

| LEAVE BENEFITS (PAID)                          | Human Resources<br>HR-CB(B)-075   |
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| <b>Issuing Authority</b>                       | <b>Debbie Molloy, Vice President of Human Resources</b><br>Signed by Debbie Molloy<br>Dated December 29, 2017 |
| <b>Office of Administrative Responsibility</b> | Human Resource Client Services  |
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## Overview

Eastern Health's Leave Benefit (Paid) entitlements are aligned with government's policies, applicable legislation for Salaried Physicians, Management and Management Support Employees and the respective collective agreements for Unionized employees.

In the case of a conflict between this policy and the collective agreements, the collective agreements will prevail.

## POLICY

Eastern Health recognizes the importance leave plays in maintaining a healthy work/life balance. Equally, the effective management of leave by the employee and his or her manager is essential to the health and safety of the patients/residents/clients served and services provided.

Eastern Health will grant the following leaves **with pay** for eligible employees:

- annual leave (Guideline Section 1)
- sick leave (Guideline Section 2)
- jury and court duty (Guideline Section 3)
- paid leave (Guideline Section 4)
- leave to vote (Guideline Section 5)
- family leave (Guideline Section 6)
- bereavement leave (Guideline Section 7)
- statutory holidays (Guideline Section 8)

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Employees are required to follow the process below and any departmental/program procedures for planning and/or reporting absences. Department/programs will establish protocols that reflect their operations and communicate such expectations to staff.

1. **Annual Leave** (Unionized individuals)

- a. All unionized individuals, with the exception of casual individuals of RNUNL and AAHP, accrue Annual Leave in accordance with the respective collective agreements. Part-time and temporary individuals accrue Annual Leave benefits on a pro-rated basis based on hours worked. Casual RNUNL and AAHP individuals are paid a percentage of their salary in lieu of such benefits.
- b. Annual Leave entitlement (i.e., the rate at which Annual Leave is accrued) is based on total (continuous and non-continuous) years of permanent, temporary, full-time or part-time recognized service.
- c. Service for the calculation of leave is any period of employment where the individual is in receipt of salary or wages with a public-sector employer, as noted below:
  - Teaching service recognized as pensionable service in accordance with the Teachers' Pensions Act;
  - Service with a government department, board, commission, agency, or with a hospital not operated by Government, accepted as pensionable service in accordance with the Public Service Pensions Act; and
  - Prior service as a contractual individual provided that the break in service is not more than 30 calendar days.

and includes:

- Periods of lay-off of up to two (2) years from a temporary recall list;
- Periods of Maternity, Adoption and Parental Leave;
- Periods of up to and including 150 hours of combined unpaid leave in a fiscal year;
- Service prior to lay-off or resignation for individuals reappointed/rehired to a position; and
- Periods of secondment for duty outside government, with the approval of the Lieutenant-Governor in Council.

and excludes:

- Periods of casual employment with RNUNL and AAHP;
- Periods of leave without pay, in excess of a combined total of 20 working days in any year;
- Periods of suspension related to disciplinary action;
- Leave under the Deferred Salary Leave Program and Deferred Salary Leave in Reverse Program; and

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- Service with royal commissions or other extra-ordinary bodies established for periods of relatively short duration, except where special secondment arrangements are made.
  - d. Subject to operational requirements, individuals are permitted to take Annual Leave where sufficient leave is available. Where leave has been taken in excess of available entitlement, pay will be reduced accordingly.
  - e. Permanent and temporary individuals are permitted to anticipate Annual Leave to be earned to the first of either the end of the fiscal year or to the end date of the temporary position. Anticipated hours for part time individuals is based on scheduled hours per pay period. Temporary Call-in (TCI) individuals are not permitted to anticipate Annual Leave...
  - f. Individuals must manage their leave balances to plan for unexpected and anticipated absences.
  - g. Individuals cannot carryover more than one year of annual leave accruals. Therefore, individuals are encouraged to take a minimum of 10 days annual leave during each fiscal year. Annual Leave not taken will remain in the individual's Annual Leave bank.
  - h. Eligible Temporary Call-in employees, who did not get called to work, can request top up of accrued Annual Leave up to 75 hours per pay period. This excludes Casual employees.
  - i. Individuals whose employment status changes from permanent, temporary, or part-time to casual status will be paid out all accumulated Annual Leave upon change in status.
  - j. Annual Leave payouts will be paid at the base salary (not including bonuses, education allowances or differentials) of the position the individual occupies (i.e., permanent position, temporary assignment, special project, etc.) immediately prior to resignation, retirement, termination, lay-off, or death of an individual except in the following instances:
    - Upon layoff, a temporary "recall" individual will be paid at the rate of pay that represents the majority of hours worked in the pay period.
    - Upon resignation or retirement, a temporary "recall" individual will be paid at the rate of pay that represents the majority of hours worked in the previous twelve months of employment.
  - k. Converting Annual Leave to Sick Leave must be done in accordance to the provisions of the respective collective agreements and where it is silent, the practice is that the time will only be converted from the day an employee contacts the manager going forward.

