

Treasury Board

Gouvernement du Québec

T.B. 203751, 23 May 2006

Education Act
(R.S.Q., c. I-13.3)

School boards and Comité de gestion de la taxe scolaire de l'île de Montréal — Certain conditions of employment of senior staff — Amendments

Regulation to amend the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal

WHEREAS under section 451 of the Education Act (R.S.Q., c. I-13.3), the Minister of Education, Recreation and Sports may, by regulation and with the authorization of the Conseil du trésor, establish for all or certain school boards and for the Comité de gestion de la taxe scolaire de l'île de Montréal, a classification of positions, the maximum number of positions in each job category, working conditions, remuneration, recourses and rights of appeal of the members of the staff who are not members of a certified association within the meaning of the Labour Code (R.S.Q., c. C-27);

WHEREAS the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal was approved by the Conseil du trésor, C.T. 203162 dated 13 December 2005;

WHEREAS the Regulations Act (R.S.Q., c. R-18.1) does not apply to this regulation;

WHEREAS the Minister of Education, Recreation and Sports is of the opinion that it is expedient to amend the Regulation;

WHEREAS the Minister of Education, Recreation and Sports made, on May 18, 2006, the Regulation to amend the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal;

THE CONSEIL DU TRÉSOR DECIDES :

1. To approve the Regulation to amend the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal attached hereto;

2. To ask for the publication of the Regulation in the *Gazette officielle du Québec*.

ROBERT CAVANAGH,
Deputy Clerk of the Conseil du trésor

Regulation to amend the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal *

Education Act
(R.S.Q., c. I-13.3, s. 451)

1. The table of contents of the Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal is amended by striking out "Schedule 15 entitled Staffing rules applicable to full-time senior staff in a school during 2005-2006 school year" at the end of the table of contents.

2. Section 25 of the Regulation is amended by replacing the table in the first paragraph by the following table:

* The Regulation respecting certain conditions of employment of senior staff of school boards and of the Comité de gestion de la taxe scolaire de l'île de Montréal approved by the Conseil du trésor, C.T. 203162 dated 13 December 2005, (2006, G.O. 2, 283).

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Classes	Rates 2006 04 01 to 2007 03 31 \$		Rates 2007 04 01 to 2008 03 31 \$		Rates 2008 04 01 to 2009 03 31 \$		Rates as of 2009 04 01 \$	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
17	112 604	150 139	114 856	153 142	117 153	156 205	119 496	159 329
16	106 375	141 833	108 503	144 670	110 673	147 563	112 886	150 514
15	100 489	133 986	102 499	136 666	104 549	139 399	106 640	142 187
14	94 930	126 574	96 829	129 105	98 766	131 687	100 741	134 321
13	89 678	119 572	91 472	121 963	93 301	124 402	95 167	126 890
12	84 718	112 957	86 412	115 216	88 140	117 520	89 903	119 870
11	80 031	106 708	81 632	108 842	83 265	111 019	84 930	113 239
10	75 604	100 806	77 116	102 822	78 658	104 878	80 231	106 976
9	71 422	95 229	72 850	97 134	74 307	99 077	75 793	101 059
8	67 471	89 961	68 820	91 760	70 196	93 595	71 600	95 467
7	62 837	83 783	64 094	85 459	65 376	87 168	66 684	88 911
6	58 523	78 030	59 693	79 591	60 887	81 183	62 105	82 807
5	54 504	72 671	55 594	74 124	56 706	75 606	57 840	77 118
4	50 761	67 681	51 776	69 035	52 812	70 416	53 868	71 824
3	45 300	60 400	46 206	61 608	47 130	62 840	48 073	64 097
2	40 428	53 903	41 237	54 981	42 062	56 081	42 903	57 203
1	36 078	48 104	36 800	49 066	37 536	50 047	38 287	51 048

”.

3. Section 37 of the Regulation is replaced by the following section:

“**37.** The salary scales and salary applicable to senior staff are increased by 2% on 1 April of each of the years 2006, 2007, 2008 and 2009. The salary scales of senior staff are found in Schedule 3.”.

4. Section 41 of the Regulation is amended by replacing “one or more” by “the” in paragraph *a*.

5. Section 188 of the Regulation is replaced by the following section:

“**188.** The fees and expenses of the chairman of the Appeals Committee shall be borne by the party that submitted the complaint if the complaint is rejected and by the party to whom the complaint was submitted, if

the complaint is accepted. If the complaint is accepted in part, the Appeals Committee shall determine the proportion in which the fees and expenses shall be paid by each party.

