

Where the maternity, paternity or adoption leave is taken before the sabbatical leave, the senior executive may terminate the contract and paragraph 2 of section 22 of this schedule applies.”.

4. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

2221

M.O., 2012

Order of the Minister of Education, Recreation and Sports dated 11 July 2012

General and Vocational Colleges Act
(R.S.Q., c. C-29)

CONCERNING the Regulation to amend the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges

THE MINISTER OF EDUCATION, RECREATION AND SPORTS,

WHEREAS in and by section 18.1 of the General and Vocational Colleges Act (R.S.Q., c. C-29);

WHEREAS the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges was made by the Minister’s Order dated 17 June 2005 approved by the Conseil du trésor on 21 June 2005 (C.T. 202574) and as amended;

WHEREAS it is expedient to amend the current Regulation and to make the Regulation attached hereto;

WHEREAS, pursuant to section 18.1 of the General and Vocational Colleges Act, the Conseil du trésor has given its authorization;

WHEREAS the Regulations Act (R.S.Q., c. R-18.1) does not apply to such a Regulation;

ORDERS THAT:

The Regulation to amend the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges, herewith attached, be made.

MICHELLE COURCHESNE,
Minister of Education, Recreation and Sports

Regulation to amend the Regulation respecting certain conditions of employment of senior staff of general and vocational colleges*

General and Vocational Colleges Act
(R.S.Q., c. C-29, s. 18.1)

1. The Regulation respecting certain conditions of employment of senior staff of general and vocational colleges is amended by replacing Chapter VIII with the following:

“CHAPTER VIII PARENTAL RIGHTS

DIVISION I GENERAL PROVISIONS

97. For the sole purposes of this chapter, the terms “au cadre” and “le cadre” are used in the French text to expressly designate a male senior staff member and the terms “la cadre” and “à la cadre” are used to expressly designate a female senior staff member.

For the purposes of this chapter, 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 dissolution of marriage by divorce or annulment, dissolution or annulment of civil union or, if they are living together in a conjugal relationship, upon a de facto separation for a period exceeding three months.

* The Regulation respecting certain conditions of employment of senior staff of general and vocational colleges made by the Minister’s Order dated 17 June 2005 approved by the Conseil du trésor, C.T. 202574 dated 21 June 2005 (2005, *G.O.* 2, 2449) was amended by the Regulation made by the Minister’s Order dated 18 May 2006 approved by the Conseil du trésor, C.T. 203752 (2006, *G.O.* 2, 1688), the Regulation made by the Minister’s Order dated 16 June 2009 approved by the Conseil du trésor, C.T. 207978 (2009, *G.O.* 2, 2108) and the Regulation made by the Minister’s Order dated 6 June 2011 (2011, *G.O.* 2, 1400).

98. Unless expressly stated otherwise, this chapter 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.

99. Compensation for maternity, paternity 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, paternity 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 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 either one of the plans during the maternity leave prescribed in section 103 or 104, the paternity leave prescribed in section 123 or the adoption leave prescribed in section 124.1.

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

101. The college 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 (R.S.Q., c. A-29.011) or Human Resources and Skills Development Canada (HRSDC) under the Employment Insurance Act (S.C. 1996, c. 23).

102. 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 II **MATERNITY LEAVE**

SUBDIVISION II.1 **LEAVE ENTITLEMENT**

103. The pregnant senior staff member covered by section 112 is entitled to 21 weeks of maternity leave which, subject to sections 108 and 108.1, must be consecutive.

The pregnant senior staff member covered by section 119 or 120 is entitled to 20 weeks of maternity leave which, subject to sections 108 and 108.1, 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 112 and 119 is also entitled to a leave of 21 or 20 weeks, as the case may be.

The senior staff member covered by section 120 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, at the college's request, produce a medical certificate attesting that she has sufficiently recovered to return to work.

104. A senior staff member who becomes pregnant while on a leave without pay prescribed in this chapter is also entitled to maternity leave and to the benefits prescribed in sections 112, 119 and 120.

