

## VTA/BOARD INTERPRETATION SEPTEMBER, 2017

***This interpretation is the result of a VTA/Board Joint Committee working together over the period of the 2016-17 school year to update the previous 2003 document.***

### ARTICLE G.28: COMPASSIONATE LEAVE OF ABSENCE

9.1 When a teacher requests leave of absence for compassionate reasons of serious illness within the immediate family, such leave shall be granted, with pay, to a maximum of eight (8) days annually. Additional days, with pay less the composite cost of a teacher on call may be granted at the Board's discretion.

9.2 Where leave of absence is granted under this Article, the Board may require that the teacher provide a certificate of proof of such illness from a duly qualified medical practitioner.

The intent of Article G.28, when negotiated by the Board and the VTA, was to provide a leave opportunity for teachers who unfortunately got caught in the situation of having to attend to a serious illness of an immediate family member. This interpretation is intended to clarify the definitions of serious illness and immediate family members for the purpose of this leave. This interpretation will also outline the procedures for applying for a G. 28 Leave of Absence.

### **Definitions**

#### **A. Serious Illness -**

1. A serious emergent incident when serious illness or injury occurs and requires an immediate response.
2. A scheduled procedure, or appointment, that has significant implications for the individual, such as significant risk of death, permanent impairment, or other serious health issues.

Additional medical information may be requested to help determine the appropriateness of an employee's request for compassionate leave.

#### **B. Immediate Family -**

Immediate family includes parents, spouse/common law, sister, brother, child, grandchild, grandparent, mother-in-law, father-in-law, brother-in-law, sister-in-law, foster children, previous foster parent, step children, step parent, and other "children in their care".

### **Guidelines and Procedures**

The following guidelines and procedures for processing the leave request will be used.

When a **serious emergent incident** occurs, the teacher is responsible for reporting their absence to TTOC Dispatch. When the teacher returns to work, they will complete the leave of absence form and provide the district with a description of the incident and any supporting documentation.

Where a quick decision cannot be made on the compassionate leave request, the Director of Instruction for Teaching Personnel may request more information. In the meantime other leaves

options may be approved until a final decision can be determined. The Director may also consult with the VTA President. After receiving all of the available information, a decision to accept or deny as a compassionate leave request will be made and communicated to the teacher.

In **non-emergent situations** the teacher is responsible to complete the leave of absence form and provide the district with a description of the situation and any supporting documentation. If this situation clearly fits the compassionate leave criteria, the district will approve the leave by signing the leave form and TTOC Dispatch will communicate the leave approval.

The Director of Instruction for Teaching Personnel may request more information to clarify. The Director may also consult with the VTA President. After receiving all of the available information, a decision to accept or deny the leave as a compassionate leave request will be made and communicated.

In both **serious emergent** and **non-emergent situations**, if in the opinion of the district the situation does not qualify for a compassionate leave, the teacher can discuss and review the decision with the Director of Instruction and/or the VTA President. Other leaves may be approved with pay, less composite cost of the TTOC or without pay depending on the specific employees situation.

Requested personal information (like physician's notes) are to be used by the district to help determine the seriousness of the illness. It is understood that only information that the district needs to make a decision will be requested. This information is considered confidential and will not be shared without permission. Physicians do not interpret the collective agreement and therefore can not determine if a situation fits a leave request. Once the leave request has been finally determined, the supporting personal information is no longer required and will be destroyed. The Director of Instruction may make a note that a decision was made based on supporting personal information.

### **Examples**

1. An immediate member of the family has had a preliminary diagnosis of a serious medical condition (eg. cancer, heart/stroke, first epileptic seizure, etc) and the patient is admitted immediately for testing or exploratory surgery. **Approved**

**Rationale:** The immediacy of the situation and the unknown nature of the medical condition require the immediate family member to be involved/available.

2. A child is waiting for surgery (hernia). The teacher does not know when the surgery will take place and he/she will only be given notice the day before. **Consult with the Director; gather more information from the teacher and/or Physician.**

**Rationale:** Approval may be contingent on a number of factors: exact nature of the operation/procedure, age of the child, risk associated with the operation/procedure, etc.

3. An immediate member of the family is scheduled for a medical procedure (day surgery). The doctor/hospital requires that for the patient to be discharged he/she must be picked up by someone (the patient is not allowed to drive). The doctor may even suggest/require that someone observe the patient for a period of time at home. **Consult with the Director - each individual case to be assessed on the specific circumstances involved.**

**Rationale:** This is not necessarily a serious medical condition or serious emergent incident. It is known and predictable. Although it may be inconvenient or even impossible, for the patient to arrange to have someone other than the spouse take care of the situation, it would not be a requirement, or even an expectation, by the medical community that this must be done by the spouse and/or parent. When an employee wishes to attend a medical procedure for a family member that is not deemed serious (no risk of death and/or permanent impairment), a Family Responsibility Leave or Short Term Discretionary Leave may be used. However, if the family member is required to be there for a discharge/after care plan this compassionate leave may be approved.

4. A teacher's child (age 6) has come down with a cold and will not be able to attend school. The teacher decides they must stay home with the child. **Not approved as compassionate leave.**

**Rationale:** This situation does not usually fall into the category of serious illness. It is expected that the teacher would have made previous arrangements with another adult/caretaker for when this situation might arise. When an employee feels they must stay home because of a child's illness, they must request a Family Responsibility Leave, Short Term Discretionary Leave - leave with pay - less the composite rate of TOC costs, or a Short Term Sick Leave because they are legitimately ill due to severe lack of sleep, etc.

5. Teenage child of a teacher suffers from addiction issues and will be put in treatment in 24 hours. The child needs be monitored at all times until admitted to treatment. The parent needs stay at home and monitor the child until they are put in the treatment centre. **Approved.**

**Rationale:** Addiction and mental health will be viewed through the same lens as other health issues. The 24 hour time period speaks to the immediacy and seriousness of this issue. Given the nature of this issue it is the parent who needs to be the one who stays with the child.

\*\*\*\*\*

The objective for using these guidelines and procedures is to help ensure the District's consistency when deciding on compassionate leaves.

**A reminder of the employee assistance program that can be accessed through both the District and VTA websites.**