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2. **Sick Leave** (Unionized individuals, Unionized individuals Temporarily Transitioning to Management/Management Support Positions, and Management/Management support with banks)
- a. Sick leave is to be used when an employee has a medically supported absence. Therefore, approval and administration of medical leave using Sick Leave benefits should be read in conjunction with the Attendance Support policy.
  - b. Employees who must travel to attend medical/dental appointments for which leave has been approved may also be provided sick leave for the required travel time as per the travel guidelines or a reasonable period based on the typical commute and wait times.
  - c. Sick leave is not to be used for medically supported absences of family. See section 6, Family Leave for these situations.
  - d. Employees entitled to sick leave benefits will accrue sick leave hours in accordance with the respective collective agreements and as follows:
    - Part-time and temporary employees accumulate sick leave hours on a pro-rated basis based on hours worked.
    - Casual employees (for example within the RNUNL and AAHP Collective Agreements) are not entitled to sick leave accumulation as they are paid a percentage of their salary in lieu of such benefits. Therefore, all previously accumulated sick leave hours will be forfeited when an employee converts to casual status.
    - The maximum sick leave an employee is permitted to take will be capped in accordance with the provisions of the respective collective agreement.
    - Management/management support staff do not accumulate sick leave credits as they are covered by the Paid Leave program.
  - e. Subject to the specific collective agreement requirements for unionized individuals and of this policy for Management and Management Support employees; absent from work on a medically supported leave for less than five (5) consecutive working days may be required to provide their manager with medical documentation as defined by the Attendance Support policy.
  - f. Employees absent from work on a medically supported leave for five (5) or more consecutive working days must submit a fully and appropriately completed Functional Assessment Form (FAF) signed by a healthcare practitioner dated during the period of illness, injury or disability. The employee must be seen by the healthcare practitioner by the end of the fifth (5<sup>th</sup>) consecutive working day of absence, and an FAF must be completed on the basis of the assessment. The completed FAF must be submitted to Occupational Health (OH) within a further two business days. OH will advise the manager of the functional information.

- g. Medical leave(s) may not be approved, unless under exceptional circumstances, when:
- Medical documentation/FAFs are not submitted to the employer within the timeframes noted above;
  - The information on the medical documentation does not support medical leave eligibility;
  - Medical documentation/FAFs are dated after the day(s) of illness, injury or disability; and/or
  - Return to work plans/accommodations are not accepted or adhered to.

In these cases, employees will not be coded as Sick Leave.

Sick leave benefits may be approved retroactively when a properly completed and dated medical documentation supporting the use of leave for medical purposes is subsequently received by the employer.

- g. Sick Leave Bank - Individuals cannot access their Sick Leave bank when they are on any type of leave without pay or when suspended without pay.

Management/Management Support Employees who have accumulated Sick Leave at the time of entry into the Paid Leave will retain those credits in an individual Sick Leave bank.

Management/Management Support Employees who resign and have a break in service in excess of 45 consecutive calendar days will lose all banked Sick Leave.

Management/Management Support Employees are required to use two (2) consecutive days of Paid Leave prior to accessing their Sick Leave bank. The period of two (2) consecutive days will begin with the first day the Management/Management Support Employee notifies their manager of the illness. Management/Management Support Employees who are ill for periods of greater than two (2) consecutive days and who wish to access their Sick Leave bank must advise their manager immediately after the second day of illness in order to access their Sick Leave bank.

