

Enrolment/Administrative Procedures - PS/GE SGEU
Maternity/Legal Adoption/Parental Leave
Supplement to Employment Insurance Benefit (SUB) Program

1. The employee must have applied for and been approved for a Definite Leave of Absence (DLOA) for Maternity in accordance with Article 18.1.1.1 OR for Legal Adoption or Parental Leave in accordance with Article 18.1.1.2 of the Collective Agreement.

Note: An employee must have completed twenty (20) weeks of continuous employment with the employer, without a break in service, to be eligible for a DLOA for maternity/legal adoption/parental leave reasons.

2. The employee completes and submits a SUB Program Application form to the department Human Resources Branch. When approved, a copy is sent to the department payroll unit.

On this form, the employee indicates whether they are eligible and intends to access sick leave credits (i.e. in accordance with Article 17.4.2 of the Collective Agreement) for the duration of the EI two (2) week waiting period (Maternity Only) OR receive a SUB program payment of 95% of their regular salary for the same period (Maternity, Legal Adoption or Parental Leave) OR intends to share SUB program benefits with a partner.

If the employee intends to use sick leave credits during the two week EI waiting period, the sick leave balance is reduced by the appropriate number of days, and the employee is eligible for a maximum of fifteen (15) weeks top-up benefit under the SUB program.

If the employee chooses/is eligible to participate in the SUB program during the two week EI waiting period, they are eligible for a maximum of seventeen (17) weeks benefit under the SUB program (i.e. two (2) week waiting period plus fifteen (15) weeks top-up).

3. The employee submits proof that he/she is in receipt of Employment Insurance Maternity/Parental Leave Benefits (i.e. Official notification documentation from EI stating that the employee has been accepted and will be receiving EI benefits OR the cheque stub from the first EI benefit payment) to the department payroll unit. Following receipt of proof, the benefit for the two (2) week waiting period can be processed by the department payroll unit.

For the remaining portion of the program, the employee is required to submit their EI benefit cheque stubs (i.e. maximum of fifteen (15) additional weeks) to the department payroll unit.

Note: Faxed copies are acceptable for those employees who are at a different location than their Human Resources/Payroll Departments.

Given the requirement for proof of EI benefits, there will be a delay in the processing and receipt of SUB program benefits. If there are delays in receiving initial notification that the employee has been accepted for receipt of EI benefits, and the employer is in arrears, a hand drawn cheque will be processed. Thereafter, payment will be system-based, with the ability to over ride the payment if the employee does not submit an EI pay stub OR if the gross EI benefit amount changes.

Note: The beginning of the SUB program benefit period coincides with the commencement date of the EI two (2) week waiting period.

4. Should an employee's EI Maternity/Parental Leave Benefits cease prior to the end of the seventeen (17) week period, participation in the SUB program ceases.

5. The department payroll unit determines the amount of the SUB program top-up by calculating the variance between 95% of the employee's gross regular salary and the gross EI benefit.

Permanent Full-Time

The benefit is 95% of their bi-weekly salary rate in effect immediately prior to the commencement of the DLOA for maternity/legal adoption/parental leave

Permanent Part-Time/Labour Service

The full-time employee calculation is pro-rated by the proportion of full-time regular hours paid during the twenty-six (26) full pay periods preceding the maternity/legal adoption/parental leave (or the period of active employment if less than twenty-six (26) full pay periods).

Term [As defined in Article 1.1 AA of the Collective Agreement]

As with permanent part-time/labour service, the full-time employee calculation is pro-rated by the proportion of full-time regular hours paid during the twenty-six (26) full pay periods preceding the maternity/legal adoption/parental leave (or the period of active employment if less than twenty-six (26) full pay periods).

In contrast to permanent full-time & part-time employees, term employees are only eligible for DLOA for maternity/legal adoption/parental leave purposes for the duration of their term appointment. As such, term employees are only eligible for participation in the SUB program if the duration of their term appointment provides for sufficient time to cover both the periods of their leave PLUS the return service commitment. For example, if there are four (4) weeks remaining in a term appointment upon return from DLOA, and the employee meets all program eligibility requirements, the employee would be eligible to receive four (4) weeks benefit under the SUB program. The duration of benefits under this program will be based on the anticipated end date of the term appointment, on the day immediately prior to commencement of the definite leave of absence for maternity/legal adoption/parental leave. If benefits are restricted, in whole or in part by these provisions, the employee may be eligible for a Special Retroactive Payment – see number 10 below.

