



National Defence

Défense nationale

3<sup>rd</sup> Canadian Division Support Group  
Headquarters

Quartier général de  
Groupe de Soutien de la 3<sup>e</sup> Division du Canada

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6007-20 (EA Comd)

17 November 2020

Distribution List

**SUMMARY OF DISCUSSION – 3<sup>RD</sup> CANADIAN DIVISION  
LABOUR MANAGEMENT CONSULTATION COMMITTEE HELD 04 NOVEMBER 2020**

Chairpersons

Col Patrick Lemyre	Commander 3 <sup>rd</sup> Canadian Division Support Group (Comd 3 CDSG)
Ms Mona Simcoe	Vice-President Union of National Defence Manitoba/Saskatchewan Region (VP UNDE MB/SK)

Members

Mr Bryan Meakin	Vice-President Union of National Defence Employees Alberta and the North (VP UNDE AB/North)
Mr Glen Kautz	International Brotherhood of Electrical Workers (IBEW) Western Canada Business Representative
Ms Nancy Shalay	Professional Institute of the Public Service of Canada (PIPSC) Prairies/NWT Regional Representative
Ms Rhonda Hayes	Professional Institute of the Public Service of Canada (PIPSC) Denwood Branch Representative
Mr Charlie Mikolcevic	Professional Institute of the Public Service of Canada (PIPSC) CMTC Representative
LCol Lonnie Campbell	Commanding Officer Personnel Services 3 CDSG (CO Pers Svcs)
LCol Jen Parker	Deputy Commander 3 <sup>rd</sup> Canadian Division Support Group (3 CDSG DComd)
CWO Mark von Kalben	Group Sergeant-Major 3 CDSG (GSM 3 CDSG)

Canada 

### Adviser

Ms Rebecca Moorehead      Labour Relations Officer ADM (HR-Civ)

### In Attendance

Ms Elke Simpson      Executive Assistant to Commander 3<sup>rd</sup> Canadian Division  
Support Group (EA Comd 3 CDSG) & Recording Secretary

Lt Moses Hong      Personal Assistant to Commander 3<sup>rd</sup> Canadian Division  
Support Group (PA Comd 3 CDSG)

## **OPENING REMARKS**

1. Comd 3 CDSG welcomed and thanked all in attendance for making time to join this LMCC. Col Lemyre acknowledged that a meeting was overdue since the last formal LMCC had taken place some time ago and briefly named some of the major events that had taken place since then: 3 Cdn Div troops deployed early in the year and are almost due to come back home, the pandemic affected everybody and everything with a second fall surge sweeping across the country right now. Business and training resumed with new protective measures in place, and 3 Cdn Div is back on the road to high readiness.

2. Col Lemyre commended the amount of flexibility, willingness to make sacrifices and take some personal risks in order to get the job done that he saw by both civilian and military personnel and emphasized how grateful he was for the unwavering and outstanding support by 3 Cdn Div members who continue to step up and fulfill our mandate in a difficult situation.

3. Ms. Simcoe concurred and added that on the labour side, new collective agreements were put in place for the PA, SV and TC Groups; a great relief to members who no longer had to worry about strike action during this time.

## **REVIEW OF MINUTES**

4. The committee reviewed and accepted the minutes of the previous LMCC meeting. Secretarial notes had been added to update several items; these were further discussed under "Old Business".

## **OLD BUSINESS**

### Future of Fire Fighters' Medical Response

5. After reviewing the secretarial note, Comd 3 CDSG summarized that the disconnect between the Prairie Mountain Health authority (advising that Shilo emergency medical assistance was no longer required) and the provincial Minister of Health (requesting an immediate resumption of EMS services) still existed. Col Lemyre stated that, with the help of 1 Health Services Group, the Shilo Base Commander was heavily engaged with local, municipal and provincial authorities to define the provincial

stance and bring this priority file to a resolution. He explained that in the absence of a formal agreement, Shilo fire fighters would be operating without legal indemnity and become vulnerable to claims.

6. VP UNDE MB/SK noted that the decision to halt medical responses had come at very short notice and on the cusp of an equipment update to conform to new provincial standards. Mgt Co-chair confirmed that the Base Commander had been asked to proceed to upgrade the ambulances and equipment in March 2020, but the health authority's letter had completely changed the situation and stopped the upgrade initiative.

7. Ms Simcoe stated that she would pass this information to the local union president, Mr Michael Weisgerber, and asked that Shilo fire fighters be advised of developments as well. Comd 3 CDSG agreed.

#### CFB Suffield / BATUS

8. VP UNDE AB/North asked if Comd 3 CDSG was aware of plans for temporary layoffs in light of the recent cancellation of training in 2021. Col Lemyre stated that he was not aware of any such plans but allowed that there was always a level of uncertainty in Suffield. DComd 3 CDSG noted that fleet and infrastructure maintenance was ongoing and personnel was required to support that effort.

#### Staffing / Vacancy Reports

9. VP UNDE MB/SK voiced her continued dissatisfaction at not being able to obtain staffing vacancy reports. Ms Simcoe stated that the local union presidents were looking for information on where the vacancies were as well as any long-term intent to fill these. She added that many vacancies continued to be staffed via external and non-advertised means which resulted in employees being denied opportunities for succession planning.