The fees and expenses of the chairman of the Appeals Committee shall be borne by the party that requested the postponement of a preparatory session or a hearing. In the case of a joint request, the expenses shall be shared equally by the parties.

The fees and expenses of the chairman of the Appeals Committee shall be borne by the party that submitted the complaint and that subsequently withdraws it.

If a settlement is reached pursuant to section 192, the fees and expenses of the chairman of the Appeals Committee shall be shared equally by the parties.

If the complaint deals with the dismissal of an administrator, the fees and expenses of the chairman of the Appeals Committee shall be borne by the Minister.”.

6. The Regulation is amended by inserting the following section:

“**188.1** The fees and expenses of the chairman of the Appeals Committee shall be borne according to the regulatory provisions that applied to a complaint received by the Records office of the Comités de recours et d’appel before the coming into force of section 188”.

7. Section 204 of the Regulation is replaced by the following section:

“**204.** The school board shall determine its administrative structure for positions of senior staff in a school. The administrative structure specifies for each school of the school board the number of senior staff members assigned thereto as well as the title and job classification.

The number of senior staff positions in a school shall be based on the criteria determined by the school board and may deal notably with the number of students in a school, the ratio of handicapped students or students with social maladjustments or learning disabilities, the poverty index recognized by the Ministry, the number of students enrolled in the daycare service, the number of schools under the responsibility of the same principal, the number of buildings at the disposal of a school, the particular nature of the school, multi-ethnicity or any other criterion that the school board deems pertinent.

The school board shall consult the association of senior staff of schools concerning the administrative structure for senior staff in a school according to the same procedure as that determined for the management policy defined in section 277. The consultation must be held no less than 30 days before the administrative structure is adopted, unless the school board and the association of senior staff of schools agree otherwise.”.

8. Section 205 of the Regulation is replaced by the following section:

“**205.** The administrative structure shall be adopted by a resolution of the council of commissioners of the school board and shall remain in force until such time as it is amended by a resolution of the council of commissioners.

Any change in the administrative structure shall be submitted to the association of senior staff of schools for consultation according to the same procedure as that determined for the management policy defined in section 277.”.

9. Section 269 of the Regulation is replaced by the following section:

“**269.** The fees and expenses of the chairman of the Appeals Committee shall be borne by the party that submitted the complaint if the complaint is rejected and by the party to whom the complaint was submitted, if the complaint is accepted. If the complaint is accepted in part, the Appeals Committee shall determine the proportion in which the fees and expenses shall be paid by each party.

The fees and expenses of the chairman of the Appeals Committee shall be borne by the party that initiated the postponement of a preparatory session or a hearing. In the case of a joint request, the expenses shall be shared equally by the parties.

The fees and expenses of the chairman of the Appeals Committee shall be borne by the party that submitted the complaint and that subsequently withdraws it.

If a settlement is reached pursuant to section 273, the fees and expenses of the chairman of the Appeals Committee shall be shared equally by the parties.

If the complaint deals with the dismissal of a senior staff member in a school or centre, the fees and expenses of the chairman of the Appeals Committee shall be borne by the Minister.”.

10. The Regulation is amended by inserting the following section:

“**269.1** The fees and expenses of the chairman of the Appeals Committee shall be borne according to the regulatory provisions that applied to a complaint received by the Records office of the Comités de recours et d’appel before the coming into force of section 269”.

11. Schedule 3 of the Regulation is amended

(1) by adding the title “**Salary scales from 2 July 2005 to 31 March 2006**” to the table”;

(2) by inserting the following table:

“Salary scales as of 1 April 2006

Classes	Rates 2006 04 01 to 2007 03 31 \$		Rates 2007 04 01 to 2008 03 31 \$		Rates 2008 04 01 to 2009 03 31 \$		Rates as of 2009 04 01 \$	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
12	84 718	112 957	86 412	115 216	88 140	117 520	89 903	119 870
11	80 031	106 708	81 632	108 842	83 265	111 019	84 930	113 239
10	75 604	100 806	77 116	102 822	78 658	104 878	80 231	106 976
9	71 422	95 229	72 850	97 134	74 307	99 077	75 793	101 059
8	67 471	89 961	68 820	91 760	70 196	93 595	71 600	95 467
7	62 837	83 783	64 094	85 459	65 376	87 168	66 684	88 911
6	58 523	78 030	59 693	79 591	60 887	81 183	62 105	82 807
5	54 504	72 671	55 594	74 124	56 706	75 606	57 840	77 118
4	50 761	67 681	51 776	69 035	52 812	70 416	53 868	71 824
3	45 300	60 400	46 206	61 608	47 130	62 840	48 073	64 097
2	40 428	53 903	41 237	54 981	42 062	56 081	42 903	57 203
1	36 078	48 104	36 800	49 066	37 536	50 047	38 287	51 048

”.