- h. Management/Management Support Employees who have a relapse of an illness or are ill due to a chronic illness should contact OH. In consultation with OH, Management/Management Support Employees may be approved to directly access Sick Leave bank within a 12-month period, as long as they have used the required initial two (2) days of Paid Leave.
- i. Individuals unable to return to work due to illness or disability (as documented by a qualified healthcare practitioner) and alternative work/accommodation is not available:
- will continue to draw on accumulated Sick Leave until the Sick Leave bank is exhausted, or retirement, whichever comes first; and

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- can proceed on pay for unused Paid Leave/Annual Leave at the end of the period of Sick Leave.
  - j. Converting any other type of leave to sick leave must be done in accordance to the provisions of the respective collective agreements and this policy.
  - k. Extension of Sick Leave will be considered for eligible employees in accordance with the provisions of this policy and the respective collective agreement. Extension of Sick Leave is a provision of the NAPE-HS, NAPE-HP, CUPE-HS, AAHP, and RNUNL collective agreements.

Requests for extension of Sick Leave benefits should be submitted a minimum of fourteen (14) calendar days prior to the depletion of paid sick leave benefits.

Extension of Sick Leave is not for sporadic use and will only be granted to employees on long-term (as defined as 5 consecutive days or longer) Sick Leave.

Extension of Sick Leave, to a maximum of 112.5 hours will be granted only once during an employee's employment with Eastern Health and its legacy organizations. Employees may be able to access the remaining hours, or a portion thereof, if they return to work but subsequently have a relapse of the same condition within one month after returning to work.

An extension of Sick Leave, can be accessed to supplement hours of work when involved in a return to work plan where no other accumulated benefits are available to the employees.

An employee shall not qualify for an Extension of Sick Leave if:

- he/she is currently being counseled/monitored for above-average absenteeism;
- he/she has been awarded the maximum number of sick leave days over a period specified in the respective collective agreement;
- he/she has been disciplined within the previous eighteen (18) months for fraudulent use of sick leave or a related disciplinary offence; or he/she has overdrawn his/her sick leave credits in excess of the equivalent of one shift (i.e. 8 or 12 hours as appropriate).

Notwithstanding the foregoing, where an employee has been approved a previous extension of sick leave benefits up to a maximum of 112.5 hours, in exceptional circumstances the employee may be permitted to access further extensions of sick leave benefits at the discretion of the Director of Human Resources responsible for OH. This will normally require the support of OH, requires a lapse of 10 years from the date the previous Extension of Sick Leave was granted and a full repayment of any previous Extension of Sick Leave.



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Employees granted Extension of Sick Leave will repay such leave through the normal accumulation of Sick Leave benefits upon return to work. For those employees who do not return to the workplace, repayment will be recovered from monies owing (e.g. severance, annual leave, compensatory time, etc.) to the employee upon termination/retirement.

- I. Eastern Health recognizes that there may be exceptional cases and that the manager and Disability Manager will consider these cases on their own merits.
3. **Jury and Court Duty** (Management/Management Support, Students and Unionized individuals)
- a. Eastern Health will grant special leave paid to individuals for jury service or to serve as juror. When requested, the individual shall present proof that he/she attended as a juror.
  - b. Court Appearances – Work Related - individuals shall attend to work related court appearances as part of their normal work activity. No special leave is required when work related court appearances occur during the individual's normal working hours.
    - If an individual is required to be in court in respect to any matter arising out of employment with Eastern Health on a scheduled day off, they shall be compensated in accordance with the respective collective agreements or management/management support policies.
    - Individuals must forward any fees received with respect to court appearances that are work related to their manager for deposition into Eastern Health's account.
    - Legal support and/or access to legal counsel is available if required. For labour and employment issues, client/patient/resident care or service delivery matters, access to legal counsel is coordinated through the Vice President and/or Director responsible for legal and may be an internal lawyer or external counsel.
  - c. Court Appearance – Non Work Related Duty - When individuals are required to attend court or a proceeding during their scheduled work hours:
    - as a witness in a criminal or quasi criminal case;
    - upon an inquiry held under the Summary Proceedings Act; or
    - upon an inquiry established under section 2 of the Public Inquiries ActEastern Health will grant Special Leave Paid to the individuals. When requested and prior to leave approval the individual shall present proof.

When individuals are required to attend civil court or a proceeding during their scheduled work hours, Eastern Health may grant a Leave Without Pay, allow them to take Annual/Paid Leave or allow them to take time owed and banked.

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4. **Paid Leave** (Management/Management Support Employees, and Paid Students)

a. **Scope**

Management/Management Support Employees, paid students, and Bargaining Unit individuals who are temporarily assigned or accept a temporary appointment to management/management support positions with an anticipated duration of greater than six (6) months are entitled to Paid Leave for purposes of vacation, sickness, family responsibility or other personal reasons.

