to the nature of their jobs will continue to receive their regular pay for the period March 23 – April 3, 2020 inclusive
  o Departments will be asked to submit information regarding these employees, and the Division of HR & Equity will online a paid pandemic leave to account for this time
• Casual employees who are impacted by the closures of daycares and schools across the province, and who have caregiving responsibilities will continue to be paid for the greater calculation of either scheduled shifts or the average weekly wages for casual employees calculation set out in the Employment Standards Act (ESA) (see Appendix A), unless those shifts can be rescheduled.

If you have any questions regarding these guidelines, please contact your Divisional HR office.
Appendix A

Average Weekly Wages for Casual Employees Calculation Set out in the *Employment Standards Act*


“The question arises, however, as to how to calculate the minimum weekly entitlement for the notice period if the employee did not work any of the weeks within the designated 12-week period because, for instance, the employee was on a contractual short-term disability leave for the entire designated 12-week period. Because s. 60(2) does not provide a mechanism to calculate the average wages in such a situation, Program policy is that the employer must continue to look back in blocks of 12 weeks, until a 12-week period can be found in which the employee has weeks worked and then average the wages earned over that 12-week period.

For example, an employee was on pregnancy and parental leave for 52 weeks and immediately on her return to work was given notice of termination. The employer looks back in 12-week blocks until it finds a 12-week block that contains at least one week worked by the employee. In this case, the employer looks for:

- 0 to 12 weeks prior to notice being given – no weeks worked
- 12 to 24 weeks prior to notice being given – no weeks worked
- 24 to 36 weeks prior to notice being given – no weeks worked
- 36 to 48 weeks prior to notice being given – no weeks worked
- 48 to 60 weeks prior to notice being given – eight weeks worked

The 12-week block to be used will be the period of time that was 48 through 60 weeks prior to the date notice was given. The employee worked eight weeks during that time, so her regular wages for a regular work week will be the average of her regular wages over those eight weeks.”

Example 1:

- Week 12: $0 (no work)
- Week 11: $100
- Week 10: $500
- Week 9: $200
- Week 8: $0 (no work)
- Week 7: $150
- Week 6: $300
- Week 5: $100
- Week 4: $0 (no work)
- Week 3: $500
- Week 2: $0 (no work)
- Week 1: $0 (no work)

**Average weekly earnings equal:** $1850 (being \( \frac{100+500+200+150+300+100+500}{7} \) (those weeks in the last 12 where the employee had earnings) = **$264.29**

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**Example 2:**

- Week 12: $0 (no work)
- Week 11: $0 (no work)
- Week 10: $0 (no work)
- Week 9: $0 (no work)
- Week 8: $0 (no work)
- Week 7: $0 (no work)
- Week 6: $1000
- Week 5: $0 (no work)
- Week 4: $0 (no work)
- Week 3: $0 (no work)
- Week 2: $0 (no work)
- Week 1: $0 (no work)

**Average weekly earnings equal:** $1000 / 1 = **$1000.00**