10. DComd 3 CDSG explained that after an ADM (HR-Civ) rebalance earlier this year, the divisional HR adviser's position had been eliminated and that expertise was no longer available. Ms Moorehead explained that staffing was no longer done locally but at the L1 level and the staffing team merely reacted to management decisions, including the manner of staffing of any one position. She added that the type of report that the Union was looking for was simply not available any longer like it did when HROs were generalists and employed in any one specific location.

11. LCol Parker added that Civ HR Committees had been established but these were constrained by L1 funding and frequently could not pursue positions solely due to lack of funding. Col Lemyre stated that he would discuss this matter with the 3 CDSG DComd and Base Commanders so information from these committees could be shared with the local union presidents.

## STANDING AGENDA ITEMS

### Budget / SWE

12. Col Lemyre advised that the divisional SWE envelope for FY 20/21 was 40M and 3 CDSG – employing the majority of civilian employees – had received 31.5M. Army and Division direction made it clear that there was no flexibility in the SWE envelope and the only authorized new hires would be backfilling established and vacant positions.

13. VP UNDE AB/North asked how this FY compared to last year's allocation and DComd 3 CDSG stated that 3 CDGS had started the FY with a 1.3M deficit compared to last year and 3 Cdn Div currently had around 150 vacant positions. LCol Parker noted that the formation was fighting an uphill battle within this stringent funding model and had lost employees that were in the queue to be hired to other departments that have more flexibility than the Army.

14. UNDE VP MB/SK stated that she understood that SWE restrictions were in place to reduce spending but frequently resulted in increased contracting out of Public Service work and jobs. Ms Simcoe added that PSAC-UNDE recently released a report and news statement which called for an end to contracting out within DND (<https://prairies.psac.com/node/11191>).

**Secretarial Note** This item was overtaken by events as DCCA issued a hiring freeze shortly after the LMCC took place. The freeze took immediate effect and will remain in place until an Army-led SWE validation exercise is completed and further directions are received from DCCA. Col Lemyre's e-mail dated 060703Nov20 refers and is enclosed; this topic was further discussed at a telcon between Comd 3 CDSG, VP UNDE MB/SK and VP UNDE AB/North on 09 Nov 20.

### Employee Assistance Program & Employment Equity

15. Col Lemyre stated that no update was available for these two standing items as they used to be presented by the divisional HR adviser. He added that he would ask his staff to find new avenues to obtain this information for the next LMCC.

## NEW BUSINESS

### Updated Guidance on 699 Leave

16. The Lbr Relations Rep explained that updated guidance regarding the use of 699 leave would come into effect on 09 November 2020. This leave code is used for employees who are unable to work for reasons beyond their control, e.g. isolating requirements, caregiving responsibilities due to daycare closures or high risk health category. Managers authorize 699 leave on a case-by-case basis after all remote and/or alternative work arrangements and/or hours have been considered and they have consulted their labour relations team to ensure consistent application. Ms Moorehead further explained that employees were expected to use up all remaining family-related and vacation leave credits (for the current fiscal year) or sick leave credits before asking for 699 leave. She noted that this would not change previously approved leave plans and added that Treasury Board provided a site with various scenarios that should be consulted prior to granting or denying 699 leave

(<https://www.canada.ca/en/government/publicservice/covid-19/employee-illness-leave.html>) as well as infographics (enclosed).

17. UNDE VP MB/SK stated that PSAC had already filed a policy grievance regarding 699 leave due to childcare implications and expected another grievance to be added WRT these new guidelines as case-by-case decisions would produce different interpretations of intent. UNDE VP AB/North added that he was aware of concerns from employees with vulnerable family members that had been told to use family-related leave for unforeseen school closures and were worried that they would run out of leave credits before the end of the year.

18. Ms Moorehead noted that requiring more family-related leave credits than were available through the collective agreement was the unfortunate reality for some families in other years as well and stressed the requirement and importance of submitting a leave plan at the beginning of each fiscal year.

#### Importance of Co-operation with Health Authorities during Contact Tracing

19. Comd 3 CDSG stated that a small number of COVID-19 positive cases had been contained quickly but one member had refused to co-operate with Alberta Health Services contact tracers which in turn forced management to close additional services at that location. Col Lemyre asked the labour representatives to encourage their members to fully co-operate with health authorities to avoid putting co-workers at risk as well as minimizing the impact on their workplace.

#### Business Continuity Plan (BCP) - Update

20. Comd 3 CDSG stated that all formation commanders and Div COS had launched a review of BCPs to confirm that mitigation measures were in place and all that can be done is actually being done. Within 3 CDSG, 70-95% of all military and civilian members are currently at work, depending on location, level of training and the corresponding amount of required services. Any further reduction in personnel would negatively impact services. 1 CMBG reported 65-100% of members working in unit lines, depending on the unit and whether they are training full time or awaiting training. 1 CMBG is also optimizing shift work and/or sending people home if they are not required. Any further reduction would compromise the brigade's effectiveness.

