



Job Leaves Policy

PURPOSE

This policy is to aid in providing a fair and effective system for job leaves and how they relate to the Alberta *Employment Standards Code*. This policy is designed to comply or exceed the guidelines set out in the Alberta *Employment Standards Code*, the Alberta *Employment Standards Regulation*, and any other applicable standards legislation (collectively, the "**Code**").

Leaves covered under this policy are as follows:

- Bereavement Leave
- Citizenship Ceremony Leave
- Compassionate Care Leave
- Critical Illness Leave
- Death or Disappearance of a Child Leave
- Domestic Violence Leave
- Long Term Illness and Injury Leave
- Maternity and Parental Leave
- Reservist Leave
- Jury Duty Leave

1) General Application

- a) The following provisions are applicable to all leaves under this policy, unless otherwise stated here or stated in the section dedicated to the specific leave below.
- b) Employees are eligible for leave if they have been employed at least 90 days with Vulcan County (an "**Eligible Employee**").
- c) An employee must give Vulcan County notice as soon as is reasonable before taking leave.
- d) For compassionate care and critical illness leave, employees must give Vulcan County at least 2 weeks written notice before the start date of their leave. Where less than 2 weeks' notice is not possible, notice must be provided to the employer as soon as is reasonable.
- e) Notice of leave must include the estimated date of the employee's return to work.
- f) Employees on leave are considered to be continuously employed for the purposes of calculating years of service.

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- g) An employee who chooses not to return to work after the leave ends must give the supervisor at least 2 weeks' written notice.
- h) For compassionate care, critical illness, death or disappearance of a child, domestic violence, long-term illness, and injury leave, and/or jury duty leaves the following provisions are applicable:
 - i) During the leave, the employee will be required to pay their premium for those health and insurance benefits they are eligible for. This payment should be made in advance or by post-dated cheques prior to the date of expected commencement of leave.
 - ii) If applicable, (Compassionate Care, Critical Illness Leave, Death or Disappearance of a Child, Domestic Violence, Long Term Illness and Injury, Maternity and Parental, Reservist, and Jury Duty Leaves) Local Authorities Pension Plan ("**LAPP**") contributions may be suspended during the leave. If the employee so chooses, the employee will be given the opportunity to purchase the service upon their return to work. Should the employee choose to continue to pay their portion of the LAPP premiums, they shall provide the County with post-dated cheques for their amount of the premiums prior to the commencement of their leave.
 - iii) If a post-dated cheque provided by the employee is returned for non-sufficient funds (NSF) the employee will be responsible for all fees levied against the County by the financial institutions. The employee will have 15 days to provide the County with an alternative payment; failure to do so will result in LAPP being terminated immediately

2) Bereavement Leave

- a) In addition to any entitlement to unpaid statutory leave, an Eligible Employee shall be eligible for bereavement leave with pay. Bereavement leave for Eligible Employees is as follows:
 - i) An employee shall be granted 5 working days without loss of pay or benefits for the critical illness or death of an immediate family member.
 - ii) An employee shall be granted 3 working days without loss of pay or benefits for the critical illness or death of an extended family member.
 - iii) An employee shall be granted 2 working days without loss of pay or benefits for the critical illness or death of a distant family member.
 - iv) An employee shall be granted 3 working days without loss of pay or benefits for pregnancy loss (planned or unplanned) of the employee, their spouse or common-law partner, or another person who would have been a parent as a result of a pregnancy (ex. adoptive or surrogate).

- b) Employees with less than 90 days of employment will still be granted leave, but it shall be unpaid.
- c) For the purposes of this policy, the following definitions apply:
- i) Immediate family is considered:
 - Spouse, adult interdependent partner or common-law partner.
 - Child or step-child.
 - Current or former foster child.
 - Current or former ward.
 - Parent, step-parent and/or current or former guardian.
 - Current or former foster parent.
 - ii) Extended family is considered:
 - Sibling, half-sibling, or step-sibling.
 - Grandchild or step-grandchild.
 - Grandparent or step-grandparent.
 - Brother or sister-in-law.
 - Spouse of child, foster child, or ward (son-in-law or daughter-in-law).
 - Spouse's parent.
 - Related dependent of the employee living in the household of the employee.
 - Spouse of sibling.
 - iii) Distant Family is considered:
 - Aunt, uncle, step-aunt, step-uncle of employee or employees' spouse (and their partner/spouse).
 - First cousin.
 - Niece, nephew of employee or employee's spouse (and their partner/spouse).

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- Spouse's grandparent.
- Person the employee is not related to but considers to be like a close relative.