Although not continuing to accrue Sick and Annual Leave while outside the bargaining unit, Bargaining Unit individuals temporarily in a management/management support role may access their Annual Leave (as Paid Leave) and Sick Leave benefits (in accordance with the Paid Leave policy) as well as Compensatory Time, and Overtime earned while in their bargaining unit positions.

When individuals who have been placed on the Paid Leave program return to their bargaining unit positions, they immediately revert to the leave and overtime provisions of their collective agreements. Unused accumulated Paid Leave credits may be banked as Annual Leave.

Bargaining Unit individuals who are assigned to Management/Management Support positions with an anticipated duration of less than six (6) months retain their collective agreements entitlements for Annual Leave, Sick Leave, Family Responsibility Leave and Overtime and continue to accrue benefits during these short-term Management/Management Support positions.

b. **General Provisions**

Management/Management Support Employees must use a minimum of 15 days of Paid Leave each fiscal year. Management/Management Support Employees who are unable to use a minimum of 15 days Paid Leave each year as a result of being on extended Sick leave, injury-on-duty or because of bona fide operational requirements, may be exempted from this requirement.

Management/Management Support Employees on approved Unpaid Leave and those scheduled to retire within the current year may have the 15-day minimum rule prorated based on the number of months worked in the fiscal year.

Paid Leave shall not normally be used as any part of a required period of notice stipulated in these policies.



c. Bridging to Retirement

A Vice President may approve requests to use accumulated Paid Leave up to the equivalent of two years of entitlement for bridging to retirement. The maximum Paid Leave an individual may use to bridge to retirement is eighty (80) days total leave since the maximum Paid Leave annual entitlement is forty (40) days (as described in the Leave Entitlement section below).

d. Leave Entitlement

Subject to the approval of their manager and in accordance with operational requirements and the Request for Paid Leave section below, Management/Management Support Employees may use their current, accumulated, and anticipated Paid Leave in line with this policy. Where leave has been taken in excess of available entitlements, pay will be reduced accordingly.

Paid Leave entitlement is calculated on a fiscal year cycle (April 1 – March 31) and is based on total years of permanent, temporary, full-time or part-time service as follows. This benefit is prorated for those working less than full-time hours however Management/Management Support Employees who normally work less than 50% of full-time hours are not entitled to accrue Paid Leave but instead will receive a payout of 4% in lieu of Paid Leave. The applicable percentage payout will be paid on every pay. Continuous service is not required for the recognition of prior service for determination of Paid Leave entitlement.

Students are not eligible for Paid Leave but will receive payment of 4% of their salary on completion of each 12 months of service or termination of employment, whichever is the shorter period.

| Number of Years of Service | Number of Days Accumulated per Month | Maximum Number of Paid Leave Days |
|----------------------------|--------------------------------------|-----------------------------------|
| less than 10               | 2 1/2                                | 30                                |
| less than 25               | 2 11/12                              | 35                                |
| 25 or more                 | 3 1/3                                | 40                                |

Service, for the purposes of calculating Paid Leave is calculated based on the number of hours worked. Where individuals work less than one half of the month, their Paid Leave entitlement will be calculated on a proportional basis. Where calculations of Paid Leave entitlements result in fractions, the amount of leave should be rounded to the nearest third decimal place.

e. Recognized Service:

The following service will be recognized for calculating Paid Leave entitlement:

- Teaching service recognized as pensionable service in accordance with the Teachers' Pensions Act;
- Service with a government department, board, commission, agency, or with a hospital not operated by Government, accepted as pensionable service in accordance with the Public Service Pensions Act; and
- Prior service as a contractual individual provided that the break in service is not more than 30 calendar days;

and includes:

- Periods of lay-off of up to two (2) years from a temporary recall list;
- Periods of Maternity, Adoption and Parental Leave;
- Periods of up to and including 150 hours of Unpaid Leave in the aggregate in a fiscal year; and
- Periods of secondment for duty outside government, with the approval of the Lieutenant-Governor in Council.

and excludes:

- Periods of casual employment with RNUNL and AAHP;
- Periods of Leave Without Pay in excess of a combined total of 20 working days in any year;
- Leave under the Deferred Salary Leave Program and Deferred Salary Leave in Reverse Program; and
- Service with royal commissions or other extra-ordinary bodies, established for periods of relatively short duration, except where special secondment arrangements are made.

f. Benefit Balances

Management/Management Support Employees share in the responsibility for ensuring accurate and timely processing of benefit balances. Within ninety (90) days of appointment Management/Management Support employees must provide the Department of Human Resources Client Services with a listing, in writing, of previous periods of service for which the individual is requesting recognition for Paid Leave entitlement purposes. Such information will be processed upon verification.

