

LEAVES OF ABSENCE PROCEDURES

INDEX

	Page
Leaves of Absence Procedures Memorandum (Full Time and Half Time Leaves).....	1-4
Protocol RM19 – Leaves Without Pay Secondary Teachers.....	5,6
Application Form.....	7,8

**This section is currently under review and subject to confirmation of changes to the
Employment Standards Act.**

MEMORANDUM

**TO: ALL SECONDARY AND JUNIOR HIGH PRINCIPALS
ALL SECONDARY TEACHERS**

FROM: David Moore, Senior Manager, Secondary Teaching

DATE: February 2, 2017

**RE: Secondary Staffing 2018-2019
LEAVES OF ABSENCE PROCEDURES (Full Time and Half Time Leaves)**

1. Automatically Approved Leaves of Absence:

- **The two-year limit on leaves of absence without pay, as described in the attached Protocol, will remain in effect, as well as all the other terms of the Protocol.**
- The deadline for applying for a full time leave of absence without pay is **12 noon, March 1, 2018.**
- **Full time Teachers who submit their requests for a full year leave by the 12 noon, March 1, 2018 deadline will have their leaves approved automatically. Teachers on a .5 contract who submit their requests for a full year leave by the March 1 deadline will also have their leaves approved automatically.**
- Teachers applying for a full year leave under this provision must complete the Application for Leave Of Absence (Full Time or Half Time) form. The Principal's signature, under these circumstances, is for information purposes only, not for the purpose of a recommendation.
- Teachers at a school/program scheduled to close the following September, who ask for a leave of absence without pay by the deadline, will be granted the leave. Their home school for return to work will be determined by the staffing procedures under "Secondary School/Program Closing Procedures" in the Secondary Staffing Binder.
- **Family Medical Leave**
In accordance with the requirements of the Employment Standards Act, 2000, Teachers will be granted up to eight (8) weeks of Family Medical Leave to provide care or support to certain family members when that family member is seriously ill. Teachers requesting a Family Medical Leave must complete Section A of the Application for Leave of Absence form and submit to their Staffing Officer as soon as possible, accompanied by a certificate from a qualified health practitioner stating that a family member has a serious medical condition with a significant risk of death occurring within a period of twenty-six (26) weeks. The Board will provide the Teacher with a Record of Employment so that the Teacher may apply for Employment Insurance compassionate care benefits. The Family Medical Leave will terminate either at the end of the eighth week or as such time as the family member passes away, whichever occurs first.

2. Half Time Leaves of Absence:

- Full time Teachers who wish to apply for a half time leave (full semester or half time all year) or wish to extend their half time leave in the next school year must complete the Application for Leave of Absence (Full Time or Half Time) form. Teachers wishing to apply for a half time leave of absence should refer to the clauses of the Collective Agreement regarding:
- the number of half time Teachers in any one school;
- a return to full time;
- the application for an extension.
- After March 1, 2018, Teachers requesting leaves of absence without pay for semester 2 or the period beginning January 1, 2019 or February 1, 2019 and ending August 31, 2019, must submit

the application form to their Principal by **12 noon, October 15, 2018**. Principals will submit these forms to the appropriate Staffing Officer, by 4:00 p.m. October 15, 2018.

- **According to The Ontario Teachers' Plan Pension Board rules, selecting "Half Time All Year" is considered a voluntary reduction of workload and as such, is non-pensionable. Buy-back options are not available.**
- It is the responsibility of the Teacher to follow up with the TDSB Benefits and Pension Departments (telephone (416) 395-9642) and the Ontario Teachers' Pension Plan Board (telephone (416) 226-2700) regarding possible impact on the Teacher's pension plans.
- It is also the responsibility of the Teacher to follow up with OTIP Benefits Services (telephone 1-866-783-6847) regarding possible impact on their Health, Dental, Life Insurance and Accidental Death and Dismemberment benefits. Teachers can view a tutorial video and find answers to the most commonly asked questions about the benefit plan at www.otip.com/loginhelp.
- **Long Term Disability Coverage:**
Teachers with long term disability coverage must contact Teachers' Life, telephone number (416) 620-1140, to clarify their coverage.
- Generally, there is no limit on the number of years a Teacher may apply for a half time leave of absence. However, the ability to accommodate a half time leave request is dependent upon staffing and program needs in the Teacher's home school.
- Teachers in a Position of Responsibility (POR) who are approved for a half time leave of absence all year are required to relinquish their POR for that school year.

Teachers who change schools for any reason during the staffing process must re-apply for a half time leave with their new Principal.

