

# LEAVE OF ABSENCE

## (INCLUDING DEFERRED SALARY SABBATICAL LEAVES)

We get a lot of calls at the MTA office concerning leaves of absence, part-time leaves, job-sharing and deferred salary plans. Here are a number of questions frequently asked by teachers considering a leave of absence, along with the answers, of course.

### FULL TIME LEAVE

**QUESTION:** Is it difficult to get a leave of absence for a full year?

**ANSWER:** The EMSB is noticing that replacing teachers on leave of absence is becoming more difficult. Despite this, in certain cases the EMSB automatically **must** grant a leave of absence request. For example, the Board must grant a leave of absence for a period of a year to let you take up full-time study, in case of the death of your spouse, child, parent, or person domiciled with you, in the case of serious illness of those same people, or if you have been on sick leave for two years and still cannot return.

**QUESTION:** Is there a limit to the number of consecutive years a teacher can be on leave of absence?

**ANSWER:** The present practice of the School Board is to allow a teacher no more than two (2) consecutive years of leave. Occasionally, exceptions are made on a case-by-case basis.

**QUESTION:** Can I return to work on a part-time basis instead of full-time?

**ANSWER:** You may be able to work on a part-time basis but this has become more difficult for those teachers who have already been on a recent part-time leave. If it is your first time making a part-time leave request, you should discuss it with your principal first. If you have been on part-time leave before, you may have to provide a letter from a doctor explaining why you cannot work full-time. If you find yourself in such a position, please contact us and we'll try to provide some helpful advice.

**QUESTION:** Do I lose seniority when on leave of absence?

**ANSWER:** No. You continue to accumulate seniority as if you were teaching. You do not necessarily gain a year of experience – whether you do or not depends on what you are doing with your year of leave. For example, if you are studying full-time or working in a field related to teaching, you can go up an experience step. On the other hand, if you are using your leave for strictly personal matters, you will not gain an experience step.

**QUESTION:** What happens to me when I return? Do I come back to the same school I left?

**ANSWER:** The School Board starts with the assumption that you will return to the same school, but different circumstances may alter your situation. Your principal will be informed that you are returning from leave for the next school year, and that you must be counted into the number of teachers in your category when tentative school organization is done in March/April.

If you have been replaced by a regular teacher in your absence, your return may cause an excess of teachers in your category. In such a case, **the teacher with the lowest seniority in the category will be placed in excess.** This may or may not be you, depending on your standing in relation to your colleagues.

If you have been replaced by a teacher newly-engaged by the Board on a contract which terminates automatically at the end of June, it is pretty clear that you will return to the same school, **unless you would have been excess even if you had been teaching.**

**QUESTION:** But does the same process apply if I extend my leave another year?

**ANSWER:** Yes.

**QUESTION:** How does being on a leave of absence affect my pension?

**ANSWER:** If you are on a leave of absence without pay, you are allowed to "buy back" your year(s) of leave **upon your return to work.** If you are in the TPP (Teachers Pension Plan, for teachers hired before July 1, 1973) you will only have to pay back the amount of money you would have paid had you been teaching. If you are in RREGOP, you must pay back the equivalent of your contribution **and the employer's contribution.**

**QUESTION:** Can I continue my insurance coverage while on leave of absence?

**ANSWER:** Under the law anyone who has access to a private insurance plan must participate in that plan. Therefore, you must continue your health plan. Industrial Alliance should send you a bill automatically for the cost of maintaining the same coverage you had when teaching. You can choose whether or not to maintain coverage in the dental or long-term disability plans, but our strong recommendation is that it is a very good idea to do so.

**QUESTION:** Is there a deadline for making leave of absence requests?

**ANSWER:** Contractually, there is no deadline by which this has to be done. **But,** if you are certain that you are going to request a leave for the following school year, the sooner you make the request the better. (It may help your chances of getting a leave of absence, in cases where the Board has no obligation to grant the leave request.)

**QUESTION:** What happens if after my leave of absence has been granted I change my mind?

**ANSWER:** The School Board is not under any obligation to take you back – and normally it won't.

### **PART-TIME LEAVE/JOB SHARING**

**QUESTION:** Can I work on a part-time basis instead of full-time?

**ANSWER:** You may be able to work part-time by requesting a part-time leave. The School Board and the teacher must agree on the modalities of the leave. Teachers on part-time leave receive salary equivalent to the percentage of time they are working. You continue to accumulate seniority as if you were working full time. For a part-time leave of absence, you have to work the equivalent of **155** days to gain a year of experience, which is a new clause in our provincial entente.

