



CITY POLICY

POLICY NUMBER: A1106B

REFERENCE:

City Manager 1994 11 25
City Manager 1989 02 14
City Manager 2013 06 24

ADOPTED BY:

City Manager

SUPERSEDES:

A1106A
5029, 5045, 5067

PREPARED BY: Corporate Services

DATE: 2013 06 24

TITLE: LEAVE OF ABSENCE WITHOUT PAY

Policy Statement:

EMPLOYEES MAY BE GRANTED LEAVE OF ABSENCE WITHOUT PAY, SUBJECT TO THE PROVISIONS AND CONDITIONS PRESCRIBED HEREIN AND APPLICABLE COLLECTIVE AGREEMENTS.

The purpose of this policy is to:

Establish guidelines for the administration of leave of absence without pay.

1. DEFINITIONS

- 1.01 City Council: The Council of The City of Edmonton as established by the Provincial Municipal Government Act.
- 1.011. City Manager: The chief administrative officer for the City or his or her delegate.
- 1.02 Types of Leave: Includes, but is not restricted to:
- (a) Campaigning for Election to Senior Governments;
 - (b) Campaigning for Election to City Council;
 - (c) Performance of the Duties of an Elected Official of Other Local Governments;
 - (c) Canadian Armed Forces Service;
 - (e) Education Leave;
 - (f) Maternity Leave;
 - (g) Adoption Leave;
 - (h) Parental Leave;
 - (i) Personal Affairs:
 - i) Compassionate Leave;
 - ii) Family Emergencies;
 - iii) Family Events;
 - (j) Personal Disability;
 - (k) Union/Management Association Affairs;
 - (l) Special Events Participation.
- 1.03 In-Scope Employees: Employees who fall within the scope of a collective agreement between the City and a union or association.
- 1.04 Managerial Employees: Employees who are excluded from a union/association due to their performance of managerial functions and those employees excluded from a union/association as a result of their professional and/or other designation by current labour legislation.
- 1.05 Local Government: The council of any Municipality, (other than the City of Edmonton), School Board, or Hospital Board.
- 1.06 Out-of-Scope Employees: Non-management employees who do not fall within the scope of a collective agreement between the City and a union or association.
- 1.07 Senior Government: The Legislative Assembly of Alberta or the Parliament of Canada.

2. RESPONSIBILITIES

- 2.01 City Manager shall:
- (a) approve this policy and any amendments thereto;
 - (b) approve any exceptions to, or deviations from, this policy.
- 2.02 Human Resources Branch shall:
- (a) provide interpretation, advice and assistance to Departments;
 - (b) monitor and maintain the effectiveness of this policy by regularly reviewing annual statistics and trends and updating the policy as required;
 - (c) prepare an annual report of all approved leave of absence without pay requests;

(d) forward requests for exceptions to, or deviations from, this policy to the City Manager with a recommendation.

2.03 Financial Services and Utilities Department shall:

- (a) maintain records of all leaves by employee and by department;
- (b) communicate and monitor the rules governing continuation of participation in the applicable employee benefit plans where employees are granted leaves of absence in excess of ten [10] consecutive working days, as provided for in Section 3.

2.04 Department Head shall:

- (a) establish departmental procedures for dealing with requests for leaves of absence without pay, including:
 - (i) the delegation of authority to approve or deny leaves, based on the length and purpose of leave requested;
 - (ii) the process an employee is required to follow when submitting a request for leave. (NOTE that the corporate Application for Leave of Absence Without Pay must be completed in respect to requests for leaves which exceed ten (10) continuous working days - for Benefits Administration purposes);
- (b) forward requests for exceptions to, or deviations from, this policy to the Personnel Department, with a recommendation;
- (c) ensure that an employee who applies for leave is notified, in writing, within a reasonable period of time of the decision on the application. The reason for denial of a request shall be provided to the employee;
- (d) ensure that a record is maintained of all leaves approved for each employee during each year;
- (e) provide an annual report of all approved leave of absence without pay requests to the Personnel Department;
- (f) advise employees of potential conflicts of interest which may arise as the result of their occupying positions as elected officials of other Local Governments while maintaining their positions as employees of the City of Edmonton.

2.05 Employees shall:

- (a) submit the request for leave in writing and in accordance with established departmental procedures, as far in advance of the commencement date of such leave as possible;
- (b) complete the Application for Leave of Absence Without Pay form in respect of requests for leaves which exceed ten (10) working days;
- (c) continue to be subject to City Policy A1100 - Employee Code of Ethics - as well as any supplemental Department Employee Code of Ethics applicable to the employing department.