21. Mr Meakin noted that the AB Premier was expected to release potentially stringent new COVID measures and asked if these would be incorporated into the existing plans. Col Lemyre stated that Base Commanders and his staff were well attuned to provincial measures and assured the committee that DND's response would match or exceed provincial requirements.

#### **AROUND THE ROOM**


22. Ms Simcoe asked whether funds had been received from the Office of Disability Management and noted that this excellent programme relieved shop stewards' workload. Ms Moorehead stated that she was not sure if the programme had been expanded to the Prairie Region, yet.

## CLOSING REMARKS

23. Comd 3 CDSG and Ms Simcoe thanked everyone for their participation. Col Lemyre asked the labour representatives to let our members know how extremely grateful he was for their support to the mission since the start of the pandemic. He suggested that the next formal meeting take place in late winter / early spring 2021 with additional extraordinary meetings taking place if and as required.

24. The meeting adjourned at 1145 hrs.

Approved/Not Approved

  
J.G.P. Lemyre  
Colonel  
Commander / Co-Chairperson

Approved/Not Approved

Mona Simcoe  
VP UNDE MB/SK / Co-Chairperson

Enclosures (3)

- Col Lemyre's email dated 060703Nov20 – 4 Nov LMCC discussion on SWE and hiring – Update
- Manager Infographic – COVID-19 Flexible Work and Leave
- Fact Sheets – Eligibility for 699 Leave – COVID-19 Infection or Isolation Requirement / Employee is at High Risk / Employee has Duty-of-Care for Someone at High Risk / Employee has Duty-of-Care for a Family Member or Dependent

Distribution List

All Members/Attendees  
CR/PA

## Simpson EM@3 CDSG HQ@Edmonton

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**From:** Lemyre Col JGP@3 CDSG HQ@Edmonton  
**Sent:** November 20, 2020 9:14 AM  
**To:** vp.ms@unde.org; vp.abn@unde.org; glen.kautz@ibew2228.ca; Karl EM@3 CDSG Sig Sqn@Edmonton; Moorehead RJ@CHRO@Edmonton; Parker LCol JJ@3 CDSG HQ@Edmonton; Von Kalben CWO MA@3 CDSG HQ@Edmonton; Hayes RM@CMTTC@Wainwright; Simpson EM@3 CDSG HQ@Edmonton  
**Subject:** 4 Nov LMCC discussion on SWE and hiring - 20 Nov update

Dear LMCC members, we have received further directions on the hiring freeze from the Canadian Army HQ on 9 Nov. While I endeavoured to push this information quickly to 3 CDSG Bases so that managers could keep the hiring files' momentum going, I have failed to include the LMCC membership on this e-mail. I apologize as I understand it could have save you some work in communicating with your respective National leadership.

In essence, the Army SWE validation exercise, which caused the hiring freeze, is still ongoing. The temporary freeze, will aim to remain as short as possible and will be dependent on when DCCA and the CA HQ team will obtain the data and assessments they are seeking from all the Divisions across Canada, but for the West, specifically from 3 CDSG Bases. We have received further directions from the Army HQ, and it has been clarified that the current **temporary hiring freeze is targeted at Indeterminate positions only (and their backfills). We are authorized to continue with Temp/Casual hiring within current assigned FY (20/21) funding.**

**We are also asked to provide any requests for exemption to the indeterminate positions hiring freeze.** 3 CSDG Bases are already working on exemption requests which were due to be completed and forwarded to my staff by 16 Nov. They were since given an extension for submission, which expires today. I have not seen that list yet, but once I will have reviewed and prioritized it by exemptions requested, we will forward it to the Army HQ for consideration and approval early next week.

Questions to me,

Col J.G.P. (Pat) Lemyre, CD

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**From:** Lemyre Col JGP@3 CDSG HQ@Edmonton  
**Sent:** November 6, 2020 7:03 AM  
**To:** 'vp.ms@unde.org' <vp.ms@unde.org>; 'vp.abn@unde.org' <vp.abn@unde.org>; 'glen.kautz@ibew2228.ca' <glen.kautz@ibew2228.ca>; Karl EM@3 CDSG Sig Sqn@Edmonton <EDMUND.KARL3@forces.gc.ca>; Moorehead RJ@CHRO@Edmonton <REBECCA.MOOREHEAD@forces.gc.ca>; Parker LCol JJ@3 CDSG HQ@Edmonton (JENNIFER.PARKER@forces.gc.ca) <JENNIFER.PARKER@forces.gc.ca>; Von Kalben CWO MA@3 CDSG HQ@Edmonton

<MARK.VONKALBEN@forces.gc.ca>; Hayes RM@CMTC@Wainwright <RHONDA.HAYES@forces.gc.ca>; Simpson EM@3 CDSG HQ@Edmonton <ELKE.SIMPSON@forces.gc.ca>

**Subject:** 4 Nov LMCC discussion on SWE and hiring - Update

**Importance:** High

Dear LMCC members, the situation with SWE has changed since our LMCC on Wed.

