



EDUCATIONAL LEAVE POLICY

DEPARTMENT OF JUSTICE

POLICY AND PROCEDURES GOVERNING EDUCATION LEAVE (LONGER-TERM TRAINING)

INTRODUCTION

The Department of Justice's management recognizes that its organization is multi-disciplinary and values this distinctive characteristic of its human resources. The Department further recognizes that in order to maintain a learning organization in which professional expertise is continuously enhanced, managers may need to have employees participate in activities which will assist them not only with basic training to strengthen their current performance but also to achieve future requirements of the organization as new fields of expertise are introduced.

With the economic constraints of the 1990s in mind, the Department reaffirms its commitment to provide training to its employees; however, with regard to longer-term training in particular, **the course of study must respond to organizational needs** first and foremost to be supported by departmental management.

This policy has been reviewed in order to reflect the shift in managerial attitude to a more restrictive approach to longer-term training and to provide more specific criteria for the approval of requests which respond to the realities of an environment of fiscal restraint.

The intent of longer-term training, like any other kind of training, is to provide employees with the knowledge and skills they will require to contribute effectively to the achievement of the present and future departmental needs and operational goals.

POLICY STATEMENT

It is the policy of the Department of Justice to grant education leave for longer-term training when this type of training constitutes the most efficient and cost-effective means to respond to clearly identified organizational needs and/or government objectives.

This policy is based on the premise that training is an investment which should be encouraged and supported to the extent that it is **based on organizational needs**. Managers and supervisors are responsible and accountable for determining training requirements of their staff to enhance their present performance and to respond to new demands for expertise.

Although employees are normally recruited with the level of knowledge and skill required to perform the duties of their position, training may need to be provided to meet new business requirements and to maintain the ability of employees to perform their assigned duties and to assume new or changing responsibilities.

It is nonetheless the responsibility of employees to acquire and/or maintain the level of knowledge

necessary to perform their duties with a view to acquiring the standard of excellence the Department wishes to maintain. Employees retain the responsibility of seeking future career opportunities and for acquiring any training, education or development they may feel are needed to meet their personal career goals. There is no employee entitlement to education leave for longer-term training; managers have full discretion with regard to the decision-making in terms of training, short or long-term.

POLICY OBJECTIVE

To outline the conditions governing the granting of education leave for longer-term training, i.e. career development leave and education leave; to establish specific criteria; and to ensure that the granting of such leave is consistently applied by all managers throughout the Department of Justice.

APPLICATION

The following conditions apply to all requests for education leave for longer-term training:

- a) **only indeterminate employees** of the Department of Justice are eligible under this policy;
- b) the employee must have been working in the Department for a minimum of:
 - i) five years for career development leave with full pay;
 - ii) four years for education leave without pay but with an allowance;
 - iii) three years for education leave without pay and without an allowance.
- c) the employee's last three performance appraisals must show a "very good" rating or better;
- d) prior to undertaking a course of study, the employee must provide proof of enrolment at the institution;
- e) employees who are granted education leave for longer-term training with pay or with an allowance, must sign an undertaking to return to service in the Department of Justice for a period equal to the period of the training;
- f) any education leave for long-term training must be requested in writing by the employee and manager and authorized **in advance** by a Sector Head.

This policy **does not apply** to training for the purposes of acquiring a proficiency in one of Canada's two official languages.

Furthermore, this policy **does not apply** to Bar Admission Courses when this course of study is **mandatory** to job requirements; this should be considered general training. However, this policy **will apply** when Bar Courses are considered developmental and discretionary.

Where the proposed training is based primarily on an employee's request and no clearly demonstrated organizational requirement for the training exists, no financial support should be provided.

Consistent with the policy of the Government of Canada and the requirement for high quality training, **training should be obtained in Canada and from Canadian sources whenever possible.** This is in the dual interests of minimizing costs and providing appropriate support for Canadian educational facilities. A justification of the requirement to obtain the training outside Canada, is required when applicable.

Managers and employees are strongly encouraged to contact the Classification and Staffing Programs Division and the Compensation and Staff Relations Division of the Human Resources Directorate before pursuing any request for such leave to ensure they have a full understanding of the consequences of their decision on the employee's status, pay and benefits i.e. options and deadlines.