Note: Information provided via job application/resume during a recruitment process does not constitute notification to the employer.

Adjustments required to Paid Leave shall be:

- retroactive to the date the changes should have occurred in the case an error in processing of acceptable/verified information previously

- received by the employer; and
- retroactive for twelve (12) months only from the date new information is provided in the case of newly provided acceptable/verified information, or information not previously provided to the employer.

g. Requests for Paid Leave

Management/Management Support Employees shall normally accumulate 60 days of worked service prior to requesting Paid Leave. Exceptions may be approved by the Management/Management Support Employee's manager on a case by case basis. On completion of 60 days of worked service, permanent Management/Management Support Employees may anticipate Paid Leave to the end of the fiscal year. Temporary Management/Management Support Employees may anticipate Paid Leave to the end date of the period of temporary employment or the end of the fiscal year whichever comes first.

Except in incidents of unplanned absences like illness or family emergencies, Management/Management Support Employees must normally obtain prior written approval from their manager before taking Paid Leave by submitting a completed Leave Request Form. As such, Management/Management Support Employees are advised against making commitments (financial or otherwise) that cannot be changed prior to receiving approval for Paid Leave. For unplanned absences Management/Management Support Employees must notify their manager and submit the required Leave Request Form as soon as they discover the need for the leave.

- Employees absent from work on a medically supported leave for less than five (5) consecutive working days may be required to provide their manager with sufficient medical documentation as defined by the Attendance Support policy.
- Employees absent from work on a medically supported leave for five (5) or more consecutive working days must submit a fully and appropriately completed Functional Assessment Form (FAF) as defined in the Attendance Support policy. The employee must be seen by the health care professional by the end of the fifth (5<sup>th</sup>) consecutive working day of absence, and an FAF must be completed on the basis of the health care professional's assessment. The completed FAF must be submitted to OH by the end of the fifth (5<sup>th</sup>) calendar day from the first day of absence. OH will advise the manager of the functional information.
- Medical leaves will not be approved, unless under exceptional circumstances, when:
  - Medical documentation/FAFs are not submitted to the employer within the timeframes noted above;
  - The information on the medical documentation does not support medical leave eligibility;
  - Medical documentation/FAFs are dated after the day(s) of illness,

- injury or disability; and/or
- Return to work plans/accommodations are not accepted or adhered to.

Management/Management Support Employees requesting to change the type of leave (e.g. Paid Leave to Bereavement Leave) should immediately submit such request to their manager.

Management/Management Support Employees who have accumulated more than 180 days of Paid Leave may, on written request and with the approval of the appropriate Executive, be paid up to 10 days of pay in lieu of Paid Leave per year so long as they maintain a balance of at least 180 days. Paid Leave days taken as pay in lieu of Paid Leave will be deducted from Management/Management Support Employees' accumulated banks.

Management/Management Support Employees who have exhausted all Paid Leave options must take two (2) days leave without pay before they can access their Sick Leave Bank, if previously accrued.

Management/Management Support Employees who require leave but have no Paid Leave days and no banked Sick Leave to their credit will be placed on Leave Without Pay.

Individuals cannot use Paid Leave when they are on any type of Leave Without Pay or when Suspended Without Pay.

h. Deferral or Cancellation of Paid Leave

Paid Leave may be deferred or cancelled by the Management/Management Support Employee's manager, if necessary, to meet operational requirements. The manager will make every reasonable effort not to recall Management/Management Support Employees to duty after they have begun their Paid Leave. In the event of cancelled or deferred Paid Leave, where a Management/Management Support Employee has committed funds on the strength of approved leave and the funds cannot be recovered, the employer, at its sole discretion, will reimburse the Management/Management Support Employee for reasonable costs incurred upon presentation of receipts. Where Management/Management Support Employees are recalled to work during an approved period of Paid Leave, the unused portion of the Paid Leave will be credited to the Management/ Management Support Employees' leave bank(s).

