



EMPLOYEE LEAVE POLICY

Policy Category	Corporate Services
Policy Search Name	<i>C – Employee Leave Policy</i>
*Anishinabek Standard	
<i>Place of Learning</i>	<i>D. High level of involvement of professional staff who are of the same cultural background as the students with whom they are working.</i>
<i>Educators</i>	N/A
<i>Students</i>	N/A
<i>Curriculum</i>	N/A
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*These are organizationally adapted standards from the World Indigenous Nations Higher Education Consortium (WINHEC) and the Alaska Comprehensive Centre/Alaska Native Education approved by the Kenjgewin Teg Board of Directors, 2015.

1.0 Background and Purpose

1.1 Kenjgewin Teg understands the importance of personal time off for its employees. Employees are encouraged to use their entitled leave time for rest, relaxation, and personal pursuits, illness and recovery, family obligations, jury duty or court leave, voting time, and/or personal or family obligations. Kenjgewin Teg recognizes that other paid time off may be required from time to time. As such, the purpose of this policy is to explain the standards, guidelines, and procedures for paid time for all staff members.

2.0 Definitions

- “child” Child in this policy refers to child, stepchild, foster child, or child who is under legal guardianship, and who is under 18 years of age.
- “immediate family” Immediate family is defined as: grandfather, grandmother, father (or stepfather), mother (or stepmother), or foster parent, brother (stepbrother), sister (stepsister), spouse (including common-law spouse); child (including child of common-law spouse), stepchild or ward of the employee, grandchild, father-in-law, mother-in-law, aunt, uncle, niece, nephew, or relative permanently residing in the employee’s household or with whom the employee permanently resides.

3.0 Application

3.1 This policy applies to all staff members of Kenjgewin Teg.

3.2 This policy does not apply to postsecondary instructors who are assigned to teach a postsecondary course(s) delivered solely by Kenjgewin Teg and/or together with a postsecondary partner of Kenjgewin Teg.

4.0 Policy

Policy Objective

4.1 To support Kenjgewin Teg staff prioritize their own health and wellbeing, time to deal with family or life circumstances, or community obligations with the provision and guidelines of paid and/or unpaid leave options.

Vacation Entitlement/Annual Leave

Vacation Pay

4.2 Employees who work 12 months or less will be entitled to 6% vacation pay during the time of employment.

4.3 The vacation pay earned in each pay period will be paid on the scheduled pay days bi-weekly for the first 12 months only.

4.4 After 12 months of employment, upon the employee’s anniversary date, employees begin receiving annual leave credits (advanced to them for the anniversary year) per the leave credit schedule, and will no longer receive vacation pay.

Annual Leave Credits

4.5 The following annual leave credits apply to full-time and part-time employees who have completed their first year of continuous employment, annual leave shall be advanced on their anniversary date each year according to the following schedule:

Full-time

1-3 years	112.5 hours
4-7 years	150 hours
8-15 years	187.5 hours
16+	225 hours

Part-time – 2 days a week

1-3 years	45 hours
4-7 years	60 hours
8-15 years	75 hours
16+ years	90 hours

Part-time – 3 days a week

1-3 years	67.5 hours
4-7 years	90 hours
8-15 years	112.5 hours
16+ years	135 hours

Unused Annual Leave

4.6 Any unused annual leave days at the end of their anniversary date will not be carried forward.

4.7 Days lost shall not be reimbursed through pay.

4.8 If an employee takes full annual leave and resigns or is dismissed before the end of their anniversary date, they will be deducted pay for unearned leave taken.

Application Process

4.9 Application for annual leave shall be in writing by the employee to his/her immediate supervisor at least one week prior to the proposed commencement date.

4.10 If the proposed dates are acceptable to the supervisor, the supervisor shall approve the request via the Timesheet system.

4.11 Kenjgewin Teg reserves the right to determine when an employee may take annual leave.

4.12 Any conflict in vacation requests between employees will be decided based on organizational needs, and the good judgment of the supervisor.

4.13 Internal program transfer is acceptable in transferring of annual leave credits.

4.14 Should a statutory holiday fall on or during this period, employees shall be allowed to take statutory holiday after their annual leave.

4.15 If an employee takes ill during the regular annual leave shall be allowed to charge those sick days to sick leave provided a doctor's certificate is provided and that the employee be allowed to reschedule his/her annual leave.