105. 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.

106. 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.

SUBDIVISION II.2 **TERMS AND CONDITIONS OF MATERNITY LEAVE**

107. 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 or the Employment Insurance Plan shall be concurrent with the period during which benefits are paid under either one of these plans and must begin no later than the week following the start of benefits payment.

108. 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 college, and return to work for the period during which the child is hospitalized.

108.1 Upon the senior staff member's request, a maternity leave may be divided into weeks if her child is hospitalized or due to a situation, other than illness related to pregnancy, covered by sections 79.1 and 79.8 to 79.12 of the Act respecting labour standards (R.S.Q., c. N-1.1).

The maximum number of weeks during which the maternity leave may be suspended corresponds to the number of weeks during which the child is hospitalized. For any other possible divisions of the leave, the maximum number of weeks during which the leave is suspended is prescribed in the Act respecting labour standards for such a situation.

During those suspensions, the senior staff member is considered on leave without pay and shall not receive any allowance or benefit from the college. The senior staff member shall receive the benefits prescribed in section 136 during the suspension.

108.2 When the maternity leave suspended or divided under section 108 or 108.1 resumes, the college shall pay the senior staff member the allowance to which she would have been entitled had she not suspended or divided the leave. The college shall pay the allowance for the number of weeks remaining under section 112, 119 or 120, as the case may be, subject to section 99.

109. 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 college. During those extensions, the senior staff member shall be covered by section 143 during the first six weeks and subsequently by section 134.

110. During the fourth week preceding the expiry date of a maternity leave, the college shall send the senior staff member a notice indicating the date on which the leave expires.

A senior staff member to whom the college has sent the notice prescribed in the first paragraph must report for work on the expiry date of the maternity leave, unless the leave is extended in the manner prescribed in Division V.

The senior staff member who does not comply with the preceding paragraph is deemed 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 presumed to have resigned.

111. To obtain maternity leave, a senior staff member must give written notice to the college 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 college stating it is necessary to stop working immediately.

SUBDIVISION II.3

ENTITLEMENT OF A SENIOR STAFF MEMBER TO AN ALLOWANCE UNDER THE QUÉBEC PARENTAL INSURANCE PLAN

112. A senior staff member who has accumulated 20 weeks of service and who is eligible for benefits under the Québec Parental Insurance Plan 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 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 (R.S.Q., c. A-29.011).

However, if the benefit paid under the Québec Parental Insurance Plan is modified due to a change in the information provided by the college, the latter shall adjust the allowance accordingly.

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 college and the benefits paid under the Québec Parental Insurance Plan that represent 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.

113. 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.

114. For the purposes of this chapter, basic weekly salary means the salary and the lump sums prescribed in sections 28 and 29.

115. The college may not offset, in the allowance it pays to a senior staff member on maternity leave, the reduction in benefits under the Québec Parental Insurance Plan attributable to the salary earned from another employer.

116. Notwithstanding section 115, the college shall pay the compensation if the senior staff member proves that the salary earned from 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.

117. The employer paying the regular salary prescribed in section 116 must provide such a letter at the request of the senior staff member.

118. 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.

SUBDIVISION II.4

ENTITLEMENT OF A SENIOR STAFF MEMBER TO AN ALLOWANCE UNDER THE EMPLOYMENT INSURANCE PLAN

119. 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 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, if the Employment Insurance benefit is modified due to a change in the information provided by the college, the latter shall adjust the allowance accordingly.

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 college 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 HRSDC.

Moreover, if HRSDC 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 subpara-

graph of paragraph *b* for a period equal to the weeks subtracted by HRSDC as though the senior staff member had received Employment Insurance benefits during that period.

Sections 115 to 118 apply to this subdivision with any necessary modifications.

