

GENERAL ADMINISTRATION MANUAL

VOLUME 3: HUMAN RESOURCE POLICIES

TITLE: LEAVE FOR RESERVISTS

EFFECTIVE: November 10, 2009

1 SCOPE

1.1 Authority

This policy is issued under the authority of Cabinet Minute No. #09-27A, dated November 10, 2009.

1.2 Application

This policy applies to all persons hired under the *Public Service Act*, except for casual employees.

1.3 Purpose

This policy enables the administration of leaves of absence without pay for the purpose of participating in reservist operations and activities.

1.4 Principle Statement

As an employer, the Yukon government recognizes the valuable contributions made by members of Canada's Reserve Forces and wishes to extend the protections available under the *Employment Standards Act* to employees governed by the *Public Service Act*.

1.5 Definitions

Reserve Force

The designated Reserve Force component of the Canadian Forces as referenced in the *National Defence Act*. Canadian Rangers are also considered part-time reservists.

2.0 ELIGIBILITY FOR LEAVE

- 2.1 Eligible employees who are members of the Reserve Force shall be granted a leave without pay to participate in Reserve Force operations or activities as set out in S. 60.3(1) of the *Employment Standards Act*. This includes up to 15 days leave without pay to participate in annual training activities.

3.0 APPLYING FOR A RESERVIST LEAVE

Notification

- 3.1 Employees are required to submit their written leave request a minimum of four weeks prior to the requested leave period, unless there is a valid reason for not doing so. Notification must specify the purpose and length of the requested leave period.
- 3.2 Employees must also notify the department in writing of any change in the duration of the leave at least four weeks prior to the original end date, unless there is a valid reason for not doing so.
- 3.3 If employees do not provide at least four weeks notice of a change in the leave period, the department may delay their return to work for a period of up to four weeks from the day after notice is provided. This period of postponement is deemed to be part of the leave.
- 3.4 Where there is a valid reason why employees are unable to provide four weeks notice, they must do so as soon as is practicable.

Documentation

- 3.5 Employees are required to provide documentation confirming that the leave is for the purposes of Reserve Force operations and activities as outlined in S. 60.3(1) of the *Employment Standards Act* within three weeks of the start of the leave. An acceptable document is that which is approved by the Chief of the Defense Staff or where none is available, by the employee's Commanding Officer.

Other considerations

- 3.6 Employees returning from reservist leave shall be reinstated to their substantive position. If, for a valid reason, the employer is not able to reinstate the employee in the substantive position, they shall reinstate the employee in a comparable position.
- 3.7 The reservist leave period will count as continuous service. Employees should be aware that depending on the length of the leave requested, there may be impacts on their benefit entitlements and accruals during the leave without pay period.
- 3.8 Employees are not required to use their vacation leave in place of or in advance of using reservist leave.
- 3.9 While there is no stated limit on the number or length of leaves of absence that may be requested, operational requirements may apply to the granting of subsequent periods of time if an employee requests more than one extended leave within an 18 month period.

4.0 ROLES AND RESPONSIBILITIES

4.1 Employees are responsible for:

- Submitting leave without pay requests in writing to their branch director outlining the reason and duration of the requested leave.
- Notifying their branch director of any changes to the leave period (see s 3.2).
- Providing official documentation confirming the nature of reservist leave (see s 3.5).
- Consulting with their human resource branch and/or the Public Service Commission about the impact (if any) on their benefit entitlements.

4.2 Departments are responsible for:

- Approving applications for reservist leave without pay under this policy.
- Seeking advice from the Public Service Commission if they are unclear about the application of reservist leave.

4.3 Public Service Commission is responsible for:

- Providing advice to departments on the application of this policy.

References

National Defence Act

Public Service Act

Employment Standards Act