

***Pregnancy
and
Parental
Leave
Information***

District 25 Ottawa-Carleton September 2009



September 2009

Dear Member:

The OSSTF Teachers' Unit, District 25, Ottawa-Carleton, has prepared the following package of information which you may find relevant as you prepare for your pregnancy/parental leave.

The package is not intended to cover every circumstance or eventuality; however, it is hoped that it covers the types of questions that are asked on a regular basis. Since changes in legislation may occur at any time, it is your responsibility to verify information relating to your time of leaving. Every attempt has been made to provide accurate and up-to-date information.

The package contains the following information

- Information on the available leaves and benefits involved
- Summary of the leaves and financial provisions
- Checklist of steps
- Other Key Issues
- Contact Numbers

On behalf of OSSTF and all of your colleagues, we wish you the very best.

Leaves and Benefits Available

Your options for taking leave, as you become a parent, are defined in your Collective Agreement (Article 18), The Employment Standards Act and the Employment Insurance Program. There are various types of leaves, each with their own qualifiers, length and financial implications.

Pregnancy/Parental Leaves

These statutory leaves are defined in the Ontario Employment Standards Act as the right that an employee has to take unpaid time off work without negatively affecting seniority, job security, credit for service or any paid benefits.

To qualify for pregnancy or parental leave an employee must have been hired at least 13 weeks before the baby's due date (for pregnancy leave) or the date at which the leave begins (for parental leave).

While an employee is on pregnancy or parental leave, the employer must continue to pay its share of the benefits package. Employees continue to earn seniority, credit for service and length of employment, and accumulate sick leave.

Pregnancy Leave is only available to the birth mother and may begin up to 17 weeks before the baby is due. The latest a pregnancy leave can begin is the baby's due date or actual birth date (whichever comes first).

Parental Leave is available to any birth or adopting parent and must begin no later than 52 weeks after the date the baby was born or the date the child came into their care. Either parent is entitled to 37 weeks parental leave (or 35 weeks if the parent also took pregnancy leave)

By law, a minimum of 2 weeks notice must be given to start a statutory leave and 4 weeks notice must be given to return to work earlier than expected.

Maternity/Parental Benefits

These benefits are Employment Insurance payments from the federal Employment Insurance Program. To qualify for EI an individual must have worked 600 insurable hours (86 full-time teaching days) during the past 52 weeks or since the start of the last claim, whichever is shorter. This particularly affects those working part-time or newly hired. Please check with the payroll department at the Board to ensure that you will be covered. The basic benefit rate is 55% of your average insured earnings up to a maximum amount of \$447 per week.

The birth mother can start collecting maternity benefits up to 8 weeks before she is expected to give birth or start the week she gives birth. She can collect 15 weeks of benefits after the unpaid 2-week waiting period.

Parental benefits are only available within 52 weeks following the child's birth or, for adoptive parents, within 52 weeks from the date the child is placed with you. Parents can share the parental leave to a maximum of 35 weeks of benefits per birth/adoption.

NOTE: For teachers living in Quebec, the Quebec Parental Insurance Plan pays benefits rather than EI. See details on page 7.

Paternity Leave

This leave is provided for in the Collective Agreement (Article 15.08). It gives a birth father up to 2 days paid leave.

EI SEB Plan

This Supplemental Employment Benefit Plan is negotiated in your collective agreement (Article 18.05). It is payment from the Board to top-up the EI benefits.

Currently, our negotiated SEB Plan pays a teacher 95% of gross salary for the 2 week waiting period (or 1st 2 weeks under QPIP) followed by an EI top-up to 90% for the next 4 weeks and \$150 a week for the next 11 weeks of pregnancy or adoption leave. During any non-teaching periods (i.e. summer, Christmas, March Break, Easter, Thanksgiving, etc), teachers are only eligible for the SEB Plan for the 2 –week waiting period No other SEB plan payments will be made during these non-teaching periods although EI payments will continue during these periods. These payments will be made by direct deposit.

Sick Leave

This leave is provided for in your collective agreement (Article 19). A teacher would receive their regular pay by the Board but would use accumulated sick days. Teachers may choose to use up to 6 weeks of sick leave following giving birth. Teachers are not able to use sick leave during non-teaching periods (i.e. summer, March Break, etc). Teachers would not collect any SEB Plan or EI benefits during this time. The SEB plan and/or EI payments cannot be deferred.

