

**JAMES BAY LOWLANDS
SECONDARY SCHOOL
BOARD**

ADMINISTRATIVE PROCEDURE HUMAN RESOURCES NO. 420	
Effective	August 21, 2019
Last Revised	August 15, 2023

LEAVES OF ABSENCE

PURPOSE

In recognition of the circumstances that prevent staff members from being able to attend at work and perform their duties, the James Bay Lowlands Secondary School Board permits leaves of absence, with or without pay, according to the collective agreements in effect with the Board and the guidelines of this administrative procedure.

This administrative procedure will be administered fairly in a manner which reflects a concern for employee wellness.

PROCEDURES

1. Sick Leave

- 1.1 This administrative procedure applies to all full and part-time employees of the Board who have access to paid sick leave, except when the procedure is in conflict with a collective agreement, in which case the terms of the collective agreement will apply.
- 1.2 Teachers and non-teaching staff who are absent from work due to illness or accident which is not compensable under the *Worker's Compensation Act* will receive pay for such sick leave, provided they have an unused accumulation of sick-leave credits.
- 1.3 The staff member is required to provide medical documentation as outlined in the applicable collective agreement, Terms and Conditions, and/or the *Workplace Safety and Insurance Act*. The cost of medical documentation is the responsibility of the staff member unless the cost of medical documentation is covered by the Workplace Safety and Insurance Board.
- 1.4 Medical documentation may be requested by the principal or supervisor within the leave of absence period or upon return to work, at the principal or supervisor's discretion.

- 1.5 If the principal or supervisor is not satisfied with the medical information provided, he or she will clearly identify to the staff member and the union representative why the information is not adequate, and may request additional information.
- 1.6 The Board may request that the employee undergo an independent medical examination. In this case, the choice of healthcare practitioner shall be mutually agreeable to the Board, the employee, and the union or association.
- 1.7 Failure to attend the independent medical evaluation may result in suspension of sick leave benefits.

2. Medical Documentation

- 2.1 It is the principal's or supervisor's responsibility to advise the staff member about the requirements for a medical certificate when requesting this documentation. A satisfactory medical certificate must contain:
 - a) the doctor's signature and the date on which the medical certificate was written;
 - b) the date the staff member was last seen by the doctor;
 - c) a confirmation that the employee is or was ill and unable to be at work;
 - d) as applicable, an expected date of return; [If the doctor cannot provide a definite date, the medical certificate should provide an estimated timeline as well as the next date on which the readiness for a return to work will be reassessed.]
- 2.2 If the doctor is recommending an accommodation or return to work program, the medical certificate must also contain the following:
 - a) the functional limitations which require accommodation in order for the staff member to return to work;
 - b) the length of time that modifications would be required.

3. Worker's Compensation

- 3.1 A staff member who injures himself/herself in the course of his/her duties and who is not able to complete his/her regular work schedule, shall receive a full day's pay for the day of the injury.
- 3.2 Until the Board receives confirmation from the Worker's Compensation Board that the claim has been approved, the staff member will receive pay for such sick leave, provided the staff member had sufficient sick-leave days accumulated. If there are no accumulated sick-leave credits to draw on, the absence from the second day of injury, shall be unpaid.

3.3 After the claim has been approved by the Worker's Compensation Board, the number of days reimbursed by the Worker's Compensation Board will be credited to the staff member's sick-leave account.

4. Planned Leave of Absence

4.1 A planned absence shall include the following:

- school excursions;
- school athletic trips;
- professional development trips;
- special leave;
- special circumstances;
- O.S.S.T.F. trips.

4.2 The Board may grant a planned leave of absence to any staff member requesting such leave for good and sufficient cause, such request to be in writing and approved by the appropriate supervisor.

4.3 Planned leaves of absence will be with or without pay dependent on Board procedures and the relevant terms of:

- the collective agreement between the Board and the O.S.S.T.F.;
- the collective agreement between the Board and the non-teaching staff; and
- the contract(s) of employment between the Board and administrative personnel.

4.4 The number of planned teacher absences shall be restricted to two (2) teachers at any one time.

4.5 No leave will be attached to a holiday unless prior approval is received from the Board.

4.6 Planned absence for school athletic trips shall be restricted to one (1) teacher per team.

4.7 Under no circumstance will planned absences be allowed to exhaust the occasional teacher pool. At least one (1) occasional teacher must be left in the pool to cover for any unforeseen absence.

4.8 If there is a shortage of occasional teachers, a teacher will be unable to participate in a planned absence unless (s)he can arrange internal coverage.

4.9 The principal must receive a teacher's written request for a planned leave of absence no later than two (2) working weeks in advance of the planned absence. This requirement may be waived for certain personal leave applications.

- 4.10 The principal may, at his/her discretion, permit exceptions to this administrative procedure if (s)he believes that there are sound and sufficient reasons.

5. Teacher-Funded (Deferred) Leave

Teacher-funded (deferred) leaves may be granted in accordance with the terms of the collective agreement between the Board and the O.S.S.T.F.

6. Unauthorized Leave of Absence

- 6.1 A staff member who takes an unauthorized leave of absence will have the amount of time of the absence deducted from their salary.
- 6.2 Their unauthorized leave may be considered a breach of the contract of employment and the Board may deal with it in accordance with Administrative Procedure 480 Progressive Discipline: Employees.
- 6.3 An employee who does not return to work on the date agreed to, after a planned leave of absence, shall be deemed to be on an unauthorized leave of absence unless they provide a reason satisfactory to the Board.

REFERENCE DOCUMENTS

Legal:

Education Act: Section 169.1 Duties and Powers of Boards: Responsibility for student achievement and well-being

Education Act: Subsection 283 (2) Chief Executive Officer: Develop and maintain an effective organization

Ontario Regulation 298 Operation of Schools-General, Section 11 Duties of Principal

Workplace Safety and Insurance Board Act

Worker's Compensation Act

Health Information Privacy Act

Personal Information Protection and Electronic Documents Act

Human Rights Code

Ontarians with Disabilities Act

Board:

Board Policy GOV-02 Role of the Corporate Board

Board Policy GOV-03 Role of the Supervisory Officer

Administrative Procedure 423 Workplace Accommodation

Administrative Procedure 480 Progressive Discipline: Employees

Collective Agreement: Board & OSSTF

Collective Agreement: Non-Teaching Staff

Contracts of Employment