

LEAVE OF ABSENCE (UNPAID)	Human Resources HR-ER-050
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Office of Administrative Responsibility	Human Resources
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Overview

Eastern Health recognizes and respects the need of employees to periodically take leave from their work responsibilities for personal reasons. As all leaves have an inherent impact on continuity/quality of care and service, Eastern Health must balance the needs of employees against operational requirements of the organization.

POLICY

Eastern Health will support leaves of absence under the conditions and within the criteria set out in this policy.

1. Applications for an unpaid leave of absence must meet the qualifying criteria specified in the respective collective agreement and supporting policies to be given consideration for approval.
2. Qualifying criteria for bargaining unit employees, as stipulated in the respective collective agreement, include, but are not necessarily limited to, the following:
 - minimum hours/years of service;
 - employment status;
 - minimum and maximum duration of the leave period requested; and/or
 - frequency of leaves of absence.
3. In the interest of stability and continuity of service delivery, the organization's ability to meet operational requirements while the employee is on leave must be established prior to approval of leave of absence requests.

To establish whether or not the organization can meet operational requirements during the period of leave consideration should include, but not necessarily be limited to, the following:

- current circumstances within the employee's department/program area given the nature of the position in question;
- the impact of the breath of services offered and supported by the position;
- whether the employee's position can remain vacant during the period of leave;
- the specialization or critical nature of the employee's position and the availability of qualified replacement staff if the position must be replaced;
- the practicality of replacing the employee for the period of leave requested if the position must be replaced; and/or

In keeping with the Conflict of Interest legislation and policy, activities while on leave must not constitute a conflict of interest with the employer's operations.

4. Approval for leave of absence will be made by the department/program Director or designate.
5. Eastern Health will support Reservists, in accordance with its policies, guidelines and/or collective agreements.

Employees who are members of the reserves as defined in the Definitions section, subject to operational requirements, have employment protection and a right to reservist leave, provided that the employee is absent from work for the purpose of reserve service.

Employees must apply in writing at least 60 days' prior to the expected leave with the anticipated start and end dates of the leave and include verification from an official of the reserves stating the employee is a member and is required for reserve service.

Requests for additional leave for reservists to participate in further training or courses will be considered in accordance with operational requirements.

6. Eastern Health will support an ill, injured, or disabled employee who is medically supported, and has availed of all their accrued paid leave benefits (with the exception of employees accepting long-term disability who do not need to exhaust all sick leave paid benefits), and is expected to return to work in the foreseeable future with unpaid leave up to a maximum of one year, and with the possibility of an extension for one additional year, in accordance with the provisions of the respective collective agreement and this policy;
 - with medical documentation as defined in the Attendance Support policy.
 - after the employee has consulted with the Occupational Health (OH) department to be informed of the types of services available.

- until a return to work plan has been developed and/or implemented; their long-term disability has been assessed; their medical retirement application has been assessed; or for another agreed upon duration.

Upon expiry of a maximum of two years unpaid leave, an assessment will be undertaken with respect to the prognosis for returning to work. A decision will then be made regarding the viability of continued employment, subject to the employer's duty to accommodate to the point of undue hardship, and in consultation with OH.

- In cases of a good prognosis for return to work, unpaid leave of absence may be extended to a maximum of a further six months and, in such cases, a return to work plan will be developed.
 - In cases of a poor prognosis for return to work, unpaid sick leave may be extended for the period required to bring any application for benefits such as medical retirement, etc., to a conclusion. Should the employee not apply for or qualify for long-term disability/medical retirement, the employment relationship will be deemed to be frustrated and therefore will be terminated.
7. Eastern Health will support unpaid compassionate care leave to provide care and support for a family member where a legally qualified medical practitioner issues a certificate stating that the family member has a serious medical condition with a significant risk of death within 26 weeks from the day the certificate is issued; or the day the leave began, if leave began before the certificate was issued. See the definition of Family Member in the Definitions section below.

Compassionate leave is available up to 28 weeks and must be taken within a 52-week period of being approved.

The written leave request must include the expected length of the unpaid leave, up to 28 weeks and a copy of the certificate issued by the legal qualified practitioner or the anticipated date upon which the certificate will be available, which can be no more than 15 days after the written request has been submitted.

Administration of the leave will occur in accordance with the Government of Newfoundland and Labrador's [Compassionate Care Leave](#) policy.

8. Eastern Health will support an employee who is the parent of a critically ill child in conjunction with the Government of Newfoundland and Labrador's [Job-Protected Unpaid Leave](#) policy in that they;
- may be eligible for job-protected, unpaid leave of up to 37 weeks to provide care and support.
 - must provide medical documentation from a health care provider indicating that their child is critically ill and requires the care and support of the employee for a specified period of time with their request for leave.

Changes to the leave period should be made with at least 30 days written notice.