Leave Without Pay following Pregnancy/Parental Leave

The Collective Agreement (Article 18.04) allows for a teacher to take leave without pay following the statutory leaves. Our agreement allows for 3 years of additional leave following the statutory leave. There is some flexibility within that 3-year period for returning to work and then subsequently, going back on leave. See the article for more details.

Should You Use Sick Leave Following Giving Birth

A teacher must make careful consideration when deciding whether or not to use sick leave following giving birth. You must weigh the financial gains with the fact that 6 weeks of sick leave uses up to 30 days of your accumulated sick leave. This could have implications once you return to work. You may choose to use less than 6 weeks of sick leave or with an appropriate medical certificate due to a difficult delivery, you may be eligible for more than 6 weeks of sick leave.

If you choose to use sick leave, you will not be eligible to collect the SEB plan payments for the period of time that you are on sick leave. As these payments cannot be deferred, you would not get the 95% SEB plan during the waiting period or the 90% for the next 4 weeks. Once the sick leave has ended, you will be eligible for the SEB plan entitlement for the week of the pregnancy leave that you are in. E.I. will give you the option of waiving the 2-week waiting period after the sick leave. You are advised to waive the waiting period, as you are not entitled to any SEB plan or EI payments.

The 6 weeks of sick leave described above is used to allow a woman to physically recover from giving birth. Some women find that they are medically unable to work before the birth and with the appropriate medical certificate sick leave can also be used at this time. The use of sick leave before the birth does not alter the fact that a woman is entitled to 6 weeks of sick leave to recover from the birth.

Duration of Leave and Financial Provisions

Type of Leave	Employment Qualifier	Duration of Leave		OCDSB SEB Plan	Employment Insurance Benefits
Pregnancy Leave	13 weeks with OCDSB and 600 insurable hours	17 weeks	2 weeks	95% of gross salary	Waiting period with no benefits
			4 weeks	Top-up to 90%	Pregnancy Benefit of 55% of gross salary to a maximum of \$447/week
			11 weeks	\$150 per week	
Parental Leave	13 weeks with OCDSB and 600 insurable hours	37 weeks if employee or spouse did not use pregnancy leave	2 weeks		Waiting period with no benefits
			35 weeks		Parental Benefit of 55% of gross salary to a maximum of \$447/week
		OR 35 weeks			Parental Benefit of 55% of gross salary to a maximum of \$447/week
Adoption Leave * See note below	13 weeks with OCDSB and 600 insurable hours	37 weeks	2 weeks	95% of gross salary	Waiting period with no benefits
			4 weeks	Top-up to 90%	Parental Benefit of 55% of gross salary to a maximum of \$447/week
			11 weeks	\$150 per week	
			20 weeks		
Leave of Absence Without Pay following Pregnancy/ Parental Leave	Usually 2 years employment with the OCDSB	3 years in addition to the statutory leaves			

* Note: Adoption Leave is a term that is used locally in our Collective Agreement. Teachers are actually on Parental Leave collecting Parental Benefits from E.I. but are able to collect SEB Plan benefits from the Board.

Leave Examples

The following examples are very basic. They demonstrate the expected payment from EI and the Board's SEB Plan. These examples have been simplified and do not take into consideration the lack of SEB Plan payments during non-teaching days like Thanksgiving, Easter or Labour Day.

Example 1:

For a leave beginning October 17, 2005 the 17-week pregnancy/adoption leave would be as follows.

Oct 17 to Oct 28	(2 weeks)	E.I. waiting period (no benefits) 95% of gross salary SEB Plan
Oct 31 to Nov 25	(4 weeks)	E.I. Benefits Top-up to EI to 90% of gross salary
Nov 28 to Dec	(4 weeks)	E.I. Benefits \$150 per week SEB Plan
23 Dec 26 to Jan	(2 weeks)	E.I. Benefits \$0 SEB Plan (Christmas Holiday)
6 Jan 9 to Feb 10	(5 weeks)	E.I. Benefits \$150 per week SEB Plan

Example 2:

For a leave beginning August 14, 2006 the 17-week pregnancy/adoption leave would be as follows

Aug 14 to Aug 25	(2 weeks)	E.I. waiting period (no benefits) 95% SEB Plan (Summer Holidays)
Aug 28 to Sept 1	(1 week)	E.I. Benefits \$0 SEB Plan (Summer Holidays)
Sept 4 to Sept 22	(3 weeks)	E.I. Benefits Top-up to EI to 90% of gross salary
Sept 25 to Dec 8	(11 weeks)	E.I. Benefits \$150 per week SEB Plan