We have just received word today that the Canadian Army is launching a SWE Validation Exercise. What we have received directly from the Deputy Commander of the Army is that during the 2019-20 Business Planning cycle, several requests were made by the L2s for SWE for FY 20-21, for a total of around \$7M. Amongst these requests, the ones that were brought to IRMC were for Base Support due to Growth of the CAF (CLFRS), Major Capital Equipment Program Pre-Definition and Army Analytics Support Centre (AASC). Following IRMC, the CA was partially approved for Major Capital Equipment Program Pre-Definition funds; no new position were approved. Leading to the 2020-21 Business Planning cycle for FY 21-22, CA received signals from C Prog that the situation for SWE would remain similar as last year and that there would not be additional resource available. SWE also being limited at the CA level, this message was conveyed to L2s.

However, during 2020 APB, the L2s requests for SWE amounted to a total of around \$18M, about an \$11M increase from the preceding year. This highlights the continued requirement for additional SWE. However, as there is no SWE flexibility at the CA level and no L2s has offered any offset from within, there is no option to realign SWE to the L2s identified priorities. Going forward, if the intent is to ask for more SWE at IRMC, CCA needs to have a complete understanding of its SWE situation and be able to demonstrate that after doing our internal review, there is no possibility to realign internally our SWE allocation. This leads the CA to the SWE validation exercise that is about to be executed.

What it means for us now, and as directed by DCCA - **ALL hiring is frozen (this includes backfills)**. Once the SWE validation exercise will be completed (under Div lead), DCCA will provide subsequent direction on resumption of hiring. As this validation is expected to last until at least the end of Nov 20, with subsequent analysis and presentation at the Army Council, I don't expect that Fmns will be allowed to resume hiring until the new year.

Col J.G.P. (Pat) Lemyre, CD

Commander, 3<sup>rd</sup> Canadian Division Support Group

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## Managers – COVID-19 Flexible Work and Leave

Effective November 9, 2020, further clarification around the use of 'Other Leave With Pay (699)' will mean that this leave will be granted on a case-by-case basis, when employees are not able to work due to impacts that are outside of their control. Managers and employees should first consider remote or alternate work or flexible work hours, and other relevant paid leave in collective agreements and terms and conditions of employment.

When discussing options with an employee, please refer to the tables below and always consider:

- the employee's personal circumstances, and possible impacts on their mental health and well-being
- resources and information that may be helpful to employees, such as:
  - [Employee illness and leave](#) (Canada.ca)
  - [Your mental health](#) (Canada.ca)
- consulting your Labour Relations team prior to granting or denying 'Other Leave With Pay (699)' to ensure consistent application of these leave provisions across your organization

### COVID-19 symptoms and/or isolation requirement

- Employee has COVID-19 symptoms.
- Employee is required to self-isolate as instructed by a medical practitioner or a **public health authority**.

- Employee should not report to a worksite.
- Employee should follow guidance provided by their public health authority.

- If possible, employee should work remotely.
- Employees who are too ill to work should take sick leave. 'Other Leave With Pay (699)' can be granted if the employee:
  - must self-isolate as instructed by their public health authority or medical practitioner, and remote work is not possible
  - needs time off to get tested

**Note:** 'Other Leave With Pay (699)' could be available, as outlined above, unless an employee makes a personal choice to be tested, or is required to self-isolate after travelling against public health advice and Government of Canada travel advisories.

### COVID-19 infection

- Employee has tested positive for COVID-19.

- Employee should not report to a worksite.
- Employee should follow guidance provided by their **public health authority**.

- If the employee is too ill to work or is unable to work remotely, they should use sick leave.
- If the employee has no sick leave available, 'Other Leave With Pay (699)' can be granted to cover the infectious period.

### High risk of experiencing severe symptoms from COVID-19

- Employee works onsite and:
  - is at high-risk of experiencing severe symptoms from COVID-19
  - has someone in their care (for example, a child, a family member, or a dependent) who is at high risk of experiencing severe symptoms from COVID-19

- If the employee is unable to work remotely, medical documentation may be requested, in exceptional cases, to confirm that the employee or someone in the employee's care is at high-risk of severe symptoms from COVID-19 based on the level of risk (i.e. number of active cases) in the community.
- Documentation may not be required if there is an existing awareness that the employee or someone in their care is considered to be at high-risk.
- Discuss possible measures to mitigate the risk with the employee. For example:
  - working remotely, including alternate work that could be done remotely
  - providing the employee with personal protective equipment at all times at the worksite
  - showering and changing clothes immediately upon the employee's return home
  - considering alternate caregiving options for the individual in the employee's care

- If possible, the employee should work remotely. Alternate work that could be done remotely should be considered.
- If remote work is not possible, the employee should take paid leave, such as family-related or vacation leave, where applicable, after scheduling leave to cover what they would typically take as vacation during the year.
- Once all options have been considered and relevant paid leave has been taken (as per above), 'Other Leave With Pay (699)' can be granted, on a case-by-case basis, if:
  - high risk is supported by medical documentation (if required)
  - other protective measures cannot be implemented to mitigate these risks
  - alternate care options are not possible in cases where an employee has a high-risk individual in their care, such as a child, a family member, or a dependent