9. Eastern Health will support an employee who is the parent of a child who has disappeared as the probable result of a crime in conjunction with the Government of Newfoundland and Labrador's [Job-Protected Unpaid Leave](#) policy in that they;
- may be eligible for job-protected, unpaid leave of up to 52 weeks; but are not entitled to this unpaid leave if he/she has been charged with the crime necessitating the leave.
 - must provide reasonable verification of the necessity of the leave, including, where requested, such documentation as police report, medical documentation, and other documentation as requested by their leave approver.

Changes to the leave period should be made with at least 30 days written notice.

10. Eastern Health will support an employee who is the parent of a child who has died as the probable result of a crime in conjunction with the Government of Newfoundland and Labrador's [Job-Protected Unpaid Leave](#) policy in that they in that they;
- may be eligible for job-protected, unpaid leave of up to 104 weeks; but are not entitled to this unpaid leave if he/she has been charged with the crime necessitating the leave.
 - must provide reasonable verification of the necessity of the leave, including, where requested, such documentation as a death certificate, police report, medical documentation, and other documentation as requested by their leave approver.

Changes to the leave period should be made with at least 30 days written notice.

11. Eastern Health will support an employee who is a parent following the birth or adoption of a child in taking up to 52 weeks of unpaid parental leave and have their time recognized for purposes of paid and annual leave, severance pay, sick leave, and step progression as per their respective collective agreement and/or applicable policies.

The written leave request must include the expected start and end date of the leave, up to 52 weeks; and include whether or not they wish to continue their health benefits during the period of the leave.

Employees who take parental leave may continue their Group Medical and Group Life Insurance premiums for a maximum of 52 weeks where the:

- Employer pays the Employer's share and employees concurrently pay their own share; or
- Employer pays both the Employer and the employee's shares, recovering

the employees' shares through payroll deduction or other agreed upon method following the employee's return to work.

- Upon return to work from parental leave, employees may have the period of leave credited for pension purposes. Employees who elect, within 90 days, may purchase the period of leave by paying contributions that would have been paid had the employee not gone on leave. The Employer will match this amount. Employees who elect to purchase after 90 days will be required to pay the full actuarial cost of the service.

A pregnant employee may be awarded sick leave for illness that is a result of or may be associated with pregnancy prior to the scheduled commencement date of maternity leave or the birth of the child, whichever occurs first.

A pregnant employee who has not commenced parental leave may, subject to the approval of the manager, elect to use earned paid leave, annual leave sick leave, or other accumulated leave beyond the date that the pregnancy terminates.

Employees who take more than 52 weeks parental leave, will not receive any credit for purposes of paid or annual leave, sick leave, severance pay and step progression for the period in excess of 52 weeks.

12. An employee may be provided with special leave without pay, without resigning their positions, for up to 12 months to pursue community, family, educational, or other commitments in line with the Government of Newfoundland and Labrador's [Special Leave](#) policy.

The written leave request must include the reason for the leave; the expected start and end date, up to 12 months. Depending on the type of leave, documentation may also be required.

For educational leave, an enrollment verification letter from the educational institution that the employee will be attending will be required. Letters that state they can enroll or a copy of a class schedule will not suffice.

13. When considering an unpaid leave of absence employees are strongly encouraged to consult with:
 - Human Resources Service Centre to ensure they are aware of the impact of leave on the various employment benefits and insurances,
 - Service Canada on their eligibility for employment insurance benefits while on unpaid leave of absence.
14. Employees whose work requires a valid license must provide the employer with proof of professional licensure prior to returning to work. Returning employees cannot be activated on payroll until such proof has been received by the employer.

15. Requests for extension of leave should be made in writing a minimum of 14 days in advance, except where stated otherwise above (i.e. reservist leave), of the need to allow sufficient time to fully assess whether an extension of leave can be approved.
16. Employees wishing to return from leave earlier than planned must provide the manager prior notice as stipulated in the applicable collective agreement for bargaining unit staff or as noted above for specific leaves but no less than 14 days' notice. In the case of medically impacted leaves, medical clearance may be required prior to receiving approval to return.
17. Employees returning from leave after 18 months or more may be required to complete orientation and/or training prior to returning.
18. While on a leave of absence, employees should not complete work on behalf of Eastern Health for some of the following reasons: insurability, workers compensation, privacy, etc.
19. Employees who do not return to work on the agreed upon date, and who have not received prior approval of an extension may be considered to be absent without permission or justifiable reason and may be terminated.

Scope

This policy applies to all Eastern Health employees and should be read in conjunction with the respective collective agreement and supporting policies.

Purpose

The purpose of this policy is to provide direction and parameters for consideration of unpaid leave of absence requests.

Procedure

1. Requests for Leave of Absence should be submitted to the program/department manager utilizing the Leave Request Form (HR Form # 0478) in the time periods noted above and where silent on this topic no less than 14 calendar days prior to the start and/or extension of the leave.
2. The manager, in consultation with the Human Resources Business Partner, will assess whether the employee meets the eligibility requirements for leave of absence as outlined in the applicable collective agreement as well as the impact of the requested leave on operational requirements as outlined in the fourth bullet under the Policy Section and document same on the Leave Request Form.

