

Nishnawbe-Aski Legal Services Corporation

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Recommendations

I recommend the following for you moving forward:

1. You will be approved for 3 days bereavement and given back 3 of his vacation days.
2. A Performance Improvement Plan (PIP) is developed with you to help improve your communication skills with your manager. This plan will be developed with you and should include scheduled dates for follow up. (attached)
3. You have been with the organization for over 5 years and should have know the NALSC leave polices and expectations. Therefore, I recommend a verbal warning be given to you. This letter will serve as such.

David, I would like to remind you of the importance of communication and following the NALSC policies and procedures. We trust you will work to improve your communication with your manager and follow all NALSC policies. NALSC also requires that you continue to keep the complaint, investigation, and this letter confidential.

Should you have any questions or concerns, please contact, the undersigned, Colette Shwetz, at cshwetz@nanlegal.on.ca or by phone 807-633-8158.

Yours truly,
Nishnawbe-Aski Legal Services Corporation



Colette Shwetz
Human Resources Manager

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Performance Improvement Plan (PIP)

Date:

Name of employee:

Name of supervisor:

**Goals of the employee's
position:**

**Which goals are not
being met:**

**Timeline and path for
reaching those goals:**

Next meeting date:



Nishnawbe-Aski Legal Services Corporation (NALSC)

HR Review Report

Prepared by:

Colette Shwetz

HR Manager

Feb 18, 2021

Executive Summary

This report is a review of leave/attendance for **David Sutherland**, Community Release and Reintegration worker in Fort Albany during December 18, 2020 and Jan 13, 2021 and his interactions with his manager, **Oana Cristea**.

It was found that during December 18, 2020 and Jan 13, 2021, David did not follow NALSC Policies. He did not submit appropriate leave forms, get approval for any of his leave, and did not follow NALSC Office Procedures by not maintaining communication with his manager during his scheduled workdays.

The NALSC policies state unapproved leave or abandonment of a position is subject to discipline, up to and including dismissal. However, with consideration given to the contributing factors, David was approved to use other leave available to him to cover his absence.

Recommendations have been included at the end of this inquiry.

Objectives

The focus of the inquiry was to identify the reason for David Sutherland's absence(s) between Dec 18, 2020 and January 13, 2021.

Incident Information

- (1) David was absent from a teleconference which he was to attend on Dec 18, 2020. His manager fielded the call. David states he made it into the teleconference call but was late. He said he did not try to contact his manager Oana before, during, or after the teleconference to discuss him being late.
- (2) Oana made multiple attempts to contact David during work hours from Dec 18, 2020 and Jan 13, 2021 via email and phone, but David could not be reached.
- (3) David did not maintain communication with his manager during his scheduled work hours.
- (4) David did not submit leave forms for approval during his absence.

Methodology

There was a teleconference meeting with Oana on Feb 4, 2021, a phone conversation with David on Feb 5, 2021 and a teleconference with both David and Oana on Feb 8, 2021 to discuss what happened during Dec 18, 2020 and Jan 13, 2021.

I also reviewed David's timesheets, leave forms and calendars for Dec 2020 and Jan 2021 including written notes that David submitted on the paperwork.

Findings

The following are my findings after meeting with DAVID Sutherland and OANA Cristea:

1. **Dec 18, 2020** – David was late getting onto a court teleconference due to technical issues. He did not follow up with his manager before, during or after the call although his manager requested, he do so. David did say he contacted others outside the organization after the call but not his manager.
2. **Dec 19, 2020** - David was in Timmins for a medical appt., returning Dec 22, 2020. There was a leave request prepared, but not submitted.
3. **Dec 28, 2020** - David had a family member test positive for COVID 19 and his family was quarantined. There was no communication of this to his manager or HR.
4. **Jan 1, 2021** – David's family experienced a loss of a family member (grand niece). There was no bereavement leave submitted.
5. **Jan 4 ,2021** - David's family was asked to isolate. (Not sure why Jan 4th – they tested positive on Dec 28, 2020) This according to David's notes he provided.
6. **Jan 4, 2021** – Community of Fort Albany was in lock down.
7. **Jan 13, 2021** – HR gave David's emergency contact number to his manager. There was a genuine concern for his well-being after multiple failed attempts to contact him by emails and phone calls between Dec 18, 2020 and Jan 13, 2021.
8. **Jan 13, 2021** – David says his manager was not respectful when she called his niece and said he was told his manager did not even introduce herself. Oana did call but feels she was not disrespectful. David did call his manager that same day.

David's niece also told Oana, David was not in the community at the time. That raised concerns by his manager.

9. David said that the person Oana called (David's emergency contact) was the niece who had just suffered the loss of a child. That was impossible for Oana to have known, having had no communication with David.
10. David stated he had a conversation with his manager on Jan 13, 2021 where he felt she was disrespectful to him and his situation. Oana expressed she did not recall saying some of the language that David said she used but felt bad if anything was taken out of context. She added she was maybe a bit frustrated at the time with David's absence.
11. David told his manager he tried to contact her during his absence, but said her message system was not working so he could not leave a message. Oana confirmed messages were being checked regularly during David's absence and she did not have any issues with her voicemail. She also confirmed she was receiving other voicemails.
12. David submitted a timesheet for January 4, 2021 to Jan 15, 2021 recording he had worked full hours during this time. It was denied by his manager due to his unapproved leave. David was informed he could use other leave time available to him during that pay period. David chose to take vacation leave for that period.
13. David told his manager he wanted to put in a grievance about having to use his vacation time. Oana scheduled a meeting with David and HR to discuss on Feb 8, 2021 via teleconference.

Conclusion

David's failure to communicate with his manager and his failure to follow NALSC policies led to a lengthy, unapproved leave and abandonment of his position. Under the NALSC policies all the above behaviours are subject to discipline, up to and including dismissal.

However, we are in a unique time with a COVID-19 pandemic affecting many staff and their families in various ways. Therefore, consideration was given to David's situation by his manager and he was approved to use other leave available to him to cover his unapproved leave. I believe this to be fair and fully support that decision.

That said, David must realize his obligations a worker at NALSC and follow the policies and expectations set out by NALSC. Moving forward David will be expected to follow all NALSC policies and maintain communication with his manager during his scheduled work hours.

Recommendations

I recommend the following for David moving forward:

1. David is approved for 3 days bereavement and given back 3 of his vacation days.
2. A Performance Improvement Plan (PIP) is developed with David to help improve his communication skills with his manager. This plan will be developed with David and should include scheduled dates for follow up. (attached)
3. David has been with the organization for over 5 years and should have know the NALSC leave polices and expectations. Therefore, I recommend a verbal warning be given to David.

Signature *Leah...*

Date: *Ab 22/21*

