

**Application of Leaves Provisions
EM/ANB**

Updated: December 18, 2020

Scenarios		Alternate Arrangement/Accommodation	Applicable Leave (If no arrangement/accommodation)	Notes
1.	Childcare or family responsibilities			
a)	New school bus schedule or school/daycare drop-off and pick-up times do not align with regular work schedule	Manager may approve suitable flexible work-hours arrangement (e.g. different start/end times, compressed lunches/breaks, etc.) based on operational requirements and ensuring regular number of work hours are completed and program/service delivery is not negatively impacted.	If no alternate arrangement/accommodation possible, employee may, upon manager's approval, use vacation credits or time off in lieu of banked overtime (if applicable). Leave without pay once vacation/banked OT is exhausted or employee chooses not to use vacation/banked OT.	
b)	Employee has child/dependent requiring care who is sick (COVID-19 related or otherwise) or waiting for COVID-19 test results	Employee is required to make all reasonable efforts to find safe alternate care arrangements. If not available, employee may request emergency and/or family responsibility leave as per the applicable collective agreements.	Emergency and/or family leave available in applicable collective agreement or policy for non-bargaining employees. Leave without pay once available emergency and/or family leave is exhausted. Employee may, upon manager's approval, use vacation credits or time off in	Employees must call Employee Health & Wellness. Employee Health & Wellness will advise employees if they need to self-isolate. If employee is advised to self-isolate, see applicable scenario 2(c).

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			lieu of banked overtime (if applicable) before taking leave without pay.	
c)	Employee's child's school or daycare closed by Public Health or by school district/EECD due to outbreak	Employee is required to make all reasonable efforts to find safe alternate care arrangements. If not available, employee may request emergency and/or family responsibility leave as per applicable collective agreements.	Emergency and/or family leave available in applicable collective agreement or policy for non-bargaining employees. Leave without pay once available emergency and/or family leave is exhausted. Employee may, upon manager's approval, use vacation credits or time off in lieu of banked overtime (if applicable) before taking leave without pay.	Applies only for duration of school or daycare closure.
d)	Employee chooses to homeschool child(ren)	N/A	Leave without pay (upon manager's approval) Employee may, upon manager's approval, use vacation credits or time off in lieu of banked overtime (if applicable) before taking leave without pay.	
e)	Daycare/school is open but employee chooses not to send their child/children	N/A	Leave without pay (upon manager's approval) Employee may, upon manager's approval, use vacation credits or time off in lieu of banked	

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			overtime (if applicable) before taking leave without pay.	
f)	Employee has household member who has been advised by Public Health or 811 that they are required to self-isolate or is being tested for COVID-19	Unless employee has been advised by Employee Health to self isolate, employee reports to workplace in accordance with usual work arrangement.	N/A	Employees must call Employee Health & Wellness. Employee Health & Wellness will advise employees if they need to self-isolate. If employee is advised to self-isolate, see applicable scenario 2(c).
2.	Employee illness or other personal circumstances			
a)	Employee has two or more COVID-19 related symptoms. Employee did not “pass” screening questions, and as a result is not permitted to enter the facility. (Employee has contacted Employee Health & Wellness and is being referred for COVID-19 testing).	N/A	Emergency, quarantine and/or other leave available in applicable collective agreement or policy for non-bargaining employees. Please reach out to your Human Resources Advisor to determine applicability of leaves.	Employee must contact Employee Health & Wellness for further direction.
b)	Employee has been on a long-term sick leave	N/A	Available sick leave	Employee who exhausts leave may take a leave without pay and

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	before COVID-19 (March 2020), they remain on sick leave until able and fit to return to work			apply for EI sick benefits if eligible.
c)	Employee has been advised by Employee Health to self isolate (see exception in next row below) or is waiting for COVID-19 test results	N/A	<p>Emergency, quarantine and/or other leave available in applicable collective agreement or policy for non-bargaining employees.</p> <p>Please reach out to your Human Resources Advisor to determine applicability of leaves.</p>	
d)	Employee has to self-isolate because they travelled outside of New Brunswick with manager's approval (see mandatory order) for non-work-related reasons after travel advisory was put in place	N/A	Employee may, only upon manager approval, use vacation credits or time off in lieu of banked overtime (if applicable).	<p>Vacation during self isolation must be approved by manager based on operational requirements.</p> <p>Failure to obtain manager approval prior to travel outside of New Brunswick could result in discipline.</p>
e)	Employee contracts COVID-19 in the workplace		<p>For the acute phase of the illness (typically three to four weeks):</p> <p>Emergency, quarantine and/or other leave available in applicable collective agreement or policy for non-bargaining employee - <u>with</u></p>	WSNB determines whether submitted claims will be accepted.

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			<p><u>Commentary "COVID-19 virus positive"</u>.</p> <p>Employees are required to file a WSNB claim. Absences longer than the standard acute phase will be paid according to WSNB.</p>	
f)	Employee contracts COVID-19 in the community		<p>Available sick leave</p> <p>If employee exhausts sick leave credits, may use vacation credits or time off in lieu of banked overtime (if applicable).</p>	Employee who exhausts leave may take a leave without pay and apply for EI sick benefits if eligible.
3.	Vulnerable Populations			
a)	Employee is part of a population segment vulnerable to COVID-19 as defined by the Public Health Agency of Canada. This includes employees with heart disease, hypertension, diabetes, chronic respiratory diseases, cancer, or those with compromised immune systems related to a medical condition or treatment	Employee reports to workplace in accordance with usual work arrangement.	N/A	Being part of a vulnerable population segment does not prevent employee from reporting to workplace with proper COVID-19 safety measures in place and by taking additional precautions such as wearing a community mask (see the Personal Measures section of the detailed alert levels).

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b)	Employee has a medical note confirming they have an underlying health condition that makes them vulnerable to COVID-19 AND that they cannot be present in the workplace	Manager to seek additional information from medical professional about employee's limitations and any workplace accommodations that can be put in place. If no accommodation, employee may work remotely from home with manager approval and if equipped to work effectively and productively.	Available sick leave	Employee who exhausts leave may take a leave without pay and apply for EI sick benefits if eligible if no available sick leave
c)	Employee has household member who is part of a population segment vulnerable to COVID-19 as defined by the Public Health Agency of Canada	Employee reports to workplace in accordance with usual work arrangement.	N/A	Having a household member who is part of a vulnerable population segment does not prevent employee from reporting to workplace with proper COVID-19 safety measures in place.
4.	Out-of-Province Travel			
a)	Employee travelled for non-work-related reasons before a new travel advisory was put in place and must self isolate upon return	N/A	Leave with pay	Applies during 14-day isolation period only.
5.	Right to Refuse			

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a)	Employee refuses to work after worksite has been deemed safe by WorkSafeNB	N/A	Leave without pay	Continued refusal to work by employee may be considered insubordination and subject to disciplinary measures up to and including dismissal.