5. Leave to Vote (Management/Management Support, Students and Unionized individuals)

- a. In accordance with provincial (Elections Act, NL, and Municipal Elections Act, NL) and federal (Canada Elections Act) legislation, eligible

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individuals will be provided paid time off, where individuals' scheduled hours of work do not allow for adequate time to vote in a municipal, provincial or federal election.

- b. Eligible individuals are entitled to four (4) consecutive hours to vote during the duration in which the polls are open for municipal and provincial elections and three (3) consecutive hours for federal elections.
- c. Where it is determined that paid time off is necessary, Eastern Health will, in consultation with the individual, determine the specific hours for which paid time off to vote will be approved without loss of pay or benefits.
- d. Individuals are to notify their supervisor prior to the day of the election that they require time off to vote and to select the duration that offers the least amount of disruption to operations and coordination with other employees. However, time off cannot be denied.
- e. In elections where the option of mail-in ballots and polling stations both exist, individuals are encouraged to use the mail-in ballot method to reduce service disruptions. However, they are entitled to leave to vote, as noted in b) above, during the duration in which the polls are open, provided they have not previously voted by a mail-in ballot.

Note: There are no provisions to provide time off with pay to vote at School Board Elections.

6. **Family Leave** (Unionized individuals)

- a. Subject to the approval of the supervisor/manager, an individual shall be granted Family Leave to attend to home or family emergencies as defined in the respective collective agreements.
- b. Individuals are not permitted to carry forward unused Family Leave balances from one year to the next. At the end of each calendar year unused Family Leave balances will be processed in accordance with the applicable collective agreements.
- c. Individuals who exceed the Family Leave entitlement within a given calendar year and have Annual Leave or Compensatory Leave balances can submit a leave request to adjust their Family Leave requested to another leave type by the overdrawn amount. The request will then be reviewed by management as applicable.
- d. Human Resources Business Partners, can provide assistance to managers in determining which situations qualify as Family Leave. Employees can contact the Human Resource Service Center at 777-7777.

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7. **Bereavement Leave** (Management/Management Support, Student and Unionized individuals)
- a. All individuals are entitled to Bereavement Leave with pay.
  - b. Bereavement Leave is not available for pets.
  - c. Bereavement leave for stillbirths is available only to employees who are parents of the child.
  - d. Unionized individuals should refer to their respective collective agreement.
  - e. Management/Management Support Employees will be administered as follows:
    - In the case of the death of a Management/Management Support Employee's mother/stepmother, father/stepfather, legal guardian, brother/stepbrother, sister/stepmother, child/stepchild, spouse/common-law-spouse, grandmother, grandfather, grandchild, father-in-law, mother-in-law, or near relative living in the same household, the individual is entitled to three (3) consecutive days;
    - In the case of the death of a Management/Management Support Employee's son-in-law, daughter-in-law, brother-in-law, sister-in-law, the individual is entitled to one (1) day.
    - Where the funeral of a relative is outside the island portion of the province, Management/Management Support Employees may be granted one (1) additional day leave with pay for the purposes of attending the funeral.
    - A Management/Management Support Employee may be granted two (2) additional days leave with pay for bereavement where extraordinary circumstances exist.
    - A Management/Management Support Employee who, while on Paid Leave, qualified for Bereavement Leave, will be credited the appropriate number of days to Paid Leave.
    - Management/Management Support Employees may not defer Bereavement Leave; it must be taken at the time of bereavement.
8. **Statutory Holidays** (Management/Management Support, Student and Unionized individuals)
- a. All individuals are entitled to Statutory Holidays.
  - b. Entitlement to statutory holidays will be based on the hours worked (excluding overtime) in the pay period in which the statutory holiday falls as follows:
    - For part-time individuals (permanent part-time or temporary part-time scheduled), the formula for statutory holiday entitlement is 10% multiplied by hours worked in the pay period.



