

Administrative Procedure 408 - Medical Leaves

Background

To provide support to staff during medically-necessary leaves and to ensure consistency and fairness in the treatment of staff during their medical leave and returning from long-term medical leaves; the following process shall be used to support all teachers and all support staff.

The main purpose of this Administrative Procedure is to ensure supports are provided to staff during medical leaves, maintain communication, and assist in bringing the employees back into the school and the workplace when appropriate.

Definitions

Long-term medical leave, any absence greater than thirty (30) calendar days, unless waived in writing by the Division. Absences can include leave while on the Division's sick leave plan, the Alberta School Board Employee Benefit Plan (ASEBP), the Workers' Compensation Board (WCB) plan, or unpaid medical leave.

Medium-term medical leave, any leave greater than five (5) working days and less than or equal to thirty (30) calendar days.

Short-term medical leave, any leave less than or equal to five (5) working days.

Procedures

1. General Procedures

- 1.1. Staff shall enter medical leaves into the Atrieve leave management system as sick leave and medical appointments shall be entered as medical/dental appointments. After 90 calendar days, the staff member no longer enters absences into the leave management system
- 1.2. If a replacement is required to fulfill your work duties while on leave, staff are expected to follow procedures for booking and planning for a replacement.
- 1.3. In the event that a staff member is medically unable to book or plan for a replacement, they shall contact their supervisor requesting an exemption from these duties.
- 1.4. If a replacement is placed on a temporary contract, the staff member on leave will no longer enter the replacement into the leave management system.
- 1.5. If an employee is on vacation leave and is hospitalized or experiences a significant medical issue, they may apply to the Assistant Superintendent of Human Services to convert their vacation leave to sick leave. To support this request, the employee must

provide a medical certificate detailing the nature and duration of the medical condition. The application and required documentation must be submitted promptly.

2. Staff on Short-Term Medical Leaves

- 2.1. Staff must inform their immediate supervisor through the electronic reporting portal as soon as it is known they will require short-term medical leave. The supervisor may request additional information regarding the request.
- 2.2. Staff are able to take short-term medical leaves where they are medically unable to work, as in the case of being sick.
- 2.3. Staff are to schedule medical appointments outside of normal working hours whenever possible. However, when such scheduling is not feasible, staff are permitted to take short-term medical leaves to attend appointments with medical professionals. When employees miss work for appointments, they are to minimize their absence by scheduling appointments near their workplace or home whenever possible. Additionally, staff are to choose appointment times that minimize disruption to their work schedule whenever possible.

3. Staff on Medium-Term Sick Leave

- 3.1. Staff must inform their immediate supervisor through the electronic reporting portal as soon as it is known they will require medium-term medical leave.
- 3.2. The immediate supervisor will inform the Assistant Superintendent of Human Services regarding the leave when known. The Assistant Superintendent of Human Services shall inform the Compensation Coordinator.
- 3.3. The supervisor or the Assistant Superintendent of Human Services may request additional information where reasonable.
- 3.4. A medical certificate provided by the Division will be needed for medically-necessary leaves away from work for any medium-term leave as requested by the Assistant Superintendent of Human Services.
- 3.5. Employees are required to cooperate with the Assistant Superintendent of Human Services during their medium-term medical leaves, as well as (where applicable) the employee's union, ASEBP, and WCB. Employees must seek ways to minimize the length of medium-term medical leaves where reasonable and possible.
- 3.6. Approval for returning to work must be provided by the Assistant Superintendent of Human Services. An updated medical certificate provided by the Division may be required to be completed stating the individual is able to work, and in the case of teaching staff, the teacher is able to return on a full-time and continuous basis.

