

HUMAN RESOURCES

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Human Resources
Management

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Policy on Leaves of Absence (CAN)

I. Purpose and Scope

This policy provides general information on the types of leaves of absence that may be available to employees of Northeastern University (the "university"). This policy also provides general information about certain terms that apply to each type of leave of absence.

The applicable employment standards legislation will govern in the event of any conflict between such legislation and the information contained herein. The administration of all statutory leaves will be as is required under the applicable employment standards legislation.

The policy does not address workers' compensation.

II. Definitions

For the purposes of this policy:

spouse means either of two persons who:

- (a) are married to each other; or
- (b) live together in a conjugal relationship outside marriage.

week means a period of seven (7) consecutive days beginning on a Sunday and ending on a Saturday.

III. Policy

a. Types of Leave Available

This university offers the following Leaves of Absence for employees, in accordance with applicable employment standards legislation.

1. Pregnancy/Maternity Leave
2. Parental Leave
3. Family Caregiver Leave (Ontario)
4. Family Medical Leave/Compassionate Care Leave
5. Reservists' Leave
6. Other Statutory Leaves
7. Personal Leaves
8. Faculty Leaves

At the end of a statutory Leave of Absence, the employee will be returned to his or her former position, if it is still available, or, if not, to a comparable position.

b. General

i. Pay while on Leaves

Leaves of Absence are unpaid absences from employment at the university, subject to applicable employment standards legislation. Depending on the type of leave, employees may choose to use accrued sick and vacation time to remain in a paid status during a leave, but they are not required to do so.

ii. Benefits while on Leaves

Subject to applicable employment standards legislation, during any statutory leave, an employee will continue to participate in any type of benefit plan (including pension plans, life insurance plans, accidental death plans, extended health plans, dental plans, or any other prescribed type of benefit plan) unless he or she elects in writing not to do so or, where the cost of the benefit plan is paid by both the university and the employee, the employee elects in writing not to continue to pay their share of the cost.

Consequently, employees should make the applicable arrangements in advance with HRM Benefits. The Tuition Waiver program will be limited to covered dependents if a Leave of Absence exceeds 30 days.

c. Leave Descriptions

1. Pregnancy/Maternity Leave

Employees are eligible for an unpaid pregnancy leave of up to seventeen (17) weeks if their period of employment with the university before the expected birth date meets the qualifying period set out in applicable employment standards legislation. In Ontario, an employee must have worked at least thirteen (13) weeks prior to the due date (not actual date) of the baby's birth. Employees can start pregnancy leave any time during the seventeen (17) weeks (or any other period provided under applicable employment standards legislation) before the baby is due. The pregnancy leave must be taken all at one time. Absence for illness, even if caused by pregnancy, is not counted toward pregnancy leave. If possible, employees must provide written notice of at least two (2) weeks before the start of pregnancy leave and include a doctor's letter stating that she is pregnant and the expected date of birth.

Prior to commencing a pregnancy leave of absence, employees should contact HRM Benefits and schedule a meeting to review the pregnancy leave policy and their options for benefit coverage and pay. Employees must also complete a Leave of Absence application. Employees on a pregnancy leave may be eligible to claim benefits through Canada's Employment Insurance plan. Employees are encouraged to contact their nearest Human Resources and Social Development Canada office before their leave in order to obtain eligibility and application information.

The employee will be reinstated into their former assignment or to a reasonably equivalent assignment upon completion of a pregnancy leave.

2. Parental Leave

Employees whose period of employment with the university, prior to the date on which parental leave is to begin, meets the qualifying period set out in applicable employment standards legislation, are eligible for unpaid parental leave. In Ontario, an employee must have worked at least thirteen (13) weeks prior to the date on which parental leave is to begin. A birth mother is entitled to take parental leave in addition to pregnancy leave. Birth mothers who take pregnancy leave are entitled to take up to sixty-one (61) weeks of parental leave, usually beginning right after their pregnancy leave ends. Birth mothers who do not take pregnancy leave and all other new parents can take up to sixty-three (63) weeks, in Ontario, or sixty-two (62) weeks, in British Columbia, of parental leave, beginning no later than seventy-eight (78) weeks after the date the child was born or came into their custody, care and control for the first time. Parental leave must be taken all at one time.

