

**LEGISLATIVE ASSEMBLY OF BRITISH COLUMBIA
POLICY MANUAL**

SECTION	Human Resources
POLICY	4330 – Leaves

Objective

To set out paid and unpaid leave available to employees that are in addition to or beyond the minimum requirements set out in Part 6 of the *Employment Standards Act* (R.S.B.C. 1996, c. 113).

Vacation leave, education leave, and sick leave and disability benefits are addressed in separate policies and documents.

Please refer to the *Overview of Leaves Table* which outlines pay status, eligibility, length, and approval required for each leave type.

Application

This policy applies to all employees of the Legislative Assembly appointed under section 39 of the *Constitution Act* (R.S.B.C. 1996, c. 66).

Authority

Legislative Assembly operational policies are approved by the Clerk of the Legislative Assembly, as per *Policy 1000 – Legislative Assembly Policy Framework*.

Key Definitions

“**child**” means a child of an employee, or the employee’s spouse, including a child over 18 years of age who lives in an employee’s household and is permanently dependent due to mental or physical impairment;

“**department head**” means the director (or equivalent) of a Legislative Assembly department;

“**designated athletic event**” means the Canada Games, the Commonwealth Games, the North American Indigenous Games, the Olympic Games, the Pan American Games, or the Paralympic Games;

“**ESA**” means the *Employment Standards Act* (R.S.B.C. 1996, c. 113);

“**household or domestic emergency**” means a sudden, unexpected, or unforeseen critical situation that demands an employee’s immediate action and poses a risk or threat of damage to an employee’s residence or a risk or danger to the safety of an immediate family member of the employee;

“**immediate family member**” means the spouse, child, parent, guardian, sibling, grandchild or grandparent of an employee, the child or parent of an employee’s spouse, son-in-law, daughter-in-law, brother-in-law, sister-in-law, and any person who lives with an employee as a member of the employee’s family;

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“**paid leave**” means an absence from work with permission and with full or partial pay;

“**Provincial Emergency Program**” means Emergency Management B.C. (EMBC), which is the Province of British Columbia’s lead coordinating agency for all emergency management activities, including response, planning, training, testing, and exercising;

“**unpaid leave**” means an absence from work with permission but without pay;

“**supervisor**” means the person to whom an employee directly reports.

1. General

- .01 Employees should request leaves as far in advance as possible, and all leaves must be approved and submitted to Human Resources for processing.
- .02 An employee may be granted paid or unpaid leave for emergencies or extraordinary personal circumstances not covered by this policy. Requests must be made in writing to Human Resources. The Clerk’s Leadership Group member responsible for overseeing the employee’s department, in consultation with Human Resources, will provide written approval or denial after consideration of the request.
- .03 Unpaid leave longer than 30 calendar days will impact eligibility for employer-paid benefits and other entitlements. It is the responsibility of employees to consult with Human Resources prior to beginning an unpaid leave to understand the effect the leave may have on earnings, vacation, pension, and other benefits.
- .04 For unpaid leave that is included in the ESA (i.e., maternity and parental, compassionate care), an employee will continue to earn service, and benefits will be maintained, with the exception of any employee-paid optional life insurance coverage in place prior to the leave.
- .05 An employee on unpaid leave is not eligible for any paid leaves outlined in this policy.

2. Athletic Events

- .01 An employee who has been selected to represent British Columbia or Canada as an athlete, coach, or judging official at a designated athletic event may be granted for up to 8 days of paid leave. Leave may be considered for training purposes in preparation for the event.

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- .02 Approval for such leave will be determined based on operational requirements. The employee must submit the request in writing and provide an official letter of documentation from the athletic event or the sponsoring athletic event confirming the employee's participation.

3. Bereavement

- .01 An employee will be provided with up to 5 days of paid bereavement leave in the event of a death of an immediate family member. An employee may use the 5 days over the date of death, funeral, or other cultural or religious practices.
- .02 If an employee is required to undertake significant travel for the purpose of bereavement, an additional 2 days of paid bereavement leave may be granted for travel purposes.
- .03 If an employee is on vacation leave at the time of the death, up to a maximum of 5 vacation days will be substituted for bereavement leave.

