



## Administrative Procedure 5095

# ***Leaves and Absences – Permanent Support Staff***

---

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

**Administrative Procedures Cross Reference:**

**Form Cross Reference:**

---

**Legal/Regulatory Reference:**

[Collective Agreement between the Canadian Union of Public Employees \(CUPE\) Local 737 and the Brandon School Division](#)

---

**Date Adopted:** July 2014

**Amended:** December 2017; March 2025

---

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 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 in accordance to Collective Agreement Articles 17 and 18 which outline the definitions of eligibility, extent of benefits, and rules of application for the following categories:

- Sick Leave (Article 17.01 – 17.12)
- Workers Compensation (Article 17.09)
- Personal Leave (Article 18.02 & 18.03)
- Union Leave (Article 18.04)
- Family Leave (Article 18.05)
- Bereavement Leave (Article 18.06)
- Jury Duty (Article 18.07)
- Maternity Leave (Article 18.08)
- Adoption or Parental Leave (Article 18.09)

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 Collective Agreement. If absent for 5 or more consecutive days, a physician medical note is required to be attached to the leave request or e-mailed to payroll.

### **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.

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 Collective Agreement.

In the event of circumstances suggesting the need for compassionate leave, the employee would request approval 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 500 Kilometers one-way to attend the funeral of a member of the employee's immediate family may be granted at the discretion of the Office of Human Resources.

For the purpose of this section "family" shall be as defined under "Bereavement - Article 18.06 (a)" in the Collective Agreement.

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

### **Leave Without Pay**

For permanent support staff, it is the Division's expectation that staff are available for work when classes/school are in session, and as such, time away should be arranged during the established school breaks. The Office 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 Office 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. The Division will follow Collective Agreement, Article 18.01 and 18.02.

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, 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 for the purpose of adoption as provided hereinafter.

- The employee shall provide to the Office of Human Resources a statement of intent to adopt a child as soon as an application for adoption is filed.
- Following notification to the Office of Human Resources of intention to adopt, the employee shall be required to keep the appropriate administrator informed during the adoption process.
- The employee shall advise the Office 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.
- The length of the adoptive leave shall be as mutually agreed upon by the employee and the Office 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 Office of Human Resources.
- 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 Office 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.

- Failure to return from said leave on the date agreed upon by the employee and the Office 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 for leave of 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 Office 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.
- Personal 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 Office of Human Resources, is suitable and appropriate to their qualifications.
- Personal 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 Office of Human Resources, a suitable replacement is not available or if it is considered by the Office of Human Resources that the leave would adversely affect the quality of education in the Division.
- Staff who are on personal leave of absence shall provide the Office 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 Office of Human Resources, and subject to there being an appropriate vacancy available.

- Accumulated sick leave of the employee taking personal leave of absence under this administrative procedure shall be maintained but shall not accumulate.
- For an employee granted a personal leave of absence, 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 personal leave of absence 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.

### **Appeals**

Where a request for leave has not been granted, the Division is prepared to receive requests 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 assist, or by both jointly and should be made in writing to the person who made the initial decision.