### COVID-19 and caregiving responsibilities

- Employee has a child, a family member, or a dependent in their care who:
  - is required to self-isolate or has been diagnosed with COVID-19
  - cannot attend their daycare or school because of an unexpected closure due to COVID-19
  - is not attending school in person and their online education and learning activities require supervision
  - is at high risk of experiencing severe symptoms from COVID-19, cannot attend school or daycare, and requires supervision

- Consult High risk of severe symptoms from COVID-19 section above for steps to follow for employees requiring leave to care for someone at high risk of severe symptoms from COVID-19.
- Employees who may have been exposed to COVID-19 should not report to a worksite and should follow guidance provided by their **public health authority** and get tested.
- Consult COVID-19 symptoms and/or isolation requirement section above.

- In all cases, if alternate childcare arrangements, remote work or alternate/flexible work hours are not possible, the employee should take paid leave, such as family-related or vacation leave, where applicable, after scheduling leave to cover what they would typically take as vacation during the year.
- Once all options have been considered and relevant paid leave has been taken (as per above), 'Other Leave With Pay (699)' can be granted, on a case-by-case basis, if a child, a family member, or a dependent in the employee's care:
  - is required to self-isolate or has been diagnosed with COVID-19
  - cannot attend their daycare or school because of an unexpected closure due to COVID-19
  - is at high risk of experiencing severe symptoms from COVID-19, cannot attend school or daycare and requires supervision

**Note:** 'Other Leave With Pay (699)' should not be granted in cases where an employee has access to school, daycare or community services for someone in their care, but has chosen to keep them home. It is generally expected that employees would continue to work some hours during the week if they are granted 'Other Leave With Pay (699)'

### Technological and work limitations due to COVID-19

- Employee does not have access to the tools (equipment, software, internet, etc.) required to do their work.
- Employee works onsite but cannot report to work due to building closures or attendance restrictions.

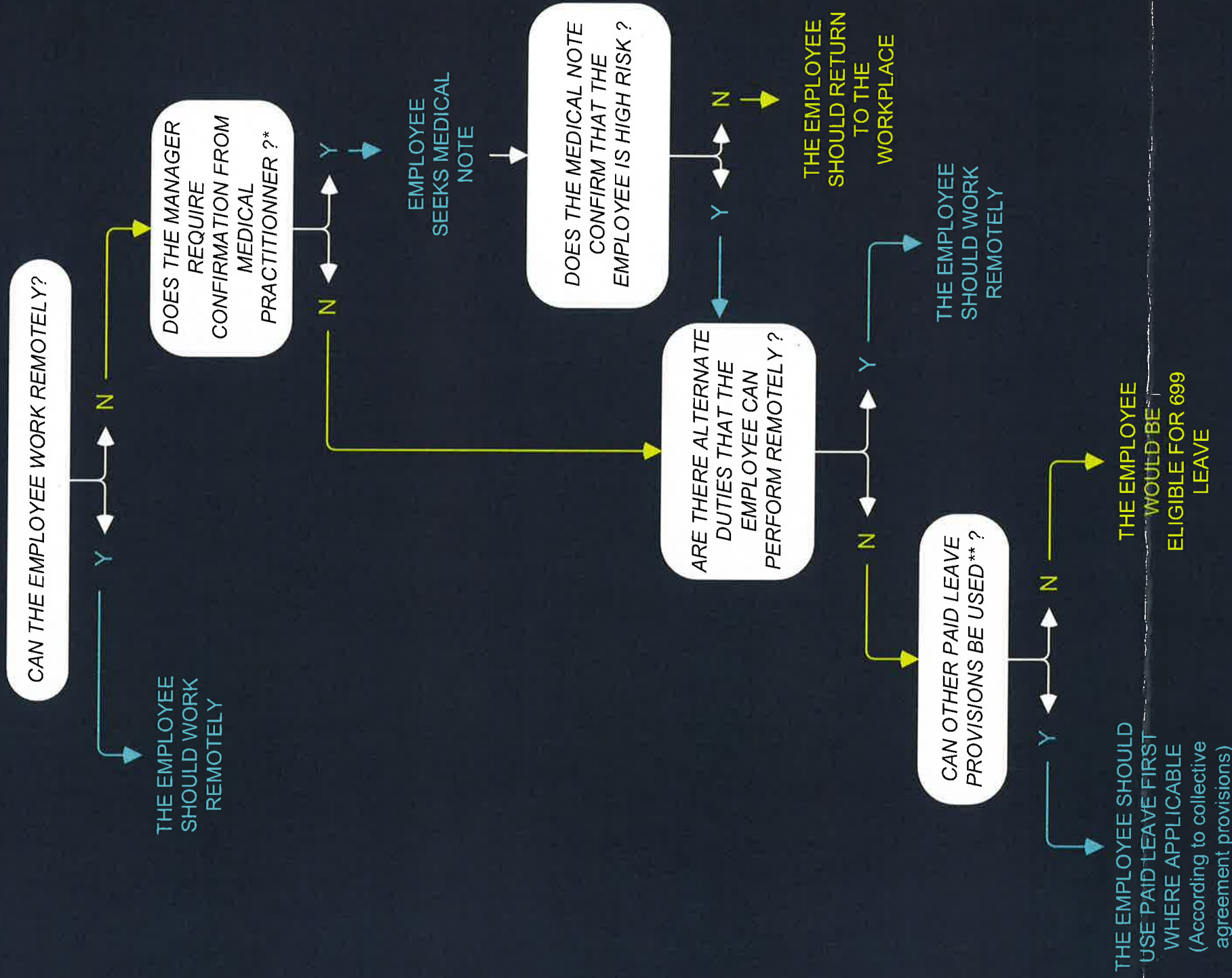
- Employee is available to work but is unable to because:
  - they do not have access to required technology to work remotely
  - worksite restrictions do not allow them to access the worksite