If possible, employees must provide at least two (2) weeks' written notice before the start of parental leave. Employees may, but are not required to, indicate how much parental leave they plan to take. Absent such notification, it will be assumed that the employee will be on leave for the full period provided by statute. Subject to applicable employment standards legislation, an employee is required to give four (4) weeks' written notice if they want to change their return to work date to a date earlier or later than scheduled.

Employees on a parental leave may be eligible to claim benefits through Canada's Employment Insurance plan. Employees are encouraged to contact their nearest Human Resources and Social Development Canada office before their leave in order to obtain eligibility and application information.

3. Family Caregiver Leave (Ontario)

Employees may be entitled to eight (8) weeks of unpaid family caregiver leave to provide care or support to certain family members in respect of whom a qualified health practitioner has issued a certificate stating that he or she has a serious medical condition.

For the purposes of this leave, "care or support" includes, but is not limited to, providing psychological or emotional support, arranging for care by a third-party provider, or directly providing or participating in the care of the family member. Family caregiver leave may be taken for any of the following individuals:

- the employee's spouse
- a parent, step-parent or foster parent of the employee or the employee's spouse
- a child, stepchild or foster child of the employee or the employee's spouse
- a grandparent or step-grandparent of the employee or the employee's spouse
- a grandchild or step-grandchild of the employee or the employee's spouse
- a spouse of a child of the employee
- a brother or sister of the employee
- a relative of the employee who is dependent on the employee for care or assistance.

If possible, the employee should inform HRM Benefits in writing that he or she will be taking a family caregiver leave. If the employee has to begin the leave before providing such notification, he or she must inform HRM Benefits as soon as possible in writing after starting the leave.

The eight (8) weeks of a family caregiver leave do not have to be taken consecutively. An employee may therefore take a single week of leave at a time. However, if an employee takes only part of a week off work as family caregiver leave, it is still counted as a full week of leave.

The employee does not have to have the medical certificate before he or she can start the leave, but a certificate naming the family members and confirming that he or she has a serious medical condition must be obtained. If a medical certificate is never issued, the employee will not be entitled to family caregiver leave. The university is entitled to ask an employee for a copy of the medical certificate. If such a request is made, the employee will be required to provide the copy of the medical certificate as soon as possible after the university's request.

4. Family Medical Leave/Compassionate Care Leave

Employees may be entitled to up to twenty-eight (28) (twenty-seven (27) in British Columbia) weeks (the "Leave Period" of unpaid family medical leave/compassionate care leave to provide care or support to certain family members who have a serious medical condition with a significant risk of dying within twenty-six (26) weeks. Family medical leave may be taken for any of the following individuals:

- the employee's spouse
- a parent, step-parent or foster parent of the employee or the employee's spouse
- the employee's brother, stepbrother, brother-in-law, stepbrother-in-law, sister, stepsister, sister-in-law or stepsister-in-law
- a child, stepchild, foster child, son-in-law or daughter-in-law of the employee or the employee's spouse
- a grandparent, step-grandparent, grandchild or step-grandchild of the employee or the employee's spouse
- the employee's father-in-law, step-father-in-law, mother-in-law or step-mother-in-law
- an uncle, aunt, nephew or niece of the employee or the employee's spouse
- the spouse of the employee's grandchild, uncle, aunt, nephew or niece
- any other person who considers the employee to be like a family member.

In order to qualify for family medical leave, an employee must obtain a certificate from a qualified health practitioner stating that the specified family member has a serious risk of death occurring within a period of twenty-six (26) weeks or less. The university is entitled to ask an employee for a copy of the medical certificate.

If possible, an employee should notify HRM Benefits in writing that they will be taking the leave. If the employee is required to take the leave before advising HRM Benefits, they must notify HRM Benefits as soon as possible. Employees on a family medical leave may be eligible to claim benefits through Canada's Employment Insurance plan. Employees are encouraged to contact their nearest Human Resources and Social Development Canada office before their leave in order to obtain eligibility and application information.

The Leave Period does not have to be taken consecutively. An employee may therefore take a single week of leave at a time. However, if an employee takes only part of a week off work as family medical leave, it is still counted as a full week of leave.

