

PROVINCE OF NEW BRUNSWICK		AD - 2213
<b>ADMINISTRATION MANUAL SYSTEM</b>		
Section	Subject	
<b>LEAVES</b>	<b>CHILD CARE LEAVE</b>	

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**Policy statement** Child care leave provides a leave without pay to the natural parents of a newborn or unborn child who wish to take time off work.

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**Application** **Child Care Leave applies to:**

- Management and Non-Union employees of Parts I, II and III of the Public Service

**Child Care Leave does not apply to:**

- individuals working on a casual/temporary basis with less than six months of continuous service.
- unionized employees. Refer to the appropriate collective agreement.
- those on personal service contract. Refer to terms of contract and the *Employment Standards Act*.

**Note: The Pay while on child care leave section (below) only applies to regular employees. It does not apply to individuals working on a casual/temporary basis.**

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**How to apply** General:

An employee intending to take a Child Care Leave shall:

- provide the Employer with a certificate of a medical practioner specifying the date upon which delivery will, in the medical practioner's opinion, occur or the date upon which the birth has occurred, and
- in the absence of an emergency, give 4 weeks written notice to the Employer of the commencement date and duration of the leave.

Special circumstances:

Refer to s.44.02 of the *Employment Standards Act*.

**Note:** Please also refer to any specific departmental procedures, which may supplement the above policy.

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**Duration of leave**

An employee shall normally be granted 62 weeks of leave under this policy.

Special circumstances

Refer to s.44.02 of the *Employment Standards Act* re provisions for additional leave.

**Note:** Should both parents be employed with the Public Service of New Brunswick, the leave may be shared between parents; however, only one parent will be eligible to receive Supplemental Unemployment Benefit (SUB) plan benefits.

**Pay while on child care leave**

**Note:** This section only applies to regular employees. It does not apply to individuals working on a casual/temporary basis.

Employees on child care leave may receive 75% of their regular rate of pay for the first week of child care leave, provided they meet the conditions in the table below.

Regular rate of pay is the rate of pay the employee was receiving at the time the child care leave began and does not include:

- retroactive adjustment of rate of pay
- acting pay
- any other form of supplementary pay.

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Section	Subject	
<b>LEAVES</b>	<b>CHILD CARE LEAVE</b>	

**Pay while on child care leave**  
(Continued)

Leave income at 75% of regular rate of pay is a combination of:

- eligible Employment Insurance (EI) benefits at the **standard** benefit rate
- Employer pay.

**Note:** Where the employee is in receipt of extended EI benefits, the payments will be equivalent to the difference between the weekly standard EI benefit rate (55% of weekly earnings up to a maximum amount) and 75% of regular rate of pay. Leave income will not be calculated based on an EI benefit rate of 33% should the employee elect the extended leave option.

The following table describes provisions under the Supplemental Unemployment Benefit (SUB) plan pursuant to the [Employment Insurance Act](#):

When	Then	And on expected return...
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During the first week of child care leave, an employee who: <ul style="list-style-type: none"> <li>• has completed 1-year continuous employment</li> <li>• agrees to return to work for a period of at least 6 months and</li> <li>• provides proof of application and eligibility for EI benefits</li> </ul>	<ul style="list-style-type: none"> <li>• the employee receives EI benefits</li> <li>• the Employer pays an allowance to the employee equal to the difference between:               <ul style="list-style-type: none"> <li>○ the standard EI benefit rate the employee is receiving and</li> <li>○ 75% of their regular rate of pay.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• if the employee does not return and work for a period of 6 months,</li> <li>• the employee shall reimburse the amount of allowance received on a pro-rata basis.</li> </ul>

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**Employee benefits**

Employees on child care leave **will**:

- continue to accrue service credits toward reaching service plateaus at which higher rates of earning vacation credits apply
- be credited with continuous service for the period of the leave
- not have a change to the anniversary date

An employee on child care leave **will not** accumulate:

- sick leave credits during the leave period, though employees retain previously earned sick leave credits
- additional vacation credits.

For all other benefits including Pension Plan and Group Insurance Participation, see Leave Without Pay Policy, AD-2208.

**Authorities**

- *Financial Administration Act*, Section 6(1)(d)
- *Employment Standards Act* (Section 44.02)
- Board of Management Minutes as follows:
  - 92-0317
  - 20.0004