

2012: B15

**MEMORANDUM TO:** Directors of Education

**FROM:** Gabriel F. Sékaly  
Assistant Deputy Minister

**DATE:** October 10, 2012

**SUBJECT:** **Transition Regulation - New Sick leave and Short Term Disability Plan**

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The *Putting Students First Act*, 2012 introduced a new sick leave plan that provides full-time employees with 10 days at 100% of salary and a further 120 days at either 66.67% of salary or 90% of salary if so determined through a 3<sup>rd</sup> party adjudicative process. Most collective agreements that expired August 31, 2012, provided for 20 days each year, the unused portion of which could be accumulated to a maximum number of days (200 days for most boards). All non-vested sick days accumulated as of August 31, 2012 are eliminated and replaced by the new sick leave and short term disability plan.

Ont. Regulation 313/12, *Sick Leave Provisions, 2012-13*, (attached) has been introduced to allow for transitional provisions to be applied in the first year of the new plan period to minimize the impact on employees who were accessing their banked days in 2011-12 as a result of an illness and are still unable to return to work at the beginning of the 2012-13 school year.

Under the previous plan these employees would be able to access the days left in the bank. Given that those days have been eliminated under the *Putting Students First Act*, 2012 the transition provisions in the regulation would allow these employees to access the new sick leave plan without the need for the school boards to apply return to work provisions, should they exist.

The provisions of this regulation are however not applicable to employees who were, as of August 31, 2012, on LTD or WSIB or were on an unpaid leave of absence that is not due to illness. This transition regulation also requires a board that does not have a 3rd party adjudication process in place to apply the 90% rate to sick days taken beyond the first 10 days at 100%.

If you require further information on the above, please contact Andrew Davis at 416-327-9356 or [Andrew.Davis@ontario.ca](mailto:Andrew.Davis@ontario.ca).

*Original signed by:*

Gabriel F. Sékaly  
Assistant Deputy Minister

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