

## Administrative Procedure 408

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# 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. When assessing leave requests, the Superintendent may consider the operational needs of the school, site or business unit, including the continuity of instruction and provision of educational services and/or support of students.

Leaves not specifically guaranteed by the Education Act or the Collective Agreement(s) may fall under this Administrative Procedure.

This Administrative Procedure does not apply to Division employed Bus Drivers.

## Procedures

1. All leaves require prior approval by the Superintendent.
  - 1.1 Staff members will apply to the Superintendent, through the Human Resources Department, 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;
      - 1.2.2.1 Partial loss of pay will be defined as deduction of the cost of a substitute teacher for teaching staff and deduction of forty per cent (40%) of the applicable rate for non-teaching staff.
    - 1.2.3 With loss of pay without loss of benefits; or,
    - 1.2.4 With loss of pay and benefits.
  - 1.3 Unless expressly stated herein, a leave of absence granted under this Administrative Procedure will be a leave from a staff member's position.
  - 1.4 A staff member who has been absent without leave approval will be subject to appropriate disciplinary action.
  - 1.5 All records related to the application of this Administrative Procedure will be retained in accordance with Administrative Procedure 180 – Freedom of Information and Protection of Privacy, and Administrative Procedure 185 – Records Management.
2. Staff members may be granted extended personal leave for acceptable reasons, which will be identified to the Human Resources Department in writing.
  - 2.1 If a leave exceeds two months, the Division is not able to guarantee a return to the position from which the leave was taken.
  - 2.2 If the employee is a CUPE member, the employee will be guaranteed a placement of equal pay and classification as to their former position. In the event that no position exists

in the classification, the employee would be subject to lay off.

- 2.3 A staff member who is granted a leave of absence for a term greater than 90 calendar days will sign a Leave of Absence Agreement.
3. Staff members may be granted leave related to their participation in emergency management organizations.
  - 3.1 On application, a staff member will be granted two days' leave of absence per school year without pay but with benefits.
  - 3.2 A staff member called to render emergency service will be granted leave with pay for up to three days for time away from their duties.
  - 3.3 If the staff member has to leave the school for an immediate emergency, the staff member will advise their supervisor, who will inform the Human Resources Department.
4. Staff members may be granted jury and witness leave to respond to subpoenas as jurors or witnesses.
  - 4.1 A staff member will be granted a leave of absence with pay to attend as required, on application supported by a copy of:
    - 4.1.1 A notice requiring attendance for jury selection; or
    - 4.1.2 Written confirmation by the court of having been selected as a juror.
    - 4.1.3 Leave of Absence Agreement

A staff member, on application supported by a copy of the subpoena, the order or a notice to attend, will 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 will be without pay.

5. Staff members may be granted defendant leave to appear as the defendant in a criminal or civil proceeding.
  - 5.1 A staff member may 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 their duties as a Division employee or while acting as an agent of the Board.
  - 5.2 A staff member may 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 their duties as a Division employee.
6. Staff members may be granted association and/or union affairs leave to attend to the matters of their association or union.
  - 6.1 When a staff member is elected to the executive of their professional association or union they may be granted a leave of absence with pay, or leave of absence with loss of pay but without loss of benefits, to fulfill the duties of the office, subject to the terms of the applicable collective agreement.
  - 6.2 The applicable professional association or union will be required to reimburse the Division for salary or wages paid during leaves granted under this section.

7. 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.

8. Additional leaves of absence for out of scope employees can be found in the Out of Scope Employee Handbook.
9. Prior to any absence, all staff will advise their supervisor of absences from their regular work site.
10. Prior to an activity or event, principals will inform the Superintendent when such work activities or events take them outside of the Division.
11. The Division expects all staff members to minimize absences and maintain their obligation to their duties.

Reference: Section 33, 52, 53, 68, 196, 197, 204, 222, 225 Education Act  
Employment Standards Act  
Labour Relations Act  
Section 248L, Canada Tax Act  
Canada Income Tax Regulation 6801  
Collective Agreements

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