

ATTENDANCE SUPPORT	Human Resources HR-ER-005
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Author	Regina Coady, Director of HR
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Overview

Eastern Health strives to create a work environment where employees feel they belong, feel supported, and can grow personally while achieving their goals and contributing to the overall goals of the organization. In creating this type of healthy work environment, the organization supports overall employee wellness, including both their physical and psychological health.

This policy outlines Eastern Health's medically supported leave policy and process aimed at providing employees and managers with a clear understanding of their rights and responsibilities regarding medical leaves.

Income protection benefits, in the form of sick leave and paid leave, are provided by Eastern Health and/or under the respective Collective Agreements as "insurance" in the event of employee illness, injury, or disability. These leaves are not intended to cover off non-medical absences (For example: to replace an unapproved paid leave or to care for an ill family member).

Policy

Attendance at work is critical to Eastern Health's objective of consistently providing high quality patient/resident/client service provision. As such, Eastern Health is committed to establishing a healthy workplace that is supportive of employee efforts to achieve and maintain a high standard of attendance in support of maximizing their full potential while balancing its responsibilities for managing absenteeism. Where an employee's level of absenteeism becomes above average, as defined by this policy, formal attendance monitoring will be

implemented, and the employee will be provided an opportunity to improve attendance through increased awareness, counseling and support as appropriate.

Guiding Principles

- A healthy, safe, and engaging work environment is key to supporting and maintaining good attendance in the workplace. Management and employees enable this by being supportive and respectful to one another.
- Absences under this program are considered “innocent” and no fault of the employee. Absences considered “culpable” are not part of this program.
- Attendance monitoring is an ongoing management practice and managers are expected to address attendance issues with staff at any time a concern comes to their attention. Doing so helps identify and support issues that the employee might be experiencing: at home or at work, or physically or psychologically.
- Formal attendance support program is triggered by an employee’s above average absenteeism as defined as hours above the organizational average for each of the past three fiscal years. For NAPE-LX, this includes paid and unpaid sick leave hours excluding sick leave for less than ½ day under NAPE-LX collective agreement.
- The employee’s personal circumstances and mitigating factors must always be considered when addressing attendance-related issues.
- Eastern Health commits to the common goals of:
 - early and safe return of ill or injured workers to the workplace,
 - taking reasonable measures to assist employees in improving attendance, and
 - accommodating employees to the point of undue hardship, and in conjunction with the Return to Work Following an Illness or Injury policy, and/or the Transitional Work policy.
- Employees have access to and should avail of the resources available in Occupational Health (OH) to help manage their health status impacting their ability to attend work regularly. This might include: referral to OH, Employee and Family Assistance Program (EFAP) or Disability Management.
- This policy is subject to the employer’s duty to accommodate, the provincial Human Rights Code, and the “no discrimination” clauses of collective agreements.
- Attendance at work is one of the fundamental requirements to providing safe, quality services.

Sick Leave Reporting & Documentation Process

- Employees must personally report absences to their manager in accordance with the department/program procedures for reporting absences. Departments/programs will establish protocols that reflect their operations and communicate such expectations to staff. Employees should visit the [Attendance Support mini-web](#) for supportive tools and resources.

- In the rare exception where it is not possible for the employee to report the absence directly to the manager, they should have someone else contact the manager as soon as possible.
- The manager should follow up with the employee by contacting him/her at home using the organization's approved [Script and Call in Form For Sick Leave](#) to: (1) determine if alternative duties are available (2) determine if leave will be approved and (3) share the resources available to employees.
- There are two types of sick leave absences: predictable and non-predictable as follows:
 - Predictable absences are absences that are known in advance. Examples include a medical or dental appointment, a scheduled surgery, or medical treatment. These should be communicated as soon as the employee is aware of the upcoming absence or at least 48 hours prior, to minimize the cost of replacement and impact on operations. Time to attend appointments of a non-urgent nature without prior notice may not be approved.
 - Unpredictable absences resulting from illness, injury, and disability should be communicated as soon as they are recognized.
- For predictable or unpredictable absences, a Leave Request Form must be completed in accordance the Leave Benefits (Paid) and Leave of Absence (Unpaid) Policies.
- When the employee reports the absence, the following information must be provided:
 - length of time the employee expects to be on leave;
 - tasks of the position the employee may or may not be able to do (functional limitations); and
 - the date and time he/she will provide an update.
- The manager may ask for a medical certificate if the absence is:
 - expected to be or greater than two or three consecutive days (as per the relevant Collective Agreement),
 - expected to be or greater than two days for Management and Management Support employees and those that fall under the medical or non-medical by-laws, or
 - showing a pattern of absence.
- Employees who are required to submit medical documentation for an absence and fail to do so will not be paid or be entitled to benefits and seniority until the requested documentation has been received, unless there are extenuating circumstances.
- Managers will endeavor to offer suitable duties based on:
 - the operational situation (e.g.; available tasks);
 - the functional information available;
 - the Return to Work Following an Illness or Injury policy;
 - the Transitional Work policy;
 - the Leave Benefits (Paid) policy;
 - the Leave of Absence (unpaid) policy; and
 - consultation with OH, as applicable.