3) Citizenship Ceremony Leave

- a) Eligible Employees can take up to 1 paid day citizenship ceremony.
- b) Employees with less than 90 days of employment will still be granted leave, but it shall be unpaid.
- c) A citizenship ceremony is when a certificate of citizenship is received, as provided for under the Citizenship Act (Canada) and regulations made under that Act.
- d) Employees are only eligible for this leave upon receiving Canadian citizenship.

4) Compassionate Care Leave

- a) Eligible Employees can take up to 27 weeks of unpaid leave to care for gravely ill family.
- b) Employees with less than 90 consecutive days of employment may still be granted this leave. Although, Vulcan County is not required under the Code to grant them leave or reinstate them after their leave ends, it will take into account applicable human rights and compassionate considerations.
- c) Leave may be shared by two or more employees of the same family, but the total leave cannot exceed 27 weeks.
- d) Vulcan County may, but is not required to, grant the leave to more than one employee at a time.
- e) For the purposes of compassionate care leave, family members are all those persons listed within the Code's Compassionate Care Leave section.
- f) The leave can be split into multiple instalments, but each installment must be at least 1 week in length.
- g) Employees caring for an ill family member must provide Vulcan County a medical certificate for the family member. A medical certificate may be issued by a nurse practitioner or physician. The certificate must include:
 - i) a statement that the family member has a serious medical condition and a significant risk of dying within 26 weeks; and

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- ii) confirmation that the family member needs the care or support of one or more family members.
- h) Compassionate care leave ends when the earliest of one of the following occurs:
 - i) the last day of the work week in which the family member dies;
 - ii) the 27 weeks of compassionate care leave ends; or
 - iii) the last day of the work week in which the employee ceases to provide care or support to the seriously ill family member.
- i) Employees must give their supervisor at least 1 week’s written notice of their return to work unless the employee and Vulcan County agree otherwise.
- j) Employees eligible for compassionate care leave may also be eligible for Employment Insurance benefits for compassionate care.

5) **Critical Illness Leave**

- a) Eligible Employees can take up to 36 weeks leave for the critical illness of a child or 16 weeks leave for the critical illness of an adult.
- b) Employees with less than 90 consecutive days of employment may still be granted this leave. Although, Vulcan County is not required under the Code to grant them leave or reinstate them after their leave ends, it will take into account applicable human rights and compassionate considerations.
- c) Critical illness leave for a child allows an employee that is a parent or family member to provide care or support to a child under the age of 18. Critical illness leave for an adult allows an employee to provide care or support to an adult family member.
- d) Leave may be shared by two or more employees of the same family, but the total leave cannot exceed 36 weeks for illness of a child, or 16 weeks for illness of an adult.
- e) Employees caring for a critically ill child or adult must give Vulcan County a medical certificate, which can be issued by a nurse practitioner or physician. The certificate must include:
 - i) Confirmation that the child or adult is critically ill and requires the care or support of one or more family members;
 - ii) The start date of the period when care or support is needed;
 - iii) The end date of the period during which the child requires care or support; and

- iv) If the leave started before the certificate was issued, the date the leave began.
- f) If the employee cannot provide the medical certificate prior to starting the leave, they must provide it as soon as is reasonable.
- g) Vulcan County is not required to grant the leave to more than one employee at a time.
- h) For the purposes of critical illness leave, family members are all those persons listed within the Code's Critical Illness Leave section.
- i) The leave can be split into multiple instalments, but each installment must be at least 1 week in length.
- j) The leave ends on the earliest of the following occurrences:
 - i) the last day of the work week in which the child or adult named in the medical certificate dies;
 - ii) 36 weeks after from the day the leave started for a critically ill child;
 - iii) 16 weeks after from the day the leave started for a critically ill adult;
 - iv) the expiry of the period identified in the medical certificate; or
 - v) the last day of the work week in which the employee ceases to provide care or support to the critically ill child or adult.
- k) After the leave is completed, and if the child or adult is still critically ill and care is required, the employee may request the leave again. However, a new medical certificate must be provided.
- l) Employees must give their supervisor at least 1 week's written notice to return to work unless the employee and employer agree otherwise.
- m) Employees may be eligible for critically ill or injured child and critically ill or injured adult benefits under the federal Employment Insurance program.

