



**POLICY :** EMSB POLICY ON LEAVES OF ABSENCE WITHOUT PAY

**CODE: HR-15**

**Origin:** Human Resources / Legal Services

**Authority:**

**Reference(s):**

## **POLICY STATEMENT**

The English Montreal School Board, hereinafter referred to as the EMSB, grants leaves of absence without pay to its employees in all employee groups, in accordance with the applicable regulations entitled “Certain Conditions of Employment of Senior Staff of School Board and of the *Comité de gestion de la taxe scolaire de l’île de Montréal*”, the collective agreements and/or local agreements, and the procedures contained in this policy.

## **RATIONALE**

The intent of this policy is to regulate the norms, procedures and criteria pertaining to the granting of leaves of absence without pay (total and partial) to the specific exclusions of the following types of leaves:

- Leave of absence for syndical activities;
- Leave of absence for matters related to education;
- Leave for public office;
- Leave related to parental rights;
- Loan of service leave;
- Sabbatical leave of absence on deferred salary;
- Short-term leaves (less than a month in duration).

Normally, leaves of absence for employment at a private educational institution will not be granted.

## **FIELD OF APPLICATION**

This policy applies to all employees of the EMSB. In case of discrepancies between the present policy and the applicable regulations, collective agreements and/or local agreements, the collective agreements and/or local agreements will prevail.



**PROCEDURE : LEAVES OF ABSENCE WITHOUT PAY**

**CODE: HR-15.P**

**Origin:** Human Resources / Legal Services

**Authority:**

**Reference(s):**

## **PURPOSE**

To provide procedures for granting leaves of absence without pay.

## **PROCEDURES**

All regular and permanent employees of the EMSB<sup>1</sup> are eligible for a leave of absence, in accordance with the applicable regulations, collective agreements and/or local agreements as follows:

<b>Categories of Employees</b>	<b>Regulations, Collective Agreements and/or Local Agreements</b>
<b>Senior Executives</b>	Certain conditions of employment of senior executives of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal (Consolidated document).

<sup>1</sup> With the exception of teachers on the recall lists who may request a leave of absence for a year (youth/adult/vocational) or a term (adult/vocational) and hourly paid teachers assigned for a specific duration.

<b>Administration</b>	<p>“Certain conditions of Employment of Senior Staff of School Boards and of <i>the Comité de gestion de la taxe scolaire de Montréal</i>”</p> <p>Local management policies of: :</p> <ul style="list-style-type: none"> <li>- Association of English Montreal Board Administrators (AEMBA);</li> <li>- Association québécoise des cadres scolaires – English Montreal Section (ACSQ);</li> <li>- Association of Montreal School Administrators (AMSA);</li> </ul>
<b>Teaching Personnel in the Youth sector (MTA)</b>	<p>Agreement between the English Montreal School Board and the Montreal Teachers Association (MTA).</p>
<b>Teaching Personnel in the AEVS sector (MTA)</b>	<p>Agreement between the English Montreal School Board and the Montreal Teachers Association (MTA).</p>
<b>Professionals (SPPMEM)</b>	<p>Provisions binding the CPNCA and the Centrale de syndicats du Québec (CSQ) on behalf of the unions of professionals, represented by its bargaining agent, the Fédération des professionnelles et professionnels de l'éducation du Québec (FPPE).</p>
<b>Support Staff (APPA)</b>	<p>Collective Agreement between the CPNCA and the Fédération des employées et employés de services publics Inc. (CSN) on behalf of the unions of support staff of English-Language school boards of Québec that it represents.</p>
<b>Support Staff (QFL)</b>	<p>Collective agreement between the CPNCA and the Union des employées et employés de service, Section locale 800 (UES) affiliated with the Québec Federation of Labour (QFL) on behalf of the unions representing support staff of English Language School Boards of Québec.</p>

### **Definition of Leaves of Absence without pay:**

1. A complete absence from the workplace during which time the employee does not receive any remuneration (see article 3 of this policy).

### **Partial Leave of Absence without pay:**

2. A partial absence from the workplace according to a percentage determined by the employee and the EMSB.
3. When such a leave is granted, the employee and the EMSB must determine, prior to the beginning of the leave, a work schedule for the entire duration of the leave.

