

<b>Policy Title:</b>	Sick Leave and Salary Continuance Benefits		
<b>Category:</b>	<input type="checkbox"/> Institutional - Board <input type="checkbox"/> Academic - Administrative <input checked="" type="checkbox"/> Institutional - Administrative <input type="checkbox"/> Employment - Administrative		
<b>Approved by:</b>	<input type="checkbox"/> Board <input checked="" type="checkbox"/> President		
<b>Date Approved:</b>	August 27, 2020	<b>Effective date:</b>	August 27, 2020
<b>Policy Sponsor:</b>	Vice President, Administration & Finance	<b>Date last reviewed:</b>	August 27, 2020
<b>Date of Mandatory Review (expiry date)</b>	August 2025	<b>Date of last revision of Procedures</b>	January 8, 2021

## 1 POLICY

1. For the health and safety of the CMCC community, any employee who has a communicable disease or is showing symptoms is not to enter CMCC premises for work but to stay home in order to avoid spreading the disease to others. This is particularly important during Public Health emergencies.
2. CMCC provides eligible employees with paid leaves in the form of Sick Leave credits and Salary Continuance benefits to guard against the loss of earnings due to having a communicable disease, illness, or injury that causes an absence from work. During Public Health emergencies, government regulations may take the place of the CMCC provisions provided in this policy.
3. Eligible employees may use their Sick Leave credits in order to care for their ill or injured dependent family member.
4. Sick Leave credits are to be taken only as full or half-day increments.
5. Paid Sick Leave credits are a benefit not an entitlement, and under no circumstances will unused credits be paid out.
6. For any communicable disease, illness or injury, which requires an absence from work, CMCC reserves the right to require an employee to provide a health care certificate or medical note from a regulated health care practitioner licensed to diagnosis in a Canadian province. Any associated costs is the responsibility of the employee.
7. After seven calendar days of absence, employees eligible for paid Sick Leave will be required to provide sufficient objective health care documentation to a third party administrator (Recovery Facilitator) in order to assess qualification for the Salary Continuance program. This documentation will remain confidential with the Recovery Facilitator.
8. Although Salary Continuance payments will only commence when all Sick Leave credits are exhausted, it is CMCC's intent that any employee who requires a paid leave due to illness or injury of more than seven calendar days, will go through the Salary Continuance program.

9. CMCC or their third party administrator may require an employee to attend an independent health care examination with CMCC's choice of regulated health care practitioner licensed to diagnose in a Canadian province, at no cost to the employee, for the sole purpose of determining an employee's current health status, adequacy of treatment plan and eligibility for benefits under this policy.
10. Paid Sick Leave credits may not be extended consecutively over two anniversary years for a single occurrence of illness of over seven days as the Salary Continuance program would respond, as approved, after seven days.
11. Employees may authorize the use of available vacation credits in order to off-set reduction in pay and continue to receive full salary during the period of Salary Continuance.
12. Failure to comply with any of these requirements may result in denial of Sick Leave or Salary Continuance payments.
13. Sick Leave and Salary Continuance are not paid in the case of maternity and/or parental leave, when the illness or injury occurs after such leave has commenced or during any period in which the employee is in receipt of maternity or parental benefits under the *Employment Insurance Act*.
14. A Long Term Disability leave benefit is available to employees who are eligible and have contributed to the institution's LTD plan, have been certified disabled by the insurer, and have exhausted their Sick Leave credits and Salary Continuance, or 120 calendar days from the date last worked (whichever is greater).
15. Where this policy is inconsistent with that of a current Collective Agreement, the Collective Agreement shall apply.

## **2. PURPOSE**

To help mitigate the spread and exposure of communicable disease at CMCC and to outline benefits that may be available to eligible employees during a period of absence due to illness or injury.

## **3. SCOPE**

All employees are to stay at home when they have a communicable disease.

Benefits apply as follows:

- a) All employees who:
  - i. work three or more regularly scheduled days per week and a minimum of 21 hours per week and have completed three (3) months of continuous employment, or
  - ii. are eligible union employees
- b) Contract employees whose contracts are 12 months or more and who work a minimum of 21 hours per week are eligible only for Sick Leave credits for illness or injury, and are not eligible for Salary Continuance or Long Term Disability benefits. Should illness or injury occur once all Sick Leave credits have been exhausted, the contract employee can apply for EI disability benefits.
- c) Union employee sick leave benefits are governed by the terms of the applicable Collective Agreement.

#### 4. INFORMATION AND COMPLIANCE PLANS (not a comprehensive list)

CMCC will implement precautionary measures to reduce the spread of communicable diseases in the workplace. Implementation of these measures by employees, both at home and on campus, will aid in maintaining a healthy workplace. All CMCC employees share in the responsibility for adhering to and enforcing this policy.