12. Schedule 5 of the Regulation is replaced by the following schedule :

**“SCHEDULE 5
PARENTAL RIGHTS**

1. Unless expressly stated otherwise, this schedule may not have the effect of granting monetary or non-monetary benefits that a senior staff member would not have received had the senior staff member remained at work.

For the purposes of this schedule, a “spouse” means either of two persons who :

- (1) are married or in a civil union and cohabiting ;
- (2) are of opposite sex or the same sex and have been living together in a conjugal relationship and are the father and mother of the same child ;
- (3) are of opposite sex or the same sex and have been living together in a conjugal relationship for at least one year.

However, persons shall cease to be considered as spouses upon the dissolution of their marriage through divorce or annulment or, if they are married or living in a conjugal relationship, upon a de facto separation for a period exceeding three months.

2. Compensation for maternity leave or adoption leave shall be paid only as a supplement to parental insurance benefits or employment insurance benefits, as the case may be, or in the cases mentioned below, as payments during a period of absence for which the Québec Parental Insurance Plan and the Employment Insurance Plan provide no benefit.

However, maternity leave or adoption leave benefits shall be paid only during the weeks the senior staff member receives or would receive, after submitting an application for benefits, benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan.

In the case where the senior staff member shares the adoption or parental benefits prescribed by the Québec Parental Insurance Plan or the Employment Insurance Plan with his or her spouse, compensation shall be paid only if the senior staff member actually receives a benefit under one of the plans during the maternity leave prescribed in section 6¹ or the adoption leave prescribed in section 30.

¹ In this schedule, any reference to a section is a reference to a section of this schedule, unless otherwise provided.

3. Where both parents are women, the allowances and benefits granted to the father shall be granted to the mother who did not give birth.

4. The school board shall not reimburse a senior staff member for an amount that could be claimed from the senior staff member by the Minister of Employment and Social Solidarity under the Act respecting parental insurance.

Moreover, the school board shall not reimburse a senior staff member for an amount that could be claimed from the senior staff member by Human Resources and Social Development (HRSD) under the Employment Insurance Act, where the senior staff member's income exceeds one and a quarter ($1\frac{1}{4}$) times the maximum insurable earnings.

5. The salary, deferred salary and severance payments shall not be increased or decreased by the amounts received under the Québec Parental Insurance Plan or the supplementary employment insurance benefits plan.

DIVISION 1 **MATERNITY LEAVE**

6. A pregnant senior staff member covered by section 16 is entitled to 21 weeks of maternity leave which, subject to sections 11 and 12 of this schedule, must be consecutive.

The pregnant senior staff member covered by section 22 or 23 is entitled to 20 weeks of maternity leave which, subject to sections 11 and 12, must be consecutive.

The senior staff member who is eligible for benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan, but who has not completed the 20 weeks of service prescribed in sections 16 and 22 is also entitled to a leave of 21 or 20 weeks, as the case may be.

The senior staff member covered by section 23 is entitled to a leave of 20 weeks if she has not completed the 20 weeks of service prescribed in that section.

Maternity leave may be for a shorter duration than the durations mentioned in the preceding paragraphs. A senior staff member who returns to work, within two weeks following the birth, must produce, at the school board's request, a medical certificate attesting that she has sufficiently recovered to return to work.

7. A senior staff member who becomes pregnant while on leave without pay or partial leave without pay prescribed in this schedule is also entitled to maternity leave and to the benefits prescribed in sections 16, 22 and 23.

8. Where there is termination of pregnancy after the beginning of the 20th week preceding the expected date of delivery, a senior staff member is also entitled to maternity leave.

9. Where the spouse of a senior staff member dies, the remainder of the maternity leave and the rights and benefits attached thereto shall be transferred to the senior staff member.