- Consider alternate work or an alternate work location (temporary workspace) for the employee. If neither option is possible, 'Other Leave With Pay (699)' may be granted.
- Note:** Leave should be granted on a short-term basis only. Stay in regular contact with the employee to confirm their continued availability to work.

## ELIGIBILITY FOR

# 699 LEAVE

## EMPLOYEE IS AT HIGH RISK



\* The manager may seek confirmation from the employee's medical practitioner attesting that the employee is at high risk of developing severe symptoms due to COVID-19 given the level of risk in the community with respect to the level of COVID-19 infection.

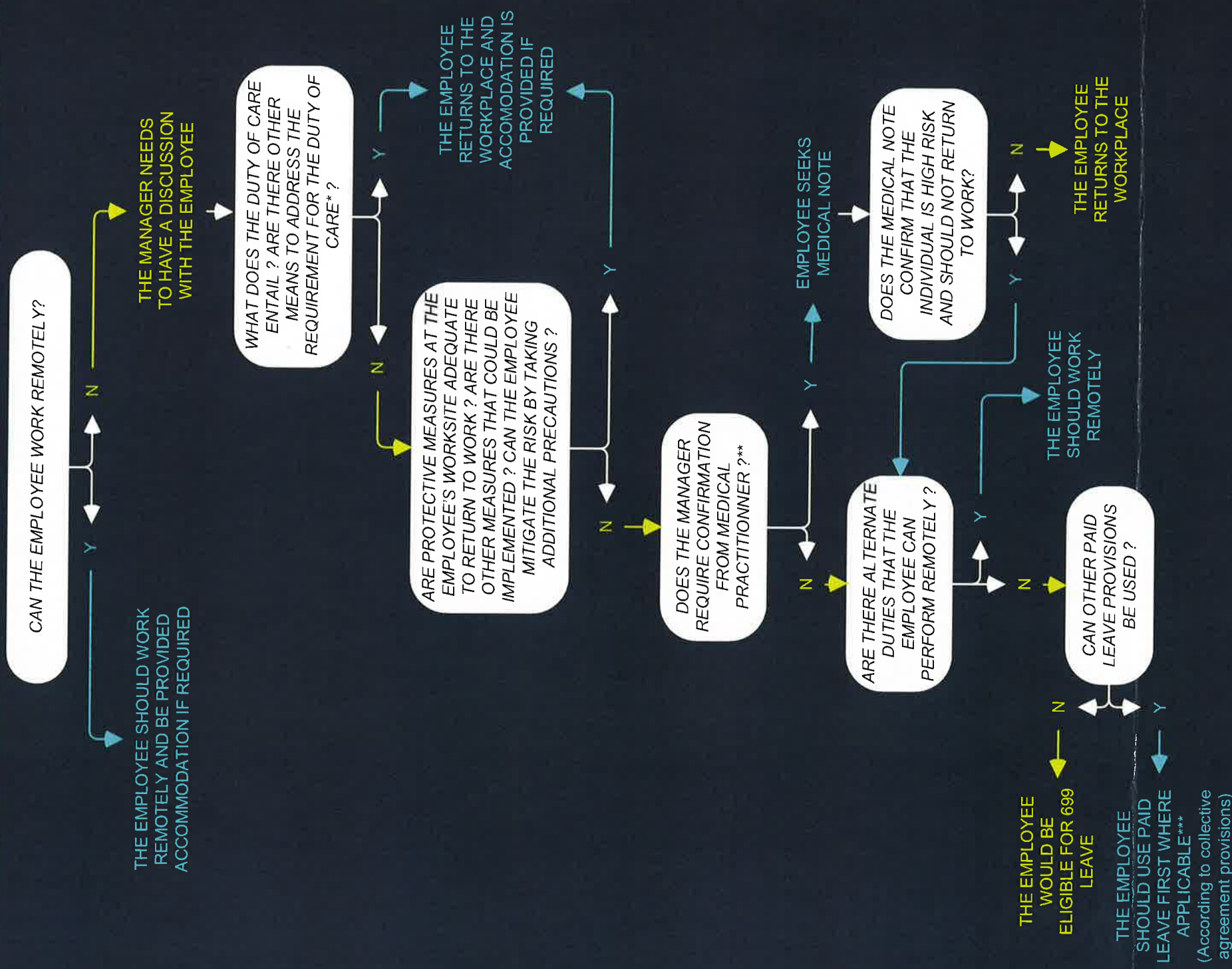
\*\* Employees need to schedule their vacation leave (note: the intent here is to ensure the employees take all their vacation leave during the vacation year in which it is earned).