SUBDIVISION II.5

ALLOWANCE ENTITLEMENT OF A SENIOR STAFF MEMBER EXCLUDED FROM RECEIVING BENEFITS UNDER THE QUÉBEC PARENTAL INSURANCE PLAN AND THE EMPLOYMENT INSURANCE PLAN

120. 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 112 and 119.

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

SUBDIVISION II.6

CALCULATION AND PAYMENT OF ALLOWANCE

121. In the cases prescribed in sections 112, 119 and 120:

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 college 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 college 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 college obtains proof that she is receiving benefits under that plan.

For the purposes of subparagraph *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 HRSDC 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' 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 112, 119 and 120 is deemed to have been met, where applicable, if the senior staff member has satisfied that requirement with any employer mentioned in the preceding paragraph.

DIVISION III

PATERNITY LEAVE

SUBDIVISION III.1

LEAVE ENTITLEMENT

122. 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.

The senior staff member must inform the college of his absence as soon as possible.

123. A senior staff member is also entitled to take paternity leave for the birth of his child for no more than five weeks which, subject to sections 141 and 142, must be consecutive. The leave must terminate no later than the end of the 52nd week following the week of the child's birth.

The paternity leave of a senior staff member who is eligible for benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan shall be concurrent with the period during which benefits are paid under either one of these plans and must begin no later than the week following the start of benefits payment.

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.

SUBDIVISION III.2 **ALLOWANCE ENTITLEMENT**

123.1 During the paternity leave prescribed in section 123, the senior staff member shall receive an allowance equal to the difference between his basic weekly salary and the benefit that he is receiving or would receive, after submitting an application for benefits, under the Québec Parental Insurance Plan or the Employment Insurance Plan.

The second, third and fourth paragraphs of section 112 or subparagraph *b* of section 119, as the case may be, and sections 115 to 118 apply to this section with any necessary modifications.

123.2 A senior staff member who is not entitled to paternity benefits under the Québec Parental Insurance Plan or to parental benefits under the Employment Insurance Plan shall receive during the paternity leave prescribed in section 123 an allowance equal to his basic weekly salary.

123.3 Subparagraphs *a* and *b* of section 121 apply to a senior staff member receiving the allowances prescribed in section 123.1 or 123.2.

SUBDIVISION III.3 **TERMS AND CONDITIONS OF PATERNITY LEAVE**

123.4 The leave prescribed in section 123 shall be granted following a written request submitted to the college at least three weeks in advance. However, the time limit can be shorter if the birth occurs before the expected date of delivery. The request must specify the anticipated expiry date of the leave.

123.5 The senior staff member must report for work upon the expiry of his paternity leave prescribed in section 123, unless the leave is extended in the manner prescribed in Division V.

The senior staff member who does not comply with the preceding paragraph is considered 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 considered to have resigned.

123.6 A senior staff member who, before the expiry date of his paternity leave prescribed in section 123, sends his college 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 134 applies. The senior staff member shall not receive any allowance or benefit from the college.

DIVISION IV **ADOPTION LEAVE AND LEAVE FOR ADOPTION PURPOSES**

SUBDIVISION IV.1 **LEAVE ENTITLEMENT**

124. A senior staff member is entitled to a paid leave of no more than five working days for the adoption of a child other than his or her spouse's child. The leave may be discontinuous, but must be taken within 15 days of the child's arrival home.

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

The senior staff member must inform the college of his or her absence as soon as possible.

124.1 A senior staff member who legally adopts a child, other than his or her spouse's child, is entitled to a leave not exceeding five weeks which, subject to sections 141 and 142, must be consecutive. The leave must expire not later than the end of the 52nd week following the week when the child arrives home.

The leave of the senior staff member eligible for benefits under the Québec Parental Insurance Plan or the Employment Insurance Plan shall be concurrent with the period during which benefits are paid under either one of these plans and must begin no later than the week following the start of benefits payment.

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 college.

124.2 A senior staff member who adopts his or her spouse's child is entitled to a leave of no more than five working days, of which only the first two shall be paid.