10. The distribution of maternity leave before and after delivery shall be decided by the senior staff member. However, the leave of the senior staff member eligible for benefits under the Québec Parental Insurance Plan shall be concurrent with the period during which benefits are paid under the Act respecting parental insurance and must begin no later than the week following the start of benefit payments under the Québec Parental Insurance Plan.

11. A senior staff member may suspend her maternity leave and return to work if she has sufficiently recovered from delivery and the child is unable to leave the health institution. It shall be completed when the child is brought home.

Moreover, when a senior staff member has sufficiently recovered from delivery but the child is hospitalized after leaving the health institution, the senior staff member may suspend her maternity leave, after agreement with the school board, and return to work for the period during which the child is hospitalized.

12. At the senior staff member's request, a maternity leave may be divided into weeks and suspended for a number of weeks the maximum of which varies in each of the following cases:

a) if the child is hospitalized: the number of weeks during which the leave is suspended equals the number of weeks during which the child is hospitalized;

b) if the senior staff member must be absent due to an accident or illness not related to pregnancy: the number of weeks during which the leave is suspended corresponds to the number of complete weeks during which she must be absent, without exceeding 15 weeks;

c) if the senior staff member is absent due to a situation described in section 79.8 of the Act respecting labour standards (R.S.Q., c. N-1.1): the number of weeks during which the maternity leave is suspended corresponds to the number of complete weeks during which the situation persists, without however exceeding six weeks.

During those suspensions, the senior staff member is considered on leave without pay and shall not receive any allowance or benefit from the school board. The senior staff member shall receive the benefits prescribed in section 43 during the suspension.

13. If the birth occurs after the expected date, the senior staff member is entitled to extend the maternity leave for the length of time the birth is overdue, unless she already has at least two weeks of maternity leave remaining after the birth.

Furthermore, a maternity leave may be extended if the state of health of the child or of the senior staff member requires it. The duration of extended maternity leave shall be specified in the medical certificate provided by the senior staff member.

During the extensions, the senior staff member is considered on leave without pay and shall not receive any allowance or benefit from the school board. During those extensions, the senior staff member shall be covered by section 51 during the first six weeks and subsequently by section 43.

14. During the fourth week preceding the expiry date of a maternity leave, the school board must send the senior staff member a notice indicating the date on which the leave expires.

A senior staff member to whom the school board has sent the notice described above must report for work on the date on which the maternity leave expires, unless the leave has been extended in the manner prescribed in Division 4.

A senior staff member who does not comply with the preceding paragraph is deemed to be on leave without pay for a period not exceeding four weeks. At the end of that period, the senior staff member who has not reported for work is deemed to have resigned.

15. To obtain maternity leave, a senior staff member must give notice to the school board not less than three weeks before the date of departure. The notice must be accompanied by a medical certificate or a written report signed by a midwife attesting to the pregnancy and the expected date of delivery.

Less than three weeks' notice may be given if a medical certificate attests that the senior staff member must stop working earlier than expected. In case of unforeseen events, the senior staff member shall not be required to give notice, subject to submitting a medical certificate to the school board stating it is necessary to stop working immediately.

§1. Cases covered by the Québec Parental Insurance Plan

16. A senior staff member who has accumulated 20 weeks of service and who, under the Québec Parental Insurance Plan, receives benefits is also entitled to receive for 21 weeks of the maternity leave, an allowance equal to the difference between 93% of the senior staff member's basic weekly salary and the rate of maternity or parental benefits that she receives or would receive under the Québec Parental Insurance Plan, after submitting an application for benefits.

The allowance shall be based on the benefits of the Québec Parental Insurance Plan that a senior staff member is entitled to receive, without taking into account the amounts subtracted from those benefits for repayment of benefits, interest, penalties and other amounts recoverable under the Act respecting parental insurance.

However, a senior staff member who works for more than one employer shall receive an allowance equal to the difference between 93% of the basic salary paid by the school board and the percentage of benefits paid under the Québec Parental Insurance Plan that represents the proportion of the basic weekly salary paid by it compared to the sum of the basic weekly salaries paid by all the employers. For that purpose, the senior staff member shall submit to each employer a statement of the weekly salary paid by each of them, together with the amount of benefits paid under the Act respecting parental insurance.

17. When the senior staff member resumes the maternity leave suspended or divided under section 11 or 12, the school board shall pay the senior staff member the allowance to which she would have been entitled had she not availed herself of the suspension or division for the number of weeks remaining under section 16, 22 or 23.

