

## LEAVE WITHOUT PAY PROCEDURES

This procedure is governed by its parent policy. Questions regarding this procedure are to be directed to the identified Procedure Administrator.

<b>Functional Category:</b>	Human Resources
<b>Parent Policy:</b>	Attendance Management Policy
<b>Approval Date:</b>	August 30, 2012
<b>Effective Date:</b>	August 1, 2012
<b>Procedure Owner:</b>	President and CEO
<b>Procedure Administrator:</b>	Director, Work Force Development and Human Resources

### Overview:

Leaves of absence without pay may be granted to an employee, in accordance with the appropriate collective agreement or terms and conditions of employment, at the sole discretion of NorQuest College (College) and where operational requirements permit. The administration of these leaves is outlined in the procedures below.

Authority to establish this procedure is derived from the [NorQuest College Board of Governor's Policy No.5](#) which delegates authority to the President and CEO to establish policies and procedures for the College's management and operation.

### Procedures:

#### Requesting a Leave Without Pay

Employees occupying a Permanent or Term position may request a leave of absence without pay, recognizing that their first responsibility is to the performance of their job, unless unusual or unforeseen circumstances arise.

Employees requesting a leave without pay are to complete an [Application for Leave Without Pay \(HR 143\)](#), including the dates and the reason for the leave, and submit the application to their Manager.

#### Granting Leave Without Pay

The following guidelines are to be applied when granting a leave of absence without pay:

- for a leave of less than six weeks:
  - as operational requirements permit.
- for a leave of six weeks or more:
  - as operational requirements permit; and
  - the employee:
    - has completed one year of employment,
    - provides adequate notice as outlined in their collective agreement or terms and conditions of employment,
    - is not employed elsewhere during the leave, except under special circumstances approved by an Executive Head
    - intends to return to active work with the College for a minimum of two weeks, and
    - is not requesting a leave beyond the end date of their Term expiry date.
- Once leave without pay is approved and scheduled, employees will not be allowed to change their booked time except:
  - by the Manager if there is an operational emergency, or
  - by mutual agreement.

### **Authority for Approvals of Leaves Without Pay**

- “Executive Heads” have the authority to approve all leaves without pay. Executive Head approval is specifically required for leaves of three (3) months or longer.
- “Division Heads” have the authority to approve, or delegate approval to a manager, leaves without pay up to three (3) months.
- “Managers and Non-Manager Supervisors” have the authority to approve leaves without pay up to ten (10) days.

### **Conditions While on Leaves Without Pay**

#### Vacation

- Employees must utilize their vacation days prior to taking leaves without pay.
- Employees will not earn vacation while on leave without pay except as outlined in the collective agreements and terms and conditions of employment.

#### Paid Days

- Employees while on leave without pay are not eligible for paid leaves (i.e. sick leave, personal & emergency, etc.).
- Employees are eligible for paid holidays when they return to work the day before or the day after a paid holiday. However when the paid holiday falls on the first workday of a month the employee must work the day after to receive pay for that day.

#### Benefits Plan

- Where an employee is granted a leave without pay for greater than two (2) full pay periods Employee Services will provide the employee with the Leave without Pay Agreement (HR139) to complete. This Agreement allows the employee to choose to either continue or discontinue in the Benefits Plan during their leave.
- Where an employee chooses to continue in the Benefits Plan:
  - they may choose to have the full amount of benefits deducted from their final cheque prior to their leave, or
  - they may choose to provide the College with postdated cheques dated the 1st of each month during the leave. Cheques must be received prior to the start of the leave.
  - For information on employee/employer premium payments and timing refer to your collective agreement or terms and conditions of employment.
- If at any time during their leave the employee allows payment of premiums to lapse; benefits will be suspended immediately until such time as the employee submits the required payment. Any outstanding balance owing upon return to work will be deducted from the employees next pay cheque without further notice.
- Where an employee chooses to discontinue participation in the Benefits Plan, they must, two weeks prior to the leave, sign and submit to Workforce Development & Human Resources (WDHR) the Request to Discontinue College Benefits Form (HR140).
- Where a leave without pay is granted for more than one year, the

Employee Services department must complete a Request for Leave of Absence Approval Form (beyond 12 months) (HR127) and submit it to the benefit carriers to receive approval for the employee to continue in the benefit plans.

