

Number:	RHR-212
Title:	Annual, Statutory and Other Leave
Person responsible for enforcement:	Vice-Rector, Administration
Entered into force:	September 23, 2015
Approved:	September 23, 2015 by the Council of Administration <i>This document replaces all previous regulations on this subject.</i>
Exception:	No exception to this regulation without prior written authorization from the Council of Administration

In this document, the masculine form is used without prejudice and for conciseness purposes only.

1. Objective

Provide a competitive total compensation package.

Unless it is specifically stated otherwise, this regulation applies only to regular employees who hold a full-time support or management position.

2. Definitions

For the purposes of this regulation:

Continuous service

The period during which an employee receives a base or partial salary without a break in employment.

Date of seniority

The date recognized as being the first day of full-time regular employment. An employee who returns to the University less than 13 weeks after having left it will see his original date of seniority recognized.

Leave without pay

An authorized leave of at least ten working days during which a member does not receive a salary.

Spouse

Person to whom the employee is married or with whom he has lived for at least one year, and who has been declared to Human Resources Service as spouse.

Reasonable grounds

An event beyond the employee's control that prevents him from coming to work (examples: illness, injury, medical emergency, a death, etc.). The employee is responsible for demonstrating that he had reasonable grounds for being absent from work.

Compensatory leave

Leave that replaces a statutory holiday. Employees who take compensatory leave have the right to be paid for statutory holidays.

3. Forms and Statements

It is up to administrative staff and deans of Faculties to authorize absences and overtime hours for their employees and to ensure that the present regulations are respected.

4. Grandfathering

In the case of a demotion, the employee will keep the accumulation rate of annual leave that he had before the demotion, but all subsequent increases in the accumulation rate will be made on the basis of the classification of the new position he occupies.

5. Regulation

5.1 Annual leave

- a) A regular member of the support staff has a right to annual paid leave according to Table A. A regular "management" employee has a right to annual paid leave according to Table B.
- b) An employee who at April 30 has not completed one year of continuous service will be granted a leave proportional to the length of his service.
- c) Vacation leave is calculated on the previous fiscal year, which is from May 1 to April 30. Leave must be taken during the year in which the employee is granted it. Each employee must take at least one period of two weeks annual leave or two one week periods of annual leave per year.
- d) The supervisor has the right to determine the period during which the person can take his annual leave. Where possible, this determination must take into account the wishes expressed by the employees.
- e) An employee can automatically defer up to one work week in annual leave. In exceptional cases, an additional request to defer can be granted. Such a request must be submitted to Human Resources by the supervisor. All unused accumulated days of annual leave that exceed the authorized number will be automatically lost.
- f) Each administrative unit must establish a process for organizing annual leave. If there is a conflict among the staff and the employees are not able to come to an agreement, seniority will be the deciding factor.
- g) During the hiring process, certain conditions may be negotiated. In this context, the employment contract must specify precisely the number of days of annual leave that will be authorized for the current year and for the following year. No exception can be negotiated without the previous agreement of Human Resources or the Vice-Rector, Administration.

5.2 Statutory holidays

Statutory holidays are:

- New Year's Day;
- Family Day;
- Good Friday;
- Easter Monday (non-legislated)
- Victoria Day;
- Civic holiday in August (non-legislated)
- Canada Day;
- Labour Day;
- Thanksgiving;
- Christmas;
- Boxing Day.

Employees who occupy a regular position for an undetermined period have a right to these holidays except in the following cases:

- a) the employee does not carry out the full day of work that is part of his schedule the day before the holiday and the day after the holiday without giving a reasonable explanation;
- b) the employee who agreed to work or who was required to work did not put in his full workday on the actual holiday.

Remuneration: Under the Ontario *Employment Standards Act*, a member of the support staff who is entitled to legislated statutory holidays and who is asked to work and consents in writing has two options:

- a) the employee receives his normal salary for all the hours worked on the holiday and another day of paid leave. This compensatory leave must be taken within the three months following the holiday or, if the employee agrees in writing, in the 12 months following the statutory holiday;
- b) the employee receives one and a half (1.5) times his base salary for all hours worked on the statutory holiday. In this case, the employee is not entitled to compensatory leave;
- c) the method of payment must be established before the holiday, by authorized persons within the administrative unit, along with the employee;
- d) persons who occupy a contractual position for a limited period are not eligible for non-legislated holidays.

Regular part-time employees or employees who occupy a research assistant position or a position subsidized by a program will be subject to the following requirements to determine the remuneration to which they are entitled: add all the normal salary earned and all the vacation pay payable during the four weeks of work preceding the week during which the statutory holiday falls, and divide this amount by 20.

5.3 Paid Christmas Leave

Employees are entitled to paid leave during the period beginning on December 23 at 4:00 p.m. (or the usual time of the work schedule) and ending on January 3 at 8:00 a.m. (or the regular time for starting work). If January 3 is a Saturday or Sunday, the return to work takes place at 8:00 a.m. on the first working day following.

