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<b>Name:</b>	<b>Pregnancy &amp; Parental Leave Policy – Administrative, Professional and Confidential Staff</b>
Policy Number:	6-2012
Origin:	Human Resources
Approved:	3 January 2006
Issuing Authority:	Vice-President, Administration
Responsibility:	Director, Human Resources
Effective Date	3 January 2006

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### **A. SCOPE:**

This policy applies to all regular full-time, regular part-time and regular sessional Administrative, Professional and Confidential Staff.

### **B. PREGNANCY (MATERNITY) LEAVE:**

1. Pregnancy leave is available for the birth mother or surrogate mother.
2. An eligible employee may take pregnancy leave of up to seventeen (17) weeks.
3. An employee can start the leave up to 16 weeks before the expected date of delivery; however, she must also take at least one week after the date of delivery.
4. At least one month in advance of the leave, the employee is required to make written application to the Department Head/Director, or designate (copy to Human Resources) indicating the start date of leave, as well as the return to work date. The length of notice may be shorter if there is a certificate from a legally qualified physician stating the employee must leave her position sooner than expected due to medical reasons.
5. Prior to the commencement of leave, the employee shall provide Human Resources with a medical certificate indicating the expected date of arrival.
6. Employment Insurance (EI) maternity leave benefits may be initiated by the employee within eight (8) weeks of the expected due date. Eligibility for EI benefits is determined based on eligibility in the Employment Insurance Act.
7. In the event that the pregnancy terminates in or after the 20<sup>th</sup> week prior to the expected date of delivery, the employee is eligible for pregnancy leave. The leave will commence immediately and will end when 17 weeks have elapsed. A medical certificate from a legally qualified practitioner is required to be provided to Human Resources.
8. In the event that the pregnancy terminates within the first 19 weeks prior to the expected date of delivery, the employee is eligible for sick leave. The Sick Leave policy for Administrative, Professional & Confidential employees would apply.

**C. PARENTAL LEAVE:**

1. Parental leave is available for the biological parents or adoptive parents while caring for a new-born or adopted child.
2. Parental leaves can be claimed by one parent or shared between the two parents.
3. At least one month in advance of the parental leave, the employee is required to make written application to the Department Head/Director, or designate (copy to Human Resources) indicating the start date of leave, as well as the return to work date. When an employee qualifies for parental leave as a result of adoption, the employee shall provide as much notice as possible.
4. Where an employee takes pregnancy leave, the employee is eligible to take parental leave of up to thirty-five (35) weeks. The leave shall commence immediately upon completion of the pregnancy leave and without the employee returning to work.
5. Where a birth mother does not take pregnancy leave, the employee (i.e. if not the birth mother) is eligible to take parental leave of up to fifty-two (52) weeks. The leave begins on such date, coinciding with or after the birth of the child or children or the child or children first arriving in the employee's home.
6. Where an employee is not eligible for pregnancy leave as a result of adoption, the employee is eligible employee to take parental leave of up to fifty-two (52) weeks. The leave begins on such date of the child or children first arriving in the employee's home, or at any other time agreed with the University.
7. Employment Insurance (EI) parental leave benefits can be claimed by one parent or shared between the two parents but cannot exceed a combined maximum of 35 weeks. EI parental leave benefits for biological parents and their partners are payable from the child's birth date, and for adoptive parents from the date the child is placed in the home. Eligibility for EI benefits is determined based on eligibility in the Employment Insurance Act.

**D. SUPPLEMENTAL BENEFITS:**

Pregnancy Leave

1. Pregnancy leave supplemental benefits are available for regular full-time, regular part-time and regular full-time sessional employees with more than one year's of continuous permanent employment.
2. An employee with more than one year's continuous service but less than three year's service at the University will be maintained at 80% of her regular annual salary for a period not to exceed seventeen (17) weeks.
3. An employee who has three year's continuous service or more at the University will be maintained at 95% of her regular annual salary for a period not to exceed seventeen (17) weeks.
4. To be eligible for pregnancy supplemental benefits, the employee must provide the University with proof of her EI maternity leave benefits. If the employee is not eligible for EI maternity leave benefits, she will not be eligible to receive pregnancy supplemental benefits.
5. The pregnancy supplemental benefits will be implemented as follows:
  - For the first two (2) weeks of pregnancy leave the employee shall receive 80%/95% of her regular salary. This represents the Employment Insurance (EI) unpaid 2-week waiting period.

- For up to a maximum of fifteen (15) additional weeks, the employee shall receive an amount equal to the difference between the EI benefits and 80%/95% of her regular salary.
- Supplemental payments shall begin no earlier than eight (8) weeks before the expected birth date.

