



## Administrative Procedure 5095

# Leaves and Absences – Permanent Support Staff

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**Board Governance Policy Cross Reference:** [1](#), [12](#), [13](#)

**Administrative Procedures Cross Reference:**

**Form Cross Reference:**

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**Legal/Regulatory Reference:**

[CUPE Collective Agreement](#)

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**Date Adopted:** July 2014

**Amended:** December 2017

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The Brandon School Division, recognizing that circumstances will arise on occasion which will require permanent support staff to be absent from their assigned duties, has, both through negotiation of the CUPE Collective Agreement and administrative procedure development, adopted a number of procedures regarding leaves of absence.

The Division has assumed a contractual obligation for leaves of absence through the CUPE Collective Agreement for the following categories:

- Sick Leave (also covered under this administrative procedure).
- Personal Leave of Absence (also covered under this administrative procedure).
- Maternity Leave.
- Family Bereavement Leave (also covered under this administrative procedure).

Details of definition of eligibility, extent of benefits, and rules of application are spelled out in various articles of the current *CUPE Collective Agreement*.

Permanent support staff who wish to apply for leave in one or other of these circumstances are advised to read the appropriate articles with care and to follow precisely the procedures described therein.

### Sick Leave

Sick leave, with pay, for permanent support staff shall be limited to the number of days accumulated for that purpose according to the provisions of the negotiated *CUPE Collective Agreement*. The Division requires that sickness be certified by a physician if the sick leave exceeds four consecutive days.

### **Leave of Absence On Account Of Illness**

Leave of absence on account of illness, without pay, for permanent support staff may be provided when an individual's accumulated sick leave has been expended. This leave shall preferably be provided in conjunction with the regular school breaks.

Term Certain: a leave of absence on account of illness which is provided for a specified period, such period not to exceed the equivalent of one school year. Requests for term leave shall contain the reason for the request and the anticipated date of return. Requests for an extension of term certain leave must be made a minimum of 2 weeks prior to the expiry date.

All requests for a leave of absence on account of illness must be accompanied by a statement of certification written by a physician.

### **Compassionate Leave**

Compassionate Leave shall mean a leave of absence granted to permanent support staff when unforeseen circumstances, involving a member of the family, create a situation as a result of which the employee is under such stress that they are unable to assume the duties of their position.

For the purpose of this section "family" shall be as defined under "Bereavement" in the *CUPE Collective Agreement*.

In the event of circumstances suggesting the need for compassionate leave, the School Leader is required to receive approval on behalf of the employee for the leave from the Secretary-Treasurer or as delegated, the Director of Human Resources.

Upon approval of the leave, permanent support staff will be provided up to a maximum of 3 days compassionate leave with full pay.

### **Bereavement Travel Leave**

Requests for leave of absence, with pay, for the purpose of travel in excess of 300 miles one-way to attend the funeral of a member of the employee's family may be granted at the discretion of the Secretary-Treasurer or as delegated, the Director of Human Resources.

For the purpose of this section "family" shall be as defined under "Bereavement" in the *CUPE Collective Agreement*.

Such approved leave shall be in addition to that authorized in the *CUPE Collective Agreement* and shall not exceed 2 days.

### **Special Discretionary**

Special Discretionary Personal Leave shall mean leave of absence to permanent support staff of up to 1 day during each school year for such reasons as personal business, religious holy days, court appearances, paternity leave, compassionate reasons not otherwise provided for and medical appointments other than illness. Such leave shall not be used to extend the Christmas Break, Spring Break or beginning or end of the school year. Personal leave shall not be carried forward to the next school year.

The administration of this procedure shall involve the following conditions:

- The necessary information concerning each leave shall be conveyed to the School Leader or appropriate Supervisor and submitted to the Secretary-Treasurer or as delegated, the Director of Human Resources for approval.
- Support personnel using this personal leave shall receive same at 65% of their regular pay for a normal day's work. If substitutes are required they shall be obtained in the usual way.
- At least 5 working days written notice of leave requested is required except in an emergency, when possible.
- The smallest unit of leave available under this administrative procedure shall be ½ day.
- For permanent part-time employees a day leave of absence shall be based upon the actual hours worked in the employee's normal work day.
- Personal leave shall be allowed only when suitable substitutes are available and only when the number of staff on leave does not exceed 2% of the total support positions on any 1 working day.
- Such leave shall only be considered where arrangements for same cannot be made outside of regular working hours.

### **Leave Without Pay**

For permanent support staff, it is the Division's expectation that you are available for work when classes/school are in session, and as such, time away should be arranged during the established school breaks. The Secretary-Treasurer or as delegated, the Director of Human Resources is authorized to approve leave of absence without pay to any member of the support staff when, in the opinion of the Secretary-Treasurer or as delegated, the Director of Human Resources, the leave is warranted due to good and sufficient reason and in the opinion of the Secretary-Treasurer does not unduly interfere with the operations of the Division.

