

MAYNE ISLAND IMPROVEMENT DISTRICT POLICY	
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PURPOSE: To outline the process by which members may request an approved unpaid leave of absence and return from leave of absence without going through a competitive application and testing process, while ensuring members that have been absent for extended periods of time are current in department guidelines and procedures and are adequately prepared to safely and effectively resume their duties.

SCOPE: All fire department personnel.

POLICY: Upon receiving notice, the Improvement District may grant an approved unpaid leave of absence to its members. On return from leave of absence, the returning member shall complete any re-entry requirements prior to returning to active service. The terms contained within this policy shall also apply to members under a suspension order (enforced absence) medical, or accident recovery leave.

DEFINITIONS: Approved Unpaid Leaves and Jury Duty (LOA) are those identified by *BC Employment Standards Act*, including - Pregnancy leave, Parental leave, Family responsibility leave, Compassionate care leave, Bereavement leave, Jury duty, and Reservists' leave.

Authority Having Jurisdiction (AHJ) is defined as the Mayne Island Improvement District Board of Trustees.

Corporate Finance Officer (CFO) is defined as the appointed corporate officer responsible for managing the department group benefits plan, designated by the (AHJ).

Full-time / Part-time employee is defined as being employees of the Improvement District paid by salary, hourly wages, or paid on call wages.

Pregnancy Leave and Sick Leave are defined as being covered by our benefits provider.

Medical and Sick leave terms will be set on a case-by-case basis, at the discretion of the Fire Chief in compliance with applicable labour standards regulations.

Voluntary Leave of Absence (VLOA) is defined as taking leave for more than thirty (30) days from department duties for purposes other than an

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approved unpaid leave of absence as defined by and in accordance with BC *Employment Standards Act*. Member benefits are not covered; and the member's enrollment with the District's group benefits plan(s) shall terminate on the effective date of the VLOA.

Away Without Leave (AWOL) is defined as taking leave for more than thirty (30) days from department duties without notice or leave request being provided to the employer. Member benefits are not covered; and the member's enrollment shall be terminated at the option of the District, not less than 30 days following the last recorded date the member worked.

PROCEDURE:

Request for LOA:

- 1.1 Members may request Leave of Absence for the purposes approved by BC *Employment Standards Act* or any other rare occurrence deemed appropriate by submitting a written request for approved leave to the Fire Chief, detailing the general reason for the request and return date, at least four weeks prior to the beginning of the requested leave period on the department form No. "5.05.01 Request for LOA".
- 1.2 Four weeks notice may be waived in the case a member is required to attend immediately to family matters, etc. but notice must still be given, in accordance with the BC *Labour Standards Act* and Regulations.
- 1.3 Members requesting an LOA for the purpose of medical recovery or illness shall submit a request in writing to the Fire Chief, including their medical practitioner's note of restriction from duty with a brief explanation of the medical issue and the estimated time off required, in accordance with the BC *Labour Standards Act*.
- 1.4 Members requesting a pregnancy or parental leave shall submit a request in writing to the Fire Chief, including the estimated time off required, in accordance with the BC *Labour Standards Act* part 6, section 50 - Pregnancy leave.
- 1.5 Full-time and part-time employees shall exhaust all available vacation time prior to beginning an unpaid LOA. In the case of a medical leave, sick time must also be exhausted prior to beginning an unpaid LOA.
- 1.6 When a leave of absence (LOA) is granted to a member, the member shall return all assigned department equipment; pager, radio,

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department uniform, etc. to the fire hall. The members assigned PPE must be checked off by a staff member and will be cleaned, held and re-distributed to the member upon return to active service.

- 1.7 The member away on approved LOA will maintain current status and rank in the department, providing they meet the department requirements prior to reinstatement to active service.
- 1.8 The member remains responsible for 50% of the premium of extended health care and dental benefits throughout the approved LOA period and shall remit payment of the premiums monthly where the member has insufficient paid on call earning credits.
- 1.9 Approval for LOA that are in accordance with BC Labour Standards Act definitions shall not be unreasonably withheld by the employer.