### **Resignation**

When an employee resigns while on a leave of absence without pay, the date of termination will be the date the employee's division receives notification that the employee is resigning.

### **Administrative Procedures**

#### For leaves less than three (3) months

- The approver should submit the approved application (HR143) to Finance, the Payroll Unit.
- The Payroll Unit will set up the leave without pay.
- If the leave is for more than two full pay periods, the Payroll Unit will forward the HR143 to Employee Services who will provide the employee with a Leave without Pay Agreement (HR139) and the Request to Discontinue College Benefits form (HR140) for completion and return to Employee Services.
- Employee Services will then advise the Payroll Unit to continue or suspend benefits.

#### For leaves more than (3) months

- The approver should submit the approved application (HR143) to WDHR, the Employee Services Department.

Employee Services will provide the employee with a letter advising that their leave has been approved. Employee Services will also provide the employee with the Leave without Pay Agreement (HR139) and the Request to Discontinue College Benefits Form (HR140) for completion and return to Employee Services. They will advise the Payroll Unit to set up a Leave without Pay on payroll and to continue or suspend benefits.

### **Returning from a Leave Without Pay**

- The employee's position, or a comparable one, will be held for an employee while on an approved leave without pay.
- Where an employee, approved for a leave without pay greater than two full pay periods, wishes to return early from their leave, they may do so providing they provide two weeks written notice to the Division Head.

<b>Definitions:</b>	<p><b>Division Head:</b> means anyone who manages a division. Division Head is responsible for a division reporting directly to an Executive and normally includes Deans and Directors</p> <p><b>Executive Head:</b> means anyone who manages groups of divisions. Executive Managers can include vice-presidents or the president</p> <p><b>Leave of Absence Without Pay:</b> means a period of time away from work for which employees are not paid</p> <p><b>Manager:</b> means anyone classified as a Manager and manages a division, department, or unit. Managers can include senior managers, deans, directors, vice-presidents or the president</p> <p><b>Paid Holiday:</b> means a statutory holiday and any other day designated as a paid holiday within the collective agreements and terms and conditions of employment</p> <p><b>Permanent Position:</b> means a position designated by the College as continuing to meet the ongoing operational requirements of NorQuest’s core programs. A permanent position may be Full-time or Part-time of not less than ½ time.</p> <p><b>Supervisor:</b> means an employee whose job function requires him/her to organize, direct and control the work of others. Supervisors can include team leads, chairs, associate chairs, managers, deans, directors, vice-presidents, or president.</p> <p><b>Term Position:</b> means a position designated by the College as a project or replacement position or term-certain for other specified reasons, having a set expiry date. A term position shall be at least six (6) months in duration and may be Full-time or Part-time of not less than ½ time.</p>
<b>Related Information:</b>	<ul style="list-style-type: none"> <li>• <a href="#">Attendance Management Policy</a></li> <li>• <a href="#">Attendance Management Roles and Responsibilities Procedure</a></li> <li>• <a href="#">AUPE Collective Agreement</a></li> <li>• <a href="#">Faculty Collective Agreement</a></li> <li>• <a href="#">Management Terms and Conditions</a></li> <li>• <a href="#">Out of Scope Employees Terms and Conditions</a></li> <li>• <a href="#">Vacation Management Procedure</a></li> </ul>
<b>Related Documentation:</b>	<ul style="list-style-type: none"> <li>• <a href="#">Application for Leave Without Pay (HR 143)</a></li> </ul> <p>Leave without Pay Agreement (HR139) “WDHR will provide this form when required”.</p> <p>Request to Discontinue College Benefits Form (HR140) “WDHR will provide this form when required”.</p> <p>Request for Leave of Absence Approval Form (beyond 12 months) (HR127) “WDHR will provide this form when required”.</p>
<b>Next Review Date:</b>	July 2015
<b>Revision History:</b>	<p>August 2012: New</p> <p>August 2013: update for document links and branding</p> <p>November 2014: update for change in procedure owner</p> <p>September 2015: update document links</p>