- Managers shall ask for and document the employee's functional abilities and track the absence details. A script has been developed that managers may use to assist them in this process - [Script and Call in Form For Sick Leave](#).
- If managers can offer suitable duties, in line with functional abilities, the plan is documented using a [Managers Record of Employee Return to Work](#) form and discussed with the employee. The Return to Work following Illness or Injury policy and Transitional Work policy should be referenced to guide return to work planning and monitoring as well as to ensure appropriate use of payroll codes as per the Payroll Guide for Managers and Timekeepers.
- If return to work activities are available that support the employee's functional abilities, the employee must accept suitable and available work in line with the appropriate collective agreement. Failure to accept such work may result in disciplinary action.
- Employees absent from work on paid or unpaid sick leave for less than five (5) consecutive working days may be asked to provide their manager a medical certificate, subject to the specific collective agreement requirements or management/management support policies. The medical certificate must be provided as soon as possible, but no later than, the following pay period and dated during the period of absence. The medical certificate goes directly to the manager. Any cost incurred for the medical certificate is the responsibility of the employee.
- Employees absent from work on paid or unpaid sick leave for five (5) or more consecutive working days must submit a fully and appropriately completed Functional Assessment Form (FAF) signed by a health care provider inclusive of functional limitations for the period of the absence. The employee must be seen by a health care professional by the end of the fifth (5th) consecutive working day of absence, and an FAF must be completed based on the health care provider assessment. The completed FAF must be submitted to OH within a further two business days. OH will advise the manager of functional information and expectations related to return to work.
- Employees may be required to provide additional medical documentation (e.g., Additional Medical Information (AMI)) for which consent may be requested. This would be coordinated through OH. Refusal to provide such consent may impact leave and benefit approval or return to work planning.
- Documented medical clearance is not needed to return to work unless otherwise advised by the appropriate manager or Disability Manager (DM).
- Documentation will be maintained by the manager and OH, as applicable. All documentation should include facts and decisions and should not include opinions or rumors.
- Privacy and confidentiality is maintained in accordance with Eastern Health's policies and legislation. Medical information relating to the absence is disclosed only to the extent necessary to carry out the procedures herein and where disclosure by law is allowed, authorized, or required.
- The provisions set out in this policy are expected to be followed except in exceptional circumstances as fairly determined by management.

- At any time, employees may be required to provide appropriate medical documentation to support their fitness to work safely for themselves and others.

Sick Leave for Preventative Medical and Dental Care

- Whenever possible, employees should schedule appointments on their regularly scheduled day off or after regular hours of work. When this is not possible, the appointment should be scheduled to have the least impact/disruption on the workplace. Departments/programs will advise employees of the optimum times for scheduling preventative medical and dental appointments based on their operations.
- Employees shall provide their manager with as much notice as possible of upcoming scheduled appointments, so arrangements can be made for coverage. Where possible, employees are required to provide their manager with a minimum of forty-eight (48) hours' notice or other notice period as per collective agreement to attend a scheduled appointment. Time to attend appointments of a non-urgent nature without prior notice may not be approved.
- Leave for out of town medical appointments including travel time may be approved at the discretion of the immediate supervisor. Hours approved will be dependent on the employee's scheduled shift and the location and time of the appointment. In these circumstances, it may be necessary to verify appointment times and duration. As such, employees are encouraged to obtain this information from their health care provider at the time of the appointment. Appointment/travel time guidance is available on the [Attendance Support mini-web](#).

