

Policy No.	Officer Responsible		
<b>B.515</b>	<b>Vice-President, People, Culture &amp; Diversity</b>		
Policy Name			
<b>Excluded Employee Leaves</b>			
Approved by	Replaces	Category	Next Review
<b>Board</b>		<b>Human Resources</b>	<b>September 2026</b>
Date Issued	Date Revised	Related Policies and Procedures	
<b>Sept 26, 2023</b>		<b>B.516 Excluded Employee Compensation</b>	

## 1. PURPOSE

- 1.1 The purpose of this University policy is to establish, outline, and administer the various forms of leave, including paid leave, unpaid leave, or partially paid leave, for all Excluded Employees.
- 1.2 Part-time employees' leaves will be pro-rated based on their regular hours worked per week as a percentage of full-time.
- 1.3 Excluded Employees' pay for each day of a paid leave will be calculated as an average days' pay per the calculations outlined in the British Columbia *Employment Standards Act*.

## 2. SCOPE

This Policy applies to all employees excluded from a bargaining unit.

## 3. DEFINITIONS

**"Administrator"** means an employee who is excluded from or not represented by a union by reason of working in a managerial role. This includes, but is not limited to Deans, Associate Vice-Presidents, University Librarian, Directors, Managers, HR Business Partners and any other equivalent or comparable positions.

**"Excluded Employee"** means all Executive, Administrator and Exempt employees.

**"Executive"** means the Vice-Presidents and the President.

**"Exempt Employee"** means an employee who is excluded from or not represented by a union.

**"Term-Defined Employee"** means any excluded employee who has an appointment of a defined duration.

#### 4. SICK LEAVE

- 4.1 After 90 consecutive days of employment, Excluded Employees will be eligible for thirty (30) calendar days per illness of sick leave (inclusive of British Columbia *Employment Standards Act* sick leave) to be used only for personal illness or injury.
- 4.2 Excluded Employees who have served fewer than 90 consecutive days of employment will be entitled to five (5) days of unpaid sick leave.
- 4.3 If an Excluded Employee is on sick leave longer than thirty (30) consecutive days for a medical condition, they will apply for short-term disability (STD). If the Excluded Employee is unable to return to work after the STD period, they may be eligible for Long-Term Disability (LTD) leave and compensation. STD and LTD benefits are as follows:

Policy coverage	Length of coverage	Benefit amount	Notes
Short-term disability	Up to 21 weeks	75% of weekly earnings up to a maximum benefit of \$2,350	STD benefits terminate on the Employee's 65th birthday. However, if benefit payments commence prior to the Employee's 65th birthday, benefit payments will continue during the Disability up to a maximum of 21 weeks.
Long-term disability	The maximum benefit for Total and Partial Disability benefits is the end of the month following the Employee's 65th birthday.* Employees over age 65 do not qualify for LTD.	75% of monthly Earnings up to a maximum benefit of \$12,000	*Employees may be eligible for LTD coverage up to 24 months under the Employee's "own occupation". After 24 months, Employees reach the "Change of Definition (COD)" which the definition of disability changes. The insurance provider will now assess whether the Employee satisfies the definition under "any occupation".

- 4.4 If there is a conflict between this information and the contract with policy carriers, then the carrier's contract will take precedence.
- 4.5 For any illness or disability of five (5) days or more, the employee will submit a medical certificate to the HR Advisor, Abilities Management, Health and Wellness.

**5. GENDER AFFIRMING CARE LEAVE**

- 5.1 Excluded employees will be entitled to fifteen (15) days of paid Gender Affirming Care Leave to access physical or psychological trans-affirming care (including medical or non-medical procedure(s)). The duration of the leave may vary based on the individual circumstances and will be determined through a collaborative discussion between the employee and the HR Advisor, Abilities Management, Health and Wellness.
- 5.2 Additional paid or unpaid leave may be taken under other provisions of this policy.

**6. GENERAL/STATUTORY HOLIDAYS**

6.1 Excluded Employees will be entitled to the following general/statutory holidays:

New Year’s Day	Family Day	Good Friday
Easter Monday	Victoria Day	Canada Day
BC Day	Labour Day	National Day for Truth & Reconciliation
Thanksgiving Day	Remembrance Day	Christmas Day
Boxing Day		

- 6.2 Excluded Employees will be paid for general or statutory holidays in accordance with the British Columbia *Employment Standards Act*
- 6.3 Should any of the general or statutory holidays fall on a weekend, the general or statutory holiday will be observed on the first working day before or after the holiday, as determined by the University.
- 6.4 A paid holiday is equivalent to a maximum of seven (7) hours. Excluded employees working modified work weeks will be required to make up any time difference between the holiday and their modified workday when the latter is more than seven (7) hours. Such time must be made up in consultation with their manager.