6) Death or Disappearance of a Child Leave

- a) Eligible Employees can take leave for up to 52 weeks if the child has disappeared, and up to 104 weeks if the child has died as a probable result of a crime.
- b) Eligible Employees are eligible for death or disappearance of a child leave if:

- i) they are the parent of a child (under 18 years of age) who has disappeared and it is probable that the child disappeared as the result of a crime (an offence under the Criminal Code of Canada); or
 - ii) they are the parent of a child (under 18 years of age) who has died, and it is probable that the child died as a result of a crime (an offence under the Criminal Code of Canada)
- c) Employees with less than 90 consecutive days of employment may still be granted this leave. Although, Vulcan County is not required under the Code to grant them leave or reinstate them after their leave ends, it will take into account applicable human rights and compassionate considerations.
- d) For the purpose of death or disappearance of a child leave, a parent is considered to be:
- i) a parent of the child in question;
 - ii) the spouse or common-law partner of a parent of the child;
 - iii) a person with whom the child has been placed for the purpose of adoption;
 - iv) the guardian or foster parent of the child; or
 - v) a person who has the care, custody or control of the child whether or not they are related by blood or adoption.
- e) If an employee is taking leave due to the death of a child, then the period of leave will end 104 weeks after the day of the death unless agreed otherwise to in writing by the employee and Vulcan County.
- f) If an employee is taking leave due to the disappearance of a child, then the period of leave will end 52 weeks after the day the child disappeared unless otherwise agreed to in writing by the employee and Vulcan County.
- g) If the employee takes leave and the child is then found alive, the period of leave ends the earlier of:
- i) 14 days after the child is found; or
 - ii) 52 weeks after the day the child disappeared.
- h) If the employee takes disappearance of a child leave and the child is subsequently found deceased as the result of a crime, the period of leave ends 104 weeks after the day the child disappeared.

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- i) The eligible employee can begin their leave on the day of the death or disappearance of the child but must give Vulcan County written notice as soon as it is reasonable and practicable to do so. This notice should also include the estimated date of the employee’s return to work, if known.
- j) The employee must inform Vulcan County of any change in the estimated date of returning to work.
- k) The employee taking the leave must provide at least 1 week’s written notice of the date they intend to return to work unless the employee and Vulcan County agree otherwise.
- l) If an employee takes death or disappearance of child leave and is subsequently charged with the crime that resulted in the death or disappearance of the child, then the leave ends on the day the employee is charged.
- m) Death or disappearance of a child leave also ends on the day in which it is no longer probable that the death or disappearance was a result of a crime.
- n) Vulcan County is not required to reinstate employees who fail to give notice or report to work the day after their leave ends, unless the failure is due to unforeseeable or unpreventable circumstances.
- o) Employees may be eligible for income support through the Federal Parents of Murdered or Missing Children Grant.

7) Domestic Violence Leave

- a) Eligible Employees may take up to 10 days unpaid domestic violence leave each calendar year. Any leave days not used by an employee cannot be carried over into a new calendar year.
- b) Employees with less than 90 consecutive days of employment may still be granted this leave. Although, Vulcan County is not required under the Code to grant them leave or reinstate them after their leave ends, it will take into account applicable human rights and compassionate considerations.
- c) Employees are eligible for domestic violence leave if domestic violence occurs to:
 - i) the employee;
 - ii) the employee’s dependent child; or
 - iii) or a protected adult living with the employee.
- d) To be an act of domestic violence, the act must be caused by a person who:

- i) is or has been married to the employee;
 - ii) is or has resided together in an intimate relationship;
 - iii) is or has been an adult interdependent partner;
 - iv) is or has been dating the employee;
 - v) is the biological or adoptive parent of a child with the employee;
 - vi) is related to the employee by blood, marriage, adoption or an adult interdependent relationship; or
 - vii) is residing with the employee and has care and custody over the employee by court order.
- e) The following are considered acts of domestic violence:
- i) any intentional or reckless action that causes injury or property damage while intimidating or harming a person;
 - ii) any act or threat that intimidates a person by creating a reasonable fear for property damage or personal injury;
 - iii) psychological or emotional abuse;
 - iv) forced confinement;
 - v) sexual contact that is coerced by force or threat; and
 - vi) stalking.
- f) An employee may take domestic violence leave for the following purposes:
- i) to allow the employee, employee's dependent child or a protected adult to seek medical attention for physical or psychological injury caused by domestic violence;
 - ii) to obtain services from a victim services organization;
 - iii) to allow the employee, employee's dependent child or a protected adult to obtain psychological or other professional counselling;
 - iv) to relocate (temporarily or permanently); and
 - v) to seek legal or law enforcement assistance, including time relating to legal proceedings.

