

# Mayne Island Improvement District

## Leave of Absence (LOA) Policy

### PURPOSE

To outline the process by which employees may request an approved unpaid leave of absence and return to their previous position, while ensuring that employees who have been absent for extended periods are adequately prepared to resume their duties.

### SCOPE

All Full time and part time employees, for the purposes of this policy not including Paid-on-Call (POC) firefighters.

### POLICY

Upon receiving notice, the Improvement District may grant an approved unpaid leave of absence to its employees. On return from an approved leave of absence, the returning employee shall return to their previous position but may be required to complete any re-entry requirements prior to returning to their duties.

### DEFINITIONS

**“Benefits”** are insured benefits secured by MIID: Extended Health, Dental, Life, 24-hour On Duty/Off Duty, EAP and AD&D.

**“Employee”** is defined as all regular full-time and part-time employees.

**“Employer”** is defined as the decision maker(s) responsible as follows:

- a) Trustees: the elected MIID Trustees for requests by the Fire Chief or CAO
- b) Fire Department: the Fire Chief for requests by the Deputy Fire Chief and on-call fire fighters. **Note: Refer to Leave of Absence SOG for Paid-on-Call firefighters.**
- c) MIID Administration: the Corporate Administrative Officer (CAO) for requests by the Administrative Assistant and contractors.

**“Leave of Absence”** (LOA) is defined as taking an unpaid leave for more than thirty (30) days which is either:

- a) Discretionary - applied for and approved at the discretion of the Employer; or
- b) Job-protected and non-discretionary - defined by and in accordance with the protected jobs for leaves under the *BC Employment Standards Act* (ESA)

**“Unauthorized Leave”** - also called Away Without Leave (AWOL) may result in termination, and is defined as:

- a) taking leave for more than **five (5) days** from duties without Employer approval of a written leave request; or
- b) Taking unapproved leave for a reason other than those covered under an ESA job-protected list (see 1.6).

# Mayne Island Improvement District

## Leave of Absence (LOA) Policy

### PROCEDURE

#### 1.1 LOA REQUESTS

Employees may request Leave of Absence for the purposes approved by the *BC Employment Standards Act* or any other rare occurrence deemed appropriate by submitting a written request for approved leave to the designated Decision Maker.

The request must:

- a) indicate the general reason for the request, and return date.
- b) be submitted at least four weeks prior to the beginning of the requested leave period.  
Note: this four-week notice requirement may be waived if the employee could not have reasonably predicted the need for leave, or where the BC Labour Standards Act and Regulations indicate a different notice requirement. In all cases the employee is expected to provide as much advance notice as possible.
- c) indicate if the employee is requesting approval by the Trustees to continue benefits through advance payment of 100% of insured benefits premiums (See 1.2)

The Employer will respond as soon as practical and will not unreasonably deny discretionary requests.

#### 1.2 BENEFITS - IMPACT OF LOA

Benefit coverage may be continuous or interrupted as follows:

- a) Continuous Benefits: The employee, with approval by a vote of the Trustees, may opt to provide advance monthly payments for **100% of the cost of insured benefit premiums** for the duration of their absence, including the first 30 days of absence.
- b) Interrupted Benefits: Otherwise, enrolment with the District's group benefits plan(s) shall terminate on the effective date of the LOA or on payment default. Upon return to work, the terminated benefits will be reinstated subject to the provider's 6-month waiting period.

If approved by the MIID Trustees, the employee may continue benefits coverage by prepaying 100% of the premiums throughout the approved LOA period and shall remit advance payment of the premiums monthly.

#### 1.3 VACATION or SICK LEAVE BEFORE LOA

Employees shall exhaust all available banked time prior to beginning an unpaid LOA, as follows:

- a) Vacation banks, if the leave is for discretionary reasons other than illness or injury;
- b) Sick banks, if the leave is for illness or injury, but not a WCB claim.

#### 1.4 EXTENSIONS

Employees will notify the Employer as early as possible of any anticipated need to extend the duration of an approved leave. Approval will not be unreasonably denied.

# **Mayne Island Improvement District**

## **Leave of Absence (LOA) Policy**

### **1.5 PARTIAL LEAVE**

In exceptional circumstances consideration will be given to requests for partial leaves to work less than a normal schedule for a specified duration. Approval will be subject to operational needs and within WCB or other legal obligations for light duties or gradual return to work situations.

### **1.6 SPECIFIC TYPES OF LEAVE**

a) Illness or Injury Leave (also called Sick Leave) - as per individual contracts of employment.

Specifically,

- Up to 5 paid days and 3 unpaid days each calendar year for non-WCB sick leave.
- Terms for longer absences will be on a case-by-case basis and in accordance with legal and contractual requirements.
- Regular employees must exhaust banked sick leave prior to requesting an LOA for the purpose of medical recovery or illness.
- Employees may be required to support their request for leave, and/or return from leave, with a note from their medical practitioner indicating the nature of illness or disability the estimated time off required, and subsequently the ability to return to work and limitations on the full job that may indicate light duties or graduated return.

b) Employment Standards Act Leaves of Absence - for details refer to website <https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/time-off/leaves-of-absence>

c) Any other leaves provided in the employee's Contract of Employment.

### **2. RETURN TO SERVICE**

Following an LOA it is the employee's responsibility to meet the return to their position requirements. The employee shall report for work no later than fourteen (14) days after the LOA expiration date. Should the expiration date on the LOA pass, the Employer will take reasonable steps to contact or locate the absent employee within the fourteen (14) days following the LOA expiration date.

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