3. Other Provisions Affecting Leaves of Absence:

- For the purposes of staffing, the Teacher's home school will remain the same.
- Teachers whose leave year on **the Self-Funded Leave Plan** is scheduled to commence September 1, will automatically be granted that leave.
- **Teachers whose leaves are approved will not be able to rescind their leave requests until such time as there are no surplus Teachers who have rights to a position that the Teacher requesting the rescission would fill.**
- The "**Leaves Without Pay Protocol**" is still in effect and is attached for information.
- The **Application for Leave Of Absence (Full Time or Half Time)** form must be used by all Teachers applying for a full or half time leave including Teachers requesting statutory leaves (i.e. pregnancy leaves).

This form is available in school offices and on www.tdsb.on.ca.

- Teachers requesting leaves without pay after the above deadlines **may not** have their leaves approved.
- **Principal's Signature:**
 - Is for information only, for requests for a full year leave of absence, as described above, received by the noon, March 1, 2018 deadline;

- **Indicates, for all other leaves, whether or not the Principal recommends the request be granted. If the approval is not recommended, the Principal will provide reasons.**

- Teachers, Principals and Staffing Officers will be notified in writing of the decision concerning the leave request.

4. Request To Rescind A Leave Of Absence:

- Requests to rescind a leave of absence must be submitted in writing to the appropriate Staffing Officer, Secondary Teaching Office, with a copy to the Principal.
- A rescission of an approved leave of absence will be considered only if there are no surplus Teachers who have rights to a position that the Teacher requesting the rescission would fill.
- **If an approved leave of absence without pay is rescinded, the Teacher will be offered the first available vacancy, subject to the Teacher's seniority and qualifications. If the offer of placement is accepted, the Teacher will be placed accordingly subject to the same "pull back" provisions that apply to other Teachers. If the Teacher is not pulled back the new school becomes the home school. If the offer of placement is declined, the request to rescind the approved leave of absence will be withdrawn.**

5. Part Time Teachers on an Approved Unpaid Leave of Absence:

- Part time Teachers on an approved leave of absence may apply for and be considered for an increase to full time contract;
- Such Teachers will be placed on the part to full rescind leaves of absence list as described in the order of operations in central staffing in the Overview section;
- Should a Teacher be offered and wish to accept an increase to a full time contract, they may apply for a leave of absence from their new school subject to the provisions in the Leave of Absence section;
- If the leave is granted the Teacher will have their contract status increased to 1.0 and their home school, for staffing purposes, will be the new school;
- If the leave is denied, in order to have their contract status increased to 1.0, the Teacher will be required to rescind their leave of absence. Should they elect not to do that, they will not be increased in contract status and will no longer be considered for an increase to a full time contract for the current staffing year.

6. Return To Teaching:

- Clause L31.3 of the Collective Agreement states: "If a Teacher decides not to return to the Board following a leave of absence, the Board shall be notified, in writing, as soon as possible of this decision and not later than May 15 for the following September or November 30 for the following January."
- Clause L31.4 of the Collective Agreement states: "The Board shall reassign a Teacher who notified the Board in writing by March 1 of the Teacher's intention to return from a leave ending on August 31 and by October 15 from a leave ending December 31 or at the end of the first semester, to the school from which the Teacher went on leave but final placement shall be subject to the surplus procedures. A Teacher who does not so notify the Board shall be assigned subject to the surplus procedures to a teaching position which may be elsewhere in the system."



EMPLOYEE SERVICES PROTOCOL

ISSUE DATE: SEPTEMBER, 2005

PROTOCOL NUMBER:

RM19

AUDIENCE:

SECONDARY TEACHERS

CATEGORY:

RECORDS MANAGEMENT

LEAVES WITHOUT PAY – SECONDARY TEACHERS

A. LEAVES OF ABSENCE WITHOUT PAY:

- Leaves of absence without pay **may** be granted. The granting of these leaves is subject to the program needs of the Board. School Principals, in consultation with Superintendents of Education, will **recommend** whether a leave without pay should be granted. Leaves will be approved by the Elementary or Secondary Teaching units in Employee Services.
- Leaves of absence without pay will have a limit of 24 consecutive months, exclusive of statutory leave (e.g. pregnancy/parental leave under the Employment Standards Act). At the end of the leave, the Teacher must return to work, subject to any statutory entitlement to additional leave.

Note: A statutory entitlement to a leave does not limit a leave granted under this protocol.

