

Newfoundland and Labrador Teachers' Association



TEACHERS' GUIDE TO EMPLOYMENT INSURANCE

April 2015

ei

The Newfoundland and Labrador Teachers' Association wishes to thank the Alberta Teachers' Association for permission to use their publication "Teachers Guide to Employment Insurance" as the basis for this document which has been edited and revised to reflect EI regulations as they apply to teachers in Newfoundland and Labrador.

CONTENTS

Introduction	2
Some Basic Information	2
Suitable Employment	3
• Long-tenured Workers	3
• Frequent Claimants	4
• Occasional Claimants	4
General Information	4
• Types of Benefits	4
• Employment Insurance Premiums	4
• Hours Required to Qualify for EI Benefits	4
• Amount of Benefit	5
• Benefit Calculations	5
• Waiting Period	5
• Entitlement	5
• Applying for Benefits	5
Reconsideration and Appeals	6
Regular EI Benefits	6
• Eligibility - General	6
• Entitlement	7
• Application Form	7
• Maintaining Benefits	8
• Looking for Work	8
• Allowable Earnings While on EI	9
• Clawback of Regular Benefits for High Income Earners	9
• Quitting or Being Fired	10
• Just Cause	10
• Severance Pay/Early Retirement Incentive Payments	11
• Retired Teachers	11
• Types of Teacher Contracts and Their Effects on EI Insurability	11
Teachers on Continuing Contract	11
Teachers on Term Contract	12
Substitute Teachers	12
Special Benefits	12
• Eligibility	12
• Maternity	13
• Parental (including adoption)	13
• Sickness	13
• Compassionate Care Benefits	14
• Parents of Critically Ill Children	14
• Clawback of Special Benefits for High Income Earners	14
EI Questions A-Z	14
Table of Weeks of Benefit	15

Introduction

The information in this document is general in nature and is not intended as a substitute for any legislation or regulations to which it refers. For more specific detail, please consult the appropriate legislation and the accompanying regulations.

Teachers requesting the Newfoundland and Labrador Teachers' Association (NLTA) to act on their behalf in Employment Insurance (EI) matters should consult with Association staff.

For assistance or for clarification of the information in this document, contact the NLTA. When addressing a query to the Association, please call Programs and Services at 726-3223 (local) or 1-800-563-3599 (for the rest of Newfoundland and Labrador), or e-mail to mail@nlta.nl.ca.

Some Basic Information

Applying

- Apply as soon as possible after your last day of work.
- The Employment Insurance (EI) week starts on a Sunday. Therefore, all applications in that week will be dated as of the Sunday.
- When applying for EI, have your Record(s) of Employment (ROE) available if possible.
- If your employer has submitted your ROE directly through the on-line EI system, get the reference number from your employer. You can also use a "My Service Canada Account" to view electronic Records of Employment (ROEs) that your employer has submitted to Service Canada.
- Should your ROE not be available when filing, file your application without it and advise the agent that it will be provided as soon as possible.
- If you are working at more than one job, obtain an ROE from each employer.
- Claimants have a responsibility to seek employment and to accept offers of suitable employment. The expectations for the scope of a claimant's job search will depend upon their contribution and claim history. Any assessment of a claimant's job search will include consideration of available employment opportunities and commute time.
- When completing your application, make sure you provide examples of non-teaching positions as part of your job search.

During July and August

- During the non-teaching period (July and August) you must look for non-teaching positions. DO NOT mention education or teaching as part of your potential job search on the application form.
- Make sure that your salary expectations are consistent with the examples of non-teaching positions noted on your application form. Should you not know the salary levels of those positions, ask your EI agent.
- If you finish a term contract at the end of June but obtain another contract (term or permanent) for September during July or August, you must notify your EI agent as soon as possible of the date of acceptance of a contract. You may be disentitled to benefits as of this date.

Maintaining Job Search

- You must conduct and maintain a job search in order to continue EI benefits.
- “Conduct” refers to new job contacts and applications.
- “Maintain” is telephone or actual callbacks to places where you have previously applied for a job.
- Eight or more job contacts per week is considered to be a reasonable job search.
- Service Canada offers a Job Alert system. Claimants who register for this system will receive up to two emails per day on available job listings.
- Claimants will not normally be expected to accept employment when the commute time exceeds one hour. This restriction may be higher based upon a claimant’s past commute history.

The Importance of Records

- Once you apply for EI benefits, start a diary in which you chronologically record the dates and times of the following: your EI application, EI contacts and their names, job applications and the “essence” of any phone calls related to any of the above. The information in this diary is critical if something goes wrong with your claim and appeal procedures are instituted. You should also record the days that you substitute, the teacher and the school.
- Keep copies of all correspondence relating to your claim.

Records of Employment

Although ROEs are also covered later in another section, they deserve special attention as far as severance is concerned. If you are receiving a severance package, the full amount will be shown on your ROE and will delay your ability to receive EI benefits. Nonetheless, it is critical that you apply for benefits as soon as possible after your last day worked or you will probably lose benefits. This is also explained in this publication. If you are retiring, note that your ability to receive EI benefits will be offset by your Newfoundland and Labrador Teachers’ pension. This publication provides more information for retiring teachers.

