

## PREGNANCY & PARENTAL/ADOPTION LEAVE POLICY & PROCEDURES

Section	4 – Employment Policies	Policy No	4.02
Employees Covered	All Employees (subject to applicable Collective Agreements)	Effective	Jan 2018
Subject	Pregnancy & Parental/Adoption Leave	Authorized	Signed by G. MacInnis

Cape Breton University (“University”) will administer the Pregnancy & Parental/Adoption Leave Policy and, subject to the provisions of the Collective Agreements, where applicable, and the provisions contained herein, will be the only authority for determining eligibility for benefits under this Policy.

Employees must give their supervisor and the Human Resources Department at least four weeks’ notice of both the date on which the leave will start and, if the employee plans to return early, the planned date of return to work. If the employee cannot give four weeks’ notice of leave because the baby is born early, or because of a medical condition, then the employee must give as much notice as possible.

The employee must request a Record of Employment (ROE) from the Payroll Department in order to apply for Employment Insurance benefits.

### 1. PREGNANCY & PARENTAL/ADOPTION LEAVE ELIGIBILITY

Eligibility is in accordance with the *Nova Scotia Labour Standards Code*.

### 2. PARENTAL/ADOPTION LEAVE OPTIONS

There are two options available for receiving EI Parental Benefits:

- (A) Standard parental benefits can be paid for a maximum of 35 weeks and must be claimed within a 52 week period (12 months) after the week the child was born or placed for the purpose of adoption. The weekly benefit rate is 55% of the claimant’s average weekly insurable earnings up to a maximum amount. The two parents can share these 35 weeks of standard parental benefits.
  
- (B) Extended parental benefits can be paid for a maximum of 61 weeks and must be claimed within a 78-week period (18 months) after the week the child was born or placed for the purpose of adoption. The benefit rate is 33% of the claimant’s average weekly insurable earnings up to a maximum amount. The two parents can share these 61 weeks of extended parental benefits.

You can choose to claim extended parental benefits only if your child was born or placed with you for the purpose of adoption on or after December 3, 2017.

### 3. SUPPLEMENTARY BENEFITS

#### 3.1 Supplementary Benefit Eligibility

The Supplementary Benefit aims to reduce the impact of receiving employment insurance benefits in place of regular salary.

Continuing employees: Any full-time or part-time continuing employee who is eligible for Pregnancy Leave and/or Parental/Adoption Leave, will also be eligible for a supplementary benefit during the time the employee would normally be at work and receiving income:

- provided the employee has registered with and complies with the reporting requirement of Service Canada; and
- the University qualifies under the Employment Insurance (EI) Act for EI benefits as outlined herein.

Employees must prove they have applied for and are in receipt of EI benefits in order to receive supplementary benefits.

Term employees who have an employment contract for a minimum of two (2) consecutive years and have been employed for twelve (12) consecutive months, will be eligible for this benefit. Supplementary benefits will cease on the earlier of the employee's contract end date or at the end of the leave.

Sessional employees who have worked a total of twelve (12) consecutive months (not including any unpaid annual work interruption(s)) will be eligible for the Supplementary Benefit. Supplementary benefits will cease during the employee's unpaid annual work interruption(s).

Example 1 - Jane Smith is hired September 2017 as a Sessional employee to work 1 September to 31 May each year. Jane is expecting a baby 31 October 2018 Jane will have only worked a total of 11 months, therefore she is not entitled to the Supplementary Benefit.

Example 2 - Mary Smith is hired September 2017 as a Sessional employee to work 1 September to 31 May each year. Mary is expecting a baby 31 March 2019. Mary has worked a total of 16 months, therefore she is entitled to the Supplementary Benefit. However, the Supplementary Benefit will cease 31 May 2019. Mary would normally be due back to work 1 September which is when the remaining Supplementary Benefit would begin again (until 5 October 2019) when the Supplementary Benefit period would normally have ended.

### 3.2 **Pregnancy Leave - Supplementary Benefit**

Employees eligible for the Pregnancy Leave Supplementary Benefit shall receive 95% of their full pay for the first week (EI waiting period) of Pregnancy Leave, if a waiting period is served.

The supplemental benefit is based on EI maternity benefits being available at the EI benefit rate of fifty-five percent (55%) of maximum weekly insurable earnings for a period of up to fifteen (15) weeks.

### 3.3 **Parental/Adoption Leave - Supplementary Benefit**

The requirement to serve a one week waiting period for EI is determined by Service Canada. Employees should check with Service Canada to determine if the waiting period is required.