3. GUIDELINES

3.01 In-Scope Employees: Provisions for all leaves of absence, where provided, shall be in accordance with applicable collective agreements.

3.02 Campaigning for Election to Senior Governments or Local Governments:

- (a) Employees may be granted a leave to campaign as a candidate for Senior Government or Local Government.
- (b) The employee shall resign from the City if elected.

3.03 Campaigning for Election to the City Council:

- (a) An employee who wishes to be nominated as a candidate for City Council is entitled as of right to a leave of absence without pay if on or after July 1 in the year of a general

election or after the day City Council passes a resolution to hold a by-election but, in all cases, the employee's last working day prior to nomination day notifies the City that he or she will be taking a leave of absence to run for City Council. The employee taking leave must complete the attached Leave without Pay form to provide instructions pertaining to the period of leave, to the City. The employee will provide notice and the form to his or her Branch Manager, and copy the notice to the applicable Department Head.

- (b) The employee shall resign from the City if elected.
- (c) If the employee is not elected, the employee shall return to work for the City on or by the fifth (5th) working day after election day, unless mutual agreement between the Department Head and the employee is reached with respect to the employee's date of return to work.
- (d) The terms of leave to run for election to City Council are governed by section 22 of the Local Authorities Election Act.

3.04 Maternity Leave:

- (a) Maternity leave shall be granted to a pregnant employee who is either a permanent employee or has been employed with the City for at least twelve (12) consecutive months upon application to the Department Head. Maternity leave shall normally be up to six (6) months in duration, including any valid, health-related portion that may be encountered during this period. Maternity leave without pay may commence up to three (3) months prior to the expected date of delivery. In any event, the employee shall be allowed a minimum of six (6) weeks' leave after the actual date of delivery.
- (b) Employees who are members of the City's Disability Plans may be eligible for disability benefits for the medically substantiated valid, health-related portion of the maternity leave prior to the birth of the baby. Employees who have a valid, health-related period after the birth are subject to the terms of the City's Supplemental Unemployment Benefits Plan for the duration of the valid, health-related period of the maternity leave.
- (c) If the employee exhausts all Short-Term Disability (Income Protection) Benefits and is not eligible for, or has exhausted, Supplementary Unemployment Benefits, the employee may be eligible for Long-Term Disability Benefits for the remainder of the valid, health-related period, subject to the terms and conditions of the Long-Term Disability Plan.

3.05 Adoption Leave:

A permanent employee or an employee with at least twelve (12) months of consecutive employment with the City, shall be granted a leave of absence without pay for the purpose of adopting and caring for a child upon application to the Department Head. The employee shall normally return from the leave to regular employment with the City within six (6) months after the commencement of the leave.

3.06 Parental Leave:

A permanent employee or an employee with at least twelve (12) months of consecutive employment with the City, may be granted a parental leave of absence without pay to attend to the needs of a dependent child during the child's first year of life. The parental leave period shall not exceed six (6) months in duration.

3.07 Personal Affairs:

Leave without pay, may be granted for, but not restricted to:

- (a) Compassionate Leave:
 - funeral of relatives or friends;
 - terminal illness of relatives or friends.
- (b) Family Emergencies:

- sudden illness or crisis in the home.

(c) Family Events:

- marriage;
- family reunion.

3.08 Personal Disability

- (a) Permanent and probationary employees who suffer a disability may apply for a leave provided that all applicable disability income benefits have been exhausted, or disability income benefits have been denied.
- (b) The Department Head shall approve or deny the employee's application for leave on the basis and merits of the information provided to the Department.
- (c) If the request for leave is by reason of disability and no expected date of return has been specified by the attending physician, leave may be granted initially for a period not exceeding ninety (90) consecutive calendar days. If the employee is not fit to return to work at the end of this period, the employee's employment status with the City may be reviewed at this point.

3.09 Union/Management Affairs:

Leave for the reason of Union or Management Association affairs may be granted for the purposes of:

- (a) Full-time employment as an Official of the Union or Management Association.
- (b) Participation, as an elected delegate, in Union or Management Association meetings, conventions, educational seminars, training sessions, etc.

3.10 Temporary and Provisional Employees:

Temporary and Provisional employees who require leave for a period in excess of ten (10) consecutive working days shall be terminated from the civic service, effective the last working day before commencing such leave, except as otherwise provided in the applicable collective agreement.