Note: Each request for 699 leave should be reviewed based on the individual's circumstances and is subject to management discretion.

## ELIGIBILITY FOR

# 699 LEAVE

## EMPLOYEE HAS DUTY OF CARE FOR SOMEONE AT HIGH-RISK



\* This goes beyond personal preference and must be an established duty of care.

\*\*The manager may seek confirmation from the individual's medical practitioner attesting that the Individual for whom the employee has a duty of care is at high risk of developing severe symptoms due to COVID-19 given the level of risk in the community with respect to the level of COVID-19 infection.

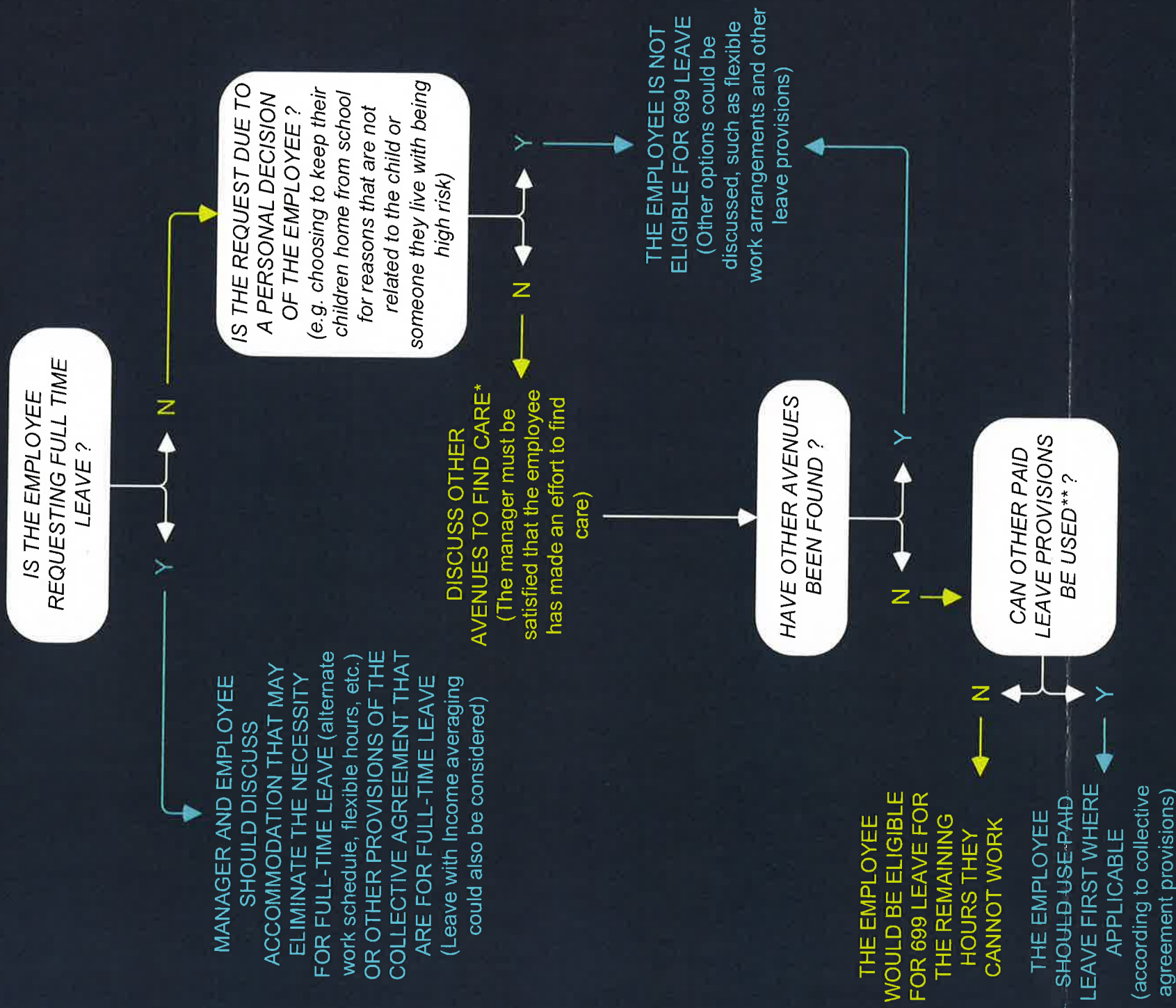
\*\*\* Employees need to schedule their vacation leave (note: the intent here is to ensure the employees take all their vacation leave during the vacation year in which it is earned).

Note: Each request for 699 leave should be reviewed based on the individual's circumstances and is subject to management discretion.