Return to Service:

2.1 Following an LOA it is the members responsibility to meet the return return to duty requirements. The member shall report for work no later than fourteen (14) days after the LOA expiration date. Should the expiration date on the LOA pass, the Fire Chief will take reasonable steps to contact or locate the absent member within the fourteen (14) days following the LOA expiration date.

If the member cannot be contacted within fourteen (14) days, or a mutually suitable agreement cannot be reached, the member shall be terminated and any outstanding amount of the member benefits premiums shall be deducted from their final pay.

2.2 Members returning from leave must complete, at minimum, the following requirements prior to returning to active status:

- participate in re-entry interview with department officers and;
- disclose any changes affecting drivers abstract or criminal record,
- for medical leaves;
 - provide a current dated medical practioners statement of fitness for duty using form No. 6.03.06 - Request for Medical Report,
- review training and lesson plans missed during the absence,
- review current policies and operational guidelines.

2.3 The Fire Chief reserves the right to approve or refuse re-entry to any returning member applicant who does not meet current minimum entry requirements.

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Voluntary Leave:

- 3.1 Members taking a VLOA for personal purposes such as seasonal work, traveling abroad, or absence from the department for personal reasons in excess of thirty (30) days shall be considered a temporary voluntary resignation of membership with the department. All member benefits shall terminate effective on the date of voluntary resignation.
 - 3.2 When a VLOA request is received, the member shall indicate the effective date of their VLOA and shall return all assigned department equipment; pager, radio, uniform, textbooks, etc. to the fire hall on or before the effective date.
 - 3.3 The member agrees that member benefits will cease on the effective date of voluntary resignation. The CFO will advise the member of any shortfall for member benefits premiums after calculating Paid on Call earning credits and the member shall ensure payment of all such premiums remaining unpaid, prior to taking leave of the department.
 - 3.4 Following a VLOA temporary voluntary resignation from the department, it is the individuals responsibility to submit a standard department volunteer application form to the Fire Chief.
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**REFERENCE: Employment Standards Act,
Employment Standards Regulation;**

Pregnancy Leave: A pregnant employee can take up to 17 consecutive weeks of unpaid leave. This leave may be extended by up to six weeks if she is unable to return to work for reasons related to the birth or termination of the pregnancy.

Parental Leave: A birth mother who has taken pregnancy leave is entitled to take up to 35 consecutive weeks of unpaid leave. A birth mother who has not taken pregnancy leave is entitled to take up to 37 weeks of unpaid leave.

A birth father or an adopting parent is entitled to take up to 37 consecutive weeks of unpaid leave. This leave may be extended by up to five weeks if the child requires an additional period of parental care.

Birth parents should try to give their employers at least four weeks written notice of their intention to take parental leave.

Family responsibility Leave: An employee can take up to five days of unpaid leave in each employment year to attend to the care, health or education of a child in the employee's care, or to the care or health of any other member of the employee's immediate family.

Compassionate Care Leave: An employee can take up to eight weeks of unpaid leave within a 26 week period to care for a gravely ill family member. The employee must obtain a medical certificate which states that the family member is gravely ill with a significant risk of death within 26 weeks.

Bereavement Leave: An employee is entitled to take up to three days of unpaid leave on the death of a member of the employee's immediate family. This leave may be for purposes other than to attend a funeral.

Jury Duty: An employee who is required to attend Court as a juror is considered to be on unpaid leave for the period of the jury duty.

Reservists' Leave: An employee who is a reservist is entitled to take unpaid leave while deployed to a Canadian Forces operation, including pre-deployment and post-deployment activities, or while deployed to assist with an emergency.

Employees are expected to give their employers as much notice as possible and provide sufficient information for their employers to understand the reason for the leave. Employees are not required to give notice in writing or disclose personal or private information.

An employer may not terminate an employee or change a condition of employment, without the employee's written consent, because of a leave or pregnancy.

- Fire Department Standard Operating Guidelines -

3.01.01 - Volunteer Fire Fighters

5.01.02 - Paid Call Firefighter Job Description

Form 5.05.01 Request for LOA

Passed by motion of the Board of Trustees <hr/> Improvement District Chair Date of Issue: <u>July 13, 2015</u>	This policy replaces: <u>n/a</u> Issued on: <u>n/a</u>
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