3.11 Recording Leave:

- (a) The employing department shall record off-time resulting from approved leaves in accordance with payroll procedures.
- (b) Time off shall be recorded in hours or in a fraction of an hour if the absence is less than one hour.
- (c) The employing Department shall record approved leaves in the employee's personnel file and shall also maintain a summary of all leaves approved in any given year.

3.12 Employee Benefits:

- (a) Benefits for employees granted leave for less than a complete pay period will be unaffected by the leave.
- (b) In-scope employees granted leave in excess of a complete pay period shall be eligible for benefits during the period of leave in accordance with the provisions in the applicable collective agreement.
- (c) Management and Out-of-Scope employees granted leave in excess of a complete pay period shall be eligible for benefits during the period of the leave.
- (d) Prior to the commencement of the leave in excess of a complete pay period, employees may choose to maintain (as a package) those benefits in force prior to the commencement of the leave or decline benefit coverage during the leave.

- (e) Where the employee elects to maintain benefit coverage, the benefits which were in effect prior to the leave are to be maintained as a package, as follows:
- (i) Major Medical and Supplementary Hospital, Dental, Long-Term Disability and Group Life Plans (Basic Life, Dependent Life and Optional Life) - the employee must arrange prior to the leave, to pay both the employee and the City contributions required in respect of the term of the leave. During maternity leaves, no prepayment of benefits is required in respect of the valid, health-related period of the leave. During this time, benefit coverage and cost-sharing remains as it was prior to the maternity leave. Prepayment of contributions will be required during the voluntary portion of the leave in order to maintain coverage.
 - (ii) Short-Term Disability Plan - no contributions are required and no benefits are payable during the period of leave, except as outlined in 3.04(b).
 - (iii) Long-Term Disability Plan - Long-Term Disability benefits will be payable upon the expected date of return to work or eighty-five (85) working days of continuous disability, whichever occurs later.
 - (iv) Alberta Health Care - coverage will terminate at the end of the month in which the last premium deduction was made. For the remainder of the leave, the employee will be billed directly from Alberta Health Care.
 - (v) Local Authorities Pension Plan - on return from an approved leave, the employee may apply to have the leave recognized as pensionable service, in accordance with the Public Sector Pension Plans Act (Schedule I and Regulations).
 - (vi) Vacation - during a leave of absence without pay, vacation will be accrued as outlined in the applicable collective agreements and City Policy A1115A - Vacation.
- (f) Where the employee elects to decline benefit coverage, the employee must acknowledge the intent on the Application for Leave of Absence Without Pay. Upon the employee's return to work, dental services will be restricted to basic services only (Type A) for the first twelve (12) months. Short and Long Term Disability coverage will not be in effect until the employee has been actively at work for ten (10) continuous days following the period of the leave.

CITY OF EDMONTON
APPLICATION FOR LEAVE OF ABSENCE WITHOUT PAY (CITY POLICY A1106A)

PART 1: TO BE COMPLETED BY THE EMPLOYEE

NAME: _____ PAYROLL NO.: _____ POSITION TITLE: _____
DEPT: _____ UNION: _____

Date of commencement of leave: _____ Return to work date: _____

Reason for requested leave without pay:

I wish to maintain benefit coverage for the term of the leave. I understand that I am responsible for both employee and employer share of premiums for applicable benefit plans. I also understand that arrangements to pay these premiums must be made prior to the commencement of the leave; failure to do so will result in the denial of benefit coverage during the leave.

Employee Signature _____ Date _____

I wish to decline benefit coverage during the term of the leave. I understand that during the first twelve months after my return to work, dental coverage will be limited to basic services only (type A). I also understand that Short and Long Term Disability coverage will not be in effect until I return to work for ten (10) consecutive dates following the period of the leave.

Employee Signature _____ Date _____

PART 2: TO BE COMPLETED BY MANAGEMENT SUPERVISOR

Current vacation entitlement _____ Banked overtime credits: _____ (hours)

Length of service: Present Department _____ City _____

How will the employee be temporarily replaced?

Note:

Leaves for the purpose of running for election to City Council are not discretionary
Leaves for that purpose must be Approved when notice properly given by the employee as stated in this Administrative Directive

___ Approved ___ Denied Supervisor's Signature: _____ Date: _____
___ Approved ___ Denied Branch Manager's Signature: _____ Date: _____
___ Approved ___ Denied Department Head/Designate: _____ Date: _____

Copy: Benefits Administration Supervisor, Financial Services and Utilities Department