5.4 Special Paid Leave

All special paid leave requires written authorization from the person in charge of the administrative unit.

Employees have the right to paid leave:

- of five (5) working days following the death of a close relative, whether mother, father, sister, brother, husband or wife, child, mother-in-law or father-in-law;
- of one (1) working day in the case of the death of a person having with himself or with his spouse the following family relationship: sister-in-law, brother-in-law, son-in-law, daughter-in-law, grandparent, uncle or aunt,
- if the funeral takes place more than 320 kilometres from Ottawa, an extra day will be granted to allow him to attend;
- of three (3) working days on the occasion of his marriage;
- of two (2) working days for the birth of his child;
- of one (1) working day for moving.
- an annual maximum of four (4) working days for any other event considered exceptional, except those for which a predetermined length of leave is specified in the preceding articles.

Events considered exceptional include certain family emergencies or obligations such as providing temporary care to a sick family member, taking a dependent family member to a doctor's or dentist's appointment if this person is unable to get there on their own, appointments with school officials. The employee must make every reasonable effort to keep these types of absences to a minimum.

In addition to special paid leave described above, employees may also take unpaid leave, according to the *Employment Standards Act*, for one of the following reasons: a personal illness, injury or medical emergency; death, illness, injury or medical emergency of a close relative or dependent; or an urgent matter that concerns a close relative or dependent.

A maximum of ten (10) working days per year may be taken in this way, each half-day being considered a full workday. Reasonable proof of circumstances related to these leaves will be provided to the supervisor.

5.5 Family leave for medical reasons

Unpaid family leave for medical reasons of up to eight calendar weeks is granted to provide care or support to a close relative, if a qualified medical practitioner provides a certificate stating that the person is seriously ill and that there is a major risk of death within 26 weeks or less.

5.6 Unpaid leave

All requests for unpaid leave for a maximum period of one (1) year must be made in writing to the person in charge of the administrative unit two months before the expected date of departure and must be approved by the Vice-Rector, Administration. One copy of the request should also be sent to Human Resources.

During the leave, the position will remain open or can be occupied temporarily by a replacement. Upon his return, the employee will be reinstated into his position or will be transferred to another position that is as equivalent as possible.

Unpaid leave will not be granted to an employee who has less than one (1) year of continuous service.

A request for unpaid leave may be granted in particular for the following reasons:

- professional or cultural development;
- academic, artistic or technical studies;
- personal health or family member's.

Authorization for unpaid leave will take into account the following criteria:

- the recommendation of the immediate supervisor;
- the reason of the leave;
- the length of the leave;
- the employee's continuous length of service;
- the length of service expected after the return to work;
- the possibility of finding, on a temporary basis, a competent replacement;
- performance

The employee who takes an unpaid leave can continue to participate in the various benefits plans, except for the pension plan, by advising Human Resources in writing 60 days before the leave begins and by committing to pay the full cost before his departure (employer's and employee's contributions).

During an unpaid leave, the employee is not eligible for:

- various types of leave outlined in the present regulation;
- sick leave;
- the tuition exemption program (for the employee or for his spouse or dependents).

The employee who benefits from an unpaid leave of more than 10 consecutive or non-consecutive days in one year will not accumulate annual vacation days during the period of unpaid leave.

The employee who is on unpaid leave for medical reasons must present to Human Resources a medical certificate stating that his health allows him to return to work.

Advancement will be recognized in proportion to the period of unpaid leave. Advancement will be granted to an employee who occupies a full-time regular position when activities during this leave are recognized as being experience or studies relevant to the position occupied at the University. A written document presenting the details justifying the recognition must be submitted to the Vice-Rector, Administration for study. The decision will be made by the Executive Committee.

5.7 Court leave

Paid leave is granted to any employee who is required to serve on a jury or to appear as a witness before a court of law or before any judicial or statutory body in Canada that has the power to require the presence of witnesses.

Payment received during court attendance leave will be reduced by the full amount paid by the court for attendance.

5.8 Leave to attend mandatory religious services

Leave without pay will be granted in order to allow the employee to attend a mandatory religious service, in keeping with the principles of accommodation under the Human Rights Code.

Tables A and B: Vacation based on employment category

	Period	Number of days
<u>Table A</u> Support staff	After 12 months of continuous service	15 days
	After 4 years of continuous service	16 days
	After 5 years of continuous service	17 days
	After 6 years of continuous service	18 days
	After 7 years of continuous service	19 days
	After 8 years of continuous service	20 days
	After 14 years of continuous service	21 days
	After 15 years of continuous service	22 days
	After 16 years of continuous service	23 days
	After 17 years of continuous service	24 days
	After 18 years of continuous service	25 days
	After 25 years of continuous service	30 days
<u>Table B</u> Managers	After 12 months of continuous service	20 days
	After 5 years of continuous service	23 days
	After 10 years of continuous service	26 days
	After 15 years of continuous service	28 days
	After 20 years of continuous service	30 days
	After 25 years of continuous service	35 days