3. The manager will forward the documented request, with a recommendation on approval, to the Director or designate for consideration. If the leave is approved, the approval will be sent to the Human Resources Business Partner, who will send it to the Human Resource Consultants (for non-medical related leaves) or Disability Manager (for medical related leaves) to action and the manager who will inform the employee.
4. Human Resources Consultant/Disability Manager will prepare a letter of approval/denial as a formal response to the employee. The letter of approval/denial will be copied to Human Resources Employee Services for payroll processing, updating the Human Resource Information System, placement on the employee's personal file, and a record of employment (ROE) will be electronically sent to Service Canada. A copy of the approval/denial letter will be provided to the manager.
5. Protection of benefits for approved unpaid leaves - the following conditions will apply, except in the event that there are discrepancies with the applicable collective agreement, in which event the collective agreement will be followed:
 - Employees may take up to 20 days of unpaid leave in any fiscal year and maintain their full entitlement of annual leave, sick leave or paid leave credits except where otherwise stated above.
 - Employees who use more than 21 (with the exceptions of those noted above) days of unpaid leave in any fiscal year will have their annual leave, sick leave and/or paid leave entitlements reduced proportional to the total number of unpaid leave days without pay.
 - Employees cannot accrue or use sick leave, annual leave, paid leave or any accumulated leave when on periods of unpaid leave in excess of 20 days with the exception of temporary call-in employees who only accrue based on time worked and where stated differently above (i.e. Parental leave).
 - The leave period will not be considered a break in service.
 - Employees may purchase the approved leave of absence for pensionable service. Employees who elect in writing, within 90 days, may purchase the period of leave by paying contributions that would have been paid had the employee not gone on leave. The employer will match this amount. Employees who elect to purchase pension credits after 90 days will be required to pay the full actuarial cost of the service.
 - Upon return from unpaid leave, employees will not lose any benefits that had accrued at the commencement of the period of unpaid leave.
 - Employees on unpaid leave for periods of 5 days or less will receive payment for any statutory holiday that occurs during that period of unpaid leave. Temporary Call In employees must work a minimum of 37.5 hours in the pay period in order to qualify for the Statutory Holiday.

Guidelines

Payroll Guidance

- Employees who are on an approved unpaid leave of absence should be coded as UPLOA (earning # 2040) within payroll.
- Employees who are on an approved medically supported unpaid leave of absence should be coded as UPSIC (earning # 0250) within payroll.
- Employees who are absent without permission or justifiable reason should be coded as UPNOBEN (earning #2737) within payroll. In these circumstances managers should contact their Human Resource Business Partner (HRBP) immediately.
- Upon an employee's request to payout Compensatory Banks while on an unpaid leave, a manager can approve or decline the payout ensuring compliance to the collective agreements and other leave policies. If a Record of Employment has been issued, the HRBP is to be contacted prior to making a decision as a new Record of Employment will need to be issued to reflect the earnings.

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

- Active Collective Agreements
- [Conflict of Interest Act](#), 1995
- Labour Standards Act
- Government of Newfoundland and Labrador's policies relating to:
 - [General Provisions Respecting Leave](#)
 - [Compassionate Care Leave](#)
 - [Job-Protected Unpaid Leave](#)
 - [Special Leave Without Pay](#)

Linkages

- [Leave Request form](#) (Form # 0478)
- [Conflict of Interest policy](#) (HR-ER-007)
- [Attendance Support policy](#) (HR-ER-005)

Key Words

Leave; Absence; Unpaid; Off work; Sick, Medical, Maternity, Paternity, Reservist, Special, Criminal, Child, Parent, Care, Reserve

Definitions & Acronyms

Child	Children and step-children who are under 18 years of age.
Crime	An offense under the Criminal Code.
Family Member	Includes: mother, stepmother, father, stepfather, legal guardian, brother, stepbrother, sister, stepsister, child, stepchild, spouse, grandmother, grandfather, grandchild, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, and near relatives living in the same household.
Medical Retirement	Retirement due to medical reasons (i.e., disability pension).
Reserves	The component of the Canadian Forces referred to in the National Defense Act (Canada) as the reserve force.
Reserve Service	deployment or training required for imminent deployment, and includes (a) a period of time for treatment, recovery or rehabilitation in respect of a physical or mental health problem that results from deployment or training required for imminent deployment, and (b) service as defined as Class "C" Reserve Service as defined in the Queen's Regulations and Orders for the Canadian Forces made under the Authority of the National Defense Act (Canada).
Reservist Leave	Leave approved by the Director for reserve service for which employees do not receive any pay from the employer.
Special Leave	Leave approved by the Director for which employees do not receive any pay.