**7. MATERNITY AND PARENTAL LEAVE**

- 7.1 Excluded Employees will be entitled to an unpaid leave of absence for maternity and/or parental reasons related to the birth or adoption of their child. Any absence granted under this Policy will not exceed seventy-eight (78) consecutive weeks for the birth parent or sixty-two (62) consecutive weeks for the biological, adoptive, or legally recognized parent. Vacation will continue to be accrued during this absence.
- 7.2 Maternity leave may begin at a time chosen by the Excluded Employee up to thirteen (13) weeks preceding the expected date of delivery and no later than the date of birth.
- 7.3 Parental leave may commence at a time chosen by the Excluded Employee within seventy-eight (78) weeks of the expected delivery date or date of adoption.

- 7.4 Vacation will continue to be accrued during the basic maternity leave or the parental leave.
- 7.5 On written request, an Excluded Employee shall be granted an extension of up to one (1) year to the maternity or parental leave provisions, provided the request is for medical reasons related to the infant and is supported by a medical certificate provided by the Excluded Employee's physician. Any such extensions will be at the sole discretion of the University. There will be no annual vacation accrual during the extension period.
- 7.6 The University will continue to pay benefit premiums for an Excluded Employee during the parental/maternity leave period only. . Excluded Employees on leave in excess of this period must pay benefit premiums.
- 7.7 Excluded Employees on maternity or parental leave will be entitled to a supplemental benefit in addition to Employment Insurance benefits as set out in Articles 8.1 and 8.2, below (the "**Supplemental Employment Benefit**").
- 7.8 An Excluded Employee is not entitled to receive the Supplemental Employment Benefit and disability benefits concurrently. To receive the Supplemental Employment Benefit the Excluded Employee shall provide the University with proof of application for and that they are in receipt of Employment Insurance benefits.
- 7.9 Maternity or parental leave shall cease immediately when the Excluded Employee resigns during the period of leave or elects not to return to their position at expiry of the leave or fails to do so within the prescribed time limit.
- 7.10 Receipt of the Supplemental Employment Benefit is conditional on Excluded Employees committing to and remain in the employ of the University for the longer of six (6) months or a period equivalent to the length of the leave taken, after their return to work ("Ongoing Employment Period"). Failure to remain at the University for the full Ongoing Employment Period will result in an immediate obligation to reimburse the amount received on a pro-rata basis.

## **8. ADMINISTRATOR AND EXECUTIVE EMPLOYEE PARENTAL LEAVE**

- 8.1 When on maternity or parental leave, Administrators or Executives who have committed to remaining at the University for the Ongoing Employment Period will receive the Supplemental Employment Benefit cumulatively as follows:
- a) For the first week of maternity leave an Administrator shall receive one hundred percent (100%) of their average base salary.
  - b) For a maximum of fifteen (15) additional weeks of maternity leave the employee shall receive an amount equal to the difference between the amount of Maternity Employment Insurance benefits they receive and ninety-five percent (95%) of their average base salary.
  - c) For up to a maximum of thirty-five (35) weeks of additional parental leave, the biological, adoptive or legally recognized parent shall receive an amount equal to the difference between the amount of Parental Employment Insurance benefits they receive and eighty-five percent (85%) of the employee's average base salary.

- d) If the biological, adoptive or legally recognized parent elects the Extended Parental Employment Insurance Benefit, for a maximum of sixty-one (61) weeks, the parent shall receive the same total Supplemental Employment Benefit amount they would have received under Article (c) if the employee had opted for the thirty-five (35) week EI benefit, spread out and paid over the sixty-one (61) week period.
- e) Provided that the employee received the Supplemental Employment Benefit as per Article a), b), c) or d), then for the last week of the parental leave, where no EI benefit is paid, the employee shall receive one hundred percent (100%) of their average base salary.
- f) The average base salary for the purpose of Article a) through e) is the Administrator's average base salary for the twenty-six (26) weeks preceding the maternity or parental leave. If the Administrator has been on unpaid leave for part of the preceding twenty-six (26) weeks, then up to four (4) weeks of that unpaid leave (in an amount consistent with the leave taken up to four weeks) will be subtracted from the twenty-six (26) weeks for the purpose of calculating the average base salary.

## **9 EXEMPT EMPLOYEE PARENTAL LEAVE**

9.1 When on maternity or parental leave, an Exempt Employee (other than an Executive or Administrative Employee) will receive a Supplemental Employment Benefit as follows:

- a) For up to fifty-two (52) weeks of combined maternity/parental leave, the employee who is the birth mother shall receive an amount equal to the difference between the Employment Insurance benefits received and seventy-five percent (75%) of their average base salary.
- b) For up to a maximum of thirty-seven (37) weeks of parental leave, the biological, adoptive or legally recognized parent (who is not the birth mother) shall receive an amount equal to the difference between the Standard Parental Employment Insurance benefits and seventy-five percent (75%) of the employee's average base salary.
- c) If the biological, adoptive or legally recognized parent elects the Extended Parental Employment Insurance Benefit, for a maximum of sixty-one (61) weeks, the parent shall receive the same total Supplemental Employment Benefit amount they would have received under Article (b) when the employees opts for the thirty-seven (37) week EI benefit, spread out and paid over the sixty-one (61) week period.
- d) Provided that the employee received the Supplemental Employment Benefit as per Article a), b), or c), then for the last week of the parental leave, where no EI benefit is paid, the employee shall receive one hundred percent (100%) of their salary calculated on their average base salary.
- e) The average base salary for the purpose of Article (a) through (d) is the Exempt Employee's average base salary for the twenty-six (26) weeks preceding maternity or parental leave. If the Exempt Employee has been on unpaid leave for part of the preceding twenty-six (26) weeks, then up to four (4) weeks of that unpaid leave (in an amount consistent with the leave taken up to four weeks) will be subtracted from the twenty-six (26) weeks for the purpose of calculating the average base salary.