- *Employment Insurance Act*
- *Employment Standards Act, 2000*
- Group Benefit Booklet
- Salary Continuance (Short Term Disability) Program package

Subject to meeting the mutual obligations set out in this Policy, CMCC will provide paid Sick Leave credits for incidental illness or injury to a maximum per anniversary year (pro-rated for the first year of employment) based on regularly scheduled work, as follows:

Regular Schedule	Sick Leave Credit Allotment	*1 <sup>st</sup> Year Allotment
5 days per week	18 days	13.5 days
4 days per week	15 days	11 days
3 days per week	12 days	9 days

\*Sick days falling within the first three (3) months of service will be on an unpaid basis.

CMCC may provide the employee with Salary Continuance payment to a maximum of 119 calendar days from the onset of the illness or injury or from the last sick leave credit entered, as follows:

Completed Years of Service at CMCC	Salary Continuance
3 months - 5 years	65% of regular earnings
6 -10 years	75% of regular earnings
11 -15 years	90% of regular earnings
Over 15 years	100% of regular earnings

All health care documentation for Salary Continuance must hold sufficient detail for third party assessment, including but not limited to the employee's leave, capabilities, treatment plan, timeline for return, ability to attend and perform normal work or modified work that may be available, as well as any limitations or restrictions on the employee's ability to perform their normal duties.

All details for Long Term Disability benefits regarding eligibility, application process and the amount of benefit payable are available from the Benefits Booklets and by contacting the Human Resources Division.

#### 5. RELATED POLICIES (not a comprehensive list)

- Health and Safety
- Leaves
- Privacy
- Substance Use and Impairment
- Working from Home

#### 6. DEFINITIONS

Cessation of Payment means stopping or pausing sick leave, STD or LTD payments.

Communicable Disease is an illness that can be contracted through contact with a human or animal, their discharges, or contaminated items carrying an infectious agent. An infectious agent is a disease-causing organism, such as a bacteria, virus or parasite.

Days for sick leave credits refer to work days missed. For salary continuance portion of this policy, days are based on calendar, not work days.

Dependent for the purposes of this policy as it relates to sick leave credits, is a child, spouse/partner, or parent who requires direct care by the employee. Any requirements of an employee as set out in this policy shall apply to the production of documentation which substantiates the need for the employee to support the dependent family member.

Regular Earnings is an employee's normal wage exclusive of irregular overtime pay, vacation pay or other allowances.

Salary Continuance, also known as Short Term Disability (STD) provides eligible employees income replacement to support the employee when they suffer a significant illness or injury to themselves that may lead to long-term absence (seven or more calendar days) or Long Term Disability (LTD). The Salary Continuance program is designed to coordinate with the "elimination" or "waiting" period for LTD benefits (120 days) as defined in the Group Insurance LTD policy.

Self-monitoring means to monitor yourself for symptoms of a communicable disease (cough, fever, and difficulty breathing); to avoid crowded places; and to increase physical space from others whenever possible. This would include potential for self-isolating and/or self quarantining as per Public health authority guidelines.

- a. Self-isolation is staying home and avoiding contact with others, due to testing positive for or being exposed to a communicable disease. This is typically 14 days or until the regional public health authority says you are not at risk of spreading the contagion.
- b. Self-quarantining is staying home and avoiding contact with others, due to potential exposure to a communicable disease or until there is no longer a risk of spreading the virus based on regional public health authority guidelines.

Sick Leave is an absence from work and performance of regular duties due to occasional personal illness or injury without a loss of pay. Sick Leave absences can be used to care for the illness or injury of a family dependent.

A third party administrator, also known as a Recovery Facilitator, will manage the medical and personal aspects of sick leave claims that go through the Salary Continuance program, on behalf CMCC. The third party administrator will adjudicate the claim via their care management program as well as assist with a return to work plan.

Workplace is any land, premises, location or thing at, upon, in or near which a worker works. The workplace does not end when the worker leaves the physical space.

**New Policy Approved (date):**

**Policy Revision History (dates):**

July 2002 – Group Benefit Plan  
January 2004 – Short Term Disability and Sick Leave  
June 2008  
January 19, 2012 – Sick Leave & Salary Continuance Benefits

