

CERC REFERRAL FORM

Ministry of Education

December 20, 2018

MERC Co-Chairs

Daryl O'Grady
OPSEU Co-Chair

Murray Leaning
Employer Co-Chair

Statement of Facts

At the October 25, 2018, MERC, OPSEU requested clarification as to how Special and Compassionate Leaves are being handled and pay processed at the Provincial Demonstration Schools Branch (PDSB).

At the December 6, 2018, MERC it was confirmed that there has been a change in practice in how PDSB processes and authorizes Special and Compassionate Leaves as a result of the government's announcement with regards to expenditure restrictions in the OPS. All requests for Special and Compassionate leave must now be forwarded to the Deputy Minister.

PDSB is now marking special and compassionate leaves as "unpaid" until the absence is approved/denied by the DM. This is taking a much longer period of time, approximately 4 weeks, and results in staff who work the duration of the school year not receiving a full pay during that pay period. As well, that same employee does not receiving their attendance credit for the month. This creates three issues for the employee:

1. Short changed on pay
2. Attendance Credit not accumulated or available for use that month
3. Income Tax implications

Steps taken to address at the Ministry level:

PDSB suggests that employees provide four weeks written notice where possible for processing special and compassionate leaves. OPSEU contends this is not always possible.

OPSEU suggested that the employer take a positive approach with employee requests for Special and Compassionate Leave and assume that they will be approved or return to an expedited approval system. For those few requests that are not approved, the employer go back into the system to adjust the pay and attendance credit. Either way, whether the request is approved or denied payroll and attendance adjustments will be necessary. A positive approach is beneficial to employee/employer relations locally and given numbers of approvals versus denials, OPSEU would suggest that to assume the request is “approved” would ultimately be less work.

Resolution Desired

1. Employees be advised of approval/denial of Special and Compassionate Leave in writing.
2. Special and Compassionate Leave be treated as “paid” until the “approval/denial” is made in a timely fashion.
3. The attendance credit be granted based on the Special and Compassionate leave be treated as “paid” until determination is made otherwise.
4. Provide approval/denial in a timely fashion to avoid problem.

Date issue declared unresolved by MERC

December 6, 2018

Minute of Education MERC Attached

October 25, 2018

December 6, 2018

Referred by

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