If the request for education leave for long-term training is not granted, employees may then wish to consider other options such as a leave without pay for personal reasons described in respective collective agreements, or self-funded leave. Employees interested in these possibilities should first discuss their intentions with their supervisor to ensure that the leave is feasible for the organization and then contact the Pay and Benefits Section of the Compensation and Staff Relations Division, Human Resources Directorate to discuss the impact such options will have on their pay and benefits.

Managers may wish to consider the policy governing education leave as an option to further their Employment Equity objectives in considering target group members for promotional opportunities. In addition, managers may also consider this policy to re-train affected employees in an organizational downsizing exercise. Any decision in this instance should be discussed with Human Resources Directorate officers in order to obtain advice on its applicability in each case.

DEFINITIONS

Longer-Term Training

Training that takes place during working hours at an educational institution and refers to learning activities which are normally 65 working days or more, **or** involve expenditures in excess of \$25,000 including the employee's salary. Longer-term training includes both types of leave listed hereunder i.e. career development leave and education leave with or without an allowance.

Career Development Leave (or Professional Development Leave)

Leave granted to an employee to participate in a course of study offered by the Public Service or at a recognized training institution or university outside the Public Service, either on a full-time or part-time basis. The employee **continues to receive full salary and retains all employee rights and benefits while on leave.** However, the employee shall receive no compensation under the overtime and travelling time provisions of the relevant collective agreement during time spent on career development leave.

Education Leave

Leave granted to an employee to participate in a course of study at a recognized training institution or university, outside the Public Service, either on a full-time or part-time basis. **This type of leave is granted without pay; however, an employee may receive an allowance in lieu of salary of up to 100% of the employee's annual rate of pay, depending on the degree to which the education leave is deemed, by the Department, to be relevant to organizational requirements.**

Education Leave Without Pay with an Allowance in Lieu of Salary:

An employee who is on education leave (without pay) may receive an allowance at a percentage of his/her full salary. As a consequence of

being on leave without pay status, the employee's entitlement to certain rights and benefits are affected.

Education Leave Without Pay or Allowance:

An employee who is on education leave (without pay) without an allowance is considered to be on leave without pay receiving no financial assistance from the Department. As a consequence of being on leave without pay status, the employee's entitlement to certain rights and benefits are affected.

TYPES OF LEAVE

Career Development Leave:

Career Development leave with full pay will only be granted when the Department requires an employee to undertake further education to meet departmental operational requirements. Before selecting an employee for career development leave, managers will give due consideration to all potential candidates, particularly when the training may have a significant effect on career advancement.

Decisions concerning Career Development Leave will be made according to the following criteria:

- i) the training is employer-initiated; and
- ii) the required skills are unavailable at present; and
- iii) alternative approaches to attaining the requisite knowledge and skills have been explored and rejected; these might include redeployment of existing staff, executive interchange or secondment of external resources who can provide direction and training; and
- iv) skilled human resources in this field are scarce in the Department, Public Service or outside the government; and
- v) it is in the best long-term interest of the Department; and
- vi) there is an expectation that the employee in question plans to make a career in the Public Service.

The Department shall **normally pay related expenses in full** for Career Development leave. However, managers may consider these expenses on a case-by-case basis. This **supplementary financial assistance** is described below following the description of the different types of leave.

Education Leave:

a) Education Leave (without pay) with an Allowance:

When an employee requests the leave and the manager is in full support of the activity, Education Leave (without pay) with an allowance will be the type of leave most often granted. The course of study must satisfy an operational need identified at the sector or departmental level and judged to be pertinent to the employee's present position and/or future requirements of this position or another

position within the Department.

Management can authorize the payment of an allowance of up to 100% of salary depending on its assessment of benefits to the organization and related costs. However, some collective agreements and terms and conditions (i.e. LA) provide for a minimum of 50% allowance. The decision on whether an allowance and/or other financial support will be granted will be based on the training being pertinent to the organization's needs first and foremost.

Relevant instruments i.e., collective agreements or terms and conditions should be consulted when leave for longer-term training is considered as some agreements i.e., LAs, provide for a minimum allowable percentage to be provided to an employee when education leave without pay but with an allowance is granted. If there is conflict between the guidelines of this policy and the collective agreement or terms and conditions, then the agreements shall prevail.

