

Article 47: Leaves of Absence

Leave of Absence

- 47.1 A Leave of Absence is intended to provide additional opportunities to enhance academic development or for personal reasons, provided that such leave does not interfere with the teaching program of the University. Leave granted under this section will normally be without salary.
- 47.2 The normal period of leave of absence will be up to one year. One extension of up to one year may be considered provided application is made at least four months before expiration of the original leave. After a second year of leave, a new application for leave must be initiated. Leaves of more than two years require the approval of the Vice-President, Academic.
- 47.3 Time spent on leave of absence will not normally alter the timetable for renewal, promotion and tenure considerations nor impact salary adjustments except as outlined in 47.4.
- 47.4 Those on a Leave of Absence pursuant to this section of more than one year will not normally be considered for salary review during their leave, but may request a review of salary placement by the Dean upon return from the leave. Members on a leave of one year or less will be considered in the normal cycle.

Benefits During Leave

- 47.5 A Member may elect to maintain benefits at their sole expense during an approved leave of absence. If prepayment arrangements are not made, all benefits will be terminated at the start of the leave and there may be special conditions attached to re-joining plans.
- 47.6 Where a leave is undertaken for purposes related to the applicant's duties, the University will maintain its portion of benefit contributions.

Procedures for Application

- 47.7 Applications for leave of absence should, where possible, be made at least two semesters in advance of the start of the proposed leave using the University's [Application for Leave of Absence form](#). The Member must complete the Application for Leave of Absence and forward it to the Chair.
- 47.8 Applications for leave will require approval of the Dean or equivalent upon recommendation of the applicant's Department. Where a Department does not recommend approval of a Leave of Absence, the applicant will be informed of the reasons in writing, and may appeal to the Dean in advance of a final decision. The Dean makes a decision on the Leave of Absence and completes and distributes the Application form.
- 47.9 Applications for Leave of Absence in excess of 24 months will require approval of the Vice-President, Academic.

Leave for New Parents

Long Term and Continuing Association Members

- 47.10 A continuing or long term Member who becomes a new "parent" (as defined by the *BC Family Law Act*) is entitled to leave of absence to care for new-born or newly-adopted children.
- 47.xx Members will be placed on leave of absence without pay for the duration of the leave,

and will have benefits coverage maintained on the same basis as before the leave.

47.xx Members may be eligible to elect to receive either standard or extended Employment Insurance parental benefits.

Paid Leave

47.xx A new parent is entitled to 35 consecutive weeks of paid leave as follows:

- a. one week at 95% salary (Employment Insurance waiting period); and
- b. 34 weeks at the basic formula (see below).

47.12 For biological mothers, the leave may commence up to eight weeks prior to the due date of the child. The biological mother is entitled to a maximum of 35 weeks of paid leave.

47.xx When new parents are sharing the parental leave benefits, they are entitled to 35 consecutive weeks of paid leave under the basic formula.

Basic Formula

47.17 The basic formula for the parental benefit is as follows: 95% of salary less the maximum Employment Insurance benefit that may be paid.

Unpaid Leave

47.18 In addition to paid leave, either parent of a new-born or newly-adopted child is entitled to an unpaid leave of absence in accordance with the parental leave provisions of the *Employment Standards Act* up to a combined maximum of paid and unpaid leaves totaling 78 weeks.

47.19 The unpaid leave must be taken consecutively with any paid leave.

47.xx New parents may elect to take either standard or extended unpaid leave.

47.xx Standard unpaid leave is up to a maximum of 17 weeks. Extended unpaid leave is up to a maximum of 43 weeks.

47.xx A parent of a new-born or newly-adopted child may commence their leave any time after the date of birth or date of adoption of the child so long as the period of paid and unpaid leave is completed prior to the baby's 78th week or within 78 weeks after the child or children are placed with the parent.

47.xx If the child has a physical, psychological, or emotional condition requiring parental care, either parent is entitled to an additional 5 weeks unpaid leave.