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8) **Long-Term Illness and Injury Leave**

- a) Eligible Employees can take up to 27 weeks of long-term illness and injury leave each calendar year.
- b) Employees with less than 90 days of employment may still be granted leave. Although, Vulcan County is not required under the Code to grant them leave it will take into account applicable human rights and compassionate considerations.
- c) The employee must provide a medical certificate to Vulcan County that states the estimated duration of the leave. A medical certificate may be issued by a nurse practitioner or physician.
- d) The medical certificate must be provided to Vulcan County before the leave begins. If the employee is unable to do so, the certificate must be provided as soon as is reasonable.
- e) The employee must inform Vulcan County of any change in the estimated date of returning to work.
- f) Employees must provide at least 1 week's written notice of the date they intend to return to work unless there is an agreement otherwise.
- g) Vulcan County is not required to reinstate employees who fail to give notice or report to work on their next scheduled workday after their leave ends, unless the failure is due to unforeseeable or unpreventable circumstances.
- h) Permanent and qualified seasonal employees, except CAO, Directors and Foreman (see Personnel Policy Salary Continuation Plan), who work a minimum of 30.0 hours per week or more are protected by a Short-term Disability Plan (STD) which provides 75%, taxable income replacement for illnesses/injuries up to a maximum of 17 weeks; at which time employees would be eligible for coverage by the Long Term Disability (LTD) plan, as per the insurance contract requirements.

9) **Maternity and Parental Leave**

- a) Eligible Employees can take up to 16 weeks of maternity leave, and up to 62 weeks of parental leave. The maximum duration of leave available (maternity + parental) shall be equal to 78 weeks.
- b) Eligible Employees may take maternity/parental leave following the birth or adoption of a child.
- c) Employees with less than 90 days of employment may still be granted leave. Although, Vulcan County is not required under the Code to grant them leave or reinstate them after their leave ends, it will take into account applicable human rights and compassionate considerations.

- d) To ensure that Vulcan County can make the necessary arrangements to accommodate an employee taking maternity/parental leave, employees are asked to provide at least 6 weeks' written notice before commencement of leave.
- e) Vulcan County may request that the employee provides a certificate from a medical practitioner with confirmation of pregnancy and expected date of birth. A nurse practitioner or physician may issue a medical certificate.
- f) Maternity leave can start at any time within 13 weeks prior to the estimated date of delivery.
- g) Parental leave begins on the date of or after the date of birth or adoption and has to be completed within 78 weeks of date of birth or adoption. As such, employees are expected to advise their supervisor of the exact start date.
- h) In the event that an employee takes both maternity and parental leave, the leaves must be taken consecutively.
- i) In the event that the employee requires leave before the actual birth or adoption due to medical reasons or to fulfill legal adoption obligations, documentation shall be required.
- j) In the event that an employee requires more than the allotted 78 weeks of available maternity/parental leave, an extension may be made by the Chief Administrative Officer at their discretion.
- k) An employee is required to take at least 6 weeks of maternity leave after the birth of a child, unless the employee agrees to return to work before the 6 weeks and can provide a medical certificate stating that returning to work will not endanger her health.
- l) Vulcan County is not required to grant the leave to more than one employee at a time, although it will take into account applicable human rights and compassionate considerations.
- m) Two employees working for Vulcan County may combine parental leave for a maximum of 62 weeks.
- n) Parental leave can be taken by:
 - i) The birth mother, immediately following maternity leave;
 - ii) The other parent;
 - iii) Adoptive parents; or
 - iv) Both parents, shared between them.

- o) If a pregnancy loss occurs within 16 weeks of the estimated due date, the employee is still entitled to maternity leave but is not entitled to paternal leave. The maternity leave will end 16 weeks after it begins. A pregnancy loss is any situation where a pregnancy ends other than in a live birth.
- p) Vulcan County will continue to pay the employer portion of the benefits premiums during the medical leave portion of the employee's maternity leave only. The medical leave portion is defined as the 6 weeks following the birth of the child; however this may be extended by a medical practitioner. During the medical leave portion the employee will be required to pay their portion of the benefit premiums.
- q) Employees must provide post-dated cheques to the payroll department for their portion of the benefits premiums for the medical leave portion prior to commencing their leave.
- r) If post-dated cheques are not provided for the employee's portion of the benefit premiums or if the post-dated cheques are returned for non-sufficient funds (NSF) the balance will be invoiced and collected through accounts receivable process.
- s) The employee is required to notify Vulcan County in writing prior to commencement of their leave if they request to continue on the benefits plan during the non-medical portion of their leave.
- t) Following the medical leave portion, and for the remainder of the maternity/parental leave the employee may continue on the benefits plan as offered by the County; provided the employee pays their portion of the benefits premium plus the employer's portion of the benefits premium.
- u) Employees choosing to remain on the benefits following the medical leave portion must provide post-dated cheques to the Payroll department for the employee and employer portions of the benefits premium prior to commencing their leave.
- v) If a post-dated cheque provided by the employee is returned for non-sufficient funds (NSF) the employee will be responsible for all fees levied against the County by the financial institutions. The employee will have 15 days to provide the County with an alternative payment; failure to do so will result in benefits being terminated immediately.
- w) Vulcan County retains the right to change or alter the group benefit plan, including the benefits provider at any time provided it is completed without discrimination.
- x) In the event that an employee requires use of sick leave or short-term disability benefits at any time prior to the commencement of a maternity/parental leave period, Vulcan County Personnel Policy shall apply.