The Board is not **obliged** to grant the leave, and has recently made working part-time more difficult. You should probably call us and we'll help you with additional information.

**QUESTION:** Is it possible to share a full-time position with another teacher?

**ANSWER:** There are very few teachers who are job-sharing at the present time. If you are interested in exploring the possibilities of this type of assignment develop a proposal with another teacher outlining how the assignment will be shared. For example one teacher may want to work two days one week and then three the next week.

The School Board treats requests for job-sharing as if they were requests for part-time leave.

**N.B.** Job sharing proposals by teachers from two different schools imply that one of the teachers must be prepared to request a transfer of schools.

**QUESTION:** What happens the next year? Can I continue on part-time leave or return to full-time if I wish?

**ANSWER:** You have the automatic right to return on a full-time basis simply by responding to the School Board's request for information as to your intentions by **March 1<sup>st</sup>** of the year of leave. You may also request a prolongation of your leave/job-sharing arrangements.

**QUESTION:** What are some of the things I should be aware of if I work part-time?

**ANSWER:** When you work part-time don't forget that sick days and special leave days are pro-rated. So, if you work 50%, you have 3 sick days and 4 special leave days, instead of 6 sick days and 8 special leave.

If the Board grants a part-time leave of absence, the distribution of the workload is at the Board's discretion.

Also, you should take a school calendar and work out the number of days you are working to make sure it corresponds to your percentage. This is important for teachers who are working part of a week. Finally, you must work 155 days in order to gain 1 year of experience.

### **DEFERRED SALARY SABBATICAL PLANS**

**QUESTION:** Who can apply for a deferred salary plan, and what are the different plans available?

**ANSWER:** Any tenured teacher who is not surplus and has worked for the EMSB for 5 years can apply for a deferred salary sabbatical. There are three basic plans that you can apply for:

1. Work two years, take the last year off and receive 2/3 of your salary for each year.
2. Work three years, take the last year off and receive 3/4 of your salary for each year.
3. Work four years, take the last year off and receive 4/5 of your salary.

**QUESTION:** Can I take any year off?

**ANSWER:** The EMSB grants the last year off of your plan, however if you want to explore the possibility of a different year, please give us a call.

**QUESTION:** By what date do I have to inform the School Board that I plan to start a deferred salary plan?

**ANSWER:** The Board sets a deadline for application of **March 1<sup>st</sup>** for entry into the plan.

**QUESTION:** How does being on deferred salary sabbatical affect my pension?

**ANSWER:** Good News! You get a full year's credit for **each** year you are on the plan even though you are only contributing a certain proportion while you are on deferred salary.

**QUESTION:** Do I get any special privilege to hold on to my post in my school?

**ANSWER:** No, you have no special privilege, but you are likely to return to the same school. You are in the same circumstance as any teacher on leave of absence, as described in the section on leave of absence.

**QUESTION:** Can I do daily substitution when I am on deferred salary?

**ANSWER:** No. The School Board refuses to allow you to do that because they claim it creates administrative technical problems with respect to your pension plan.

**QUESTION:** Is there anything else I should know?

**ANSWER:** Yes, if you become pregnant during your year off, there can be an impact on the Quebec Parental Insurance Plan (QPIP), i.e. you may not be eligible for benefits or if you are eligible the amount of the benefit may be reduced.

### **GENERAL QUESTIONS**

**QUESTION:** Should I speak to my principal, or do I just write a letter to the School Board?

**ANSWER:** In the case of part-time work/job sharing, it is advisable to speak to your principal. The School Board usually contacts the principal to see if your request fits into the school organization.

**QUESTION:** Whom do I write to in making a leave request?

**ANSWER:** Your email should be addressed to:

Ann Watson  
Director of Human Resources  
awatson@emsb.qc.ca

and cc your Regional Director, your principal and MTA.

**QUESTION:** How long does it take to get an answer?

**ANSWER:** The local agreement specifies that the School Board **must** answer within 35 days of receipt of your request. That said, if the request is for the following school year, then the 35 days will begin on March 1<sup>st</sup>.

If these questions don't cover the particular situation, and you want more information, please don't hesitate to call the MTA office.