- If the return date occurs during the school year, an alternate mutually acceptable return date may be agreed upon by the Teacher and the appropriate Senior Manager. This date will not extend beyond the beginning of the next school year.
- Leaves of absence without pay will not be granted for more than one school year at a time. Applications must be made in accordance with the dates set out in the appropriate Collective Agreements.
- Exceptions to the protocol may be approved by the Executive Superintendent – Employee Services, only for reasons that arise from extraordinary circumstances.

B. PREGNANCY/PARENTAL/EXTENDED PARENTAL LEAVES AND THIS LEAVE OF ABSENCE PROTOCOL:

- A Teacher has a statutory entitlement to 17 weeks of pregnancy leave and 35 weeks of parental leave.
- Under the Collective Agreements, a Teacher may take an extended parental leave, with a cap of two years on the combined length of the pregnancy/parental/extended parental leave.



EMPLOYEE SERVICES PROTOCOL

ISSUE DATE: SEPTEMBER, 2005

PROTOCOL NUMBER:

RM19

AUDIENCE:

SECONDARY TEACHERS

CATEGORY:

RECORDS MANAGEMENT

- The period of extended parental leave is included in the 24 consecutive calendar month limit. A Teacher could thus take:
 - 52 weeks of pregnancy/parental leave;
 - up to a total of 2 years for pregnancy/parental/extended parental leave.
- An additional leave of absence without pay, immediately after the extended parental leave, may be requested.
- Teachers on an extended parental leave gain experience for salary purposes and for seniority purposes, subject to Collective Agreement conditions. Teachers on a leave of absence without pay gain experience only for seniority purposes.

SUPPLEMENT TO THE LEAVE OF ABSENCE WITHOUT PAY PROTOCOL

- Whole or part year leaves of absence without pay will not be granted to enable a Teacher or a school administrator to take permanent employment with the exception of a leave to assume political office (e.g. MP, MPP etc.).

Note: Secondments approved by the TDSB are not considered to be leaves without pay.

- A Teacher on a leave without pay can enter into temporary employment relationships with other employers except as a contract Teacher in the Province of Ontario. Teaching experience for salary purposes cannot be accrued while on a leave of absence without pay. Related experience for salary purposes cannot be accrued while on a leave of absence without pay.

Contact: Secondary Teaching Office



APPLICATION FOR LEAVE OF ABSENCE (FULL TIME or HALF TIME) Secondary Teaching Staff Only

NAME: _____ EMPLOYEE NUMBER: _____

SCHOOL NAME: _____

Please complete Section A or Section B or Section C

SECTION A – FULL TIME, SEMESTERED AND FAMILY MEDICAL LEAVE OF ABSENCE WITHOUT PAY

Commencing: _____ Ending: _____
Day Month Year Day Month Year

If currently on a Leave of Absence, please provide start date of current leave: _____
Day Month Year

Teachers who change schools for any reason during the staffing process must reapply for a semestered leave of absence with their new Principal.

Reason and Details for this request: _____

It is important to be aware of how a leave of absence affects your Employee Benefit coverage, Long Term Disability coverage, Pension Plan options, and/or Ontario College of Teachers membership status. Please read the reverse side of this form for additional information and direct any questions you may have to the appropriate contact numbers provided prior to submitting this form.

SECTION B – HALF TIME ALL YEAR LEAVE OF ABSENCE WITHOUT PAY for the 20__ to 20__ School Year

I am a full time Teacher requesting **to teach half time all year** (alternating days, 1/2 days all year)

Teachers who change schools for any reason during the staffing process must reapply for a half time leave of absence with their new Principal.

It is important to be aware of how a leave of absence affects your Employee Benefit coverage, Long Term Disability coverage, Pension Plan options, and/or Ontario College of Teachers membership status. Please read the reverse side of this form for additional information and direct any questions you may have to the appropriate contact numbers provided prior to submitting this form.

SECTION C – PREGNANCY/PARENTAL/EXTENDED PARENTAL/EXTENSION OF EXTENDED PARENTAL

In accordance with the Pregnancy/Parental Leave provisions of the Employment Standards Act, and/or the Extended Parental Leave provisions of the current Collective Agreement regarding Leaves of Absence, I am applying for:

(DD / MM / YYYY) (DD / MM / YYYY)

Pregnancy (17 weeks) from _____ to _____ only/and

Parental (35 or 61 weeks) from _____ to _____ only/and

Extended Parental from _____ to _____ only/and

Maximum leave for pregnancy/parental is 78 weeks. Teachers are required to submit proof of birth date of the child to Employee Services, Secondary Teaching.

