

**Guideline # 5****Personal Leave Without Pay  
For YTA Employees**

August, 2007

**Definitions:**

Article 2.01(n) of the YTA Collective Agreement – “Leave of Absence” means authorized permission to be absent from duty;

**Eligibility:**

To be eligible to apply for personal Leave Without Pay for a school year, employees must have completed five years of continuous service.

**Application and Parameters:**

Requests for personal Leave Without Pay for the next school year must be by letter, accompanied by a completed Application for Leave form, and submitted to the employee’s Superintendent by March 31 of the current school year.

The letter requesting personal Leave Without Pay should include the intended duration and purpose for which the leave is being requested.

Article 25 of the YTA Collective Agreement – “Where operational requirements permit, the employer may grant to an employee a leave of absence without pay.”

Personal Leave Without Pay will not be granted:

- while an employee is serving a probationary period;
- when an employee accepts permanent employment elsewhere;
- when the leave is preceding and contiguous to retirement or resignation;
- to enable an employee to work part-time while maintaining full-time status;
- when the leave is for a period in excess of two years.

Personal Leave Without Pay may be granted:

- where compelling, unforeseen circumstances necessitate the employee’s absence;
- to enable a return-to-work accommodation for a person with a disability;

# Discretionary Leave without Pay

## Guideline 5

### Application:

- This Guideline applies only to employees hired under the *Education Act*.
- Personal leave without pay requests considered under this Guideline are those leave of absence requests for a whole school semester or more.

### Principles:

- Healthy work/life balance benefits both the employee and the employer
- Leave without pay is granted at the discretion of the Employer; it is not an earned entitlement like sick or special leave.
- Decisions about leave requests will consider operational requirements and will be reasonable and fair.

### Eligibility:

- The applicant shall have successfully completed their probationary period;
- The applicant shall be employed in a permanent position from which the employee is requesting the leave;
- The leave shall not be contiguous to resignation or retirement;
- The leave is not intended to allow the employee to accept permanent employment elsewhere;
- The leave is not to enable an employee to work part-time while maintaining full-time status;
- Leave Without Pay is normally approved for up to 16 months at a time. In exceptional circumstances it may be granted for up to 24 months. The leave shall not be in excess of 24 months

### Before assessing the request, the employer will consider operational requirements, including:

- Size of the school (i.e. number of teachers, EAs, school population);
- Staffing levels in the school / program area (i.e. leave by other employees in the same school);
- The ability to backfill the temporary vacancy without creating instability for students and the school;
- Need for continuity in the program that relies on the employee's skills and expertise (specialty programs and/or training);

- Any potential conflicts of interest associated with the request for leave (i.e. nature of proposed activities on leave create a potential or actual conflict with duties performed for Yukon government);
- Other specific operational considerations that pertain to the work of the school.

**Process:**

- Requests for personal leave without pay for the following school year shall be submitted in writing to the Superintendent by the first Friday in February of the current school year. Applications submitted late will be considered secondarily to those submitted on time.
- Personal leave without pay requests must include the intended duration and the general purpose for which the leave is being requested (i.e. to assess eligibility, conflict of interest, etc.).
- Personal leave without pay requests are submitted to the Staffing Committee for review and decision.
- Recommendations by the Principal and decisions by the Staffing Committee will include a review of the applicant's eligibility and the school's operational requirements.
- A decision on the leave request with supporting rationale will be provided in writing to the employee.

**Authorities:**

- Article 25, Leave of Absence Without Pay, Collective Agreement between Government of Yukon and Yukon Teachers' Association
- Education Act, s.167