## **REASONS FOR THE LEAVE OF ABSENCE**

### **1. Reasons for granting a request for leave of absence:**

- 1.1 The employee requesting the leave of absence is eligible as per the applicable articles of the regulations, collective agreements and/or local agreements;
- 1.2 Studies of professional development related to the actual position held by the employee at the EMSB, attested by a proof of registration submitted at the time of the request; if it is not possible to submit such proof at the time of the request, then it must be submitted as soon as possible, but prior to the beginning of the leave;
- 1.3 Personal business (reasons must be given and will be kept confidential);
- 1.4 Family reasons (reasons must be given and will be kept confidential);
- 1.5 Spouse/partner moving out of the metropolitan region of Montreal for reason of work or studies. Valid proof of the move must be submitted at the time of the request;
- 1.6 Benefit to the EMSB in terms of experience, as determined by the EMSB;

- 1.7 Working opportunities with a government related organization (Provincial, Federal or International);
- 1.8 The death of the employee's spouse, partner, child, parent or other person domiciled in the home of the employee at the time of death;
- 1.9 In case of distressful family circumstances, such as serious illness of the employee's spouse, partner, child, parent or other person domiciled in the home of the employee;
- 1.10 In case of an extended illness following the exhaustion of all benefits as provided by the EMSB or by the Salary Insurance Plan as described in the employee's collective agreement. A medical certificate must be provided to the EMSB at the time of the request;
- 1.11 The possible reduction of the number of excess positions and impact on the surplus of personnel;
- 1.12 Any other reason specifically mentioned in the applicable regulations, collective agreements and/or local agreements;
- 1.13 Any other reason deemed valid by the EMSB.

**2. Reasons for refusing a request for leave of absence:**

- 2.1 The employee requesting the leave of absence is not eligible as per the applicable articles of the regulations, collective agreements and/or local agreements;
- 2.2 The EMSB cannot find a suitable substitute to replace the employee that requested the leave of absence.
- 2.3 The granting of the leave would mean that more than one employee at a time per office, department, school or centre is benefiting from a leave of absence for the same period of time or a part of the same period of time; and, upon consultation with the Deputy Director General/Principal/Department Director, the above would negatively affect the operation of the unit;
- 2.4 The employee intends to use the requested leave of absence for purposes other than those specified in his/her request;

- 2.5 The normal business operations of the office, department, school or centre would be jeopardized by the granting of the request of the leave of absence;
- 2.6 The employee requests a renewal of an original leave of absence granted in order to allow the employee to work for another employer (other than the employers mentioned at article 1.7 of the present policy);
- 2.7 Normally, leaves of absence for employment at a private educational institution will not be granted;
- 2.8 Any other valid reason expressed in writing by the EMSB.

### **3. Benefits received during the leave of absence**

The applicable regulations, collective agreements and/or local agreements shall apply with the modifications agreed to between the negotiating parties.

### **4. Length of the leave of absence**

- 4.1 The leave of absence can be granted for a maximum period of twelve (12) consecutive months, unless otherwise specified in the applicable regulations, collective agreements and/or local agreements;
- 4.2 For employees in support staff, the leave of absence of an employee working with special education students or in a daycare service must cover the entire school year.

### **5. Renewal of the leave of absence**

- 5.1 The leave of absence may be renewed, at the discretion of the EMSB, for the same reasons specified in article 1 of this policy;
- 5.2 In addition to article 5.1 of this policy, the employee that requests a renewal of a leave of absence must respect all the articles applicable in the regulations, collective agreements and/or local agreements;

- 5.3 The employee must abide by the procedures established in the regulations, collective agreements and/or local agreements. However, should an employee satisfactorily demonstrate that he/she was unable to follow these procedures, an exception may be granted;
- 5.4 An original leave of absence granted in order to allow the employee to work for another employer (other than the employers mentioned at article 1.7 of this policy) cannot be renewed for an additional period of time, except under exceptional circumstances.

## **6. Return to work**

Upon his/her return to work, the employee shall be reinstated in his/her position according to the clauses pertaining to staffing, movement of staff, etc. in the applicable regulations, collective agreements and/or local agreements.