18. For the purposes of entitlement to maternity leave benefits, a senior staff member who is absent shall accumulate service if the absence is authorized, particularly for total disability, and includes a benefit or remuneration.

19. For the purposes of this schedule, basic weekly salary means the salary of the senior staff member, including the lump sums resulting from the salary readjustment procedure.

20. The school board may not offset any reduction in the benefits under the Québec Parental Insurance Plan attributable to the salary earned with another employer by paying an allowance to a senior staff member on maternity leave.

Notwithstanding the provisions of the preceding paragraph, the school board shall pay the compensation if the senior staff member proves that the salary earned with another employer is a regular salary by means of a letter to that effect from the employer paying it. If the senior staff member proves that only part of the salary is regular, the compensation shall be limited to that part.

The employer paying the regular salary mentioned in the preceding paragraph must provide such a letter at the request of the senior staff member.

The total amounts received by the senior staff member during the maternity leave in benefits under the Québec Parental Insurance Plan, allowances and salary may not exceed 93% of the basic salary paid by the senior staff member's employer or, where applicable, employers.

21. A senior staff member may defer annual vacation if it falls within her maternity leave and if she notifies the school board in writing of the date of such deferral no later than two weeks before the termination of the said maternity leave.

§2. Cases not covered by the Québec Parental Insurance Plan but covered by the Employment Insurance Plan

22. A senior staff member who has accumulated 20 weeks of service and who is eligible for benefits under the Employment Insurance Plan but is not eligible for benefits under the Québec Parental Insurance Plan is entitled to receive:

a) for each week of the waiting period prescribed by the Employment Insurance Plan, an allowance equal to 93% of the basic weekly salary;

b) for each week that follows the period prescribed in paragraph *a*, an allowance equal to the difference between 93% of her basic weekly salary and the maternity or parental benefit paid under the Employment Insurance Plan that the senior staff member receives or could receive, after submitting an application for benefits, up to the end of the 20th week of maternity leave.

The allowance shall be based on the employment insurance benefits that a senior staff member is entitled to receive without taking into account the amounts subtracted from those benefits for repayment of benefits, interest, penalties and other amounts recoverable under the Employment Insurance Plan.

However, a senior staff member who works for more than one employer shall receive an allowance from each of her employers. In this case, the allowance is equal to the difference between 93% of the basic salary paid by the school board and the percentage of the employment insurance benefits that represents the proportion of the basic weekly salary paid by it compared to the sum of the basic weekly salaries paid by all the employers. For that purpose, the senior staff member shall submit to each employer a statement of the weekly salary paid by each of them, together with the amount of benefits paid by Human Resources and Social Development.

Moreover, if Human Resources and Social Development reduces the number of weeks of employment insurance benefits to which the senior staff member would have been entitled if she had not received employment insurance benefits before her maternity leave, the senior staff member shall continue to receive the allowance prescribed in the first subparagraph of paragraph *b* for a period equal to the weeks subtracted by Human Resources and Social Development as though the senior staff member had received employment insurance benefits during that period.

Section 20 of this division applies with the necessary changes.

§3. Cases not covered by the Québec Parental Insurance Plan and the Employment Insurance Plan

23. A senior staff member excluded from receiving benefits under the Québec Parental Insurance Plan and the Employment Insurance Plan shall also be excluded from receiving any compensation prescribed in sections 16 and 22.

However, a full-time senior staff member who has accumulated 20 weeks of service is entitled to an allowance equal to 93% of her basic weekly salary for 12 weeks if she does not receive benefits under a parental rights plan established by another province or a territory.

The part-time senior staff member who has accumulated 20 weeks of service is entitled to an allowance equal to 95% of her basic weekly salary during 12 weeks if she does not receive benefits under a parental rights plan established by another province or a territory.

If a part-time senior staff member is not required to pay contributions to the pension plans and to the Québec Parental Insurance Plan, the allowance shall be set at 93% of her basic weekly salary.

24. In the cases prescribed in sections 16, 22 and 23:

a) No allowance may be paid during a vacation period during which a senior staff member is paid.

b) Unless the salary is paid on a weekly basis, the allowance shall be paid at two-week intervals, the first payment being due, in the case of a senior staff member eligible for benefits under the Québec Parental Insurance Plan, only 15 days after the school board obtains proof that she is receiving benefits under that plan.