Employees in Simultaneous Multiple Jobs

For employees in simultaneous multiple jobs (perhaps across departments), the SUB program benefit is calculated by job, with the benefit being prorated based on the regular hours paid in each job. The total benefit is paid as a single amount. This approach is required to ensure that the cost of this benefit is charged to the appropriate salary budget. Refer to the SUB program Payroll Guidelines for detail on the calculation method.

Notes:

- In cases where one or more of the multiple jobs is permanent part-time, there are no issues surrounding the employee's participation in the program and their ability to meet their return service commitment.
- In cases where all of the multiple jobs are term appointments, the employee is only eligible for participation in the SUB program if the duration of the term appointment with the latest expiry date provides sufficient time to cover the period of the leave PLUS the return service commitment. If benefits are restricted, in whole or in part by these provisions, the employee may be eligible for a Special Retroactive Payment – see number 10 below.

6. "Other" earnings subsequent to commencement of the leave (i.e. not associated with employment with executive government) which decrease the amount of the net EI benefit but do not affect the gross EI benefit, will NOT increase the amount of the SUB program payment.

If there is a change in the amount of gross EI benefits received by the employee during participation in the SUB program, the department will contact EI to assess the reasons for the change. This would typically occur if eligibility for EI benefits commences or ceases part way through an EI bi-weekly pay period.

7. Payment of this benefit (i.e. this is NOT a supplementary earning) will be processed through the payroll system to allow for the deduction of income tax, Canada pension and union dues. This approach also allows the benefit to be charged to the appropriate department salary budget.
8. Benefits will be handled in accordance with the normal provisions applicable to definite leaves of absence.
9. As per Article 15.16 of the Collective Agreement, a return service commitment is required for employees who receive benefits through the SUB program (i.e. one (1) week service for one (1) week of SUB program benefits).

Upon conclusion of the employee's DLOA for maternity/legal adoption/parental leave and return to work, the department determines the number of weeks SUB program benefits [i.e. maximum of seventeen (17) weeks] the employee received, and tracks service to ensure that they meet the return service commitment.

If the employee fails to meet this commitment, she will be required to pay back all (i.e. in cases where the employee does not return to work) or a portion (i.e. where they have returned to work, but only for a portion of the return commitment period) of the SUB program benefit received. As an example, if an employee received the maximum seventeen (17) weeks benefit under the SUB program and only returned to work for seven (7) weeks, the employee would be required to repay the employer ten/seventeenths (10/17) of the total benefits paid.

Note: On recommendation of the department, the Chair of the Public Service Commission may waive all or a portion of the return service commitment and their requirement for repayment of benefits in exceptional circumstances such as death of the employee, severe and prolonged disability or job abolition resulting in termination of the employer/employee relationship.

10. Special Retroactive Payment Applicable to Term Employees

Term employees may be eligible for a special retroactive payment.

This payment only applies to term employees who met all Maternity/Legal Adoption/Parental Leave (SUB) Program eligibility requirements except that the end date of the term appointment from which they took maternity/legal adoption/parental leave did not allow sufficient time to complete the required return service commitment.

To become eligible for the Special Retroactive Payment the employee must:

- i. Complete the return service commitment (if any) for the payments received under the normal program; and
- ii. Continue working for the employer during at least part of the remaining portion of the return service commitment that would have been required to receive full benefits.

If eligible, the employee must apply for the Special Retroactive Payment and submit the application to the Departmental Human Resource Branch no later than 17 weeks following returning to work from maternity/legal adoption/parental leave. Failing to apply within the time period will result in cancellation of eligibility for the payment. The employee must attach copies of EI benefit cheque stubs applicable to the first 17 weeks following the birth/legal adoption of the child or the period for which the employee is in receipt of parental leave benefits.