Absent good and sufficient reason leaves will not be granted for periods greater than 10 working days.

Leave associated with political activities or purposes, personal financial gain or vacations shall be within current administrative procedure or be subject to Division approval.

### **Extension of Holiday Time**

Absent good and sufficient reason requests for leaves and absences, as identified within this administrative procedure, to extend the Spring Break, Break, Winter Break or Summer Break, shall not be allowed.

### **Adoptive Leave**

Permanent support staff who have completed one year of employment with the Division shall be entitled to a leave of absence without pay for the purpose of adoption as provided hereinafter.

1. The employee shall provide to the Secretary-Treasurer or as delegated, the Director of Human Resources a statement of intent to adopt a child as soon as an application for adoption is filed.
2. Following notification to the Secretary-Treasurer or as delegated, the Director of Human Resources of intention to adopt, the employee shall be required to keep the appropriate administrator informed during the adoption process. Included in this information shall be notice of acceptance or rejection of the employee as a prospective adoptive parent and the projected target date for adoption.
3. The employee shall advise the Secretary-Treasurer or as delegated, the Director of Human Resources as soon as the delivery date is known and the leave shall commence not more than 5 days before or after the date the child is received by the adoptive parents.
4. The length of the adoptive leave shall be as mutually agreed upon by the employee and the Secretary-Treasurer or as delegated, the Director of Human Resources, but it shall not exceed 1 year in total. In the event of mutual agreement not being reached, the final decision as to the length of the leave shall be that of the Secretary-Treasurer or as delegated, the Director of Human Resources.
5. Where both spouses of an adopting family are employees of the Division, only one of those spouses shall be eligible for adoptive leave.

6. Employees who receive an adoptive leave of absence shall receive the leave with a "guaranteed return". For the purpose of this administrative procedure, a guaranteed return means that employees upon return shall be placed in a position which, in the opinion of the Secretary-Treasurer or as delegated, the Director of Human Resources, is suitable and appropriate to their qualifications and as similar as possible to the one which they had at the time the leave was granted. The concept of guaranteed return does not abrogate any provision for the termination of employment of any employee of the Division.
7. Failure to return from said leave on the date agreed upon by the employee and Secretary-Treasurer or as delegated, the Director of Human Resources, shall result in automatic termination of the employment of that employee effective on the scheduled date of return.

### **One Year Leave – Personal Leave of Absence**

The following general administrative procedure statements shall apply to requests of leave for 1 year for the purposes of personal leave of absence.

- Subject to the terms hereinafter stated, all permanent support staff shall be eligible for a One Year Personal Leave of Absence without pay.
- Written applications, stating the type of leave requested, shall be submitted to the Secretary-Treasurer or as delegated, the Director of Human Resources, no later than April 1st preceding the school year for which the leave is desired. For One Year Personal Leave of Absence, the purpose of the leave must be stated by the applicant in the letter of request.
- Leaves of Absence provided under this administrative procedure should not extend beyond 12 calendar months and only leaves running concurrent to the school year will be considered.
- The leaves which are approved shall be given a "guaranteed return". For the purposes of this article, "guaranteed return" means: staff, upon return, shall be placed in a position which, in the opinion of the Secretary-Treasurer or as delegated, the Director of Human Resources, is suitable and appropriate to their qualifications.
- Leaves of Absence shall be subject to the Division being able to employ suitable replacement staff. The leave may be deferred or refused if, in the opinion of the Secretary-Treasurer or as delegated, the Director of Human Resources, a suitable replacement is not available or if it is considered by the Secretary-Treasurer or as delegated, the Director of Human Resources, that the leave would adversely affect the quality of education in the Division.

- Staff who are on Leave of Absence shall provide the Secretary-Treasurer or as delegated, the Director of Human Resources, with a letter no later than April 1st of the year the leave expires stating whether or not they shall be returning to active employment in the Division. A permanent support staff member not advising the Office of Human Resources of their intentions by April 1st shall relinquish the benefits of a guaranteed return and placement of the employee shall be at the discretion of the Secretary-Treasurer or as delegated, the Director of Human Resources, and subject to their being an appropriate vacancy available.
- Accumulated sick leave of the employee taking Leave of Absence under this administrative procedure shall be maintained but shall not accumulate.
- For an employee granted a Personal Leave, benefits shall be maintained as outlined by each specific carrier. (Refer to benefit documentation provided at time of hire.) Premiums, where the insurance is continued, shall be paid by the employee in accordance with the conditions of the insurance plans.
- Employees receiving a leave under this administrative procedure shall be required to sign a memorandum of agreement accepting the terms as set forth in the administrative procedure as provided to them.

### **Conclusion**

Where a request for leave has not been granted, the Division is prepared to listen to appeals for reconsideration. Such requests may be made individually by the employee or by the member of the CUPE Executive requested by the employee so to act, or by both jointly.