Attendance Monitoring

- Attendance monitoring is an ongoing management practice, and managers are expected to identify, address and document attendance issues with staff.
- Employees who are trending well below the corporate average or have shown significant and sustained improvement should be recognized using Eastern Health's [recognition](#) tools.
- Circumstances that might warrant additional review include:
 - a pattern of absences;
 - excessive number of incidences;
 - sudden changes in attendance;
 - failure to provide sufficient functional medical documentation; and
 - insufficient or inconsistent medical documentation.
- During conversations about attendance monitoring the manager should:
 - explain the impact of absenteeism on operations;
 - review and discuss the attendance record with the employee;
 - assess whether workplace factors have contributed to the absenteeism and how the employer can assist in this regard including conflict management, EFAP Program, accommodation needs, referral to OH, training and other supports;
 - explain potential consequences of above average absenteeism if trend continues; and

- determine a way forward to minimize operational impact, be more predictive, provide medical certificates, etc.
- Document the conversation and outcomes as applicable and retain the documentation.

Formal Attendance Support program

Managers will review attendance and identify those employees with above average absences for each of the past three (3) fiscal years, defined as paid or unpaid sick hours that are above the organizational average.

- As part of this review, managers will review all forms of absenteeism, including, but not limited to, paid and unpaid sick leave, lost time for workers' compensation, sick leave for less than ½ day for NAPE LX and annual leave used for sick leave purposes. Leave hours will be prorated for part-time and temporary employees.
- Managers should monitor those employees with less than three (3) years of service with Eastern Health, particular for the 12 month and 24 month period. If an employee with less than three (3) years of service exceeds the corporate average for the 12 or 24 month period, the manager should meet to discuss the trend with the employee, provide a copy of the attendance record to the employee, and discuss supports available to the employee and concerns if these absence patterns continue. No letter will be issued to the employee nor will the employee be placed on the Attendance Support guidelines at that time.
- Managers will meet with employees whose medical leave usage has been identified as above average to determine whether formal attendance monitoring will be implemented to assist the employee in resolving the situation and returning attendance levels to an acceptable level. Such meetings are not disciplinary in nature; however, employees may have a representative from their respective union present at any step in the process.
- Managers will provide employees with a copy of their record of attendance in advance of the attendance support meetings/check-ins.
- During the Attendance Support meetings/check-in, a manager will:
 - explain the Attendance Support program and the impact of absenteeism on operations;
 - review and discuss the attendance record with the employee;
 - assess whether workplace factors have contributed to the absenteeism and how the employer can assist in this regard including: conflict management, EFAP, accommodations, training and other supports;
 - explain potential consequences of above average absenteeism;
 - advise them of their status/progress with regard to the Attendance Support program (for example: initially launched, improving, or not improving); and
 - advise them of supports available, expectations, timeframes, and potential consequences if attendance does not improve.

- Attendance Support program activities occur, at a minimum, every six (6) months as follows:
 - Initial Attendance Support program meeting
 - This is an in-person meeting between the manager, employee, and union representative, if desired.
 - Clearly deliver messages with respect to supports available, expectations, timeframes, and potential consequences if attendance does not improve.
 - A letter will be issued informing the employee that he/she has been placed on the Attendance Management program and the expectations of them.
 - Six-month Attendance Support program check-in
 - Managers will review attendance status of each employee on the Attendance Support program.
 - A meeting is not required at this interval however it is strongly recommended.
 - If this is a meeting, it should be an in-person meeting between the manager, employee, and union representative, if desired.
 - A letter will be issued informing the employee of their progress as either: improving or not improving.
 - Employee will be reminded that there are twelve months remaining to the formal attendance monitoring.
 - Twelve-month Attendance Support program meeting
 - Managers will review attendance status of each employee supported by the Attendance Support program.
 - This is an in-person meeting between the manager, DM assigned to the division/unit, employee and union representative, if desired.
 - If at this point attendance has not improved, the employee will be strongly encouraged to avail of OH services, to determine the prognosis for maintaining regular attendance at work. Dependent upon the prognosis for maintaining regular attendance at work, and subject to the employer's duty to accommodate to the point of undue hardship, the prognosis for returning to work/maintaining regular attendance at work will determine the employer's future direction about attendance support efforts as follows:
 - In cases of a good prognosis for returning to work or an indication that the employee should be able to maintain regular attendance at work, the employee will be advised that he or she is expected to maintain attendance in accordance with the prognosis.
 - If the prognosis indicates that there is a problem/issue that impacts the ability of the employee to maintain regular attendance at work and/or their ability to fulfil their work-related duties and responsibilities, the employer will continue to work with and support the employee in improving their attendance record to the