Compensation

4.16 Casual or temporary employees shall receive vacation pay at the rate of six (6) percent of their earnings for the vacation year.

4.17 In the event that casual or temporary employees or non-permanent employees work more than one year, then after one year's service, the employee shall be given regular annual leave credits calculated monthly according to their service record.

Other

4.18 An employee will not forfeit continuous service qualification due to unavoidable lay-off(s). Severance may affect qualification.

4.19 Should an employee resign, such employee would re-start his/her years of service.

Bereavement/Compassionate Leave

4.20 Paid bereavement leave in the case of family death will be granted to a maximum of three (3) days in relation to “immediate family”. An additional two days of compassionate leave may be granted if approved by the immediate supervisor.

4.21 Compassionate leave for any other reasons will be at the discretion of the immediate supervisor.

Guidelines

4.22 The Ontario Employment Standards Act includes an Emergency Leave which gives employees 10 unpaid days to deal with any emergencies that occur related to themselves or their families (this includes a death in the family).

*** (This only applies if the company employees more than 50 employees at a time).*

4.23 In the event of a death in the immediate family requiring time away from work, employees are expected to notify their immediate supervisor and request Bereavement time as soon as possible.

4.24 Bereavement time is granted such that an employee may have time to attend a funeral, grieve, and deal with family issues in the event of a death in the immediate family as defined above.

4.25 Use of Bereavement time for any purposes other than the reasons listed above, are inappropriate and non-compensable.

Leave of Absence

4.26 In the event that a Kenjgewin Teg employee suffers the loss of a family member or has a traumatic loss due to miscarriage or stillborn birth and requires a leave of absence beyond the allotted bereavement leave to cope with their grief, they may apply for a leave of absence through the President and/or the Director of Operations.

4.27 In the event that an employee is granted a Leave of Absence, this leave shall be unpaid.

Sick Leave/Personal Leave

4.28 All employees that have been employed for 12 consecutive months will obtain the following leave credits (advanced to them for each anniversary year):

Full-time

- 90 hours Sick Leave
- 37.5 hours Personal Leave

Part-time – 2 days a week

- 36 hours Sick Leave
- 15 hours Personal Leave

Part-time – 3 days a week

- 54 hours Sick Leave

- 22.5 hours Personal Leave

4.29 Part-time and/or Contractual employees shall accumulate Sick Leave and Personal Leave at a rate which takes into consideration number of hours worked per week.

4.30 For an illness that extends beyond three days, a medical certificate may be required.

4.31 New employees will begin accumulating Sick Leave and Personal Leave credits monthly after their 6-month probationary period until their anniversary date.

4.32 An employee will be entitled to a leave of absence with pay as a result of illness provided that the employee has the accumulated leave credits as stipulated. The employee will receive his/her salary at the regularly scheduled pay periods and that there will be no advance in salary.

4.33 A long-term disability plan is available and may come into effect when an employee is on leave for an extended period of time. The waiting period will be according to the Remuneration Policy at the time.

Application Procedure

4.34 Employees must notify their immediate supervisor of their intent to be absent from work due to illness.

4.35 Employees not presenting required certification shall have their wages adjusted accordingly or the time in question will be considered to have been as annual leave taken or a final decision shall rest at the discretion of the immediate supervisor and/or in consultation with the Director of Human Resources.

4.36 Employees receiving workers' compensation benefits are not entitled to sick-leave payments.

Unused Accumulation of Sick Leave and Personal Leave Credits

4.37 Any unused sick leave and personal leave credits at the end of the employee's anniversary year will not be carried forward into the new anniversary year.

4.38 Days lost shall not be reimbursed through pay.

4.39 If an employee takes full sick leave and/or personal leave and resigns or is dismissed before the end of the fiscal year, they will be deducted pay for unearned leave taken.

4.40 Employees with Grandfathered Sick Leave balances are the exception, and the unused balances can be carried over into the next anniversary year.

Balance of Credits

4.41 Upon termination of employment, there will be no reimbursement for unused cumulative sick leave, personal leave, and/or grandfathered sick leave.

Jury/Court Leave

4.42 Kenjgewin Teg recognizes and respects the need for employees to complete Jury Duty and will make accommodations for employees who have been selected to participate on a jury.

4.43 Employees who are selected for jury duty must provide as much advance notice as possible of the start of their Jury Duty.