QPIP Benefits - Summary Table

Type of benefit	Basic Plan		Special Plan		Benefit Payment	
	Number of weeks	Income replacement	Number of weeks	Income replacement	Begins no earlier than:	Ends no later than (without extension of benefit period):
Maternity (exclusively for the mother)	18	70 %	15	75 %	<ul style="list-style-type: none"> the 16th week before the expected week of delivery. 	<ul style="list-style-type: none"> 18 weeks after the birth week.
					<ul style="list-style-type: none"> when there is an interruption of pregnancy: the week the pregnancy is interrupted, if it occurs after the 19th week of pregnancy. 	<ul style="list-style-type: none"> 18 weeks after the pregnancy is interrupted.
Paternity (exclusively for the father)	5	70 %	3	75 %	<ul style="list-style-type: none"> the week the child is born. 	<ul style="list-style-type: none"> 52 weeks after the birth week.
Parental (may be shared)	7 25	70 % 55 %	25	75 %	<ul style="list-style-type: none"> the week the child is born. 	<ul style="list-style-type: none"> 52 weeks after the birth week.
Adoption (may be shared between the adoptive parents)	12 25	70 % 55 %	28	75 %	Adoption in Québec: the week the child comes into the care of one of the parents for adoption. The child's arrival date for adoption depends on the type of adoption.	<ul style="list-style-type: none"> 52 weeks after the week the child comes into the care of one of the parents.
					Adoption outside Québec: two weeks before the week the child comes into the care of one of the parents for adoption. The child's arrival date for adoption is the date the child physically comes into the care of the parents.	<ul style="list-style-type: none"> 52 weeks after the week the child arrives.

Working Through the Steps

NOTE: The Board prefers that you use BEAM (e-mail) for your correspondence with them.

- ❑ Get a certificate from your doctor indicating your due date. Fax it to 721-9727
* Ask the doctor for the latest possible date
- ❑ Notify your principal and your Human Resources Representative at the Board of your estimated date of commencement of leave. By law, you must give 2 weeks notice but it is advisable to give the Board more advanced notice in order to avoid being in an over payment situation. You are advised to give the latest date possible (the due date) for the start date of your leave as you can easily start earlier but it may be difficult to start later.
- ❑ You MUST notify the Board if your baby is born before your estimated leave date. This allows for the appropriate paper work to be completed for you to be placed on pregnancy leave and for your record of employment to be produced.
- ❑ Get a Record of Employment from the Payroll Department at the Board at the beginning of your leave.
- ❑ Apply for E.I. on line or go to the nearest HRDC Office as soon as you stop working. The HRDC Website lists all of the required information for the application. You must apply within a week of the baby's birth or you risk forfeiting some of your benefits. You may complete the paperwork early and then finalize the application once you get your record of employment.
- ❑ Once you get your first EI cheque, send the stub to the Payroll Administrator at the Board in order to get your SEB Plan benefits. It may take up to four weeks to get your first cheque from E.I. - Be prepared!
- ❑ Remind the Board at least 2 weeks ahead of time of your return date. This gives them adequate time to reactivate payroll for you. If you must return to work earlier than expected during the statutory part of your leave, you are required to give the Board 4 weeks notice. If you are on a Leave without Pay following pregnancy/parental leave (i.e. longer than one year) then you must give notification by March 1 to return to work the following school year.

Other Key Issues

Your Pay When Returning to Work.

Contact payroll at least 2 weeks before you return to work in order to put things into motion for getting your next paycheck.

If you are returning to work late in the spring then your final paycheck in June could be significantly less than usual. See the example below and/or contact Payroll.

Payroll Calculations

In a normal year, you are paid 4% with each pay. This includes a “hold back” in order to receive a larger pay on the last day of school. If you have been on leave for most of the school year then you have not had the full “hold-back” for the final pay. You will then receive less on the final pay of the school year than you would have in a normal year.

Here are examples using 2010 pay dates where most teachers received 12% of their salary on the last day of school, June 28. These examples are very basic and your situation may be more complicated. You are advised to correspond with payroll for your specific details.