- point of undue hardship. This may include, but is not limited to, medical accommodations, part-time work, etc.
- In cases of a poor prognosis indicating that the employee is unable to maintain regular attendance at work, the employee will be encouraged to apply for benefits such as disability pension, etc., if the employee is a member of such plans, and may be provided with non-disciplinary termination.
 - A letter will be issued informing the employee of their progress as either: improving, or not improving.
 - It is important to remind the employee that there are six (6) months remaining to the formal attendance monitoring.
 - Eighteen-month Attendance Support program meeting
 - Managers will review attendance status of each employee supported by the Attendance Support program.
 - This is an in-person meeting between the manager, DM assigned to the division/unit, employee and union representative, if desired.
 - Formal attendance monitoring will cease once an employee demonstrates that they have reduced their absences below the combined fiscal period average over the period they are on the Attendance Support Program. The employee will receive a letter informing them that they have successfully completed the program.
 - Once removed from the program, the manager will continue to monitor attendance for an additional 12-month “Attendance Support Monitoring” period. If at the end of the 12-month period, the employee’s absences are above the annual corporate average in the last fiscal year this will result in a restart of the Attendance Support program. If at the end of the 12-month period, the employee’s absences remain below the annual corporate average in the last fiscal year this will result in being released from the Attendance Support Monitoring” period.
 - If, over a period of formal attendance monitoring, attendance does not improve below the corporate average, the manager, DM, and others as necessary will review options including but not limited to: program extension, medical accommodation, part time employment, eligibility for disability pension, and termination for non-disciplinary reasons subject to the employer’s duty to accommodate to the point of undue hardship.
 - Attendance Support meetings/check-ins will be documented by the manager. After each attendance support meeting, the employee will be given a letter summarizing the meeting, a copy of which will be placed on the employee’s personnel file. The letter will not be considered an adverse report and will not be written in that context.

Recruitment and Selection

- Attendance is not a qualification on all vacancies, it is only for those vacancies for which one or more of the following criteria can be demonstrated:
 - position providing critical services with only one incumbent;
 - lead hand role;
 - availability of immediately qualified replacement staff; or
 - specialized skill sets.

Scope

This policy applies to all employees (including salaried physicians) and should be read in conjunction with the respective collective agreement and other relevant policies. While management and management support staff are covered by the Paid Leave program, the management of attendance for sick leave purposes will be addressed in accordance with this policy.

This policy should be read in conjunction with the following policies:

- Return to Work Following an Illness or Injury policy,
- Transitional Work policy;
- Leave of Absence (unpaid); and
- Leave Benefits (paid).

If a situation appears to be non-compliant or disciplinary, managers should contact their Human Resource Business Partner (HRBP).

Purpose

This policy reinforces the requirement for employees to:

- attend work on a regular basis,
- to report their absences when they are unable to do so, and
- to take appropriate actions if they are unable to maintain regular attendance.

It provides a tool for management to record absences from work and to assess each employee's attendance on a regular basis while concurrently providing the necessary supports to employees to assist in improving their attendance and helping them recover and reenter the workplace early and safely.

The aim of this policy is to:

- Help employees fully realize their potential by providing support to employees in maintaining regular attendance at work and options when it is determined him/her are unable to fulfill their work-related duties;
- Ensure employees are aware of the consequences of their absenteeism and the impact of above average absenteeism on operations;
- Improve operational efficiency by minimizing sick leave and maintaining quality of care and service through full employee participation in the

workplace;

- Provide a consistent approach for the management of medically supported absences and early and safe return to work;
- Recognize employees with good or improving attendance; and
- Provide managers with resources in support of sound fiscal stewardship about the management of employee attendance.