Hours of Work Update

Teachers are paid for a 5-hour work day when teaching. The NLTA has negotiated, for Record of Employment (ROE) purposes, a 5-hour teaching day to be reported as 8 hours of insurable employment on your ROE.

Suitable Employment

As on January 2013 Employment Insurance claimants will be categorized according to previous EI premium contributions and claim history.

Long-tenured Workers

Paid at least 30% of the annual maximum EI premiums for at least seven out of the last 10 years; *and* over the last five years received 35 or fewer weeks of EI regular benefits. For persons in this category, suitable employment will be defined as the same occupation with 90% of previous earnings for the first 18 weeks of EI benefits and a similar occupation with 80% of previous earnings after 18 weeks of EI benefits.

Frequent Claimants

Filed three or more regular EI claims *and* received more than 60 weeks of regular benefits in the past five years. For persons in this category, suitable employment will be defined as a similar occupation with 80% of previous earnings for the first six weeks of EI benefits. After six weeks, suitable employment will be considered any work with 70% of previous earnings.

Occasional Claimants

Includes all claimants for regular benefits not captured by the definition for frequent and long-tenured workers. For persons in this category, suitable employment will be defined as the same occupation with 90% of previous earnings for the first six weeks of EI benefits and a similar occupation with 80% of previous earnings between six and 18 weeks of EI benefits. After 18 weeks of benefits suitable employment will be defined as any work with 70% of previous earnings.

General Information

Types of Benefits

There are two types of EI benefits:

- Regular benefits, which are paid to teachers who are unemployed and looking for work.
- Special benefits, which are paid to teachers who:
 - (a) cannot work due to illness and are not entitled to paid sick leave;
 - (b) are taking maternity, adoption and/or parental leaves; or
 - (c) have to be away from work temporarily to care for a gravely ill family member or critically ill child.

NOTE: A special benefit period can interrupt a regular benefit claim, e.g., maternity, while unemployed.

Employment Insurance Premiums

As of January 2015, the maximum insurable earnings are \$49,500 and the maximum employee contribution is \$930.60.

Hours Required to Qualify for EI Benefits

Each teacher's ability to collect EI benefits will depend upon three hours-related factors:

1. The number of insurable hours worked in the previous 52 weeks;
2. Whether or not the teacher is considered to be a "new entrant" or a "re-entrant"; and
3. The type of benefit.

"Insurable hours" are hours worked for which a premium was paid. These are reported on the Record of Employment (ROE) which is issued to teachers when they leave their employment.

"New entrants" or "re-entrants" are teachers entering the workforce for the first time or who have less than 490 hours of Labor Force Attachment in the 52 weeks preceding the qualifying period or are re-entering the workforce after two years' absence. In Newfoundland and Labrador "new entrants" or "re-entrants" will be required to work 910 insurable hours to qualify for unemployment benefits. This hourly requirement does not apply to special benefits.

Excepting “new entrants” and “re-entrants”, the number of insurable hours needed to qualify for EI benefits depends upon the type of claim.

- For special benefits (i.e., maternity, parental, sickness and compassionate care), a minimum of 600 insurable hours in the previous 52 weeks is required.
- For regular EI benefits, the number of insurable hours will vary from 420 to 700 hours depending upon the regional rate of unemployment. A chart outlining the relationship between insurable hours and the regional rate of unemployment is found in this publication in the section entitled “Regular EI Benefits”.

Amount of Benefit

The maximum EI weekly benefit is \$524. The benefit will vary as is described below in the “Benefit Calculations” section.

If you or your spouse receive the Canada Child Tax Benefit (CCTB), a program administered by Canada Revenue Agency (CRA), then you are eligible to receive the EI Family Supplement on your family net income up to and including \$25,921 per year. The supplement can reach 80% of insurable earnings but cannot exceed the \$524 maximum benefit.

Benefit Calculations

Benefit calculation is dependent upon the regional unemployment rate. Currently in Newfoundland and Labrador the benefit rate is based on the average of the highest 14 weeks of insured earnings during your qualifying period. Teachers with less than 15 weeks of insurable earnings during their qualifying period will have their benefit rate determined by dividing their total insurable earnings by a flat divisor of 14.

Waiting Period

There is usually a two-week waiting period from the Sunday of the week of application before benefits are payable. The waiting period may be waived in cases where the employee was paid sick leave pay immediately following their cessation from work with one of their employers and experienced an interruption of earnings from that same employer.

Entitlement

For regular benefits, the maximum period of entitlement is 45 weeks. This varies according to the type of benefit, the number of weeks worked in insurable employment and the regional unemployment rate (see table on page 15).

