

## **Human Resources Policy 19 - Leave for Preparing to Adopt - Excluded Employees**

Last updated April 12, 2016

### **Objective**

1. The objective of this policy is to provide leave with pay for employees to meet certain requirements when preparing to adopt a child or children.

### **Application and Scope**

2. This policy applies to all excluded employees appointed under the Public Service Act who are either:

- a. regular, or
- b. auxiliary with at least 1827 hours.

### **Principles**

3. The Employer recognizes that employees preparing to adopt a child or children must meet unique requirements.

### **Mandatory Requirements**

#### **Definitions**

4. **'Pre-placement visits'** are visits between the child and adoptive parent(s) in order to provide an opportunity for the:

- a. parent(s) and child(ren) to get to know each other, and
- b. adoption worker and child's worker to assess the suitability of a proposed placement.

#### **General**

5. Employees may request a leave at 85 per cent pay for up to seven weeks (35 seven-hour days or 245 hours) every calendar year when they prepare to adopt a child or children. The leave is to be taken as needed which may be intermittently or at one time prior to placement.

6. Where both parents are employees or where more than one child is involved in the same adoption process, the leave will not exceed seven weeks every calendar year.

7. The leave must only be used for:

- a. pre-placement visits for domestic adoptions (as required by standards set by the Ministry for Children and Family Development), or
- b. to complete the legal process required by the child's or children's birth country for international adoptions, while the employee is in that country.

8. The leave entitlement is not used for an employee to travel.

9. Employees must submit a written leave request, including the proposed dates of the leave, to their manager with as much advance notice as possible. The Employer may request appropriate documentation to show the adoption is proceeding.

10. The leave entitlement under this policy ends when the child or children commences to live with the adoptive parent(s). Adoption leave, parental leave and parental allowance may be accessed once the child commences to live with the adoptive parent(s). Detailed information for these leaves and allowance is in the Personnel Management Policy 5.5: Terms and Conditions of Employment for Excluded Employees/Appointees, Part IX. Appendix 1 of this policy includes a general description of these leaves.

11. During the leave granted under this policy, the Employer will maintain coverage for medical, extended health, dental, group life and long term disability. The employee will continue to pay their share of the premiums, if any.

12. If the employee does not remain employed by the Employer within six months following the end of this pre-adoption leave, all payment made under this policy will be recovered on a pro-rata basis by the Employer.

## **Responsibilities**

### **The BC Public Service Agency**

The head of the BC Public Service Agency is responsible for:

- a. providing advice and assistance on the application of this policy, and
- b. delegating any of these responsibilities to the appropriate staff within the BC Public Service Agency.

### **Ministries**

Deputy ministers are responsible for:

- a. ensuring that the provisions of this policy are met,
- b. ensuring the leave accessed under this policy are tracked and recorded, and

- c. delegating authority and responsibility, where applicable, to apply this policy within their organization.

Employees who take the leave for preparing to adopt are responsible for:

- a. ensuring they follow the provisions of this policy.

### **Legislative Authorities**

- [Public Service Act](#)
- [Adoption Act](#)

### **Other Authorities and References**

BC Public Service Agency Personnel Management Policy 5.5, [Terms and Conditions of Employment for Excluded Employees/Appointees](#)

### **Appendix 1**

This appendix provides general guidance on how the pre-adoption leave policy may be used.

### **Domestic Adoptions**

For domestic adoptions, the leave entitlement under this policy is for pre-placement visits. The following examples do not have the requirement for pre-placement visits in domestic adoptions:

1. “Relative Adoption” - adoptions by a family member
2. “Step-parent Adoption” - adoptions by the partner of a birth parent
3. “Foster-parent Adoption” - adoptions by foster parents where the child or children were living with the foster parents immediately before the adoption process.

### **Adoption Leave, Parental Leave and Allowance**

The leaves available to adoptive parents once a child is placed in their home are:

1. parental leave of up to 12 weeks leave without pay, which may be extended another six months for health reasons
2. parental allowance of up to 10 weekly payments that equal the difference between the employee's Employment Insurance benefits and 75 per cent of the employee's basic pay
3. adoption leave of up to 17 weeks leave without pay (this may begin either when the child is living with the parents or following parental leave)

Detailed information on these leaves can be found in Personnel Management Policy 5.5, Terms and Conditions of Employment for Excluded Employees/Appointees, Part IX.

### **Example**

The following example shows how:

1. the pre-adoption leave provision under this policy may be accessed;
2. the parental and adoption leave provisions under Personnel Management Policy 5.5, Terms and Conditions of Employment for Excluded Employees/Appointees, Part IX.

Pat and Kelly both work for the provincial government and are preparing to adopt a child. Pat is a regular employee of the Ministry of Attorney General and Kelly is an auxiliary employee (with more than 1827 hours) in the Ministry of Education. The Ministry of Children and Family Development is helping them to adopt a child within BC.

Pat and Kelly have taken the Adoption Education Program and have participated in a family assessment through the Ministry for Children and Family Development. Their medical information, references and criminal record checks have been submitted.

Pat and Kelly have been matched with a sibling group (age 7 and 3) who are waiting to be adopted. Pat and Kelly live in Vancouver and the children live in Prince George. Initially, their adoption worker set up five pre-placement visits, which were one day each over ten days.

The adoption and child's workers determined that additional pre-placement visits were needed. Over a period of three months, Pat and Kelly met with the children 10 more times. Seven of the visits were one day, three of the visits were a half-day. Following the visits, the adoption and social workers, Pat and Kelly, and the children agree that the placement will work.

1. Under this policy both Pat and Kelly are eligible to share up to seven weeks (35 seven-hour days or 235 hours) of the leave.
2. Pat and Kelly used 13.5 days leave each at 85 per cent pay for a total of 27 days leave (11 visits by two people at one day each and three visits by two people at a half day each). They did not use the full seven weeks since:
  - a. The time was not required for the pre-placement visits,
  - b. Both children were part of the same adoption process, and
  - c. Pay and Kelly's travel time is not eligible for leave under this policy.

- 3.** For the remaining time that Pat and Kelly were not at work that was either travel or between the pre-placement visits, Pat and Kelly can use vacation or leave without pay.
  
- 4.** Once Pat and Kelly have the children living with them, parental leave, parental allowance and adoption leave are available:
  - a.** A total of 12 weeks of parental leave including 10 weeks of the parental allowance (they must decide whether Pat or Kelly will access the total leave or divide it between them), and
  - b.** 17 weeks of adoption leave without pay available to both Pat and Kelly.

In this example, the match between Pat and Kelly and the children was successful. If the match had not been successful, Pat and Kelly would still have been eligible for leave under this policy for the pre-placement visits. However, they would not have been eligible for the parental leave and allowance, or the adoption leave.