The leave may be discontinuous, but it cannot be taken after 15 days of filing the adoption papers.

SUBDIVISION IV.2

ALLOWANCE ENTITLEMENT

124.3 During the adoption leave prescribed in section 124.1, 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 is receiving or would receive, after submitting an application for benefits, under the Québec Parental Insurance Plan or the Employment Insurance Plan.

The second, third and fourth paragraphs of section 112 or subparagraph *b* of section 119, as the case may be, and sections 115 to 118 apply with any necessary modifications.

124.4 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, during the adoption leave prescribed in section 124.1, an allowance equal to his or her basic weekly salary.

SUBDIVISION IV.3

TERMS AND CONDITIONS OF ADOPTION LEAVE

125. The leave prescribed in section 124.1 shall be granted following a written request submitted to the college at least three weeks in advance. The request must also specify the anticipated expiry date of the leave.

126. The senior staff member must report for work upon the expiry of the adoption leave prescribed in section 124.1, unless the leave is extended in the manner prescribed in Division V.

The senior staff member who does not comply with the preceding paragraph is considered 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 considered to have resigned.

127. A senior staff member who, before the expiry date of the adoption leave prescribed in section 124.1, sends his or her college 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 deemed on leave without pay and section 134 applies. The senior staff member shall not receive any allowance or benefit from the college.

128. Subparagraphs *a* and *b* of section 121 apply to the senior staff member who receives the benefits prescribed in section 124.3 or 124.4 with the necessary changes.

129. 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 college 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 benefits payment under the Québec Parental Insurance Plan or the Employment Insurance Plan and section 124.1 applies.

During the leave, the senior staff member is entitled to the benefits prescribed in section 134.

DIVISION V

LEAVE WITHOUT PAY

130. A senior staff member wishing to extend her maternity leave prescribed in section 103, 104 or 106, a senior staff member wishing to extend the paternity leave prescribed in section 123 and a senior staff member wishing to extend the adoption leave prescribed in section 124.1 is entitled to:

a) a leave without pay for a period not exceeding two years, immediately following the maternity, paternity or adoption leave. However, in the case of a paternity leave, the duration of the leave must not exceed the 125th week following the child's birth or, in the case of an adoption leave, the duration of the leave must not exceed the 125th week following the child's arrival home;

or

b) a leave without pay of no more than 52 continuous weeks beginning at the time decided by the senior staff member, but after the child's birth or adoption, 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. The latter leave also applies as extended leave for the adoption of his or her spouse's child prescribed in section 124.2.

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

131. The leave without pay prescribed in section 130 shall be granted upon written request submitted to the college at least three weeks in advance, and must also specify the return date.

132. 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.

133. 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.

134. 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 compulsory 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 other group insurance plans held before the leave by making a request at the beginning of the leave. If the senior staff member pays his or her share of the premiums for these plans, the employer shall also pay its share, if need be, up to 52 weeks. Subsequently, the senior staff member shall pay all the premiums.

135. The senior staff member may take the deferred annual vacation prescribed in section 143 immediately before his or her leave without pay provided there is no interruption with the senior staff member's paternity, maternity or adoption leave, as the case may be.

136. When a senior staff member returns from a leave without pay, he or she shall be reinstated in the position that he or she would have had had he or she been at work, subject to the provisions of Chapter XIV, Stability of Employment, if need be.

DIVISION VI

OTHER SPECIAL LEAVES AND PREVENTIVE REASSIGNMENT

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

(1) where 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 fourth 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.

138. As regards the examinations mentioned in subparagraph 3 of section 137, the special leave shall be remunerated for a maximum duration of four days, which may be taken in half-days.

139. During the special leaves granted under this division, a senior staff member may avail herself of the benefits prescribed in sections 143 and 144.

A senior staff member covered by section 137 may also opt for salary insurance benefits. However, in the case of subparagraph 3 of section 137, the senior staff member must first have used up the four days prescribed in section 138.

