

Policy Employee Leave – Personal days	Policy # 3.02
Effective Date April 1 st , 2016	Supersedes Policy # 3.02 (March, 2007)
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PURPOSE

Guidelines for personal leave approval and entitlement. In dealing with employees with regards to personal leave, it is essential to obtain all the facts to keep proper documentation.

SCOPE

This policy applies to all **permanent** employees of the Micmacs of Gesgapegiag as well as employees who have a **fixed-term contract of at least 12 months**.

POLICY STATEMENT

Personal leave entitlement

Personal leave with pay will be earned by full-time employees on a basis of **1,25 days per month** for each month the employee has worked to a maximum of **fifteen (15) days** per full calendar year. Personal leave may be fractioned in days or periods no shorter than 15 minutes.

To be entitled to cumulate personal leave for a specific month, the employee must have worked at least ten (10) days in that month. Vacation days are considered work days in this policy.

Employees who work part-time (less than 32 or 35 hours per week) will have their leave prorated.

The Personal leave runs from April 1st to March 31st, inclusive. (Exception: Education will run on school year).

Granting of personal leave

- a) Personal leave may be granted with pay when an employee is unable to perform work duties due to sickness, medical appointments, cultural, family, bad weather, marriage or any other personal reasons.
- b) The employee must notify his absence to his/her immediate supervisor **no later than 30 minutes** after the working day commences and indicate when they expect to return to work.
- c) If an employee is late, the time may be deducted off their accumulated personal leave time.
- d) If an employee uses personal leave for three (3) consecutive days of illness/injury, he must provide a detailed doctor's certificate on the 3rd day off. The doctor's certificate must mention the reason of illness or injury and the duration of the sick leave.

If excessive absenteeism occurs then the organization reserves the right to have the employee checked by a doctor of the organizations' choosing. The supervisors must record in their Personnel Files as well as notify the Human Resources Coordinator of an employee's absence for record keeping purposes.

The Human Resources Coordinator is entitled to request proof of illness.

If an employee illness persists beyond ten (10) working days and the employee has used all accumulated personal leave credits, they must apply for Employment Insurance.

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- e) Holistic leaves may be granted up to three days with **approval** of the immediate supervisor. These will be deducted from accumulated personal leave.
- f) Employees are entitled to take unearned personal leave as long as they gain it back over the year (April 1st to March 31st). At the end of the year, if an employee has used unearned personal leave, the value of the unearned personal leave will be deducted from their vacation.
- g) Employees are expected to utilize their hours of work to perform assigned duties and not to conduct personal business. An employee wishing conduct personal business during regular work hours will be required to use or personal leave time.

Unused personal leave

Unused personal leave cannot be carried over to the following year and is not available for vacation or cash payment.

Return to work after sick leave

According to the Labour Code of Canada, *an employer may assign to a different position, with different terms and conditions of employment, any employee who, after an absence due to illness or injury, is unable to perform the work performed by the employee prior to the absence.*

If suitable employment is not found, the Council has grounds for termination with just cause.

Resignation or Dismissal

If the employee resigns or is terminated before the end of the year, then the personal leave will be prorated at 1,25 days per month. Any unearned personal leave that was used will be deducted from the final pay.

Unused personal days will not be paid out should an employee resign or have his/her employment terminated.

Please note that according to the Labour Code of Canada, *no employer shall dismiss, suspend, lay off, demote or discipline an employee because of absence due to illness or injury if*

(a) the employee has completed three consecutive months of continuous employment by the employer prior to the absence;

(b) the period of absence does not exceed 17 weeks; and

(c) the employee, if requested in writing by the employer within fifteen days after his return to work, provides the employer with a certificate of a qualified medical practitioner certifying that the employee was incapable of working due to illness or injury for a specified period of time, and that that period of time coincides with the absence of the employee from work.