Decisions concerning the extent of the allowance to be granted will be made according to the following criteria:

An allowance of 50% to 100%:

- a) the training is employee-initiated **and fully supported by the manager**; and
- b) the need for this training is clear in relation to departmental needs; and
- c) candidates with the required education and background cannot be found within the Department nor recruited.

An allowance of up to 50%:

- a) the request for training is employee-initiated **and fully supported by the manager**; and
- b) the need for training is related to departmental requirements and services; and
- c) the training develops the employee for the current position or prepares the employee for other positions within the Department, for which he/she would be qualified after the training.

b) Education Leave (without pay):

Education leave (without pay) may be granted when the proposed training forms part of the employee's personal career plan and is linked to improved career opportunities in the Department or the Public Service. Managers are reminded that no financial support should be provided in instances when there is no link to organizational need for this training. **Collective agreements or terms and conditions should be consulted in all cases to ensure they allow for this type of leave.**

Generally, this form of leave will be granted where:

- i) the training is employee-initiated; and
- ii) departmental benefits are not significant nor essential; and

iii) following training, continued employment in an enhanced or different capacity (within the Department or the Public Service) could be expected; and

iv) the training forms part of an employee's personal career plan.

An employee granted education leave (without pay) to attend an educational institution will receive no salary, allowance and normally no benefits from the Department for the duration of the activity. Different forms of supplementary financial assistance as described below may however be considered by management taking into consideration any benefits of the educational activity to the Department or the Public Service.

Supplementary financial assistance may be granted for all of the above types of leave. It should be proportional to the benefit the educational activity will provide to the Department. This financial assistance can include **any or all** of the following:

i) tuition (up to a maximum of \$8,000), registration, admission, laboratory, examination and other institutional fees;

ii) costs of prescribed textbooks and other materials, including those incurred by persons with disabilities, e.g. audio\braille materials, technical aids, etc.;

iii) actual transportation expenses to and from the training center where it is not within the area of employment of the employee, in accordance with Treasury Board Travel Directive (These travel expenses include those incurred by persons with disabilities);

iv) removal expenses in accordance with the Treasury Board Relocation Directive (only if removal expenses are more economical than travel expenses i.e. when training is for an extended period).

POLICY REQUIREMENTS:

Compensation Considerations

An employee granted education leave with or without an allowance, is considered to be on leave without pay. As a consequence of being on leave without pay, the employee's entitlements in relation to payments and benefits under acts and regulations such as the Public Service Superannuation Act and the Public Service Health Insurance Regulations are affected. Therefore, **when application is made for education leave, managers should ensure that both they and the employee have consulted with the Pay and Benefits Section, Human Resources Directorate and are fully aware of the implications of such leave in connection with the employee's rights and benefits.**

Under Section 7 of the Public Service Superannuation Regulations, the employee must pay a single rate of contribution for leave without pay where the Deputy Head (or Sector Heads as this authority is delegated) certifies that the leave without pay is for the purposes of undergoing training or instruction that is advantageous to the Department. If this requirement is not fulfilled, the employee must pay both the employer's and employee's shares. A signed approval from the Sector Head is required; the Request for Education Leave (Longer-Term Training) form (JUS-667) must be completed and signed by the Sector Head to confirm this approval.

Some collective agreements, memoranda of agreement and letters of understanding also contain provisions on career development and education leave. Employees and managers are strongly encouraged to consult with these instruments and the Pay and Benefits Section of the Human

Resources Directorate to ensure that they have a full understanding of the terms and conditions which apply to these types of leaves in the specific agreements applicable to each case. **Where there is a conflict between these instruments and this policy, the instruments shall prevail.**

Staffing Considerations

If an employee requests education leave without pay, without an allowance, for a period of **one year and under**, the employee's substantive position will be held for him/her. If the period of leave is in **excess of one year**, the manager may staff the employee's substantive position on an indeterminate basis. The employee will be informed in writing of his/her leave of absence entitlements.