In the case of a senior staff member eligible for benefits under the Employment Insurance Plan, the allowance due for the first two weeks shall be paid by the school board in the first two weeks of the leave. Unless, the applicable salary is paid on a weekly basis, the allowance due after that date shall be paid at two-week intervals, the first payment being due only 15 days after the school board obtains proof that she is receiving benefits under that plan.

For the purposes of paragraph *b*, a statement of benefits, a payment stub or information provided, by means of an official statement, by the Ministry of Employment and Social Solidarity or the HRSD shall be accepted as proof.

c) Service shall be calculated with all employers of the public and parapublic sectors (public service, education, health and social services), health and social service agencies, all agencies for which, by law, the employees' employment conditions or salary standards and scales are determined or approved by the government, the Office franco-québécois pour la jeunesse, the Société de gestion du réseau informatique des commissions scolaires (GRICS) or any other agency listed in Schedule C of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., c. R-8.2).

Moreover, the requirement of 20 weeks of service under sections 16, 22 and 23 is deemed to have been met if the senior staff member has satisfied that requirement with any employer mentioned in the preceding paragraph.

d) The basic weekly salary of the part-time senior staff member is the average basic weekly salary of the last 20 weeks before her maternity leave.

If, during that period, the senior staff member received benefits established at a certain percentage of her regular salary, it shall be understood that, for the purposes of calculating her basic salary during her maternity leave, the basic salary referred to is that on the basis of which such benefits are determined.

Any period during which the senior staff member on preventive reassignment under section 50 does not receive any benefit under the CSST shall not be taken into account in the calculation of her average basic weekly salary.

Where the last 20 weeks before the maternity leave of the part-time senior staff member includes the date on which the salary rates and scales are increased, the basic weekly salary shall be based on the salary rates in effect on that date. If, however, the maternity leave includes that date, the basic weekly salary changes on that date according to the adjustment formula of the applicable salary scale.

DIVISION 2

PATERNITY LEAVE

25. A senior staff member is entitled to take paid leave for a maximum of five working days for the birth of his child. Where there is termination of pregnancy after the beginning of the 20th week preceding the expected date of delivery, the senior staff member is also entitled to a paternity leave. The paid leave may be discontinuous, but must be taken between the beginning of the delivery and the 15th day following the mother's or the child's return home.

One of the five days may be used for the baptism or registration of the child.

The senior staff member whose spouse gives birth is also entitled to the paternity leave if she is designated as one of the child's mothers.

26. A senior staff member is also entitled to take unpaid paternity leave for the birth of his child for no more than five weeks which, subject to sections 27 and 28, must be consecutive. The leave must terminate no later than the expiry of the 52nd week following the week of the child's birth.

The senior staff member whose spouse gives birth is also entitled to the leave if she is designated as one of the child's mothers.

27. If the child is hospitalized, the senior staff member may suspend the paternity leave, after agreement with the school board, and return to work for the period during which the child is hospitalized.

28. At the senior staff member's request, the paternity leave may be divided into weeks and suspended for a number of weeks the maximum of which varies in each of the following cases :

a) if the child is hospitalized : the number of weeks during which the leave is suspended equals the number of weeks during which the child is hospitalized ;

b) if the senior staff member must be absent due to an accident or illness : the number of weeks during which the leave is suspended corresponds to the number of complete weeks during which the situation persists, without exceeding 15 weeks ;

c) if the senior staff member is absent due to a situation described in section 79.8 of the Act respecting labour standards (R.S.Q., c. N-1.1) : the number of weeks during which the leave is suspended corresponds to the number of complete weeks during which the situation persists, without however exceeding six weeks.

During such suspensions, the senior staff member is considered on leave without pay and shall not receive any allowance or benefit from the school board. The senior staff member is entitled to the benefits prescribed in section 43 for the duration of the suspension.

29. A senior staff member who, before the expiry date of his paternity leave, sends his school board a notice accompanied by a medical certificate attesting that the state of health of the child requires it, is entitled to extend his paternity leave for the duration indicated in the medical certificate.

During the extended leave, the senior staff member is considered on leave without pay and section 43 applies. The senior staff member shall not receive any allowance or benefit from the school board.

DIVISION 3

ADOPTION LEAVE AND LEAVE FOR ADOPTION PURPOSES

30. A senior staff member who legally adopts a child, other than his or her spouse's child, is entitled to an adoption leave not exceeding 10 weeks which, subject to sections 31 and 32, must be consecutive.