4. Canadian Armed Forces & Canadian Coast Guard Auxiliary

- .01 An employee participating in activities with the Reserve Force of the Canadian Armed Forces may be granted paid leave when they are required to take annual training. For any such paid leave, the employee must remit any compensation, except allowances or reimbursements for expenses incurred as the result of participating in training, from the Government of Canada to the Legislative Assembly.
- .02 An employee may be granted unpaid leave when they participate in a training program to qualify for a higher rank or attend service association meetings or conferences related to the Canadian Armed Forces as a delegate.
- .03 An employee who volunteers with the Canadian Coast Guard Auxiliary may be granted unpaid leave to attend training or regional association meetings as a board member, or to attend conferences as a delegate.
- .04 If an employee is paid by the Government of Canada for activities with the Canadian Armed Forces or the Canadian Coast Guard Auxiliary, they may keep those monies when on unpaid leave, or they may choose to use their annual vacation entitlement for these activities.

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- 5. Compassionate and Critical Illness or Injury Caregiving**
- .01 An employee will be granted up to 27 weeks of unpaid leave to provide care for a critically ill or injured person or a person who requires end-of-life care. This leave entitlement will be administered in accordance with the provisions of the ESA concerning leave respecting compassionate care or critical illness or injury.
 - .02 An employee who qualifies for and takes this leave may be required by Employment Insurance to serve a waiting period for employment insurance benefits. An eligible employee will be paid a leave allowance equivalent to the waiting period at 85% of their base pay.
 - .03 An employee on such leave will receive a caregiving leave allowance of 7 weekly payments (8, if there is no waiting period, as outlined in section 5.02) equivalent to the difference between the employment insurance gross benefits and any other earnings received by the employee and 85% of the employee's base pay.
- 6. Court Appearance**
- .01 An employee who has been called to serve as a juror or witness in court may be granted paid leave.
 - .02 An employee who receives regular earnings while serving as a juror must remit all monies they receive from the court to the Legislative Assembly, except reimbursements for expenses incurred as the result of being a juror.
 - .03 If an employee's private affairs are the reasons for their need to appear in court, unpaid leave may be granted.
 - .04 If an employee is accused and jailed pending a court appearance, they will be granted unpaid leave.
- 7. Deferred Salary**
- .01 An employee may be granted the option to defer a portion of their salary to fund a future unpaid leave of absence of at least 6 months and up to 1 year.
- 8. Donor**
- .01 An employee may be granted paid leave to undergo surgery to donate bone marrow, tissue, or an organ.
 - .02 An employee will be required to provide a *Doctor's Certificate Form* stating the expected start and end date of the period necessary for the employee to donate.
- 9. Election**
- .01 An employee eligible to vote in a federal, indigenous community government, provincial, or municipal election or a referendum will be

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granted up to 4 hours of paid leave, as prescribed by the applicable statute, during the hours the polls are open, to cast their ballot. Paid leave is available only if the workday hours and polling times do not allow enough consecutive hours free from work to vote.

10. Emergency Service .01 An employee may be granted paid leave when their services for emergency operations are requested by the Provincial Emergency Program or a police authority. Any remuneration received while on such leave, other than for expenses, must be remitted to the Legislative Assembly.

11. Maternity, Parental and Pre-Placement Adoption .01 A pregnant employee will be granted up to 17 consecutive weeks of unpaid leave taken no earlier than 13 weeks before the expected birth date, and which can begin no later than the actual birth date.

.02 An employee will be granted up to 61 weeks of parental leave without pay.

.03 An employee will be granted up to 7 weeks of unpaid pre-adoption leave per calendar year. Such leave ends with the placement of the adoptive child(ren).

.04 Maternity and parental leaves will be administered in accordance with the provisions of the ESA.

.05 An employee who qualifies for and take such leave(s) may be required by Employment Insurance to serve a waiting period for employment insurance benefits. Eligible employees will be paid a leave allowance equivalent to 85% of their base pay during the waiting period.