Example 1: Mom is returning to work on May 10, 2010

There are 34 school days remaining in the 194 day school year

% Of year remaining in the school year

$$\frac{34}{194} = \% 17.5$$

Mom is owed 17.5% of her salary (from May 10 to June 28)

Mom will receive the regular 4% pays on May 21, June 4 and June 18, which is a total of 12% of her salary.

On June 28, Mom will receive the remainder of what is owed to her
 $17.5\% - 12\% = 5.5\%$

Benefits While on Leave

For the statutory portion of the leave, 52 weeks, the Board continues to pay its portion of your benefits (90 %), which means that you will continue to pay 10%. For Long Term Disability, Group Life Insurance Voluntary Difference, Optional Term Life, and Optional Accidental Death and Dismemberment you will have to continue to pay 100 % of the premiums if you choose to continue these benefits.

For any extended leave, beyond the 52 weeks statutory leave, you will have the choice to continue your benefits, which would be at your cost.

It is strongly advised that you continue your Long Term Disability coverage while on leave. This coverage is designed to insure your future lost income should you become disabled while on leave

and unable to return to work. A break in coverage could also cause difficulty in making an LTD claim, as you cannot claim for any pre-existing condition. Contact the OSSTF Membership Services Officer for more clarification on this point.

You will receive a statement from the Benefits Administrator before you begin your leave giving you the option to continue or suspend your benefits. If you choose to suspend your compulsory benefits, they will only be reinstated upon your return to employment. If you suspend Group Life Insurance Voluntary Difference, this action will result in the permanent discontinuation of this coverage. If you suspend Optional Term Life (OTL) Insurance or Optional Accidental Death and Dismemberment you will have to reapply for coverage you're your return to work. OTL will require an application with evidence of insurability (i.e., proof of health) and you may or may not be approved based on medication information submitted. All of your costs will be made by pre-authorized debit.

- Don't forget to include your baby on your benefits package – upgrade to family coverage if necessary. Please note that this must be done within 31 days of the birth of the baby.

Your pension contributions will NOT be made while you are on leave. You have three options:

1. You can forfeit your pension for this period of time. This would mean retiring later or with less pension.
2. You can pay into the plan monthly.
3. You can buy back the time if you apply directly to OTPP within 1 year of returning to work. You will have up to 5 years to pay.

While on the statutory part of the leave (52 weeks), your payment pension can be arranged through the Board. For any extended leave, payments must be made directly to the Pension Plan Board. You will receive an application form from the Board (with your pregnancy/parental leave letter) to make these arrangements.

College of Teachers Fees

If you are on leave through January/February the Board is not able to deduct your College of Teacher Fees. It is your responsibility to pay this fee to the College by April 15 so as not to incur the penalty imposed for late payments. You can pay on-line or by phone. You will be asked to provide proof of your payment of these fees when you are returning to work.

Planning for the next Child

When you return to work you will need to work 600 insurable hours (86 full-time teaching days) before the birth of your next child to be able to collect E.I. Benefits. This is particularly important for those returning on a part-time basis. Teachers can avoid the loss of E.I. benefits by taking a shorter first leave or by teaching summer/night school (or any non-teaching job) in order to work the required hours.

Teachers who return to work on a part-time basis while remaining on a part-time leave should also be aware of the implications for taking leave when the next child is born. While on a part-time leave you are still considered "on leave. If, within 2 years, you apply for a subsequent statutory pregnancy/adoption leave, you will be entitled to another 3-year leave.

Contact Numbers

Human Resources Development Canada, E.I. Benefits

Website: www.hrdc.gc.ca/ei (apply for E.I. benefits on-line)

Phone: 1-800-206-7218

Locations	Ottawa West	2525 Carling Ave (Lincoln Fields Shopping Centre)
	Ottawa Centre	300 Laurier Ave West (L'Esplanade Laurier Building)
	Ottawa East	2339 Ogilvie Rd (Beacon Hill Shopping Centre)

Ottawa Carleton District School Board 596-8211

Human Resources Representatives:

Jennifer Baldelli x 8340

Laurene Warren x 8396

Vicki Geuer x 8339

Coordinator of Employee Benefits:

Marilyn Farrell x8778

Payroll Administrator, Academic/Secondary

Brent Robinson x8151

Payroll Officer/Teachers Pension Plan

Janet Duckworth x8359

OSSTF District Office 729-7211

Membership Services Officer, Chief Negotiator or President

Pension Plan Concerns 1-800-668-0105

College of Teachers www.oct.ca 1-888-534-2222 (x330 to pay fees)