



ADMINISTRATIVE PROCEDURE 407 LEAVES OF ABSENCE

Background

The Division believes that a staff member's primary responsibility is to attend to their duties regularly and punctually. The Division recognizes, however, that there are occasions where a staff member will require a leave of absence from duties. The Superintendent has the authority to grant leaves of absence for specified reasons. However, a prime consideration for the approval of leaves of choice will be the impact of the absence upon students.

Procedures

1. All leaves require prior approval by the Superintendent.
 - 1.1 Staff members shall apply to the Superintendent, through their immediate supervisor, for any leave of absence under this administrative procedure. In emergent situations, the application may be made by telephone with written confirmation to follow.
 - 1.2 A leave of absence may be granted:
 - 1.2.1 with pay;
 - 1.2.2 with partial loss of pay;
 - 1.2.3 with loss of pay without loss of benefits; or,
 - 1.2.4 with loss of pay and benefits.

Partial loss of pay shall be defined as deduction of the cost of a substitute teacher for teaching staff and deduction of forty percent of the applicable rate for non-teaching staff.

- 1.3 Unless expressly stated herein, a leave of absence granted under this administrative procedure shall be a leave from a staff member's position.
- 1.4 A staff member who has been absent without leave shall be subject to appropriate disciplinary action.
- 1.5 All records related to the application of this administrative procedure shall be retained in accordance with Administrative Procedure 180 - Freedom of Information and Protection of Privacy, and Administrative Procedure 181 - Records Management.

2. Staff members may be granted Compassionate Leave for specified compassionate reasons.
 - 2.1 The compassionate leave procedures of this administrative procedure shall apply to only those staff members who do not have a compassionate leave clause in their contract or their collective agreement.
 - 2.2 Compassionate leave of absence shall be specifically defined as permission for a staff member to be absent from duty because of a critical illness, a critical accident, an illness or an accident requiring emergency medical treatment, or the death of an immediate family member, or because the staff member is required to administer bereavement responsibilities.
 - 2.3 In any application for compassionate leave pursuant to Procedure 1.1 the staff member shall identify the relationship of the family member, the nature of the affliction and the location to which the staff member is required to travel.
 - 2.4 For the purpose of determining eligibility for compassionate leave the definition of a staff member's family shall be interpreted as consisting of the following relationships:
 - 2.4.1 Group "A" Relationships
 - ◆ Spouse
 - ◆ Fiancé
 - ◆ Common-law-spouse
 - ◆ Parent
 - ◆ Child
 - ◆ Former Guardian
 - ◆ Sibling
 - ◆ Grandchild
 - ◆ Mother/Father-in-law
 - ◆ Son/Daughter-in-law
 - ◆ Any relative residing in the same household
 - ◆ Any other individual for whom the staff member is required to administer bereavement responsibilities
 - 2.4.2 Group "B" Relationships
 - ◆ Grandparent
 - ◆ Grand Father/Mother-in-law
 - ◆ Brother/Sister-in-law
 - ◆ Niece/Nephew
 - ◆ Aunt/Uncle
 - 2.5 Compassionate leave with full pay shall be granted according to the following schedule:

- 2.5.1 Group “A” Relationships – up to five (5) days;
 - 2.5.2 Group “B” Relationships – up to three (3) days.
 - 2.5.3 In addition, up to two (2) days leave of absence with full pay may be granted for the purpose of travel.
 - 2.5.4 At the discretion of the Superintendent, an additional leave of up to five (5) days may be granted with partial loss of pay.
3. Staff members may be granted a Family Medical Leave of absence to transport a family member to obtain medical care.
- 3.1 A staff member shall be granted a leave of absence in accordance with the collective agreement or with partial loss of pay for the purpose of providing his/her family with necessary medical or other treatment not available locally.
 - 3.2 For the purpose of this section, a staff member’s family is defined as being limited to parents, spouse, and children.
4. Female staff members may be granted Maternity Leave in relation to the birth or adoption of a child.
- 4.1 Staff members shall be granted maternity leave in accordance with the Employment Standards Code, Part 2, Division 7, excepting that during the currency of the statutory maternity leave the Division will maintain the staff member’s participation in the various fringe benefit and insurance plans in accordance with the provisions of the plan.
 - 4.2 Prior to the commencement of a Maternity Leave as specified in procedure 4.1, a staff member who has completed one year of service shall be entitled to the provisions of the applicable collective agreement.
 - 4.3 At the conclusion of the statutory maternity leave, a staff member may, on application, be granted a leave of absence without pay and without benefits for such period as may be agreed to by the staff member and the Superintendent. The staff member shall have the option of maintaining participation, at her own expense, in the various fringe benefit and insurance plans in accordance with the provisions of the plans.
 - 4.4 A leave of absence granted pursuant to procedure 4.3 above shall be from the general staff of the Division. While the Division undertakes to try to ensure placement in the same position at the conclusion of the leave, such placements are not guaranteed.
 - 4.5 On application, a female staff member shall be granted one day of leave with pay on the occasion of surrogate motherhood or legal adoption. A staff member may, on application, be granted a leave of absence without pay and without benefits for such period as may be agreed to by the staff member and the Superintendent. The staff member shall have the option of maintaining

participation, at her own expense, in the various fringe benefit and insurance plans in accordance with the provisions of the plans.