Procedure

Roles and Responsibilities

Employees

- Attend to personal preventative medical and dental activities outside of working hours to the degree possible;
- Maintain personal health and fitness, facilitate own recovery, and make every effort to achieve a level of fitness required to perform the duties of the job;
- Adhere to all absence-reporting procedures including notifying the appropriate individuals(s) of any absence from work and providing, as required, the appropriate documentation to support the absence and/or fitness to attend work;
- Work with the manager in achieving and sustaining regular attendance;
- Make every effort to work safely by following the proper safety rules and procedures to prevent illness or injury, or both;
- Maintain regular contact with the employer while absent and provide regular medical documentation, as required;
- Provide the employer with sufficient information to allow them to satisfy any obligation it has to accommodate the employee and to participate in reasonable forms of accommodation; and
- Cooperate in early and safe return to work.

Departmental/Program Management

- Initiate, support and encourage healthy workplaces, address conflict and fulfill OH and safety responsibilities to minimize environmental influences that contribute to absenteeism;
- Initiate and implement the attendance monitoring and formal attendance support program;
- Request information regarding the employee's functional abilities (i.e. Script and Call-in Form For Sick Leave, FAF) and ensure employees provide documentation to support the absence;
- Support employees in their return to work following illness or injury;
- Instill early and safe return to work philosophy at the unit/department level;
- Recognize good attendance at both employee and unit level;
- Effectively communicate and educate employees about their roles and responsibilities as they relate to the program;

- Respect the confidentiality of employees' health information and employees' privacy and only request functional information relating to restrictions and/or limitations; and
- Contact HRBP to seek resolution and support where workplace factors influence attendance.

Human Resource Business Partners (HRBPs)

- Provide strategic advice to programs and departments on overall healthy workplace, engagement, and absence management trends;
- Assist managers in monitoring compliance and continuous improvement to the policy by monitoring trends and
- Provide coaching, advice and assistance to managers in implementing attendance policies, initiatives, and tools.

Disability Managers

- Coach and advise managers on how to manage sick leave in line with this policy;
- Case manage long term medical leaves greater than five (5) days;
- Support managers in interpreting functional abilities to determine whether they can support return to work plans;
- Work with the employee, and the manager to return the employee to the workplace as early and safety as possible with a goal of improving and/or maximizing health and fitness for work;
- Act as a liaison with the employee's health care professionals, long term disability providers, etc., as applicable;
- Determine and recommend modifications to the workplace and/or work practices; and
- Administer process for medical accommodation of employees in the workplace and ongoing monitoring of accommodations for effectiveness, as appropriate and/or requested by the manager.

Guideline

Payroll guidelines:

- If an employee is medically supported and their leave is approved, all absences thereafter up to a check-in point should be coded as:
 - SICK (earning # 0080) or VAC-SICK (earning # 0041), for unionized employees with a bank.
 - PAID LV (earning # 0075), for Management or Management Support employee. If a Sick Leave bank is available, the employee can access it on their third (3rd) day of absence.
 - UPSICK (earning # 0250), for any employee without a sick/annual/paid leave bank.
- Employees who are required to submit medical documentation to support leave approval and fail to do so should be coded using UPNOBEN (earning # 2737) and may be subject to discipline following consultation with Human

Resources. This pay code means that the employee will not be paid and will not be entitled to benefits or seniority.

- The time limit for employees seeking payroll adjustments from an unpaid to paid pay code is the end/close of the following pay period and requires supporting medical documentation.

Reference the Return to Work Following an Illness or Injury policy and Transitional Work policy for payroll guidelines related to these respective topics.

Linkages

- Active collective agreements
- [Functional Assessment Form \(FAF\)](#) (Ch-0855)
- [Leave Benefit Paid](#) policy (HR-CB(B)-075)
- [Leave of Absence \(unpaid\)](#) policy (HR-ER-050)
- [Managers Record of Employee Return to Work](#) form (Ch-1419)
- [Newfoundland and Labrador Human Rights Code](#)
- [Occupational Health Referral form](#) (Ch-1050)
- [Payroll Guide for Managers and Timekeepers](#)
- [Return to Work Following an Illness or Injury](#) policy (HR-OH(III)-35)
- [Script and Call in Form For Sick Leave](#) form (Ch-1428)
- [Transitional Work policy \(HR-OH\(III\)-045\)](#)

Key Words

Attendance; Attendance Monitoring; Attendance Counseling; Attendance Management; Attendance Support; Sick Leave; Functional Assessment Form; FAF; Illness; Injury; Disability; Return to work; Accommodation; Abilities; Ability; Limitation

