

PROVINCE OF NEW BRUNSWICK		AD - 2204
ADMINISTRATION MANUAL SYSTEM		
Section	Subject	
LEAVES	ADOPTION LEAVE	

Policy Statement

Adoption leave provides a reasonable leave without pay for employees who wish to take time off work to adopt a child or care for a child born through a surrogacy agreement.

Application

Adoption Leave applies to:

- Management and Non-Union employees of Parts I, II and III of the Public Service

Adoption Leave does not apply to:

- individuals working on a casual/temporary basis with less than six months of continuous service.
- unionized employees. Refer to the appropriate collective agreement.
- those on personal service contract. Refer to the terms of the contract and the *Employment Standards Act*.

Note: The [Pay while on adoption leave](#) section (below) only applies to regular employees. It does not apply to individuals working on a casual/temporary basis.

How to apply

An employee adopting a child shall request adoption leave in writing.

Duration of leave

An employee adopting a child shall, upon request in writing, be granted a leave of absence without pay for a period of 62 weeks after placement of the child.

Employees requesting extensions to this leave are referred to the leave without pay provisions.

Note: Should both parents be employed with the Public Service of New Brunswick, the leave may be shared between parents; however, only one parent will be eligible to receive Supplemental Unemployment Benefit (SUB) plan benefits.

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Pay while on adoption leave

Note: This section only applies to regular employees. It does not apply to individuals working on a casual/temporary basis.

Employees on adoption leave may receive 75% of their regular rate of pay for the first 17 weeks of adoption leave, provided they meet the conditions outlined in the table below. Regular rate of pay is the rate of pay the employee was receiving at the time adoption leave began and does not include:

- retroactive adjustment of rate of pay
- acting pay
- any other form of supplementary pay.

Leave income at 75% of regular rate of pay is a combination of:

- eligible Employment Insurance (EI) benefits at the **standard** benefit rate
- Employer pay.

Note: Where the employee is in receipt of extended EI benefits, the payments will be equivalent to the difference between the weekly standard EI benefit rate (55% of weekly earnings up to a maximum amount) and 75% of regular rate of pay. Leave income will not be calculated based on an EI benefit rate of 33% should the employee elect the extended leave option.

The following table describes provisions under the Supplemental Unemployment Benefit (SUB) plan pursuant to the [Employment Insurance Act](#):

When	Then	And on expected return...
During the one (1) week waiting period for Employment Insurance (EI) eligibility	<ul style="list-style-type: none"> • The employee receives an adoption allowance of 75% of regular rate of pay less any other monies earned during this period. 	<ul style="list-style-type: none"> • if the employee does not return to work, • the employee shall compensate the Employer for the allowance received.

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Pay while on adoption leave
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When	Then	And on expected return...
During the next 16 continuous weeks, an employee who: <ul style="list-style-type: none"> • has completed 1 year continuous employment • agrees to return to work for a period of at least 6 months and • provides proof of application and eligibility for EI benefits 	<ul style="list-style-type: none"> • the employee receives EI benefits • the Employer pays an allowance to the employee equal to the difference between: <ul style="list-style-type: none"> ○ the standard EI benefit rate and ○ 75% of their regular rate of pay. 	<ul style="list-style-type: none"> • if the employee does not return and work for a period of 6 months, • the employee shall reimburse the amount of allowance received on a pro-rata basis.

Employee benefits

Employees on adoption leave **will:**

- be able to continue contributions to insurance and health plans on a cost-shared basis with the Employer during the period of leave where the plans allow it
- continue to accrue credits for vacation calculations
- be credited with continuous service for the period of the adoption leave
- not have a change to their anniversary date.

Employees on adoption leave **will not:**

- accumulate sick leave credits during the leave period, though employees retain previously earned sick leave credits.

For employees extending this period of leave, the leave without pay provisions shall apply.

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Authorities

- *Financial Administration Act*, Section 6(1)(d)
 - *Employment Standards Act* (Section 42)
 - Board of Management Minutes as follows:
 - 87-876
 - 87-0580
 - 89.0274
 - 90.0426
 - 92.0317
 - 93.0657
 - 94.0279
 - 09.0003
 - 20.0004
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