5. Male staff members may be granted Paternity Leave in relation to the birth or adoption of a child.
 - 5.1 On application, a male staff member shall be granted one day of paternity leave with pay on the occasion of the staff member's spouse giving birth.
 - 5.2 The provision of paternity leave shall apply equally to birth by a surrogate mother or to legal adoption.
6. Staff members may be granted Personal Leave for acceptable personal reasons.
 - 6.1 A staff member may be granted a leave of absence with loss of pay without loss of benefits or a leave of absence with loss of pay and benefits for any reason or term acceptable to the Superintendent.
 - 6.2 Any leave of absence granted for a term exceeding two months shall be from the general staff of the Division and there will be no guarantee of a return to the position from which leave was taken.
 - 6.3 A staff member who is granted a leave of absence for a term greater than six months shall sign the Division's Leave of Absence Agreement.
7. Staff members who aspire to local, provincial, or national elected office may be granted Political Activities Leave to attend to those activities.
 - 7.1 A staff member nominated for local, provincial, or federal government seats will be granted leave of absence with loss of pay without loss of benefits for the purpose of campaigning following the issuance of the writ of election.
 - 7.2 Staff members elected to local government councils or committees will be granted leave of absence with partial loss of pay for the purpose of fulfilling the duties required by their elected positions.
 - 7.3 A staff member elected to a provincial or federal government seat shall not be granted a leave of absence.
8. Staff members may be granted Emergency Measures Organizations Leave related to their participation in emergency measures organizations and volunteer fire departments.
 - 8.1 On application, a staff member shall be granted a leave of absence with partial loss of pay, when they are members of local Emergency Measures Organizations or local Volunteer Fire Departments, for the purpose of taking a required course or to upgrade rescue or fire-fighting skills.
 - 8.2 A staff member called to render emergency service shall be granted leave with pay for time away from his/her duties. The staff member shall advise his/her supervisor before leaving the work place.

9. Staff members may be granted Jury and Witness Leave to respond to subpoenas as jurors or witnesses.
 - 9.1 A staff member, on application supported by a copy of:
 - 9.1.1 a notice requiring attendance for jury selection; or
 - 9.1.2 written confirmation by the court of having been selected as a juror,shall be granted a leave of absence with pay to attend as required.
 - 9.2 A staff member, on application supported by a copy of the subpoena, the order or a notice to attend, shall be granted a leave of absence with pay to act as a witness only, in circumstances where the staff member is not a party to the action or proceeding in a civil, criminal or other context, or where the staff member who is called as a witness is not directly affected by the outcome. Where the staff member is a party to the action or is directly affected by the outcome the leave shall be without pay.
10. Staff members may be granted Defendant Leave to appear as the defendant in a criminal or civil proceeding.
 - 10.1 A staff member shall be granted a leave with pay when required to act as the defendant in a criminal or civil proceeding where the staff member has been charged for an action committed while performing his/her duties as a Division employee or while acting as an agent of the Board.
 - 10.2 A staff member shall be granted a leave without pay when required to act as the defendant in a criminal or civil proceeding where the staff member has been charged for an action committed outside of the performance of his/her duties as a Division employee.
11. Staff members may be granted Association and/or Union Affairs Leave to attend to the affairs of their association or union.
 - 11.1 When a staff member is elected to the executive of his/her professional organization or union he/she may be granted a leave of absence with pay or leave of absence with loss of pay without loss of benefits to fulfill the duties of the office, subject to the terms of the applicable collective agreement.
 - 11.2 The applicable professional association or union will be required to reimburse the Division for salary or wages paid during leaves granted under this section.
12. Staff members may be granted Competitive Activities Leave to participate in competitive activities.
 - 12.1 Staff members will not be granted a leave of absence to participate in any capacity in local competitive events.
 - 12.2 Staff members may be granted leave of absence for up to five days per school year to participate in competitive events at the provincial, national, or

international level. If the staff member is participating as a planner/organizer of the event, the leave shall be with pay. If the staff member is participating as a judge or official of the event, the leave shall be leave with partial loss of pay. If the staff member is participating as a competitor in the event, the leave shall be a leave without pay.

13. Where provisions of this administrative procedure conflict with an applicable collective agreement or contract of employment, the collective agreement or contract of employment will prevail.
14. Notwithstanding the preceding procedures, the Division expects that all staff members keep their absences from their duties to a minimum and keep their obligation to perform their duties first and foremost.

Reference: Section 60, 61, 113 School Act
Employment Standards Code
Freedom of Information and Protection of Privacy Act
Collective Agreements

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