4. Staff on Long-Term Sick Leave

- 4.1. Staff must inform their immediate supervisor through the electronic reporting portal as soon as it is known they will require long-term medical leave.
- 4.2. The immediate supervisor will inform the Assistant Superintendent of Human Services regarding the leave when known.
- 4.3. The supervisor or the Assistant Superintendent of Human Services may request additional information where reasonable.
- 4.4. A medical certificate provided by the Division will be needed for medically-necessary leaves away from work for any long-term leave as requested by the Assistant Superintendent of Human Services.
- 4.5. All long-term medical leaves, where reasonable, will be referred by the Assistant Superintendent of Human Services to the ASEBP's Voluntary Early Intervention Program to seek co-operative strategies for a return to work for the employee. Employees will be encouraged to participate in the program where possible and reasonable.
- 4.6. Employees are required to cooperate with the Assistant Superintendent of Human Services during their long-term medical leaves, as well as (where applicable) the employee's union, ASEBP, and WCB. Employees must seek ways to minimize the length of long-term medical leaves where reasonable and possible.
- 4.7. An updated medical certificate provided by the Division will be required to be completed stating the individual is able to work, and in the case of teaching staff, the teacher is able to return on a full-time and continuous basis. The employee must also note any relevant information is also provided. ASEBP may be able to provide communication in lieu of a form where the leave was due to an extended disability. The medical certificate must be received by the Assistant Superintendent of Human Services prior to a return to work. The Division will then consider the information and agree that a return to work is appropriate.
- 4.8. For long-term leaves, the employee must inform the Assistant Superintendent of Human Services immediately once a date for return to work is anticipated. Staff are to expect generally a minimum of two (2) school or operating days to facilitate a return to work unless waived by the Division.
- 4.9. Written approval must be provided back to the employee by the Superintendent (in the case of a teacher) or the Assistant Superintendent (in the case of other staff) prior to the employee returning to work.

5. Communications with Staff

- 5.1. The Assistant Superintendent of Human Services will contact the staff member by phone and later by mail to confirm the status of the leave and the expectations on a return to work date.

- 5.2. The staff member will be made aware of the need for a Division medical certificate evidencing the staff member's inability to work.
 - 5.3. The staff member will be made aware of the documentation and requirements when they are ready to return to work.
 - 5.4. Staff are to expect regular communication during the term of the leave by the Assistant Superintendent of Human Services and at least one communication per month.
 - 5.5. The Assistant Superintendent of Human Services will communicate monthly to the Superintendent the status of teachers on long-term medical leave.
 - 5.6. Staff are to expect communication from the Alberta School Board Employee Benefit Plan (ASEBP) where they are covered under ASEBP benefits or WCB, as applicable.
6. Graduated or Partial Return to Work
 - 6.1. Requests for a graduated or partial return to work must be communicated to the Assistant Superintendent of Human Services. A graduated or partial return to work will be considered where reasonable and would not otherwise represent a significant financial hardship or operational hardship to the Division (undue hardship).
 - 6.2. The Assistant Superintendent of Human Services will contact ASEBP (if applicable) and/or WCB (if applicable) to confirm the ASEBP or WCB for each case the impact a return to work will have on the individual.
 - 6.3. The Assistant Superintendent of Human Services will consider the ability to have a partial return to work under legislation requirements, common law, and (if applicable) collective agreements.
 - 6.4. The Assistant Superintendent of Human Services will discuss the return to work request with the employee's supervisor and gather any further considerations at that time.
 - 6.5. Prior to a return to work, the Division will meet with the staff member (and, where relevant, the respective employee's union) to develop a return to work plan that details:
 - 6.5.1. ASEBP and/or WCB requirements/restrictions
 - 6.5.2. Length of return to work plan towards a full-time, regular work plan
 - 6.5.3. What happens if the return to work is not successful
 - 6.5.4. Considerations needed for a return to work to be successful
 - 6.6. A graduated or partial return to work plan will be prepared by the Assistant Superintendent of Human Services and signed by the Superintendent (in the case of teachers), the Assistant Superintendent (in the case of other staff), and the employee's union (where applicable).
7. Contribution to Health Benefits
 - 7.1. The Division's contribution to health plan benefits, excluding health spending account and wellness account, will be paid when a regular employee is absent from work for short and medium-term medically-necessary leaves of thirty (30) calendar days or less,

medically-necessary leaves to a maximum of ninety (90) calendar days, and if the employee is eligible for extended disability benefits with ASEBP or WCB (as applicable) to a maximum of two years. For all other leaves, the payment of the full cost of premium contributions will be the responsibility of the employee.

7.2. Staff on long-term medical leaves greater than ninety (90) days shall not have access to the health spending account or the wellness account for the same fiscal year until they return from the medical leave in that year, and benefits for the year will be pro-rated.

8. Payment of Wages while on Workers' Compensation Benefits

8.1. Staff not under the Alberta Teachers' Association contract or personal-services contract that qualify for WCB benefits will be paid only the amount they qualify for under the WCB program during their medically-necessary leave.

Reference: Section 33, 52, 53, 68, 196, 197, 204, 222, 225 Education Act
Employment Standards Act
Labour Relations Act
Section 248L, Canada Tax Act
Canada Income Tax Regulation 6801
Collective Agreements

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