

# Standard Operating Procedure

## Human Resources and Employee Relations

**Procedures:** Pregnancy and Parental Leave for CPM Employees      **S.O.P Number:**

**Department/Unit:** Human Resources and Employee Relations      **Page(s):** 6

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A standard operating procedure describes the established steps and processes for completing specific tasks. A standard operating procedure is to be compliant with applicable collective agreements, government acts and regulations and university policies and procedures.

**Task Description:**

These guidelines and procedures relate to pregnancy and parental leave for Confidential, Professional and Managerial (CPM) Employees.

### PREGNANCY/MATERNITY LEAVE

**1. Procedure**

York University shall grant pregnancy/maternity leave to eligible CPM employees and shall supplement the government benefit that may be payable to employees who are eligible for such benefit.

**2. Eligibility for Pregnancy Leave**

A female CPM employee, who is pregnant and who has been employed by the University for a period of at least thirteen (13) weeks prior to the date upon which she begins her pregnancy leave, shall be entitled to a pregnancy leave of up to seventeen (17) calendar weeks.

**3. Application for Pregnancy Leave**

Application for pregnancy leave shall be made, in writing, to the employee's immediate supervisor. Application shall normally be made no later than four (4) weeks before the employee expects to begin her leave.

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#### **4. Period of Pregnancy Leave**

The period of the leave shall be taken at the discretion of the employee during the weeks immediately preceding and/or immediately following the birth of the child.

#### **5. University Supplement to the Employment Insurance Benefit during Pregnancy Leave**

5.1 Provided the employee has ten (10) months of service with the University prior to the start of her pregnancy leave, the University shall supplement the Employment Insurance (EI) maternity benefits paid to the employee during the fifteen (15) weeks so that the total from both sources equals 95% of the employee's normal weekly salary.

5.2 In addition, provided the employee is eligible for Employment Insurance Maternity Benefits, the University shall pay the employee for the first two weeks of leave (i.e., the EI unpaid waiting period) an amount equal to 95% of the employee's normal weekly salary. It is understood that in any week, the combined weekly payments received from the plan and the weekly rate of EI benefits will not exceed 95% of the employee's weekly earnings.

5.3 Payments will commence upon the employee's submission of a cheque stub or letter from EI as proof that the employee is in receipt of Employment Insurance benefits, and shall continue while the employee is in receipt of such benefits for a maximum period of fifteen (15) weeks. Such documentation shall be submitted to Pension and Benefits.

#### **Eligibility of Sessional Employees for University Supplement**

5.4 A sessional employee shall be eligible for the University supplement as outlined above for those weeks and/or days that she would normally have worked within her session of employment. The University shall not supplement the EI benefit paid during the period of unpaid sessional leave. For example:

If the entire seventeen (17) week period of pregnancy leave does not fall within the session of employment, but is interrupted by a period of unpaid sessional leave, the University's supplement to EI maternity benefits shall:

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- i) be suspended on the day the unpaid sessional leave commences; and/or
- ii) commence/resume on the start day of the employee's session of employment until the expiration of the seventeen (17) week period.

#### **Pro-rated Calculation for Part-time Employees**

5.8 Part-time and part-time sessional CPM employees shall have their entitlement calculated on a pro-rated basis, determined by the percentage of the total of full-time hours in a given year an employee works. For this calculation, "full-time" is deemed to be thirty-five (35) hours per week.

#### **6. Benefits Coverage and Vacation Accrual During Pregnancy Leave**

Coverage under the appropriate employee benefits and pension plans is continued throughout the pregnancy leave period, provided that the employee continues to pay the normal shared cost of premiums or contributions. In addition, employees will continue to accrue vacation entitlement while they are on pregnancy leave.

#### **7. Return to Work from Pregnancy Leave**

An employee shall provide her immediate supervisor with written notice of her intention to return to her former position at least four (4) weeks prior to the end of her pregnancy leave.

When an employee returns from pregnancy leave, she shall be reinstated in her former position, if it continues to exist. If it does not, then the employee shall be reinstated in a comparable position.

### **PARENTAL LEAVE**

#### **8. Guideline**

York University shall provide parental leave to eligible CPM employees. The University shall not supplement parental leave Employment Insurance (EI) benefits.