Reimbursement of Tuition Fees and Books:

Where the Department determines it appropriate, an advance payment may be made to employees for tuition and the cost of prescribed texts. Employees must continue to provide proof of successful completion of courses. Reimbursement of supplementary financial assistance as described under Types of Leave, is made **after** the beginning of the course of study.

To obtain reimbursement, the employee must provide:

- a) evidence of successful completion of each semester while on leave in order to continue receiving financial support;
- b) proof of expenses in connection with the studies undertaken.

If a course is not successfully completed, the Department will normally require the employee to repay any advances, unless there were circumstances beyond the employee's control that the manager considers reasonable and valid.

Return-to-Service

As a condition of approving career development or education leave with a 100% allowance, managers will require employees **to sign an undertaking to return to work in the Department of Justice for a period equal to the period of the training**; if education leave with less than 100% is requested, the period of return-to-service will be adjusted to the percentage approved, ex.: 50% , the period will be equal to one-half of the period of training.

If the employee, except with the permission of the Department;

- a) fails to complete the activity; or
- b) does not resume employment with the Department of Justice Canada on completion of the activity; or
- c) voluntarily ceases to be employed by the Department before termination of the period he/she has undertaken to serve after completion of the educational activity,

he/she is required to refund the Department all salary, allowance and benefits paid before or during the training period with regard to the said leave. In cases of failure to return to work for the full period required after the training period, reimbursements of salary, allowance and benefits will be adjusted proportionally. In all cases, the Sector Head, at his/her discretion may agree to the repayment of a lesser amount if circumstances have been reasonably beyond the employee's control.

Conflict-of-interest

Employees who request career development or education leave are encouraged to apply for **scholarships and assistantships**. However, the conditions of the scholarships or assistantships must not involve any duties or requirements which could prolong the period of absence or create a conflict-of-interest situation. (Relevant conflict-of-interest instruments should be consulted to ensure no conflict-of-interest exists in the arrangement.)

Periods Between Semesters:

Appropriate arrangements for periods between academic sessions should be made by the manager when the employee is not actively engaged in the training activity and is either on career development leave or on education leave with an allowance. Possible options are leave without pay, annual leave or return to duty at full salary.

Extension of Leave

Under exceptional circumstances, additional leave may be granted to an employee if management feels it is warranted. The approval process for the extension is the same as for the original request.

ROLES AND RESPONSIBILITIES

Treasury Board has delegated full authority for training to Deputy Heads. In the Department of Justice, Sector Heads have full delegated authority to approve sectoral requests for longer-term training i.e. career development leave and education leave; they will fund approved requests from their respective sector budgets.

The **Sector Head** is responsible for:

- reviewing and making decisions on the approval of all sectoral requests and providing funding for those who are approved;
- if applicable, certifying on the Request for Education Leave Form (JUS 667) that the leave without pay is for the purposes of undergoing training that is advantageous to the Department in order to ensure that the employee does not pay both the employer's and employee's share of contribution to the Public Service Superannuation;
- advising the employee **in writing**, of their decision; and
- providing the Training and Development Section, Human Resources Directorate with copies of the documentation for each approved request for reporting and monitoring purposes.

The **Manager** is responsible for:

- identifying his/her organization's training needs in relation to longer-term training i.e. career development leave and education leave;
- consulting, as required, with the Compensation and Staff Relations and the Classification and Staffing Programs Divisions of the Human Resources Directorate to determine impact of leave on employee's benefits and status;

- consulting, as required, with the Training and Development Section of the Human Resources Directorate regarding the departmental policy and procedures governing education leave (longer-term training);
- ensuring that career development leave and education leave requests which are supported by their written recommendation are forwarded to the Sector Head for review;
- when the leave is approved, developing a plan for the re-integration of the employee at the workplace upon completion of the contracted period of leave in addition to the employment between semesters (if applicable);
- when an employee does not successfully complete a semester, discussing options and finding a mutually agreeable solution to the situation.