The leave of the senior staff member eligible for benefits under the Québec Parental Insurance Plan shall be concurrent with the period during which benefits granted under the Act respecting parental insurance are paid and must begin no later than the week following the start of parental insurance benefit payments.

The leave of the senior staff member who is ineligible for benefits under the Québec Parental Insurance Plan must be taken after the order of placement of the child or the equivalent in the case of an international adoption in accordance with the adoption plan or at another time agreed with the school board.

31. If the child is hospitalized, the senior staff member may suspend his or her adoption leave, after agreement with the school board, and return to work for the period during which the child is hospitalized.

32. At the senior staff member's request, the adoption leave may be divided into weeks and suspended for a number of weeks the maximum of which varies in each of the following cases :

a) if the child is hospitalized : the number of weeks during which the leave is suspended equals the number of weeks during which the child is hospitalized ;

b) if the senior staff member must be absent due to an accident or illness : the number of weeks during which the leave is suspended corresponds to the number of complete weeks during which the situation persists, without exceeding 15 weeks ;

c) if the senior staff member is absent due to a situation described in section 79.8 of the Act respecting labour standards (R.S.Q., c. N-1.1) : the number of weeks during which the leave is suspended corresponds to the number of complete weeks during which the situation persists, without however exceeding six weeks.

During those suspensions, the senior staff member is considered on leave without pay and shall not receive any allowance or benefit from the school board. The senior staff member is entitled to the benefits prescribed in section 43 for the duration of the suspension.

33. When the senior staff member resumes the adoption leave suspended or divided under section 31 or 32, the school board shall pay him or her the allowance to which he or she would have been entitled had he or she not availed himself or herself of the suspension or division for the number of weeks remaining under section 30.

34. A senior staff member who, before the expiry date of his or her adoption leave, sends his or her school board a notice accompanied by a medical certificate attesting that the state of health of the child requires it, is entitled to extend the adoption leave for the duration indicated in the medical certificate.

During the extended leave, the senior staff member is considered on leave without pay and section 43 applies. The senior staff member shall not receive any allowance or benefit from the school board.

35. During the adoption leave prescribed in section 30, the senior staff member shall receive an allowance equal to the difference between his or her basic weekly salary and the benefit that he or she receives or would receive, after submitting an application for benefits, under the Québec Parental Insurance Plan or the Employment Insurance Plan.

The second and third paragraphs of section 16 or 22, as the case may be, and section 20 apply with the necessary changes.

36. The senior staff member who is ineligible for adoption benefits under the Québec Parental Insurance Plan or parental benefits under the Employment Insurance Plan and who adopts a child, other than his or her spouse's child, shall receive an allowance equal to his or her basic weekly salary during the adoption leave prescribed in section 30.

37. A senior staff member who adopts his or her spouse's child is entitled to an adoption leave for a maximum duration of five working days, only the first two are paid.

The leave may be discontinuous, but it may not be taken later than 15 days following the child's arrival home.

38. Paragraphs *a*, *b* and *d* of section 24 apply to the senior staff member who receives the benefits prescribed in section 35 or 36 with the necessary changes.

39. A senior staff member shall benefit for the purposes of adopting a child from a leave without pay of a maximum duration of 10 weeks as of the date on which he or she actually takes custody of the child, unless it involves the spouse's child.

On a written request to the school board if possible two weeks in advance, a senior staff member who travels outside of Québec to adopt a child, except for his or her spouse's child, shall obtain leave without pay for the required travel time.

However, the leave ends no later than the week following the start of benefit payments under the Québec Parental Insurance Plan or the Employment Insurance Plan and section 30 applies.

During the leave, the senior staff member is entitled to the benefits prescribed in section 43.

40. If no child is adopted following a leave for adoption purposes for which the senior staff member receives an allowance paid under section 35 or 36, the senior staff member is deemed to have been on a leave without pay and shall repay the allowance or salary received at a rate of 30% of the salary payable per pay period until the amount owed is repaid, unless the parties agree otherwise.

DIVISION 4 **LEAVE WITHOUT PAY**

41. A senior staff member wishing to extend her maternity leave, a senior staff member wishing to extend the paternity leave prescribed in section 25 and a senior staff member wishing to extend the adoption leave prescribed in section 30 is entitled to:

a) a leave without pay for a period not exceeding two years, immediately following the maternity leave, paternity leave or adoption leave;

or

b) a leave without pay of no more than 52 continuous weeks beginning at the time decided by the senior staff member and ending at the latest 70 weeks after the birth or, in the case of an adoption, 70 weeks after the child is placed with the senior staff member.