4.44 Employees should include in their advance notice a copy of their summons to jury duty.

4.45 Employees will be granted leave with pay to perform their civic duty as jurors.

4.46 Where the jury duty lasts for only part of a day, the employee is required to return to work (where possible) for the remainder of the day.

4.47 Any employee who is required to appear in a court of law as a plaintiff, defendant, or witness may also be eligible to use their accrued vacation time to supplement any jury income.

4.48 Once the jury leave has concluded, the employee will be required to provide evidence of the jury leave in the form of documentation from the court clerk confirming the days that the employee participated on the jury.

Pregnancy/Parental Leave

4.49 Employees that have become a new parent in the following regards shall be eligible for either Pregnancy, or Parental Leave.

- A. Pregnancy Leave
 - Biological birth mother
- B. Parental Leave
 - Mother
 - Father
 - Adoptive Parent
 - Domestic Partner

Qualifying for Pregnancy/Parental Leave

4.50 A new parent or pregnant employee is entitled to Pregnancy/Parental Leave whether he or she is a full-time, part-time, permanent or contract employee provided that she/he:

- works for an employer that is covered by the ESA,
- was hired at least 13 weeks before the date the baby is expected to be born (the “due date”) or;
- was hired at least 13 weeks before commencing the Parental Leave.

Request for Pregnancy/Parental Leave Procedure

4.51 To ensure that Kenjgewin Teg can make the necessary arrangements to accommodate an employee taking Pregnancy or Parental Leave, employees are required to provide at least two weeks’ notice before requiring Pregnancy or Parental Leave.

4.52 This is to help the company procure staffing solutions and to alleviate any additional work stress on other employees that may occur as a result of the employee's absence.

4.53 Submission of a request for Pregnancy / Parental Leave shall be accompanied by any appropriate documentation.

4.54 Employees are expected to give four weeks' notice regarding their expected date of return to work or their letter of resignation if they choose not to return to work. The Director of Operations should be contacted as soon as possible in the event of any changes.

Benefits During Pregnancy/Parental Leave

4.55 Should the employee choose to continue with her/his health and disability insurance, or any other benefits made available by the organization, the employee may continue to receive such benefits by continuing to pay any employee-paid portion of the monthly premiums.

Duration of Pregnancy/Parental Leave Parameters

Pregnancy Leave

4.56 Pregnant employees have the right to take up to 17 consecutive weeks (or longer in certain circumstances) of job-protected unpaid time off work.

4.57 Usually, the *earliest* a Pregnancy Leave can begin is 17 weeks before the employee's due date. However, when an employee has a live birth more than 17 weeks before the due date, she will be able to begin her Pregnancy Leave on the date of the birth. The latest a Pregnancy Leave can begin is on the baby's due date. However, if the baby is born earlier than the due date, the latest the leave can begin is the day the baby is born.

4.58 The latest a Pregnancy Leave can begin is on the baby's due date. However, if the baby is born earlier than the due date, the latest the leave can begin is the day the baby is born.

4.59 Pregnancy Leave can last a maximum of 17 weeks for most employees. However, if an employee has taken a full 17 weeks of leave but is still pregnant, she may continue on the Pregnancy Leave until the birth of the child.

Parental Leave

4.60 New parents have the right to take Parental Leave when a child is born or first comes into their care.

4.61 Birth mothers who took Pregnancy Leave are entitled to up to 35 weeks' leave.

4.62 Birth mothers who do not take Pregnancy Leave and all other new parents are entitled to up to 37 weeks of Parental Leave.

4.63 Parental Leave is not part of Pregnancy Leave and so a birth mother may take both Pregnancy and Parental Leave.

4.64 The right to Parental Leave is independent of the right to Pregnancy Leave.

4.65 All other parents must *begin* their Parental Leave no later than 52 weeks after the date their baby is born; **or** the date their child *first* came into their care, custody and control.

4.66 The Parental Leave does not have to be *completed* within this 52-week period, but should be started.

Paternity Leave

4.67 When the spouse of an employee is hospitalized or under the care of a physician for the reason of maternity, the immediate supervisor may grant up to five days leave with pay for the purpose of taking part in the delivery and/or childcare and the rooming in with the spouse subsequent to delivery.