The earliest an employee may start family medical leave is the first day of the week in which the twenty-six (26) week period identified on the medical certificate begins. The latest day an employee can remain on leave is the earliest of: (a) the last day of the week in which the family member dies, (b) the last day of the fifty-two (52) week period starting on the first day of the week in which the twenty-six (26) week period begins, or (c) the last day of the Leave Period. While more than one employee may take the leave to care for the same individual, the total amount of time taken by such employees must not exceed the Leave Period during the fifty-two (52) week period.

In certain circumstances, family medical leave may be extended. If an employee has taken a family medical leave to care for a family member who has not passed away within the fifty-two (52) week period referred to above, and a health practitioner issues another certificate stating that the family member has a serious medical condition with a significant risk of death within twenty-six (26) weeks, the employee would be entitled to an additional family medical leave. As long as a health practitioner continues to issue additional certificates, an employee will be entitled to additional leaves with respect to the same family member.

5. Reservists' Leave

Employees who are reservists and who are deployed to an international operation or to an operation within Canada that is or will be providing assistance in dealing with an emergency or its aftermath (including search and rescue operations, recovery from national disasters such as flood relief, military aid following ice storms, and aircraft crash recovery) are entitled to unpaid leave for the time necessary to engage in that operation. In the case of an operation outside Canada, the leave would include pre-deployment and post-deployment activities that are required by the Canadian Forces in connection with

that operation. If an employee is ordered to active duty for a period of two weeks or less, the university will make up the difference, if any, between the employee's military pay and the employee's regular wages.

Employees in British Columbia who are reservists are also entitled to leave of up to twenty (20) days per calendar year, for the purposes of Canadian Forces training activities or travelling to or from the location of those activities.

In Ontario, in order to be eligible for reservist leave, the employee must have worked for the university for at least six (6) consecutive months.

The employee must provide reasonable written notice of the day on which they will begin and end the leave. Employees on a reservist leave are entitled to be reinstated to the same position if it still exists or to a comparable position if it does not. Subject to applicable employment standard legislation, the university is entitled to postpone the employee's reinstatement for two (2) weeks after the day on which the leave ends or one (1) pay period, whichever is later.

6. Other Statutory Leaves of Absence

In addition to the foregoing, the university also provides all other leaves of absence in accordance with the applicable employment standards legislation, including, in Ontario, Organ Donor Leave and Child Death Leave, and Crime-Related Child Disappearance Leave. Should you require further information about these leaves, please contact HRM Benefits.

7. Personal Leave of Absence

Subject to the discretion of the employee's department head and approval by HRM, staff members may seek a non-statutory Personal Leave of Absence.

Absences for less than five days must be approved by and are administered directly by an employee's department head. Non-statutory Personal Leaves of Absence for more than five days must also be approved by HRM Benefits. Non-statutory Personal Leaves of Absence of more than one month are permitted only under extenuating circumstances. Such leaves require approval by your department head, your academic dean or vice-president, and HRM Benefits.

During a non-statutory Personal Leave of Absence that is one month or longer in duration:

- Sick time will not accrue;
- Group medical and dental will continue, provided the employee continues to make the required contribution to these plans;
- University contributions to the employee's retirement plan, if applicable, will cease and;
- Tuition waiver benefits will cease.

To apply for the leave, employees must complete a Leave of Absence application, obtain their department head's approval for the leave, and return both the form and the approval to HRM Benefits for final approval.

8. Faculty Leaves

Any questions regarding faculty leaves should be addressed to the faculty member's supervisor. It is important that faculty let HRM Benefits know when they are going on one of the faculty leaves. Faculty must contact HRM Benefits if they are entitled to continuation of benefits during their leave.

IV. Additional Information

When the need for leave is foreseeable, the employee must apply for and be approved in advance of the leave begin date. As much notice as is practical should be given.

Leaves of absence are unpaid; however, employees may be eligible to receive pay for their leave using accrued sick time if on an approved medical leave. If eligibility requirements have been met, interim disability benefits may be available. Approved leaves may also use accrued vacation time if available.

Please refer to the [Human Resources website](#) for complete guidelines on these related programs:

- Disability Benefits Program
- Sick Leave
- Vacation Time

V. Contact Information

HRM Customer Service Center: 617-373-2230; HRMInfo@northeastern.edu