

Feb 1, 2023

Memo – SD53

TO:
All Staff

Employment Standards Act (ESA) – Illness or Injury Leave

FROM:
Susan Trower
Human Resources

Employees in BC are eligible for up to five (5) days per calendar year of paid illness leave under the Employment Standards Act (ESA Illness or Injury Leave – Act Part 5, Section 49.1). To be eligible for paid ESA sick days the answer to the following must be **YES**:

CC:
SOSTU President
CUPE Unit Chair

- 1) You were hired 90 or more days ago,
- 2) You were scheduled to work (TTOC, relief Support Staff, regular or temporary assignment),
- 3) You worked at least 1 shift in the prior 30 days, and
- 4) You are not entitled to sick days per the collective agreement.

RE:
ESA Sick Days

TTOCs and Relief Support Staff:

If you accept a dispatch and then are unable to attend due to illness, 1) record the dispatch ID number, 2) cancel the dispatch as soon as possible, 3) email payroll@sd53.bc.ca with **cancellation reason, dispatch ID number** and **dispatch date**. If you meet the requirements of #1-3 above, pay will be calculated and paid.

Assignment without Sick Bank:

Includes:

- support staff on probation or in a temporary assignments without regular status,
- teachers in temporary short-term or unknown duration assignments without 5 or more days in their sick bank

Process: enter Illness/Medical leave into the system and enter through if you get a warning. If you meet the requirements of #1-4 above, pay will be calculated and paid.

Pay Calculation:

Illness/Injury pay is an average of hours/FTE worked in the previous 30 calendar days.

Examples:

Relief Support Staff in the prior 30 days had 5 dispatches with a total of 27.5 hours and \$719.13 earnings. ESA Illness pay is \$143.82 ($\$719.13/5 \text{ workdays} = \143.82 or 5.5 hours).

TTOC in the prior 30 days had 8 dispatches with a total of 4.7 FTE. ESA Illness pay is 0.5875 FTE ($4.7 \text{ FTE worked}/8 \text{ dispatches} = .5875 \text{ FTE}$).

Teacher in a temporary short-term assignment of 1.0 FTE, has 3 days in their sick bank, becomes sick and is off work for 5 days. Teacher is paid 3 days from sick bank and 2 days as ESA Illness. The employee has accessed the required 5 paid sick days and is not entitled to further paid 'Illness/Injury ESA' days until the next calendar year if eligible. The teacher continues to earn sick days per the collective agreement.

Support Staff in a probation period working 8 hours per day, becomes ill during their probation and is off for 2 days. The employee is paid 2 days at 8 hours per day as 'Illness/Injury ESA'. At the end of the probation period, the employee is entitled to sick days per the collective agreement.