ELIGIBILITY FOR

# 699 LEAVE

## EMPLOYEE HAS DUTY OF CARE FOR A FAMILY MEMBER OR DEPENDENT



\* Individual circumstances such as being a single parent or other factors, that may disproportionately disadvantage an employee when compared to other populations in the federal public service should be taken into consideration when deciding to grant 699 leave.

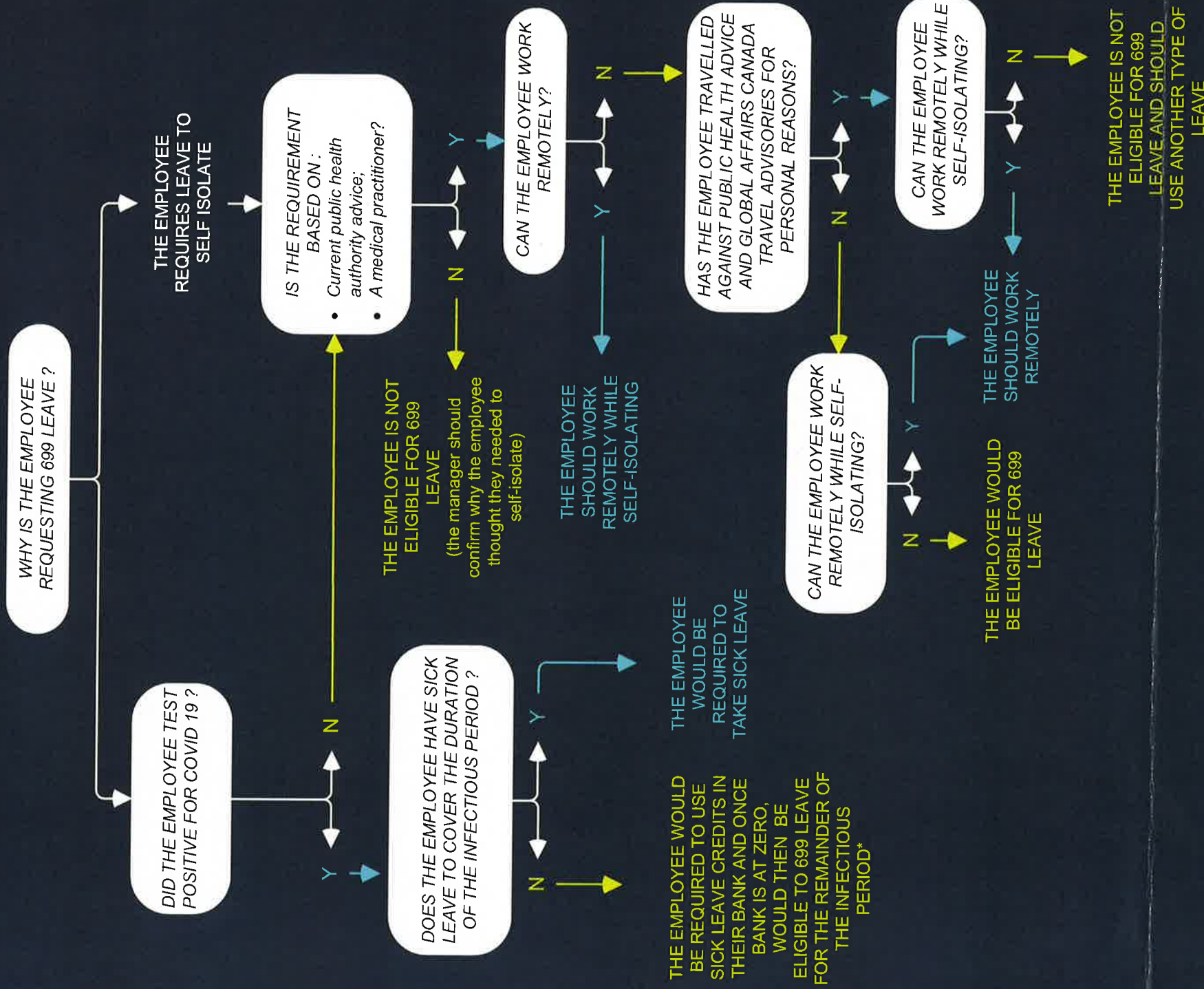
\*\* Employees need to schedule their vacation leave (note: the intent here is to ensure the employees take all their vacation leave during the vacation year in which it is earned).

Note: Each request for 699 leave should be reviewed based on the individual's circumstances and is subject to management discretion.

# ELIGIBILITY FOR

# 699 LEAVE

## COVID-19 INFECTION OR ISOLATION REQUIREMENT



Note: Each request for 699 leave should be reviewed based on the individual's circumstances and is subject to management discretion.

\* Not having sufficient sick leave credits generally means that the employee's sick leave bank will be at zero credits, or is already in a negative sick leave balance, prior to the end of the infectious period. In these cases, employees who have been diagnosed with COVID-19 would be eligible for 'Other Leave With Pay (699)' for the period they are infectious once their balance of sick leave credits is depleted but before any new advancement of credits. Employees who are already in a negative sick leave credit situation would not be required to further go into a negative sick leave balance.