.06 An eligible employee will receive a maternity and/or parental leave and/or pre-placement adoption leave allowance of weekly payments equivalent to the difference between the employment insurance gross benefits and any other earnings received by the employee and a percentage of the employee's base pay, as follows:

- a) Maternity leave allowance – 85%.
- b) Standard parental leave allowance – 75%.
- c) Extended parental leave allowance – up to 61 weeks, calculated using the standard parental leave allowance divided by the number of weeks planned for extended parental leave. If the employee already received the maximum amount under standard parental leave, then extended parental leave is unpaid.

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d) Pre-placement adoption leave allowance – 85%.

.07 After completing maternity, pre-adoption, adoption and/or parental leave, an employee may be granted extended childcare leave to provide care for the child. The maximum combined length of extended childcare leave and maternity, parental and pre-placement adoption leave is 18 months.

12. Pre-Retirement

.01 An employee may use either or both earned leave banks and their retirement allowance (if eligible), as outlined in *Policy 4350 – Retirement Allowance*, as pre-retirement leave immediately before they retire and start their Public Service pension.

.02 During the leave, the employee’s work schedule will revert to a standard full-time schedule of 7 hours per day, 5 days per week, and leave banks are drawn down as if the employee is working full-time.

.03 During the leave, all payroll and benefit deductions continue, and employees continue to accrue pensionable service.

.04 During the leave, the employee is not covered by:

- a) Short Term Illness and Injury Plan (STIIP);
- b) Long Term Disability Plan (LTD); or
- c) any allowance or other leave provisions.

13. Special

.01 An employee may be granted up to 70 hours per calendar year of special leave for the combined paid leaves outlined in section 13.02.

.02 The following paid leaves are subject to the respective maximum day(s) eligible per event, which, with exception to the birth of an employee’s child and an employee’s wedding, must be taken on the day of the occurrence and the day(s) immediately following, as applicable:

Reason	Maximum Eligibility
Birth of employee’s child	2 days
Employee’s Canadian citizenship ceremony	1 day
Dependent child’s court appearance	1 day
Moving household furniture and effects *	1 day
Employee’s wedding	3 days
Wedding of employee’s child	1 day

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Funeral as pallbearer or mourner	1 half-day
Serious household or domestic emergency	1 day
Family illness/hospitalization care **	3 days

* Up to two times per calendar year.

** An employee’s family member, including spouse, dependent child, elderly parent, or any person who lives with an employee as a member of the employee’s family is ill or hospitalized and no one else in the employee’s household can provide care.

.03 The following paid leaves are subject to the respective maximum day(s) eligible per calendar year:

Reason	Maximum Eligibility
Child custody hearing	1 day
Employee or employee’s child is a victim of domestic violence	5 days

.04 If an employee cannot schedule medical and dental care appointments outside regular working hours for themselves or a dependent child, they will receive reasonable time off. If this time is under 2 hours, the entire absence will not be recorded. If this time exceeds two hours, the entire absence will be recorded as special leave. These appointments must be for services covered by the B.C. Medical Services Plan, the employee’s extended health and dental plan, or the Employee Assistance Program.

14. Spiritual or Holy Days

.01 An employee may be granted up to 2 days of unpaid leave per calendar year to observe a spiritual or holy day.

15. Volunteer

.01 An employee may be granted up to 1 day of paid leave per calendar year to volunteer for a registered charity in the community.

Contact	Please contact Human Resources with any questions regarding this policy at Human.Resources@leg.bc.ca .
Procedures	<i>Doctor’s Certificate Form</i> <i>Overview of Leaves Table</i>
References	<i>Policy 4350 – Retirement Allowance</i>

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Kate Ryan-Lloyd

July 19, 2021

Approved and authorized by
Kate Ryan-Lloyd, Clerk of the Legislative Assembly

Date

POLICY HISTORY

Version 1	March 16, 1998
Version 2	May 2002
Version 3	July 2004
Version 4	January 1, 2009
Version 5	July 19, 2021