140. 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 VII

SUSPENSION, DIVISION AND OTHER TERMS AND CONDITIONS OF LEAVE

141. If the child is hospitalized, the senior staff member may suspend the paternity leave prescribed in section 123 or the adoption leave prescribed in section 124.1, upon agreement with the college, and return to work for the period during which the child is hospitalized.

142. Upon the senior staff member's request, the paternity leave prescribed in section 123, the adoption leave prescribed in section 124.1 or the leave without pay prescribed in section 130 may be divided into weeks before the expiry of the first 52 weeks.

The leave may be divided if the senior staff member's child is hospitalized or due to a situation covered by sections 79.1 and 79.8 to 79.12 of the Act respecting labour standards (R.S.Q., c. N-1.1).

The maximum number of weeks during which the leave may be suspended corresponds to the number of weeks during which the child is hospitalized. For any other possible divisions of the leave, the maximum number of weeks during which the leave is suspended is prescribed in the Act respecting labour standards for such a situation.

During such a suspension, the senior staff member is considered to be on leave without pay and shall not receive any allowances or benefits from the college. The senior staff member is covered by section 134 during the suspension.

142.1 When the paternity or adoption leave suspended or divided under section 141 or 142 resumes, the college shall pay the senior staff member the allowance to which he or she would have been entitled had he or she not suspended or divided the leave. The college shall pay the allowance for the number of weeks remaining under section 123 or 124.1, as the case may be, subject to section 99.

143. During the maternity leave and the extensions prescribed in section 109, the paternity leave prescribed in sections 122 and 123 and the adoption leave prescribed in sections 124, 124.1 and 124.2, 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 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.

A senior staff member may defer annual vacation if it falls within the maternity, paternity or adoption leave and if he or she notifies the college in writing of the date of such deferral no later than two weeks before the termination of the said leave.

144. When a senior staff member returns from a maternity leave and the extensions prescribed in section 109, 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, subject to the provisions of Chapter XIV, Stability of Employment, if need be.

145. A college 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."

2. The Regulation is amended by inserting, after Chapter VIII, the following:

"CHAPTER VIII.1 LEAVES FOR FAMILY RESPONSIBILITIES

146. A senior staff member may be absent from work for up to 10 days per year to carry out obligations relating to the care, health or education of his or her child or spouse's child or because of the state of health of his or her spouse, father, mother, brother, sister or one of his or her grandparents. The first six days thus used are considered as sick-leave days. The remaining days are considered as absences without pay.

146.1 A senior staff member who is absent without pay for the reasons and under the conditions specified in sections 79.8 to 79.16 of the Act respecting labour standards (R.S.Q., c. N-1.1) must inform the college of the reason for his or her absence as soon as possible and provide proof thereof. During the absence without pay, the senior staff member shall accumulate his or her experience for the purposes of determining his or her salary up to the maximum leave period prescribed in the Act respecting labour standards for the leave and his or her service shall not be interrupted. He or she shall continue to participate in the compulsory basic health insurance plan applicable to him or her by paying his or her share of the premiums. In addition, he or she may continue to participate in the other group insurance plans that he or she had prior to the leave after submitting an application at the beginning of the leave. If the senior staff member pays his or her share of the insurance plan premiums, the college shall also pay its own, if need be, up to the maximum leave period prescribed in the Act respecting labour standards.

Upon his or her return, the senior staff member shall be reinstated in the position prescribed in section 136."

3. Section 176 of the Regulation is replaced with the following:

“**176.** If a maternity, paternity or adoption leave begins before or after the period of leave, participation in the plan shall be suspended for the duration of the leave and the plan is then extended for the same period.

Where the maternity, paternity or adoption leave is taken before the period of leave, the senior staff member may terminate the plan. He or she shall then receive the unpaid salary without interest and the benefit prescribed for the said leave as prescribed in Chapter VIII, Parental Rights. The amounts so reimbursed shall be subject to pension plan contributions.”

4. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.