August 20, 2019  
November 13, 2019  
August 27, 2020

-----**END OF POLICY**-----

## **7. PROCEDURE**

1. An employee who has a communicable disease must stay home.
2. When ill or injured, an employee is required to notify their manager prior to the start of their regular work day, or as soon as reasonably possible. In the case of an employee leaving work because of illness, the employee's manager must be notified immediately.
3. Employees who are instructed during a Public Health emergency to self-monitor by their health care practitioner, are required to disclose this information to the Human Resources Division.
4. Employees who test positive to a communicable disease that is a Public Health emergency are required to disclose this information to Human Resources. At no time, will an employee be discriminated against, face reprisal or have their employment jeopardized by disclosing this information.
5. The manager is responsible for entering absences due to incidental illness or injury into the online Time and Attendance tracking system (HROnline) via available sick day credits. In the event that the employee has exhausted all sick day credits, the manager is to speak with the employee regarding which alternate leave code should be entered (personal, unpaid leave, etc.).
6. CMCC reserves the right to receive proof of illness. A health care certificate or medical note can be reasonably requested by management, and will be required in any case of absence of three consecutive work days or more, other than when required by a Public Health emergency, and after any absence that appears to be part of a larger pattern. Any costs associated with any requested or required health care certificate will be the responsibility of the employee.
7. At onset of an absence that is believed to require seven calendar days or more, the Human Resources division will provide the employee the Salary Continuance package consisting of forms that both the employee and the attending health care practitioner will complete and submit to a third party administrator (Recovery Facilitator) within the first 10 days of absence.
8. If not eligible for paid leave time, employees may review legislative job-protective paid/unpaid leaves that may be available to them.
9. The third party administrator may need to contact the employee, the manager, or the attending health care practitioner(s) for additional information. The Recovery Facilitator will then advise on whether the claim for continued absence is approved and thus payment will continue. In the event the third party administrator does not have medical information to support extended leave, the employee will be required to return to work. Failure to do so will result in the cessation of payment to the employee.
10. Appeals:

- a) In the event that a claim is declined, the employee will be provided an opportunity to appeal the decision with written intention to appeal to CMCC's third party administrator within seven days of notification and the provision of new and un-reviewed health care/medical information within 14 days of notification.
  - b) If the health care/medical information/documentation is deemed insufficient to support the absence, the employee will be required to return to work.
11. Regular ongoing documentation and correspondence with the third party administrator must be provided. In cases where an absence will transition into Long Term Disability (LTD), the application process for this benefit will commence no later than 30 days prior to the LTD elimination period (17 weeks or 120 days). LTD benefits are insured by the Group Benefits provider and further details are available from the Group Benefits Booklet.
  12. All health care/medical documentation required for this program will remain confidential and will only be assessed by the third party administrator. Such documentation must detail the employee's leave, timeline for return, their ability to attend and perform normal work, as well as any limitations or restrictions on the employee's ability to perform their normal duties.
  13. Employees have a responsibility to make every effort to ensure that they return to work in a state of health and well-being which will enable them to perform their job to the best of their abilities and to provide documentation to that effect.
  14. Payroll is responsible for paying Sick Leave and Salary Continuance benefits consistent with the terms of this policy while withholding legally required payroll taxes from such payments. The benefit payable will be based on the employee's earnings as at the original date of disability.
  15. Eligible employees will continue to be covered under CMCC Group Benefit Plans in which they are enrolled at the time of disability during periods of Sick Leave and Salary Continuance payments. Regular payroll deductions for these Benefit Plans will continue.
  16. If approved for long term disability benefits, employees will be paid directly by the insurance company and salary continuance will cease. LTD premiums fees will be waived as of the date the benefit begins, and Life and AD&D insurance premiums will be waived after six months of disability (subject to the terms and conditions described in the employee booklet provided by the insurance company). Health and dental coverage will continue at CMCC's cost or co-shared cost (single vs family coverage). However, should an employee not return to full-time work after 24 consecutive months on LTD, they will be provided an option to pay 100% of health and dental benefit premiums to continue as participants of CMCC's group benefit program or terminate participation in the CMCC group benefit program.
  17. Any exception to this policy requires the advance written approval of the Director, Human Resources.

#### Limitations to Sick Leave programs

Sick leave programs are not payable under the following situations:

- i. Injury or illness arising from committing or attempting to commit an illegal, criminal or civil offense

- ii. Not receiving regular, active, continuous and appropriate health care/medical supervision and treatment (that is satisfactory to CMCC or their third party administrator) by a health care practitioner as referenced in this policy
- iii. Does not provide sufficient objective health care/medical information that meets CMCC's third party administrator's guidelines
- iv. Refuses to participate in an independent assessment, requested by CMCC or its third party administrator
- v. Refusal to participate in active treatment
- vi. Refusal to participate in a return to work meeting or program
- vii. Refusal to participate in available modified duties

Sick Leave payments will stop at the earliest of the following dates:

- i. The date the employee is no longer totally disabled from the essential duties of their occupation or is on available modified duties
- ii. The date payments have been made for the elimination period (17 weeks)
- iii. The date the employee retires
- iv. The date of separation from employment for any reason other than disability if the notice was given before the onset of illness or injury
- v. The date the employee resigns

#### Recurrence or Consecutive Periods of Disability

- If an employee returns to work from Salary Continuance, and within 14 calendar days becomes ill again from the same or related cause, this illness will be considered to be a continuation of the initial leave.
- All such recurrences will be considered a continuation of the same leave, however benefits for all recurrences will be paid for a combined period of no longer than the 17-week elimination period.
- If the same illness recurs more than 14 calendar days after the end of the period for which salary continuance leave was paid, such illness will be considered a new and separate leave.
- Two incidents of illness which are due to unrelated causes are considered separate if they are separated by a return to work of at least one day.

**New Procedure Approved (date):**

**Procedure Revision History (dates):**

January 19, 2012  
 August 29, 2019  
 November 13, 2019  
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## 8. ATTACHMENTS

None