Protected B (when complete)

(Insert date)

(Insert employee first and last name)

(Insert directorate)

SUBJECT: NOTICE FOR EMPLOYEE WHO BECOME DISABLED

|  |  |  |
| --- | --- | --- |
| Position Title | : |  |
| Group and Level | : |  |
| Position Number | : |  |  |
| Branch | : |  |
| Directorate | : |  |
| Position Location | : | City Province |
| Designated Work Location | : | Only when applicable (e.g. complete physical address of telework, virtual work, alternate workplace) |
| Cost Center | : |  |
| National ID (PRI) | : | XXX-XXX-XXX |

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Dear (First name),

Further to you qualification for disability compensation under effective (Insert date), I wish to advise of you several provisions that apply to your situation.

The *Treasury Board of Canada Directive* *on Leave and Special Working Arrangements* stipulates that an employee on leave without pay can be replaced on an indeterminate basis if the period of leave or consecutive periods of the same type of leave exceed one year. You can view the Directive at the following website: <http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?section=text&id=15774>.

As your leave without pay was approved and exceeds one year, your position may be backfilled. If you are replaced on an indeterminate basis, you will be advised and in accordance with section 41(1) of the *Public Service Employment Act* (PSEA), you will be entitled to a statutory return from leave of absence priority status for re-appointment within the Public Service to a position for which you meet the essential qualifications.

Separately, in accordance with section 7 of the *Public Service Employment Regulations* (PSER), indeterminate employees who become disabled and who, as a result of the disability, are no longer able to carry out the duties of their substantive position are entitled to be appointed in priority to others, except for those who possess a statutory priority entitlement.

To be eligible for the employee who becomes disabled priority entitlement, the following conditions must be met:

1. You must have been declared disabled by a disability compensation provider;
2. The initial request for disability benefits must have been made when you were still an employee as defined by the PSEA;
3. You must, as a result of your disability, no longer be able to carry out the duties of your substantive position;
4. Within five (5) years after the day on which you became disabled, you must certified by a competent authority to be ready to return to work on the day specified by the authority; and
5. The day specified is within five (5) years after the day on which the employee became disabled.

Should you meet the above conditions, this regulatory priority entitles you to appointment in priority to all other persons, except those statutory priorities referred to in sections 39.1 (1), 40 and 41 of the PSEA, to any position within the public service for which you meet the essential qualifications. The entitlement period begins on the day on which a competent authority certified that you are ready to return to work, which is within five years after the day on which you became disabled, as determined by the disability compensation provider. The priority entitlement lasts for a period of **two (2) years** and applies even if you were released for cause due to disability and therefore are no longer an employee.

If during your Employee Who Becomes Disabled priority entitlement, you relapse and qualify again for disability insurance, then the cycle starts all over again – you will have another five years in which to be declared fit to return to work, and once so declared, another two-year priority entitlement would start. If during your priority entitlement, you relapse and are not found qualified for disability insurance, then the existing two-year priority entitlement would continue.

If you accept a specified period appointment while in priority status, your priority entitlement will continue until you are appointed for an indeterminate period or until the priority period ends, you resign or are released, whichever occurs first.

If you accept an indeterminate appointment to a lower level position while in priority status, in accordance with section 10 of the *Public Service Employment Regulations (*PSER), you will become entitled to a regulatory reinstatement priority for a period of one year. Your regulatory reinstatement priority entitles you to appointment in priority to all persons, other than those referred to in sections 39.1 (1), 40 and 41 of the PSEA, to any position in the public service for which you meet the essential qualifications and that is of a level that is not higher than the position you held immediately before the appointment or deployment.

Should you be eligible to both the return from leave of absence and the Employee Who Becomes Disabled priority entitlements, the two (2) priority types run concurrently but the leave of absence priority will be displayed in PIMS, as this is the higher of the two priority entitlements. The file will be annotated to show the disabled priority entitlement continues.

For more information on the return from leave of absence and employee who becomes disabled priority entitlements and your responsibilities as a person with a priority entitlement, please refer to the PSC Guide on Priority Administration at the following website:
<https://www.canada.ca/en/public-service-commission/services/information-priority-administration.html>.

Lastly, it is possible that the department may terminate your employment during your leave without pay for one of the following reasons:

1. Accept your request to resign on medical grounds;
2. Accept your request to retire on medical grounds; or
3. Termination for reasons other than breaches of discipline pursuant to the *Financial Administration Act* (termination for cause for reasons of medical incapacity).

If this occurs, there is no impact on your eligibility for the Employee Who Becomes Disabled priority entitlement. However, you would not be eligible for the return from leave of absence priority entitlement.

While you are on leave without pay, you must continue to abide by the [Values and Ethics Code for the Public Sector](https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=25049) and the [Policy on Conflict of Interest and Post Employment.](http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=25178&section=text)

Please be reminded that Federal public service employees wishing to engage in political activities must respect the requirements set out in Part 7 of the *Public Service Employment Act* (PSEA). As such, you have the right to engage in political activities while maintaining the principle of political impartiality in the public service. For more information about your legal rights and responsibilities regarding political activities, please contact your organization's Designated Political Activities Representative (<https://www.canada.ca/en/public-service-commission/services/political-activities/designated-political-activities-representatives-organizations-subject-political-activities-provisions-public-service-employment-act.html>) and consult the Public Service Commission's Political Activities Web site at: <https://www.canada.ca/en/public-service-commission/services/political-activities.html>.

For questions regarding your compensation and benefits, please contact the Public Service Pay Centre: <https://www.tpsgc-pwgsc.gc.ca/remuneration-compensation/services-paye-pay-services/paye-centre-pay/index-eng.html>.

For further information, you may also visit the compensation/services-pension internet site: <http://www.tpsgc-pwgsc.gc.ca/remuneration-compensation/services-pension-services/pension/cn-cu-eng.html>.

Should you require further information regarding your priority entitlement, please contact (Insert name of HR Advisor), HR Advisor at (Insert telephone number).

Sincerely,

(Signature)

(Name and title of staffing sub-delegated manager)

cc: HR Advisor