#### Parental Leave

- Parental leave supplemental benefits are available for regular full-time, regular part-time and regular full-time sessional employees with more than one year's of continuous permanent employment, and who have adopted a child(ren) five years of age or younger.
- An employee with more than one year's continuous service but less than three year's service at the University will be maintained at 80% of his/her regular annual salary for a period not to exceed ten (10) weeks.
- An employee who has three year's continuous service or more at the University will be maintained at 95% of his/her regular annual salary for a period not to exceed ten (10) weeks.
- To be eligible for parental supplemental benefits, the employee must provide the University with proof of his/her EI parental leave benefits. If the employee is not eligible for EI parental leave benefits, he/she will not be eligible to receive parental supplemental benefits.
- The parental supplemental benefits will be implemented as follows:
  - For the first two (2) weeks of parental leave the Employee shall receive 80%/95% of his/her regular salary. This represents the Employment Insurance (EI) unpaid 2-week waiting period.
  - For a maximum of eight (8) additional weeks, the employee shall receive an amount equal to the difference between the EI benefits and 80%/95% of his/her regular salary.

#### **E. ADOPTION LEAVE**

1. When an employee qualifies for parental leave as a result of adoption, the employee shall provide as much notice as possible of the leave.
2. The employee is required to make written application to the Department Head/Director, or designate (copy to Human Resources) indicating the start date of leave, as well as the return to work date. The written notice must be supported by documentation evidencing the fact of adoption.
3. The adoption leave begins the date the child is placed under the employee's responsibility, or at any other time agreed with the University.

#### **F. POST –NATAL LEAVE**

On the occasion of the birth of a child, the child's parent who is not taking a Pregnancy Leave shall be entitled to a leave with full salary and benefits, and without loss of continuous service credit, of up to five (5) days, to be taken at the discretion of the employee within four (4) weeks of the birth. An employee taking such leave shall give the Employer as much advance written notice as possible.

#### **G. IMPACTS ON VACATION LEAVE**

Employees do not continue to earn vacation while on pregnancy and/or parental leave. Employees will not lose vacation earned prior to leave, and their balance will

be carried forward automatically while on leave. However, if balance exceeds the entitlement for the next vacation year the employee will be required to request to carry-over as per the Vacation Leave Policy.

Once an employee returns to work vacation will carry forward as follows:

- If an employee returns to work prior to January 1, the employee is expected to use earned vacation by the end of the current vacation year (i.e. June 30). In this case, unused vacation will not carry forward automatically and the employee must request carry over (if applicable).
- If an employee returns to work after January 1, unused vacation (as of June 30) will be carried forward automatically; however, if balance exceeds the entitlement for the next vacation year the employee will be required to request to carry-over as per the applicable Vacation Leave Policy.

#### **H. GENERAL CONSIDERATIONS**

- Leave for illness of an employee arising out of or associated with the employee's pregnancy prior to the commencement of pregnancy leave will be granted in accordance with the Sick Leave Policy for Administrative, Professional and Confidential staff.
- All insurance coverage and benefits can be maintained during the pregnancy and/or parental leave. Benefit premiums will continue to be cost shared and pension contributions will continue on the same employee/employer basis. Details are outlined in Policies & Procedures: Benefits Continuation while on a Leave of Absence.
- Salary increases will be processed if an employee is in receipt of supplemental benefits at the time of the increase. In this situation, supplemental benefits will be re-calculated based on the new salary. If an employee is not in receipt of supplemental benefits, the salary increase will be processed upon the employee's return to work.
- Upon return to work, the employee is to return to his/her previous position or comparable position, with no loss of salary level or vacation entitlements. The period of an employee's leave shall be included in the calculation of continuous service.
- Employees who commence a leave during their probationary period shall be required upon resuming regular duties to complete their probationary period before being eligible for confirmation.
- If an employee resigns from the University the employee shall be terminated effective the date of resignation. If an employee fails to return to work at the conclusion of the leave, the employee shall be terminated effective the expected date of return.

#### **I. RETURNING TO WORK:**

If an employee decides to change his/her original return to work date, the employee must provide a minimum of four (4) weeks written notice prior to the expected date of return. Written notice is to be provided to the Department Head/Director, or designate (copy to Human Resources) indicating the revised return to work date.

#### **J. INTERPRETATION:**

The Director of Human Resources is responsible for the interpretation of this policy. Unusual pregnancy or birth situations may occur where the normal application of this

policy may be inappropriate. Such special cases will be reviewed by the Director of Human Resources.

Provisions of the pregnancy leave and/or parental leave for an employee shall be in accordance with the Nova Scotia Labour Standards Code. Where discrepancy exists, the minimum standards detailed in the Nova Scotia Labour Standards Code will prevail. Eligibility for Employment Insurance benefits shall be in accordance with the Employment Insurance Act.