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TEACHER GUIDE

Sick Leave



The Alberta
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Sick Leave

This guide contains general information about teachers' rights with respect to time spent away from teaching for medical reasons (usually referred to as "sick leave"). Collective agreements govern sick leave provisions, which vary widely among school divisions. To determine the provisions that apply to you, check your collective agreement. In addition, obtain a copy of any information booklet published by the health insurance carrier (such as the Alberta School Employee Benefit Plan) to which your school division subscribes.

Eligibility

The *Education Act* entitles teachers, even in their first year of employment, to a *maximum* of 20 days of paid sick leave per year (approximately two days per month of employment). Depending on their collective agreement, teachers in their second and subsequent years of employment usually have up to 90 calendar days of paid sick leave. Teachers whose illness necessitates an absence of more than 90 days become eligible for extended disability benefits (EDB). Such benefits are paid by the EDB carrier to which the school division subscribes, not by the division itself.

For illnesses of up to three months

If you are sick for more than three consecutive teaching days, take the following steps:

1. Inform your employer.
2. Obtain a note or certificate from your doctor stating that you cannot perform your teaching duties for medical reasons. The doctor's note should *not* include details concerning your diagnosis or treatment. Confirm with your collective agreement when this note is required. Some divisions do not require the documentation until after five consecutive teaching days.
3. Give the certificate to the central office, human resources department of your school division. Do not copy the certificate to the principal, the occupational health officer or anyone else in the school division.
4. If possible, provide your principal with an estimate of how long you will be absent.
5. If your employer asks you to provide a medical certificate that includes the nature of your symptoms or illness, call the Association's Teacher Employment Services program area.
6. Do not agree to reduce your employment status (FTE). Doing so may diminish the level of EDB for which you might otherwise qualify.
7. If your sick leave is going to be longer than what your doctor initially required in the medical documentation, obtain and provide to your employer an up-to-date medical certificate before the current one expires.
8. Keep copies of all correspondence and documentation related to your medical care.

For illness of more than three months

If your illness lasts longer than 90 days, you may be eligible for EDB from the carrier to which your school division subscribes. (In some cases, depending on the benefit carrier your employer subscribes to, it may be called LTD.) If you anticipate that your absence will last longer than 90 days, take the following steps:

1. At approximately 30 calendar days into your absence, contact the EDB carrier to obtain (if you have not already received them) an EDB application form and the medical report forms that you will need to support your claim. (Most employers notify their carrier when an employee has been absent more than 30 calendar days. The carrier then sends the employee an EDB information package.)
2. See your general medical practitioner as soon as possible and ask him or her to make an appointment for you with an appropriate medical specialist (if you are not seeing one already).
3. Take EDB report forms to these appointments and ask the medical care givers to fill them out. Make copies and send the original forms directly to the EDB carrier. Do not send these forms to your employer.
4. Keep a copy of all correspondence, reports and other documentation relating to your illness. In addition, consider keeping a journal of your medical situation, which should include the dates and details of all relevant phone calls, inquiries and appointments.
5. Maintain the confidentiality of your medical information. Refuse to sign any consent form giving your EDB carrier permission to share your medical information with your employer.

What if you run out of days of sick leave before qualifying for EDB?

If you experience a prolonged illness and do not have enough days of sick leave to cover the 90-day waiting period that must lapse before your carrier will consider you for EDB, or if you run out of sick leave while waiting for the insurance carrier to approve your application for EDB, you may be eligible for up to 15 weeks of employment insurance (EI) sickness benefits. To obtain EI sickness benefits, do the following:

1. Obtain your Record of Employment (ROE) from your employer and a medical certificate from your doctor indicating how long your illness is expected to last.
2. Fill out an application form for EI sickness benefits. You can complete the application either online or in person at your local Service Canada office. Many divisions will provide your ROE directly to Service Canada. Check to see how your employer handles issuing ROE's. If you are applying in person attach your ROE (or it will be submitted directly to Service Canada) and medical certificate. We suggest you keep a photocopy of your documents for your own records. If you are applying online, follow the directions of Service Canada for submitting your ROE and medical certificate. (Your ROE may be submitted directly.) Be prepared to go to a Service Canada office for an interview, which Service Canada may require before approving your EI application.
3. Be aware that, if you receive EI sickness benefits for the period beginning 90 calendar days after the start of your absence and if your EDB carrier subsequently approves your claim, you will be required to repay these EI sickness benefits to Service Canada. EI sickness benefits received during the 90-day waiting period to cover a short fall in sick leave days do *not* have to be repaid.

If you experience problems obtaining sick leave, call the Association for advice. For more detailed information, please see the Teacher Employment Services booklet titled *Teachers' Sick Leave and EDB Guide*.