#### **9. Eligibility for Paid Parental Leave**

A CPM employee, who is either a birth or adoptive parent may apply for a leave of absence of up to five (5) days with pay, commencing within five (5) days of the birth or

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adoption of his or her child. An adoptive parent includes a spouse or common-law partner.

#### **10. Eligibility for Unpaid Parental Leave**

A CPM employee, who is either a birth or adoptive parent and has been employed by York University for a period of at least thirteen (13) weeks, shall be entitled to parental leave of up to thirty-five (35) weeks. An adoptive parent includes a spouse or common-law partner.

#### **11. Application for Unpaid Parental Leave**

Written notice is to be given to the employee's supervisor no later than four (4) weeks prior to the commencement of the parental leave. For birth mothers, application should be made, if possible, prior to the commencement of the pregnancy leave.

#### **12. Commencement of Unpaid Parental Leave**

12.1 For birth mothers, parental leave is to commence upon expiration of the pregnancy leave.

12.2 For spouses, common law partners, other birth parents or for adoptive parents, the leave is to commence within fifty-two (52) weeks of the birth or the coming of the child into the custody of a parent.

#### **13. Further Unpaid Leave of Absence following Parental Leave**

13.1 Adoptive parents or fathers may apply in writing to the supervisor for a further unpaid leave of absence following parental leave. Departmental operating requirements shall be the prime consideration in the employer's decision to grant the leave.

13.2 The duration of the combined leaves (parental leave and unpaid leave of absence) shall not normally total more than twelve (12) months. Application shall be made, wherever possible, prior to the commencement of the parental leave. Otherwise, application shall be made at least four (4) weeks before the unpaid leave is expected to begin. Failure to provide such notice may result in the leave not being granted.

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13.3 During the period of unpaid leave, coverage under the appropriate employee benefits plans shall be continued, as long as the employee pays both the employer and employee share of the associated premiums. Employees will not accrue vacation entitlement during a leave of absence without pay.

#### **14. Benefits Coverage and Vacation Accrual during Unpaid Parental Leave**

14.1 Coverage under the appropriate employee benefits and pension plans shall be continued throughout the parental leave period, provided that the employee continues to pay the normal shared cost of premiums or contributions.

14.2 Employees shall continue to accrue vacation entitlement while they are on parental leave.

#### **15. Return to Work following Unpaid Parental Leave**

15.1 An employee shall provide the immediate supervisor with written notice of his/her intention to return to work at least four (4) weeks prior to the end of the leave or combined leave period, in the situation where:

- i) an employee has combined her pregnancy leave with a parental leave;
- ii) a father or adoptive parent has taken parental leave; or
- iii) a father or adoptive parent has combined a parental leave with an unpaid leave of absence.

15.2 An employee shall be reinstated in the employee's former position, if it continues to exist, or otherwise in a comparable position if the former position no longer exists, in the situation where:

- i) an employee returns from a combined pregnancy and parental leave;
- ii) an employee returns from a parental leave;
- iii) an employee has been granted an unpaid leave of absence following parental leave, and the combined leaves total no more than twelve (12) months.

15.3 If a combined leave totals more than twelve (12) months, and the employee has indicated the intention to return to work, then the University will make every reasonable effort to find a suitable job for the employee commensurate with the employee's skills and abilities.

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#### **ADMINISTRATIVE PROCEDURES: PREGNANCY AND PARENTAL LEAVES**

##### **16. Funding to Replace an Employee on Pregnancy Leave**

- 16.1 A department given approval to replace an employee who is on pregnancy leave shall be reimbursed for any replacement salary costs, which exceed the budgeted salary amount for the position. Such funding shall be allocated by the Budget Office as a lump sum on completion of the pregnancy leave.
- 16.2 The replacement employee shall not be paid at a higher salary than that of the employee being replaced.

##### **17. Employee Transaction Processing**

- 17.1 The department making an application shall submit an Employee Transaction Form (ETF) to the Department of Human Resources & Employee Relations (HR&ER) indicating the name of the employee taking pregnancy and/or parental leave and the expected duration of the leave. This should be done as soon as the department is aware the leave(s) will be taken.
- 17.2 When the employee returns from leave(s), the department shall provide a detailed memorandum to HR&ER that indicates the actual salary paid and the cost centre, fund and account.
- 17.3 HR&ER shall provide written notification to the Budget Office of all pregnancy claims received and supplement paid.