The **employee** is responsible for:

- discussing with his\her immediate supervisor any request for career development or education leave they wish to make;
- consulting with the Compensation and Staff Relations and the Classification and Staffing Sections of the Human Resources Directorate to determine the impact of this type of leave on his\her benefits and employee status;
- consulting, as required, with the Training and Development Section of the Human Resources Directorate regarding the departmental policy and procedures governing education leave (longer-term training);
- making all arrangements for the course of study (e.g. admission to the educational institution, registration to courses, payment of fees, etc.);
- preparing all documentation relating to the request as outlined in the attached procedures and submitting this documentation to the immediate supervisor for review and recommendation;
- signing an undertaking to return to work in the Department of Justice if career development or education leave with an allowance is requested;
- providing evidence of successful completion of the activity each semester to his\her manager and providing proof of expenses incurred for the studies undertaken.

The **Human Resources Directorate** is responsible for:

- providing information and advice to employees and managers regarding the departmental policy and procedures governing education leave (longer-term training) and on pay, benefits and staffing issues with regard to the leave;
- monitoring and maintaining accurate reporting systems for all longer-term training requests which were approved by Sector Heads and reporting annually to departmental management and Treasury Board

Secretariat.

MONITORING AND REPORTING

Monitoring and reporting will be undertaken by the Training and Development Section of the Human Resources Directorate. Detailed reporting on costs for each case is required in the annual Training Information Report submitted to the Treasury Board Secretariat. This report will also be submitted to a departmental executive committee on an annual basis for their information with recommendations for improvement of the process or application of the policy, if required. Files documenting the rationale in relation to the criteria in each case are subject to audit by the Public Service Commission on behalf of the Treasury Board Secretariat.

REFERENCES

Applicable collective agreements

Consolidated Terms and Conditions of Employment Regulations - Law Group, Department of Justice

Departmental Training and Development Policy

Departmental Self-funded Leave Policy

Public Service Employment Act

Public Service Employment Regulations

Treasury Board of Canada, Personnel Management Component, Training Guide

Treasury Board of Canada, Official Languages Manual.

Workforce Adjustment Policy

ENQUIRIES

Enquiries about this policy should be referred to the:

Training and Development Section

Human Resources Management Systems and Official Languages Division

Human Resources Directorate

Civil Law and Corporate Management Sector

Department of Justice

PROCEDURES

A. STEPS TO PROCESS A REQUEST FOR EDUCATION LEAVE (LONGER-TERM TRAINING)

STEP 1:

The employee submits to his/her manager, (ideally, four months prior to the scheduled start of the proposed leave), a written request for leave for longer-term training which includes the following documentation:

- a) a completed Training Application and Authorization Form (GC-211);
- b) a completed Request for Education Leave form (JUS 667) which includes the required statement for the undertaking to return-to-service and for contributions to the Public Service Superannuation Regulations;
- c) a completed Leave Application and Absence Report (GC-178);
- d) last three performance appraisals; and
- e) proof of enrolment in an educational institution.

To request an extension of this leave, the following documentation must be submitted to the manager:

- a) the period of additional leave requested;
- b) the justification for the extension, detailing the benefits to the organization and to the employer;
- c) evidence of the employee's successful progress in the educational activity;
- d) required allowance and/or financial support, if applicable.

STEP 2:

The manager reviews the leave request for longer-term training and if he/she supports the request, signs the Request for Education Leave and submits to the respective Sector Head, a written recommendation regarding this request. The following information should be included:

- a) all above-mentioned documentation prepared by employee;
- b) a statement establishing the need for the proposed leave for longer-term training describing how it will contribute most efficiently and cost-effectively to both the employee's ability to fulfill job requirements and to the realization of departmental, sectoral and/or divisional goals;
- c) a description of the consequences of not proceeding with the proposed leave for longer-term training;
- d) a description of the plan to re-integrate the employee at work upon completion and (if applicable) between academic sessions; and
- e) a recommendation regarding financial assistance.

STEP 3:

The Sector Head reviews and if he/she supports the request, approves by signing the request and

allocates the necessary funding from the sectoral budget. The sponsoring Sector Head will confirm his/her decision in writing to the employee. A copy of the memorandum will be sent to the employee's immediate supervisor and to the Human Resources Directorate with complete documentation for reporting and pay purposes.

STEP 4:

On an annual basis, the Training and Development Section of the Human Resources Directorate will forward a call letter to all sectors, requesting details for each case approved by the Sector Head. A consolidated report will then be tabled at a departmental executive committee meeting to ensure consistency of application of the policy.

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