Definitions & Acronyms

Above Average Absenteeism	Defined as sick hours (paid and unpaid sick leave hours not including sick leave for less than ½ day for NAPE-LX collective agreements) in excess of the organizational average for each of the past three fiscal years.
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Absence	Defined as time away from the workplace due to illness/injury including WCC, paid and unpaid medical leave/leave of absence and sick leave for less than ½ day for NAPE-LX Collective Agreements. For the purposes of this policy, employees are not considered absent from work when absent due to: scheduled vacation, authorized leave for union business, bereavement, court leave, family leave, maternity/parental leave, education leave or unpaid leave of absence not related to illness.
Additional Medical Information (AMI)	Is additional medical documentation for which consent might be requested that may be required for complex medical absences and return to work planning.
Attendance Support	A system of involving employees and management in a program designed to make them aware of the significant detrimental effect that absence due to illness, injury or unapproved leave has on patient/resident/client care and service delivery and their co-workers.
Business Days	Monday to Friday
Combined fiscal period average during Attendance Support Program period calculation	Annual corporate average divided by 12 fiscal periods in a year = the average fiscal period trigger. The average fiscal period trigger multiplied by the number of months on the program (i.e. 18 or more months) = combined fiscal period average.
Culpable Absenteeism	Willful action on the part of the employee to be absent from work without permission, without a justifiable reason, or without providing adequate notice.
Duty to Accommodate	The duty owed by an employer to an employee not to discriminate against the employee on any basis under Human Rights or other legislation, or under the terms of a Collective Agreement or other contract. This duty has been defined by the Supreme Court of Canada as requiring an employer to accommodate individual employees in the employer's workplace up to the point of undue hardship.

Functional Assessment Form (FAF)	<p>Is medical documentation for non-work-related injuries, illnesses, or disabilities that is signed by a health care professional, during the time of the absence, and:</p> <ul style="list-style-type: none"> - Substantiates an illness, injury, or/and disability; - Confirms employee has a treatment plan and is accepting treatment, where applicable; - Articulates functional abilities at a level possible to translate into tasks; Includes an expected duration of limitations, restrictions, and/or absences, and - Supports return to work or rehabilitation plans.
Fiscal Period	The calculation of pay periods from the first to the last day of the month.
Fiscal Year	The period from April 1 st to March 31 st .
Innocent Absenteeism	<p>Innocent absenteeism, sometimes referred to as non-culpable absenteeism, refers to absenteeism for which an employee may not be “disciplined,” as may result for culpable absenteeism, but which can result in a non-disciplinary termination in circumstances where the employee has been accommodated to the point of undue hardship. While some innocent absenteeism may be beyond the control of the employee, often the employee will be able to improve attendance with appropriate interventions such as treatment of medical conditions (e.g. in the case of chronic illness) and with appropriate accommodation measures.</p>
Medical certificate	Is appropriate medical documentation to support manager’s decision making signed by a health care professional, during the time of the absence, and verifies that the employee is absent due to medical reasons.
Medical documentation	This could be a medical certificate, functional assessment form, or additional medical information (AMI) form.

<p>Sick Hours</p>	<p>Defined as paid and unpaid sick leave due to non-work-related illness/injury, not including sick leave for less than ½ day for NAPE-LX collective agreements.</p> <p>Sick hours do not include hours away from the workplace due to Workplace NL Claims for work-related illness/injury.</p>
<p>Undue Hardship</p>	<p>Undue hardship has been defined by the Supreme Court of Canada in the context of the Duty to Accommodate an employee in the workplace. Undue Hardship is not defined in a rigid and fixed manner, but must be adapted to the circumstances of the workplace in question, and the case at hand.</p> <p>In a case involving chronic or excessive absenteeism, if the employer shows that, despite measures taken to accommodate the employee, the employee will be unable to resume his or her work in the reasonably foreseeable future, the employer will have established Undue Hardship.</p> <p>The test for Undue Hardship is not total unfitness for work in the foreseeable future. If the characteristics of an illness are such that the proper operation of the employer's business is hampered excessively or if an employee with such an illness remains unable to work for the reasonably foreseeable future even though the employer has tried to accommodate him or her, the employer will have satisfied the test.</p>