## **10. COURT/JURY LEAVE**

- 10.1 The University shall grant leave with pay to Excluded Employees required to attend jury selection, serve as jurors, or who are subpoenaed for a court appearance.
- 10.2 Where an Excluded Employee's private affairs have occasioned a court appearance, a leave of absence without pay may be granted for a period reasonably required by such court appearance.
- 10.3 An Excluded Employee in receipt of their regular earnings while serving at court shall reimburse to the University an equivalent amount from any monies paid to them by the Court, except travelling and meal allowances.

## **11. PROFESSIONAL DEVELOPMENT LEAVE**

Excluded Employees who have successfully completed their probationary period may request a leave of absence with pay to engage in professional development activities that enhance their skills and knowledge related to their role responsibilities and career advancement. Such leaves are granted at the sole discretion of the University. Requests are to be made to the employee's direct manager, who will consult with Human Resources. An Excluded Employee who is granted a leave under this Article must remain in the employ of Capilano University for the longer of six (6) months or a period equivalent to the duration of the leave taken. If the Excluded Employee does not do so, they will immediately reimburse the University for the amount paid to them during the leave.

## **12. BEREAVEMENT, CRITICAL CARE**

- 12.1 In the event of critical illness or injury of an Excluded Employee's family member or a death in the Excluded Employee's immediate family, the Excluded Employee not on leave of absence without pay shall be entitled to paid leave of absence as follows:
- a) up to and including seven (7) consecutive calendar days per year for critical illness;
  - b) up to and including seven (7) consecutive calendar days per year for death; or
  - c) up to and including fourteen (14) consecutive calendar days per year for combined critical illness and death.
- 12.2 Any leave taken under this Article will be counted towards the Excluded Employees' entitlement to bereavement, or critical illness or injury leave under the British Columbia *Employment Standards Act*. Any additional leave shall be without pay.
- 12.3 The University may require reasonable evidence of the Excluded Employees' entitlement to the leave.
- 12.4 Leave granted for critical illness will terminate in the event of death of the immediate family member and the employee will then be entitled to bereavement leave. Leaves under this Article must be taken during or in relation to the time of the actual occurrence of the critical illness or death.

In this Article, the terms "immediate family" and "family member" receive the same definition as set out in the British Columbia *Employment Standards Act*.

## **11. MOURNING**

Upon request to an Excluded Employee's HR Business Partner, the Excluded Employee not on leave of absence without pay shall be entitled to reasonable leave with pay to attend a funeral as a mourner.

## **12. FAMILY RESPONSIBILITY LEAVE**

An employee shall be entitled to up to five (5) days leave with pay per year for the purpose of caring for a sick dependent, inclusive of British Columbia *Employment Standards Act* family responsibility leave entitlements. An additional five (5) days with pay shall be granted provided the duties of the employee are performed at the regularly scheduled times at no cost to the University.

## **13. LEAVE FOR TRADITIONAL INDIGENOUS PRACTICES**

13.1 Provided that such leave will not interfere with the efficient and effective operational requirements of the University, an Excluded Employee who is an Indigenous person and who has completed three consecutive months of continuous employment with the University is entitled to and shall be granted a leave of absence with pay from employment of up to five (5) days in every calendar year, in order to enable the Excluded Employee to engage in Indigenous practices.

13.2 These days must be taken as full days. Such leave requests are subject to the approval of the VP, People Culture & Diversity, or designate, and will not be unreasonably denied. This leave shall not be carried over into subsequent years.

## **14. CANADIAN CITIZENSHIP**

Excluded employees will be granted one day of leave with pay to attend their formal hearing to become a Canadian citizen.

## **15. PERSONAL LEAVE WITHOUT PAY**

Further leaves of absence without pay may be granted at the sole discretion of the University. During a leave of absence without pay for a period longer than four weeks, the Excluded Employee shall be responsible for paying the full cost of benefits. Vacation does not accrue during unpaid leave.

## **16. STATUTORY LEAVE**

All other leaves will be provided in accordance with the requirements of the British Columbia *Employment Standards Act*. Employees who think they may qualify for one or more of these leaves can find out more information about them by visiting the [British Columbia Employment Standards website](#).

## **17. DESIGNATED OFFICER**

The Vice-President People, Culture & Diversity is the Policy Owner, responsible for the oversight of this Policy. The administration of this Policy and the development, subsequent revision to and operationalization of any associated procedures is the responsibility of the Strategic Director, People, Culture & Diversity.