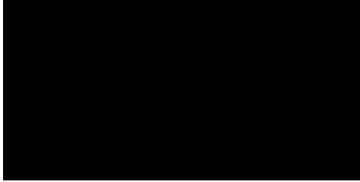


September 11, 2019



Dear 

**Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [JPS/84/2019]**

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On August 8, 2019, the Department of Justice and Public Safety (JPS) received your request for access to the following records:

**“Number of employees subject to the Correctional Officers' Collective Agreement who used sick leave in excess of sixty days for the years 2000-2019. Number of employees subject to the Correctional Officers' Collective Agreement required to complete a functional assessment while on sick leave for the years 2000-2019. Please give breakdown by year.”**

Please be advised that a decision has been made by the Deputy Minister of JPS to provide access to the requested information (see attached).

Please note that the Human Resources Secretariat is responsible for functional assessments. They advise that they have records relating to JPS from 2012-13 to present.

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request as set out in section 42 of the **Access to Information and Protection of Privacy Act, 2015** (the Act) (a copy of this section has been enclosed for your reference). A request to the Commissioner must be made in writing not later than 15 business days of the date of this letter or a longer period that may be allowed by the Commissioner.

The appeal may be addressed to the Information and Privacy Commissioner as follows:

Office of the Information and Privacy Commissioner  
2 Canada Drive  
P. O. Box 13004, Stn. A  
St. John's, NL. A1B 3V8

Telephone: (709) 729-6309  
Toll-Free: 1-877-729-6309  
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section has been enclosed for your reference).

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any questions please contact me by telephone at 709-729-7128, or by email at [sonjaelgohary@gov.nl.ca](mailto:sonjaelgohary@gov.nl.ca).

Sincerely,

A handwritten signature in black ink that reads "Sonja El-Gohary". The signature is written in a cursive style with a large initial "S" and "E".

Sonja El-Gohary  
ATIPP Coordinator

### **Access or correction complaint**

**42.** (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52 (1) or 53 (1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21 ;

(b) a decision respecting an extension of time under section 23 ;

(c) a variation of a procedure under section 24 ; or

(d) an estimate of costs or a decision not to waive a cost under section 26 .

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

**Direct appeal to Trial Division by an applicant**

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42 , the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45 (2).

**Information re: JPS/84/2019**

Note: The leave management system tracks time off by the hour rather than by day. While most corrections officers (COs) work 12 hour shifts, there are some 8 hour shifts as well. Therefore, information has been provided based on both a 12 hour shift and 8 hour shift.

<b>COs with 60+ days of sick leave by fiscal year</b>		
<b>Fiscal Year</b>	<b># if 12 hour shift</b>	<b># if 8 hour shift</b>
2000-01	5	6
2001-02	4	7
2002-03	3	7
2003-04	4	11
2004-05	9	15
2005-06	11	21
2006-07	15	27
2007-08	16	19
2008-09	18	27
2009-10	9	11
2010-11	5	8
2011-12	2	7
2012-13	2	5
2013-14	4	7
2014-15	9	21
2015-16	10	16
2016-17	11	15
2017-18	9	13
2018-19	6	8
2019-20*	0	0

\*2019-20 report includes dates from April 1, 2019 – September 5, 2019