Included with this application is:

- Pregnancy Leave – Medical Certificate stating the Expected Birth Date
- Or Parental leave – Proof of Birth Date or a Statement from the Adoption Agency

It is important to be aware of how a leave of absence affects your Employee Benefit coverage, Long Term Disability coverage, Pension Plan options, and/or Ontario College of Teachers membership status. Please read the reverse side of this form for additional information and direct any questions you may have to the appropriate contact numbers provided prior to submitting this form. Teachers on this leave are subject to staffing and surplus procedures and if surplus to Board, Recall Rights.

Before Signing and Dating, please ensure that Section A or B or C are completed.

Employee Signature Date

Recommended by: _____
Principal Date

Approved by: _____
Staffing Officer, Secondary Teaching Office Date

ADDITIONAL INFORMATION FOR LEAVES OF ABSENCE

- Your Leave of Absence **cannot** be processed unless Section A or B or C and all other sections of the Leave of Absence (Full Time or Half Time) are completed.
- All requests for a **full time leave** must be submitted to the Principal by **12 NOON on March 1**.
- Application for a half time leave of absence is subject to the needs of the school and approval of the Principal.
 - All requests for a **half time leave commencing the following school year** must be submitted to the Principal by **12 NOON on March 1**.
 - All Requests for a **half time leave commencing semester two** of the current school year must be submitted to the Principal by **12 NOON on October 15**.
 - Full time Teachers requesting a half time leave will automatically return to a full time teaching assignment commencing the following school year unless they apply and are approved for another half time leave of absence.
- If you are approved for a leave of absence while you are enrolled in the T.D.S.B. Self-Funded Leave Plan, the leave year of the Self-Funded Leave Plan will be deferred. Please note that the Self-Funded Leave Plan can only be extended by one year and no further extensions can be made to the Plan. If you have any questions, please contact the Secondary Teaching Records Administrator at (416) 397-3247.
- Teachers on an approved leave of absence should maintain a current password for their TDSB email account to ensure they may access communications that are sent from the Board.
- To return early from a pregnancy/parental leave, Teachers are required to provide their Principal with at least four (4) weeks notice, in writing, prior to the date of the expected return.
- To rescind an approved leave of absence a request must be submitted in writing to the appropriate Staffing Officer, Secondary Teaching Office, with a copy to the Principal. **Requests to rescind an approved leave of absence are not automatically granted.** Please contact your Staffing Officer for details.

Employee Benefit Coverage

As of April 01, 2017 TDSB Employee benefits were transferred to the OSSTF Employee Life and Health Trust (ELHT) benefit plan. Your benefit plan administrator is the Ontario Teachers Insurance Plan (OTIP). OTIP Benefits Services Representatives are available to assist you with benefit enrolment and ongoing benefit plan administration. You can also access and make changes to your benefits and submit claims through OTIP's secure member website at www.otip.com. For information about your benefit plan please contact OTIP Benefits Services at 1-866-783-6847.

Employees who are covered through the OTIP Employee Benefit Plans prior to the start of a leave, are eligible to continue coverage during the leave period. The monthly cost of retaining benefit coverage during a Pregnancy and/or Parental Leave is the same as if the employee were actively at work. For all other leaves, the Teacher must pay the full cost to maintain employee benefits.

Employees who are covered through the OTIP Employee Benefit Plans and where the request to teach **half time all year** has been approved, will have their benefit cost sharing arrangement adjusted accordingly. If opting out of benefits during this type of leave, please contact OTIP at 1-866-783-6847.

Upon notification of the approval of your leave application, OTIP will send you an email to your TDSB email address giving you the choice to continue, suspend or terminate benefits during the length of the leave.

If you have any questions, please contact the Employee Benefits Department at (416) 395-9642.

Long Term Disability Coverage

To obtain information on your long term disability coverage during your leave please contact Teachers' Life directly at (416) 620-1140.

Pension Plan Coverage

The Ontario Teachers' Pension Plan (O.T.P.P.) allows Teachers to purchase/contribute to ensure all credited service is counted toward pension payable.

According to O.T.P.P., selecting "Half Time All Year" is considered a voluntary reduction of workload and as such, is non-pensionable – buy back options are not available.

To obtain information on the pension plan during your leave please contact the O.T.P.P. directly at (416) 226-2700 or at www.otpp.com.

College of Teachers

Teachers are responsible for payment of their College of Teachers membership fees. As per Clause L26.4: "When a Teacher is not in receipt of regular earnings in the month in which the Ontario College of Teachers' fee is collected by the Board, the Teacher shall be responsible for making arrangements for payment of the Ontario College of Teachers' fee."

If you have any questions, please contact the Ontario College of Teachers at (416) 961-8800.