Unpaid Leave

4.68 Leave of absence without pay for less than two weeks may be arranged at the discretion of the immediate supervisor.

4.69 An employee requesting unpaid leave for any period longer than two weeks must apply in writing to their immediate supervisor. The decision will be based on such absence not interfering with efficient operation of the office and services.

Short-Term

4.70 Short-term unpaid leave of absence is for a length of 3 months or less.

4.71 To qualify for short-term unpaid leave of absence it is required that the employee be of permanent employment status for no less than one year.

Long-Term

4.72 Long-term unpaid leave of absence is for a maximum length of time being one (1) year.

4.73 To qualify for long-term unpaid leave of absence it is required that the employee be of permanent employment status for no less than 5 years.

Application Process

4.74 The request letter should be completed at least four (4) weeks prior to the anticipated beginning a leave without pay.

4.75 The employee must obtain all signatures necessary for authorization of the leave before the application is processed.

4.76 For long-term unpaid leave, final approval is at the discretion of the President.

Family Medical Leave

4.77 Family medical leave is unpaid, job-protected time off work for up to 8 weeks in a 26-week period.

- 4.78 The leave is provided to enable employees who have a family member (or people who consider the employee to be like a family member) with a serious risk of passing away within a period of 26 weeks.
- 4.79 The medical condition and risk of death must be confirmed in a certificate issued by a qualified health practitioner.
- 4.80 The eight (8) weeks of a family medical leave do not have to be taken at the same time.
- 4.81 Employees must inform the President and/or Director of Operations prior to the start of the leave as soon as they are aware of the need.
- 4.82 Family Medical Leave will normally be authorized to cover the duration of the initial situation. However, Kenjgewin Teg understands that some situations may require greater time to remedy.
- 4.83 Generally, it is up to the supervisor's discretion to determine the length of the extended leave, as well as whether the leave will be paid or unpaid.
- 4.84 In certain circumstances, the employee may use a combination of paid leave, unpaid leave, annual vacation time, or parental leave (if applicable).
- 4.85 Family Medical Leave shall have no impact on an employee's current salary and/or benefits.
- 4.86 Performance objectives and goals for the employee will be adjusted so that he or she will not be penalized for being absent during peak hours.
- 4.87 Employees are legally protected from dismissal, termination, selection for redundancy, or any other detriment to employment for making appropriate and authorized use of this policy.
- 4.88 If two or more employees qualify to take the leave in order to provide care for the same person, the leave must be divided amongst those taking the leave.

Domestic or Sexual Violence Leave

- 4.89 Kenjgewin Teg is supportive of employees in ensuring their personal wellness and those of their children.
- 4.90 An employee is entitled to a leave of absence if the employee or a child of the employee experiences domestic or sexual violence, or the threat of domestic or sexual violence.

Entitlement

- 4.91 If an employee is employed with Kenjgewin Teg for at least 13 consecutive weeks, the employee is entitled to a Domestic or Sexual Violence leave of absence.
- 4.92 The leave of absence can be taken for any of the following purposes:
 - A. To seek medical attention for the employee or the child of the employee in respect of a physical or psychological injury or disability caused by the domestic or sexual violence.
 - B. To obtain services from a victim services organization for the employee or the child of the employee,

- C. To obtain psychological or other professional counselling for the employee or the child of the employee.
- D. To relocate temporarily or permanently.
- E. To seek legal or law enforcement assistance, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic or sexual violence.
- F. Such other purposes as may be prescribed.

4.93 An employee is not entitled to this leave if the domestic or sexual violence is committed by the employee.

Length of Leave

- 4.94 An employee will be entitled to take, in each anniversary year:
- A. Up to 10 days of leave; and,
 - B. Up to 15 weeks of leave.

Entitlement to Paid Leave

- 4.95 The employee is entitled to take the first five such days as paid days of leave in each anniversary year and the balance of the employee's entitlement under this section as unpaid leave.
- 4.96 When an employee takes a paid day of leave under this section, the organization shall pay the employee, the wages the employee would have earned had they not taken the leave.
- 4.97 The employee is not entitled to more than his or her regular rate for any leave taken under this section.
- 4.98 If a paid day of leave under this section falls on a public holiday, the employee is not entitled to premium pay for any leave taken under this section.
- 4.99 If an employee takes any part of a day as leave, the employer may deem the employee to have taken one day of leave on that day.
- 4.100 If an employee takes any part of a week as leave, the employer may deem the employee to have taken one week of leave.