- Temporary NAPE and CUPE individuals who are subject to layoff and recall shall receive the statutory holiday entitlement if they work half time or more in the pay period or they work a shift on the statutory holiday.
- c. Unionized individuals should refer to the relevant collective agreements for complete details.
- d. Management/Management Support Employees will be administered as follows:
  - They will receive nine (9) statutory holidays per year as follows:

|                |                  |
|----------------|------------------|
| New Year's Day | Thanksgiving Day |
| Good Friday    | Remembrance Day  |
| Victoria Day   | Christmas Day    |
| Canada Day     | Boxing Day       |
| Labour Day     |                  |
  - Management/Management Support Employees who are required by their manager to work on a statutory holiday to either cover a service or undertake a specific project shall be reimbursed at the rate of time and one-half for the hours worked on the statutory holiday and shall be given another day off in lieu.
  - Management/Management Support Employees, with the approval of their manager, may work on any designated statutory holiday and take another day off in lieu of it at a later date acceptable to the employer.
  - No payment shall be paid for a statutory holiday while an individual is on Leave of Absence Without Pay unless they have worked half or more of their regular hours in the pay period (for example: 35 or 37.5 hours).
  - If a designated statutory holiday occurs while an individual is on Workers' Compensation, the individual will be paid at their regular rate of pay and not the Workers' Compensation rate of pay for the statutory holiday.

## Scope

This policy applies to all employees, executives, physicians, and paid students of Eastern Health here within referenced as individuals and described as Unionized, Management, Management Support Employees, or students.

This policy does not apply to the Chief Executive Officer (CEO), and individuals of the foundations unless otherwise noted.

This policy should be read in conjunction with the respective collective agreements or management/management support policies and legislation where applicable.

## Purpose

This policy is intended to:

- communicate the types of leave with pay that will be granted;
- provide details on entitlements, usage and payout of leave as well as the treatment of leave taken in excess of an individual's entitlement;
- clarify roles and responsibilities;
- provide consistency and fairness in the treatment of individuals/requests; and
- balance the needs of the individual with operational requirements; and
- maintain the range and quality of services throughout the year.

## Procedure

### Process

1. Employees must personally seek approval for and report absences and the expected duration to their manager/staffing officer. Where it is not reasonably feasible (i.e.; an emergency) for the employee to report the absence directly to their manager/staffing officer, a close family member can contact the manager/staffing officer on their behalf. In some cases, the manager/staffing officer may also ask that another Eastern Health representative also be contacted. The method of contact will be determined by the manager/staffing officer.
2. Individuals must submit requests for all leave to their supervisor/manager on Eastern Health's Leave Request Form.
  - a. For pre-planned absences, the Leave Request Form must be completed, and approval obtained prior to the commencement of leave.
  - b. For unplanned absences, e.g.; family leave or bereavement leave, individuals must notify their manager as soon as they discover the need for the leave. A Leave Request Form must be completed as soon as possible but no later than the end of the pay period in which the leave was taken.
  - c. Changing the type of leave (e.g., Annual to Bereavement Leave) must be done in accordance with the provisions of the respective collective agreements or this policy as it pertains to Management and Management Support Employees. Individuals seeking to make such changes should immediately notify their supervisor/manager.
3. Accumulated Annual and Paid Leave will be paid at the base salary rate (not including education allowances or differentials, etc.) of the position the

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individual occupies at the time of resignation, retirement, termination, lay-off, or death in line with the Management/Management Support Policies and Collective Agreements as applicable.

4. Individuals whose employment status changes from full-time or part-time, permanent or temporary, to casual status will be paid out all accumulated Paid and Annual Leave upon change to casual status.

### **Roles and Responsibilities**

1. Individuals are responsible for:
  - a. Upon transfer from another Agency, Board or Commission, an individual must provide the Department of Human Resources Client Services, within ninety (90) days of appointment, with a listing of periods of service for which the individual is requesting recognition for Sick, Annual, and/or Paid Leave entitlement. Such information will be processed upon verification. Note: Information provided via job application/resume does not constitute notification to the employer. Adjustments are administered as follows:
    - Adjustments required as a result of inaccurate or non-processing by the employer of acceptable/verified information previously received by the employer are retroactive to the date the change should have occurred;
    - Adjustments required due to newly provided acceptable/verified information, or information not previously provided to the employer, will be retroactive for twelve (12) months only from the date the new information was provided; and
    - Adjustments required as a result of an Eastern Health decision to recognize service that was not previously recognized by Eastern Health or its legacy boards will become effective upon implementation of the policy or in the case of future revisions, the effective date of such revisions.
  - b. Make every reasonable effort to ensure that leave does not unduly interfere with operational requirements.
  - c. Request leave in advance, when possible, so that alternate work arrangements may be made when necessary.
  - d. Manage their own benefits balances, ensuring benefits are available prior to requesting time off and refraining from taking leave for which they are not entitled. Individuals are to follow-up with managers to confirm available balances (e.g., review the benefit balances report).
2. Departments of Human Resources Client Services, OH&R, Financial Services, and Payroll are responsible for maintaining appropriate administrative systems and records for the effective management of leave.