Shared Leave

47.xx Where both parents are employees of Simon Fraser University, they are entitled to share a maximum of 52 weeks of paid leave. The Parental leave benefit is calculated using the Basic Formula.

47.xx Parents choosing to share the parental benefit are entitled to 5 additional weeks of unpaid leave if they elect standard parental leave or 8 additional weeks of unpaid leave if they elect extended unpaid leave.

47.xx A Member who does not return to work at the end of the parental leave will be required to repay the University the salary paid during the leave or a pro rata share of that salary.

47.xx A Member who resigns within one year of returning to work following the leave will be required to repay to the University a prorated amount of the salary paid during the leave.

Short term and Recurring Limited Term

- 47.22 A short-term or recurring limited term Member who becomes a new parent (as defined by the *BC Family Law Act*) is entitled to unpaid leave to care for new-born or newly-adopted children.
- 47.23 In accordance with the provisions of the provincial *Employment Standards Act*, a short-term or recurring limited term Member will be placed on leave of absence without pay for the duration of the leave, and will have benefits coverage maintained on the same basis as before the leave. Members may be eligible for employment insurance maternity and/or parental benefits. There is no obligation to extend the short-term appointment beyond its original end date.

Other Leaves

- 47.24 Members are entitled to up to five days paid leave per calendar year to provide care to family members who are ill.
- 47.25 Where care for family members who are ill can be accommodated through short-term adjustment of responsibilities without an overall reduction in workload or teaching assigned, departments will make reasonable attempts to facilitate such adjustments.
- 47.26 In the event of serious illness or disability of a family member, Members may request a Modification of Appointment from full-time to part-time pursuant to [Article 25: Modification of Appointments](#) from Full-Time to Part-Time.
- 47.27 Where family care requires the full-time commitment of an employee, the employee may apply for a Critical Illness or Injury Leave of up to 36 weeks when caring for a child under 19 years of age at the start of the leave or 16 weeks when caring for an adult. Such leave will be without pay, but benefits coverage will be maintained.
- 47.28 A Member will be granted a Compassionate Care Leave of Absence without pay for up to 27 weeks to provide care or support to a family member if a medical practitioner or nurse practitioner issues a certificate stating that the family member has a serious medical condition with a significant risk of death within 26 weeks.
- 47.29 The Member's benefit coverage will continue for the duration of the Compassionate Care Leave.
- 47.30 If additional leave beyond eight weeks is required it will be treated as an unpaid Leave of Absence pursuant to [Leave of Absence](#) above.
- 47.xx The University will maintain benefits coverage for any Member undertaking a leave of absence pursuant to the Employment Standards Act (including but not limited to Domestic Violence Leave, Leave for Disappearance of a Child, or Leave for Death of a Child).

Classification of Semesters as Teaching or Research During Leaves of Absence Compassionate, Parental, or Family Leave

- 47.xx Full or partial semesters on these types of leaves will be classified as T or R as per normal rotation. This means that semesters on compassionate or parental leave will not alter a faculty member's existing TTR pattern.
- 47.xx.1 If this type of leave begins or ends part way through a teaching semester, duties

will be assigned to the faculty member during the time they are at work. It is permissible for these to be different from normal classroom teaching duties, and can include course development, projects, or co-teaching.

47.xx.2 If the department chooses to have the faculty member teach for a partial semester may be covered by another faculty member on an Overload Teaching contract or other regular instructional options.

47.xx.3 Partial research semesters will count as R and regular research, service, or supervision duties will be maintained until the leave begins or after the leave ends.

47.xx.4 Chairs will provide Deans with details on the workload plan for partial semesters for approval.

47.xx.5 Time on parental, compassionate, or family leave counts towards years of service for study leave purposes.

Unpaid Leave

47.xx Semesters on Unpaid Leaves of Absence do not count towards workload balance or study leave.

47.xx A faculty member's balance point may shift as the result of an unpaid leave.

47.xx Unpaid leaves do not count towards accumulation of years of service for study leave.

This article is agreed to by the parties on this ____ day of _____, 2019.

John O'Neil, for SFU

David Broun, for SFUFA