

Local 223 Attendance Monitoring Program¹

During the 2010 contract negotiations, the Company and the Union mutually agreed to have a fair, consistent and effective attendance monitoring policy. It is mutually understood that absenteeism impacts negatively on the economic performance of the Company and imposes a burden on the employees who are at work. It is also mutually understood that any attendance monitoring process must be implemented and administered in consistent and appropriate ways. Particular attention has been given in these negotiations to establish good attendance behaviors from the very beginning of an individual's employment relationship. Also, attention was given to ensuring appropriate distinctions between absence under the terms of the *Family Medical Leave Act (FMLA)* and other absences.

1. The Corporate Attendance Group shall maintain individual attendance records on all employees under this program. These records will contain the reasons for absences and the number of hours of absences.
2. The Company will publish attendance statistics for the immediately preceding 12 months. Copies will be made available to Supervision and the respective Bargaining Unit Chairperson.
3. Corporate Attendance Group Monitoring Criteria

Having non-managed absence hours alone does not automatically mean the employee's absence record is unacceptable and deserving of a Notification of Need to Improve Attendance. When reviewing an employee's attendance record, management must exercise good judgment and consider such factors as:

- What are all the reasons for the employee's absenteeism?
- What is the employee's absenteeism record for the past several years?
- Is there a pattern to the employee's absence days? (Connected to off days, after vacation is gone, etc.)
- Does the employee have an active Notice of Need to Improve Attendance? If so, has the employee's record improved or worsened since then?

The codes that will be monitored in the Attendance Monitoring Program are:

Codes

- 1556 (CTO Sick Self non-FML)
 - 1559 (ED non-FML)
 - 1522 (Unpaid Sick Self non-FML)
 - 1557 (CTO Sick Family non-FML)
 - 1518 (Unpaid Sick Family non-FML)
 - 1536 (Non-Permissible Absence Unpaid non-FML)
4. All coding will be taken from the pay record system and shall be monitored centrally. In accordance with FMLA regulations, conditional approval for coverage of an absence under the FMLA may be given pending verification of the employee's FMLA eligibility, receipt of the required medical certification or qualifying exigency certification and final approval of the requested leave as FMLA qualifying by the Company's designated authority for processing FMLA requests. If the absence coding on any conditionally approved FMLA absences is changed to a code monitored under this program due to delay or denial of FMLA leave, the absences will be treated as absences monitored under this program.

¹ Not applicable to customer care employees

5. When an employee incurs lost time that is monitored in this Attendance Management Program, at the 32 hour of lost time the employee shall be issued a courtesy letter to provide awareness of their attendance record.
6. The monitored codes will be tracked on a rolling 12 month period. Upon the 41st hour of monitored lost time in a rolling 12 month period, Management will meet with the employee, review the attendance record and issue a Counseling letter which will place the employee in the program. Once placed in the program, the employee will be required to provide proof for all absences. The employee will then be monitored in the program for the next 12 months. During this period, any further monitored absence(s) will result in the following actions:

- **Additional absence hours (8 hours (10 or 12 hours if on a 10 or 12 hour shift)) up to 32 hours maximum if absences are consecutive) after Counseling– 1st Letter is administered**

After issuance of the counseling letter which places the employee in the program, if the employee is absent from work for a minimum of 8 hours that are monitored under this program or up to 32 consecutive hours, Management will meet with the employee to review the attendance record and issue a 1st Notice of Need to Improve Attendance Warning Letter.

- **Additional absence hours (8 hours (10 or 12 hours if on a 10 or 12 hour shift)) up to 24 hours maximum if absences are consecutive), after Counseling 1st Letter– 2nd Letter is administered**

If the employee is absent from work for a minimum of 8 additional hours which are monitored under this program after the issuance of the 1st Notice of Need to Improve Attendance Warning Letter, or if absent for a total of 33 up to 56 consecutive hours after having been issued the Counseling letter which placed the employee in the program, Management will meet with the employee to review the attendance record and issue a 2nd Notice of Need to Improve Attendance Warning Letter.

- **Additional absence hours (8 hours (10 or 12 hours if on a 10 or 12 hour shift)) after 2nd Letter) – 3rd Letter is administered**

If the employee is absent from work for 8 additional hours which are monitored under this program after the issuance of the 2nd Notice of Need to Improve Attendance Warning Letter, or if absent for a total of 57 up to 64 consecutive hours after having been issued the Counseling letter which placed the employee in the program, Management will meet with the employee to review the attendance record and issue the 3rd and Final Notice of Need to Improve Attendance Warning Letter.

- **Additional 8 absence hours (10 or 12 hours if on a 10 or 12 hour shift)) after Counseling 3rd Letter– Fact Finding meeting**

After issuance of the 3rd and Final Notice of Need to Improve Attendance Warning Letter, and the employee has returned to work, any subsequent 8 hour absence within the 12 month monitoring period will result in a fact finding. Upon completion of the fact finding, it may be determined termination is warranted.

- Any Notice of Need to Improve Attendance Warning Letters may be mailed via certified and regular U.S. Mail to the employee's last known address of record, if the employee is not present at the

point in which the threshold occurs. It is the employee's responsibility to maintain his/her correct address of record on file with the Company.

7. Recognition Factor - If an employee has nine (9) months of continuous, productive attendance with the exception of absence codes such as approved CTO (1551), jury duty (1436), military leave of absence, funeral (1432), holiday (1434) and occupational injury (1456) after a written Notice of Need to Improve Attendance Warning Letter is issued, the notice will be deactivated.
8. The Company and the Union will utilize the LMC meetings on a quarterly basis to review represented employee absence trends.
9. Newly hired employees – Newly hired employees will be placed on “Proof required status” from day one of employment until their probationary period is complete.

Attendance Monitoring Program Transition Plan

In order to implement the new Absence Monitoring Program, it is necessary to develop a transition plan. The following details how monitored absence codes will be addressed upon implementation.

- The new program will commence January 3, 2011.
- Actions under the existing Attendance Guidelines will apply through the end of the 3rd quarter 2010. A review at the end of the 3rd quarter 2010 will be conducted by Management and attendance actions will be administered. Monitored codes for the 4th quarter will be accumulated towards the new attendance monitoring program, and attendance actions will begin January 2011.
- At implementation employees who have less than 40 hours in the past rolling 12 months will continue to accrue hours towards any threshold of the program. The past rolling 12 months will not include new monitored codes, however any additional absence hours that would encompass any of the new monitored codes will count towards any threshold of the program.
- At implementation for any employee who has more than 40 hours in the past rolling 12 months and has not been administered any step in the previous Attendance Guidelines Program, management will meet with the employee, review the attendance record and issue a Counseling Letter which will also place the employee on proof.
- At implementation employees who have existing steps in the previous Attendance Guidelines Program, shall roll back one step and progress forward in accordance of the new program. Employees who are at the Coaching step from the prior Attendance Guidelines Program shall not have any hours rolled back.
- Fact Findings and subsequent terminations that occur as a result of the 3rd quarter 2010 attendance review will not be subject to the transition plan.

All Notice of Need to Improve Attendance Warning Letters will be updated in accordance with this new Attendance Monitoring Program.