As noted in section 2 above, there are two options available for receiving EI Parental Benefits:

- (A) Standard - Should the employee opt for the standard parental benefits and be in receipt of the weekly EI benefit rate of 55% of the claimant's average weekly insurable earnings up to the maximum, that employee will receive for the first 10 weeks of Parental/Adoption Leave (following the waiting period if applicable), an amount which, combined with the EI benefit and any other earnings from employment (within or outside of CBU), will equal 95% of the employee's regular, authorized, pro-rated weekly gross salary from service with the University at the commencement of the Parental/Adoption Leave (or Pregnancy Leave if applicable). Should a salary increase become due while on leave, it will not be made effective until the employee returns from the leave. There will be no adjustment made to the supplementary benefit. All amounts paid under this Policy will be subject to normal income tax, CPP deductions, and any continuing benefit deductions.
  
- (B) Extended - Should the employee opt for the extended parental benefits and be in receipt of the weekly EI benefit rate of 33% of the claimant's average weekly insurable earnings up to the maximum, that employee will receive for the first 10 weeks of Parental/Adoption Leave (following the waiting period if applicable), the same amount of supplemental benefit as would have been received if the employee had opted for Standard Parental benefit as noted above. Should a salary increase become due while on leave, it will not be made effective until the employee returns from the leave. There will be no adjustment made to the supplementary benefit. All amounts paid under this Policy will be subject to normal income tax, CPP deductions, and any continuing benefits deductions.

## **4. EMPLOYEE BENEFITS & PENSION CONTINUATION OPTIONS**

### **4.1 Employee Benefits While in Receipt of Supplementary Benefit**

Benefit coverage and deductions will remain unchanged while in receipt of the Supplementary Benefit.

#### **4.1.1 Pension Plan Contributions**

Continued participation in the applicable pension plan below during periods of reduced pay is subject to the limits of the Income Tax Act.

##### Retirement Plan for Employees of Cape Breton University (Sun Life)

Employees have the option of discontinuing pension contributions or continuing to contribute to their pension plan based on their reduced salary or based on their deemed earnings. Employees must advise the Human Resources Office of their decision, in writing, prior to commencing their leave.

Members of the Retirement Plan for Employees of Cape Breton University Hybrid Plan (pension / RRSP) who have opted for RRSP instead of pension do not have the ability to continue contributions due to Canada Revenue Agency (CRA) rules & regulations. However, eligible members have the option of switching to pension at any time.

##### Public Service Superannuation Plan (PSSP)

Members of the PSSP are required to continue pension contributions based on deemed (not reduced) earnings.

### **4.2 Employee Benefits during Un-supplemented Period**

If Employees on Pregnancy & Parental/Adoption Leave are enrolled in the University's benefit plans, they have the option of continuing with these benefits during their Pregnancy & Parental/Adoption Leave (or until the end of their term employment, whichever occurs first), subject to specific plan provisions, by paying both the employee's share of benefit contributions as well as the employer's share. Employees must advise the Human Resources Office, in writing, prior to commencing unpaid leave, of their intention to maintain benefits during this period. The employee is responsible for making payment arrangements with the Payroll Department.

It is strongly recommended that employees continue benefit contributions during their period of unpaid leave. Failure to do so could leave an employee without coverage in the event of sickness or disability and reinstatement may require a penalty waiting period as well as proof of health.

Vacation credit is not earned while on unpaid leave.

#### 4.2.1 Pension Plan Contributions

Continued participation in the applicable pension plan below during periods of leave is subject to the limits of the Income Tax Act.

##### Retirement Plan for Employees of Cape Breton University (Sun Life)

Employees have the option of discontinuing pension contributions or continuing to contribute to their pension plan by paying both their and the University's contributions.

Members of the Hybrid Plan (pension / RRSP) who have opted for RRSP instead of pension do not have the ability to continue contributions due to Canada Revenue Agency (CRA) rules & regulations. However, eligible members have the option of switching to pension at any time.

##### Public Service Superannuation Plan (PSSP)

Employees have the following options:

- 1) discontinue pension contributions;
- 2) pre-pay employee portion of pension contributions (without interest) either by a lump sum payment or post-dated cheques; or
- 3) buy back the pensionable service (including interest), upon return to work. Employee must contact NS Pension Services Corp (NSPSC) to make arrangements upon return to work.

#### 5. BENEFIT NON-ENTITLEMENT

Total benefits are not payable for any period in which the employee is disqualified or disentitled from receipt of benefits under the Employment Insurance Act.

Supplemental benefits are not payable if:

- the employee has been dismissed or suspended without pay;
- the employee has terminated their employment through resignation;
- the employee is on approved leave of absence without pay;
- the employee is on unpaid annual interruption(s) of work;
- the employee is receiving insurance benefits under the University's Long Term Disability Program; or
- the term of the employee's contract has expired.

Implementation Date	Oct 2004
Revision Dates	Nov 2009 Sep 2011 Jan 2018