3. Managers are responsible for:
  - a. The ongoing management and monitoring of leave, ensuring it does not interfere with operational requirements, including the appropriate tracking and coding of various leave types;
  - b. Making every reasonable effort to grant individuals' requests for leave;
  - c. Arranging coverage of the individuals' duties if necessary to maintain operational requirements;
  - d. Ensuring individuals are eligible and that balances are available prior to approving leave;
  - e. Ensuring individuals complete and submit their Leave Request Forms in a timely and accurate manner; and
  - f. Providing individuals with notification of leave balances and usage.

### **Supporting Documents** *(References, Industry Best Practice, Legislation, etc.)*

- Canada Elections Act  
(<http://www.elections.ca/content.asp?section=loi&dir=leg/fel/cea&document=index&lang=e&textonly=false> )
- Eastern Health's Collective Agreements
- Elections Act, NL
- Government of Newfoundland and Labrador's Human Resource Policy Manual (<http://www.exec.gov.nl.ca/hrpm/>)
- House of Assembly (<http://www.assembly.nl.ca/legislation/default.htm>)
- Jury Act
- Jury Regulations
- Labour Standards Act and Regulations
- Municipal Elections Act, NL
- Occupational Health and Safety Act
- Public Inquiries Act
- Public Service Pensions Act
- Shop's Closing Act
- Summary Proceedings Act
- [Treasury Board Policy – Bereavement Leave March 15, 2000; Reference: TBM 2000-073](#)
- [Treasury Board Policy – Holidays March 15, 2000; Reference: TBM 2000-073](#)
- [Treasury Board Policy – Jury and Court Duty March 15, 2000; Reference TBM 2000-073](#)
- [Treasury Board Policy – Paid Leave April 25, 2013; Reference: TBM 2000-073, 2013-112](#)
- Workplace Health, Safety, and Compensation Act

## Linkages

- [Attendance Support](#) (HR-ER-005)
- [Employee Liability Policy](#) (HR-ER-010)
- [Learning and Development policy](#) (HR-MMS-080)
- [Leave of Absence \(Unpaid\) Policy](#) (HR-ER-050)
- [Leave Request Form](#) (CH-0478)
- [Portability of Benefits](#) (HR-CB(B)-100)
- [Preamble and Definitions](#) (HR-MMS-010)
- [Privacy and Confidentiality](#) (ADM-030)
- [Return to Work Following an Illness or Injury](#) (HR-OH(III)-035)
- [Transitional Work](#) (HR-OH(III)-045)
- [Travel on Employer Business – Eligible Travel Related Expenses](#) (ADM-140)

## Key Words

Court, Election; Eligible; Fiscal Year; Jury; Duty; Service; Annual; Sick; Family; Statutory; Holidays; Vote; Leave; Absence; Bereavement; Education; Adjustment; Paid; day off; time off

## Definitions & Acronyms

|                          |   |
|--------------------------|---|
| <b>Bereavement</b>       | <p>Bereavement leave includes still births (20+ weeks or 500+ grams) and neo natal births (after birth) of the employee's child but excludes miscarriages (under 20 weeks or 500 grams).</p> <p>Note: For leave after a miscarriage of the employee's child, employees can request Annual/Paid leave or sick leave as applicable.</p> |
| <b>Child</b>             | Children and step-children of the individual (including children of the individual's same sex or common-law spouse).  |
| <b>Common-law</b>        | Relationship where an individual has lived with a person of the opposite or same sex, publicly represented that person to be his/her spouse and lives and intends to continue to live with that person as if that person were his/her spouse for a continuous period of at least one (1) year.  |
| <b>Court Duty</b>        | When individuals are required to attend court or a proceeding as a witness by any court, agency, committee or body of persons who are authorized by law to compel the attendance of witnesses.  |
| <b>Election</b>          | An election or by-election of persons to serve a Municipal Council, the Provincial House of Assembly or the Federal Parliament of Canada.   |
| <b>Fiscal Year</b>       | The 12-month period over which Eastern Health monitors its budget. The fiscal year covers the period between April 1 <sup>st</sup> and March 31 <sup>st</sup> .   |
| <b>Jury Duty</b>         | When individuals are summoned for jury service or serve as jurors.  |
| <b>Normal Work Hours</b> | Normally 7, 7.5, 8 hours, or as defined by the employer.  |