A senior staff member who does not take a leave without pay or partial leave without pay may, for the part of the leave that his or her spouse does not use, elect to benefit from the leave without pay or partial leave without pay.

42. A senior staff member who wishes to terminate his or her leave without pay before the scheduled date must give written notice to this effect at least 21 days before he or she intends to return to work. In the case of a leave without pay exceeding 52 weeks, the notice is at least 30 days.

43. During the leave without pay, the senior staff member shall accumulate experience for the purposes of determining his or her salary, up to the first 52 weeks of his or her leave and continuous service shall not be interrupted. He or she shall continue to participate in the applicable basic health insurance plan by paying his or her share of the premiums for the first 52 weeks of the leave and the total amount of the premiums for the weeks that follow. Moreover, he or she may continue to participate in the applicable complementary insurance plans by making a request at the beginning of the leave and by paying all the premiums.

44. When a senior staff member returns from a leave without pay, he or she shall be reinstated in the position he or she would have had had he or she been at work, subject to employment stability provisions, if need be.

45. A leave without pay or partial leave without pay for a maximum period of one year shall be granted to a senior staff member whose minor child experiences socioemotional problems or whose child is handicapped or suffers from a chronic illness requiring his or her care.

46. A senior staff member may be absent from work for a maximum of six days per year to take care of his or her minor child or his or her spouse's minor child, in cases where his or her presence is expressly required, to fulfil obligations relating to the health, safety or education of the child. The days thus used shall be deducted from the senior staff member's bank of sick-leave days and, failing that, shall be without pay.

DIVISION 5 OTHER SPECIAL LEAVES AND PREVENTIVE REASSIGNMENT

47. A senior staff member is entitled to special leave in the following cases :

(1) when a complication in the pregnancy or a risk of miscarriage requires a work stoppage for a period prescribed by a medical certificate. The special leave may not be extended beyond the beginning of the 4th week before the expected date of delivery ;

(2) upon presentation of a medical certificate prescribing the duration, when a spontaneous or induced miscarriage occurs before the beginning of the 20th week preceding the expected date of delivery ;

(3) for medical examinations related to the pregnancy carried out by a health professional and attested to by a medical certificate or a written report signed by a midwife.

48. As regards the examinations mentioned in paragraph 3 of section 47, the special leave shall be remunerated for a maximum duration of four days which may be taken in half-days.

49. During the special leaves granted under this division, a senior staff member may avail herself of the benefits prescribed in sections 51 and 54.

A senior staff member covered by section 47 may also opt for salary insurance benefits. However, in the case of paragraph 3 of section 47, the senior staff member must first have used up the four days prescribed in section 48.

50. A senior staff member shall benefit from preventive reassignment under the Act respecting occupational health and safety (R.S.Q., c. S-2.1) insofar as she is normally entitled to it.

DIVISION 6 OTHER PROVISIONS

51. During the maternity leave and extensions prescribed in section 13, the paternity leave prescribed in section 25 and the adoption leave prescribed in section 30 or 37, a senior staff member shall have, if he or she is normally entitled thereto, the following benefits :

(1) insurance plans excluding salary insurance benefits. However, in the case of a maternity leave, the school board shall pay all the premiums of the compulsory basic plans and the senior staff member shall be exempted from the payment of premiums to her insurance plans as prescribed in the provisions of the master policy ;

(2) accumulation of vacation ;

(3) accumulation of experience and continuous service for employment stability purposes.

52. During a maternity leave and extensions prescribed in section 13 and during an adoption leave, a senior staff member shall receive a premium for regional disparities, provided that he or she is normally entitled to it.

53. A school board and a senior staff member shall agree, before the leave begins, on the terms and conditions of a maternity leave, a paternity leave, an adoption leave, a leave without pay or a partial leave without pay.

54. When a senior staff member returns from a maternity leave and extensions prescribed in section 13, a paternity leave or an adoption leave, he or she shall be reinstated in the position he or she would have had had he or she been at work by applying the employment stability provisions, if need be.

55. The working conditions related to parental rights in force on 31 December 2005 shall continue to apply after 1 January 2006 to the senior staff member who, on 31 December 2005, receives benefits under the federal Employment Insurance Plan.”.

13. Schedule 15 of the Regulation is repealed.

14. This regulation comes into force on 23 May 2006.