

# Administrative Procedure 438

## Human Resources

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### LEAVE OF ABSENCE

#### BACKGROUND

The charter board believes in being a responsible and supportive employer and therefore will consider granting leave(s) of absence to staff.

This administrative procedure is for the consideration of leaves of absence without pay only.

Staff members granted leave under this administrative procedure may choose to continue to receive benefits at their cost, however, some benefit coverage may be limited.

#### PROCEDURES

1. Upon application by the staff member a general leave of absence may be granted at no cost to the charter board for a period of up to one (1) year.
2. Applications shall be submitted to the superintendent by March 15th of the school year prior to the commencement of the leave, except in the event of emergent or unforeseen circumstances. Leaves of absence and extensions granted under this administrative procedure must be approved by the superintendent.
3. A general leave may be extended for an additional period upon written application by the teacher and upon approval by the superintendent. Requests to extend a general leave of absence shall be submitted by February 15th of the school year of the general leave.
4. Should the application be refused, the applicant will be given a letter stating the reasons for refusal.
5. Upon request, a teacher may, with prior approval of the superintendent return to duties in advance of the scheduled return date provided a suitable position is available.
6. Each teacher, scheduled to return to duties at the start of the school year following a general leave of absence, shall notify the superintendent in writing by March 15th of the previous school year confirming the teacher's decision to return to duties.
7. Each teacher, scheduled to return to duties at any time other than the start of a school year following a general leave of absence, shall notify the superintendent in writing, at least sixty (60) calendar days prior to the scheduled return date confirming the teacher's decision to return to duties.
8. Each teacher, scheduled to return to duties following a general leave of absence granted in the event of emergent or unforeseen circumstances, shall notify the superintendent at least thirty (30) calendar days prior to the intended return date confirming the teacher's decision to return to duties.
9. Teachers who fail to provide the superintendent with written notice of their intention to return to duties, by the relevant deadline specified in 6, 7 or 8, will be sent a letter by registered mail to an address agreed upon by the teacher and human resources staff at the commencement of the leave indicating that the teacher must within forty-five (45) calendar days of the date the letter is mailed advise the superintendent, in writing, confirming the teacher's decision to return to duties on the scheduled date. A teacher who indicates an intention to resign shall provide 30 days' written notice of termination of contract as per section 216 of the *Education Act*.

10. If a teacher does not respond within the time limit specified in clause 9, that teacher's contract of employment will be deemed to be terminated by mutual consent pursuant to section 214 (2) of the *Education Act*.
11. A teacher granted leave shall be on leave from the school board and not from a particular position. Placement upon return from leave shall be in the position held prior to the commencement or, if not available, in a comparable position within Westmount Charter School consistent with the previous experience of the teacher or one consistent with the training gained by the teacher while on leave. The applicable salary shall be in accordance with the statement of qualifications issued by the Alberta Teachers' Association Teacher Qualifications Service at the time of re-commencement of duties. A teacher who held a continuing administrative designation and who received an allowance just prior to the leave shall be so designated upon return if such a position is available. Only when so designated shall the teacher receive the applicable allowance for that designation.
12. Staff members granted leave under this administrative procedure will not be eligible for experience increments for the period of the leave unless the teacher is actively engaged in teaching during the leave period and meets the requirements of the experience increment provisions.

**Legal Reference:** *Education Act*  
*Employment Standards Act*  
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