Application Procedure

- 4.101 An employee who wishes to take leave under this section shall advise the employer that the employee will be doing so. If an employee must begin a leave under this section before advising the employer, the employee shall advise the employer of the leave as soon as possible after beginning it.

Documentation

- 4.102 The organization may require an employee who takes a leave under this section to provide evidence reasonable in the circumstances of the employee's entitlement to the leave.

Confidentiality and Disclosure

- 4.103 An employer shall ensure that mechanisms are in place to protect the confidentiality of records given to or produced by the employer that relate to an employee taking a leave under this section.
- 4.104 The employer is not prevented from disclosing a record where:
- A. The employee has consented to the disclosure of the record;

- B. Disclosure is made to an officer, employee, consultant or agent of the employer who needs the record in the performance of their duties;
- C. The disclosure is authorized or required by law; or
- D. The disclosure is prescribed as a permitted disclosure.

Special Calls of Duty

4.105 The President may grant any employee leave with pay in consideration of the performance of special calls of duties or meritorious conduct of the employee.

Educational Leave/Assistance

4.106 Educational Assistance Leave and/or Requests shall require pre-approval from the President and the Board of Directors.

Cultural Leave

4.107 Kenjgewin Teg is committed to building an organization which encourages our cultural and traditional beliefs.

4.108 Kenjgewin Teg strives to promote and protect the organization’s cultural environment.

4.109 All employees are entitled to a set number of paid days annually to participate in and enjoy cultural activities within the community to promote and help uphold traditional activities.

4.110 Kenjgewin Teg employees are eligible for four (4) paid days (or 30 hours) per year to attend traditional teachings and/or ceremonies.

4.111 These four (4) cultural/traditional days are to be used strictly by employees to perform activities which will strengthen traditional beliefs.

4.112 All activities must be pre-approved by the employee’s direct supervisor prior to the requested day off.

4.113 Cultural Leave credits (30 hours) are provided to employees on their first day of employment and each anniversary year thereafter.

Unused Accumulation of Cultural Leave Credits

4.114 Cultural Leave credits shall be utilized within the anniversary year in which is it provided; unused cultural leave credits will not be carried forward to proceeding anniversary year.

4.115 Days lost shall not be reimbursed through pay.

4.116 Upon termination of employment, there will be no reimbursement for unused cultural leave credits.

Voting Time Off

- 4.117 All employees who are working on the day a Band, Federal or Provincial Election is being held may take one hour with pay as time off to vote in accordance with the election regulations.
- 4.118 In the event of a Band Nomination Meeting in the employees First Nation, all employees who are entitled to vote shall be allowed two hours off with pay to attend the Nomination Meeting providing the meeting has been scheduled during the employee’s working hours.

5.0 Roles and Responsibilities

- 5.1 The President is responsible for the overall management and operation of Kenjgewin Teg.
- 5.2 The Corporate Services unit is responsible for overall implementation of this policy.
- 5.3 If a position referred to in this policy is vacant, the policy will not be invalidated. Instead, the President shall designate the roles and responsibilities of that role to another team member(s) and will ensure that the Kenjgewin Teg staff and community is informed of the designation(s) as appropriate.

6.0 Evaluation Date – 10/31/2024

6.1 This policy will be reviewed every two years as part of the Board of Director’s policy review cycle and schedule. The evaluation date above represents the first date upon which this policy becomes eligible for review.

<p>Related Legislation, Policies, Procedures, Guidelines and Documents</p>	<p>Policy #5.0, Vacation Entitlement/Annual Leave Policy #5.2, Bereavement/Compassionate Leave Policy #5.3, Sick Leave and Personal Leave Policy #5.4, Court Leave/Jury Leave Policy #5.4, Pregnancy/Parental Leave Policy #5.5, Domestic or Sexual Violence Leave Policy #5.6, Unpaid Leave Policy #5.7, Special Calls of Duty Policy #5.8, Educational Leave/Assistance Policy #5.8.4, Cultural Leave Policy #5.9, Voting Time Off</p>
<p>Policies Superseded by this Policy</p>	<p><i>Kenjgewin Teg Personnel Policy, P5 Leave</i></p>

The official version of this policy is housed in the Office of the President. In case of discrepancy between an online version and the official version held, the official version shall prevail.