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- y) After the paid maternity/parental leave has concluded, employees shall be allowed to use up any unpaid vacation time, and/or sick days.
- z) Vulcan County employees who elect to extend their leave through the use of accrued Vacation time are required to comply with the Vulcan County Personnel Policy, and provide 4 weeks' notice, prior to the exhaustion of their maternity leave.
- aa) Employees are expected to give at least 4 weeks' written notice regarding their expected date of return to work. Their supervisor should be contacted as soon as possible in the event of any changes.
- bb) The employee shall be reinstated to the position most recently held or to a comparable position at not less than the earnings and other benefits that had accrued by the employee when the leave started.
- cc) Employees' vacation will resume accruing upon commencement of employment following leave.
- dd) Employees' allotment of sick time will be pro-rated based on the date of return to work as per Vulcan County's Personnel Policy.
- ee) An employee who does not wish to return to work following the leave period must give Vulcan County at least 4 weeks' written notice of their intention to terminate employment.
- ff) An employee who fails to provide written notice as required in 5.1 or 5.5, or fails to return to work in accordance with the written notice to Vulcan County, is deemed to have voluntarily resigned from employment coincident with the expiry of the leave, unless the failure to provide notice or return to work resulted from unforeseeable or unpreventable circumstances. In such cases, the employee must provide proof of such circumstances to the Chief Administrative Officer.

10) Reservist Leave

- a) Employees are eligible for reservist leave if they are a reservist and have been employed at least 12 consecutive weeks with Vulcan County.
- b) Employees with less than 12 consecutive weeks of employment may still be granted leave; however, Vulcan County is not required under the Code to grant them leave.
- c) An employee may take reservist leave for the following operations or activities:
 - i) Deployment to a Canadian forces operation outside Canada;
 - ii) Deployment to a Canadian forces operation inside Canada that is assisting with an emergency or the aftermath of an emergency;

- iii) Annual training, including related travel time; and
- iv) Other operations set out as such in the Employment Standards Regulation by the Minister.
- d) Participation in pre- or post-deployment activities in connection with an operation is also considered part of the deployment operation.
- e) An eligible employee can take reservist leave for the length of time that is necessary for annual training or Canadian Forces operations. Periods of leave do not have to be consecutive days.
- f) Vulcan County will request documentation from the employees' commanding officer which states the operation activity, day on which the leave starts, and estimated length of leave.
- g) Employees must give their supervisor written notice of their intention to take reservist leave 4 weeks prior to the date the leave begins.
- h) If the employee cannot give 4 weeks' notice due to an urgent deployment, they must inform their supervisor in writing about the reservist leave as soon as is reasonable.
- i) In the case of reservist leave for annual training, the notice must include the actual date on which the employee intends to return to work.
- j) Employees on leave for 4 weeks or less must give written notice as soon as possible, which provides the day on which they intend to return to work.
- k) Employees on leave for more than 4 weeks must give at least 4 weeks' written notice of the day they intend to return to work.

11) Jury Duty Leave

- a) Vulcan County shall allow an employee a sufficient leave of absence from the employee's employment to serve as a juror when that employee is summoned to serve as a juror, as per the Alberta *Jury Act*.
- b) Documentation stating the jury selection date will be presented to Vulcan County for confirmation.
- c) The employee shall receive their regular wages and benefits for the jury selection process.
- d) Documentation stating the expected start date of jury duty leave will be presented to Vulcan County for confirmation, should the employee be selected as a juror.

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- e) The employee shall receive 60% of their regular wage as well as their full regular benefits while sitting as a juror.
- f) Section 5(1) (g) of the Alberta *Jury Act*, which states “a person whose service on a jury would be contrary to the public interest by reason of that person’s performance of urgent and essential services of public importance that cannot reasonably be rescheduled or performed by another during that person’s absence” may apply to certain positions within Vulcan County.

Summary

If there is any conflict between the minimum standards contained in the Code and this policy, the standards contained in the Code shall prevail.