If an application for the Special Retroactive Payment is received and the employee is eligible, the Human Resource Branch shall complete the last section of the application form and forward the application to the Departmental payroll unit.

The Departmental payroll unit (in conjunction with the Departmental Human Resource Branch) shall:

- i. Determine the number of weeks of return service which would have been required if they had received full program benefits (i.e. 17 weeks if sick leave was not used after the birth/legal adoption of the child or a lesser number of weeks if sick leave was used after the birth of the child; or, if EI maternity/parental leave benefits were not received during the benefit period).
- ii. Determine the date which is the number of weeks identified in i. above following the end date of the maternity/legal adoption/parental leave.
- iii. Determine the date at which the return service commitment for benefits already received under the normal program has been served (Note: This is the date of return from maternity/legal adoption/parental leave if no benefits were received under the regular program).
- iv. Identify the period from the date identified in iii, above, to the date corresponding to the number of weeks identified in ii, above, following the return from maternity/legal adoption/parental leave.
- v. Determine the number of weeks, during the period identified in iv, above, in which the employee received regular salary (i.e. was at work or on paid leave).
- vi. For the number of weeks determined in v above, calculate the amount of normal program benefits the employee would have received had the number of weeks been paid in the regular program. This amount will be paid as soon as possible following the end of the period.

The Special Retroactive Payment will be processed through the payroll system and subject to only Canada Pension, Income Tax and Union Dues deductions.

The Special Retroactive Payment will be paid by the departments employing the individual during the 17 weeks immediately following the end date of the maternity/legal adoption/parental leave. The payment will be charged as an expense in the fiscal year in which eligibility for the payment was established. In the case of an employee working multiple jobs the cost will be prorated between jobs based on the regular hours paid during the full return service commitment period. Where multiple jobs exist in more than one department, the payroll unit from the department with the home job will be responsible for co-ordinating payments.

Since the return service commitment is served prior to payment of the Special Retroactive Payment there is no requirement to sign a Return Service Commitment for the payment. However it should be noted that eligibility for the Special Retroactive Payment is based on time worked in the 17 weeks immediately following the end of the maternity/legal adoption/parental leave. For example, a subsequent definite leave of absence immediately following the maternity/legal adoption/parental leave would make the employee ineligible for the Special Retroactive Payment.

**Application For Special Retroactive Payment
PS/GE SGEU Maternity Leave/Legal Adoption/Parental Leave
Supplement to Employment Insurance Benefit (SUB) Program**

**(to be submitted to the Departmental Human Resource Branch
following return to work from maternity/legal adoption/parental leave and
no later than 17 weeks from the end of the maternity/legal adoption/parental leave)**

Employee Information

Name (Please Print): _____ Employee Number: _____
First _____ Middle Initial _____ Last _____

Maternity/Legal Adoption/Parental Leave Information

Start (MM/DD/YYYY) _____ to End (MM/DD/YYYY) _____

Term Position(s) From Which Maternity/Legal Adoption/Parental Leave Was Granted

Start (MM/DD/YYYY) _____ to End * (MM/DD/YYYY) _____

Department: _____ Branch: _____ Location: _____

Start (MM/DD/YYYY) _____ to End * (MM/DD/YYYY) _____

Department: _____ Branch: _____ Location: _____

Start (MM/DD/YYYY) _____ to End * (MM/DD/YYYY) _____

Department: _____ Branch: _____ Location: _____

* Anticipated end date of the term appointment on the day immediately prior to commencement of the maternity/legal adoption/parental leave.

Position(s) Occupied in 17 Weeks Following Return From Maternity/Legal Adoption/Parental Leave

Start (MM/DD/YYYY) _____ to End ** (MM/DD/YYYY) _____

Department: _____ Branch: _____ Location: _____

Start (MM/DD/YYYY) _____ to End ** (MM/DD/YYYY) _____

Department: _____ Branch: _____ Location: _____

Start (MM/DD/YYYY) _____ to End ** (MM/DD/YYYY) _____

Department: _____ Branch: _____ Location: _____

** Complete only if ending less than 17 weeks following return from maternity/legal adoption/parental leave.