Applying for Benefits

Two documents are required in applying for regular EI benefits: an application form (available from any EI office or on-line) and a Record of Employment (sometimes called a Separation Certificate) which must be provided by employers when employment ends. If you are working at more than one job, obtain a Record of Employment from each employer. Additional documents may be required for special benefits. Please refer to the Special Benefits section. Online information is available at www.servicecanada.gc.ca/eng/ei/application/employmentinsurance.shtml.

The Record of Employment (ROE) is the most important single document in the EI program. Everyone applying for EI benefits needs an ROE to establish insurable employment. EI uses this form to determine a person's eligibility for benefits, the applicable benefit rate and the length of the benefit period. Employers must, by law, issue the ROE within 5 days from the end of the pay period when your interruption of earnings began. Teachers who have not received their ROEs can, and should, file their application anyway so that their claims can start as soon as possible. Otherwise, they may lose benefits to which they are entitled.

When applying for regular benefits, two areas of the application form should receive the teacher's special attention. Please see the Application Form section for details.

Reconsideration and Appeals

The federal government in its 2012 budget made reference to changes in the EI appeal process. All appeals filed prior to April 1, 2013 will be dealt with under the existing Board of Referees. After that date, if a teacher's application for EI benefits is rejected, he or she can request a reconsideration of that decision. If a teacher disagrees with a reconsideration decision, he or she can appeal that decision. Contact the NLTA for advice before filing a request for reconsideration or appealing. The NLTA will represent you at the appeal if the case is valid in the opinion of the Association.

Generally, a request for reconsideration must be submitted to Service Canada within 30 days from the date the decision was communicated to the teacher. A teacher can submit an appeal of a reconsideration decision within 30 days of receiving his or her reconsideration decision.

Teachers who have been disentitled from benefits must continue to submit reports to the EI office while waiting for the appeal to be heard. They must also continue to look for work.

Regular EI Benefits

Eligibility – General

Teachers claiming regular EI must:

- (a) Have worked in insurable employment for a minimum of 420 hours to 910 hours during the qualifying period. The qualifying period is the past 52 weeks or the number of weeks since the start of the last EI claim, whichever is shorter.
- (b) Have been without work and without pay for at least seven consecutive days.
- (c) Conduct an active job search. A job search during the non-teaching period (July and August) **MUST** be outside the field of education.

The number of insurable hours required depends on the rate of unemployment in the region of the province where a teacher lives.

The following table shows the minimum number of weeks needed to qualify.

Regional Unemployment Rate	Insurable Hours Required
6% and under	700 hours
over 6% to 7%	665 hours
over 7% to 8%	630 hours
over 8% to 9%	595 hours
over 9% to 10%	560 hours
over 10% to 11%	525 hours
over 11% to 12%	490 hours
over 12% to 13%	455 hours
over 13%	420 hours

Entitlement

The table on page 15 illustrates the maximum number of weeks of EI benefits available. The entitlement is based on the number of hours a person has worked and the regional unemployment rate.

Application Form

Two areas of the application form should receive the teacher's special attention. The first concerns the type of work the teacher is willing to accept. Although it is permissible, in principle, to restrict the job search to the field of education during the school year (September to June), in practice, the EI Commission can disqualify a teacher from benefits on the grounds that there are few, or no, employment opportunities in education.

Teachers must be mindful of what the definition of suitable employment is for the category of claimant they fall into. A teacher defined as a long-tenured worker can restrict their job search to the field of education for the first 18 weeks of their claim. A teacher defined as an occasional claimant can restrict their job search to the field of education for the first six weeks of a claim. Those teachers defined as frequent claimants must include similar occupations in their job search once they start receiving regular benefits.

Therefore, teachers are strongly advised not to be too restrictive on their EI application form as to the type of work they are willing to accept. It is acceptable for teachers to indicate that they are prepared to accept employment for which their education, experience and training make them suitable. Teachers should not restrict themselves to one specific example. Rather, they should leave the answer to this question as broad and general as possible and provide a number of wide-ranging examples such as clerical work, camp counselor, child-care and librarian. Teachers with backgrounds outside of education should extend their potential job search accordingly.

The second area of the application form that requires special care is the question dealing with expected salary. Again, teachers are strongly advised to not be restrictive in their demands in this area. Rather than citing a single figure, teachers should indicate a salary range, taking into account the economic climate at the time of application for benefits. This does not mean that minimum wage should be accepted or be indicated on the form but the wage expected should be commensurate with the occupation sought. Keep in mind that an occupation with a wage representing 70% of previous earnings can be considered suitable employment under certain circumstances.

Maintaining Benefits

The following procedures should be carefully adhered to by teachers receiving EI regular benefits:

- Keep a record of all employers contacted by phone, by written application and/or by personal contact;
- Keep a record of dates of applications and replies;
- Complete all EI questionnaires and reports promptly and accurately;
- Keep a copy of all correspondence to and from EI.

Teachers receiving regular EI benefits who are not conducting an active job search may be asked to discuss their job-hunting efforts.

Looking for Work

All claimants for EI benefits must be available for work, must be willing and able to work, must be actively seeking employment and must be unable to find suitable work. All applicants for EI benefits are advised to apply for several jobs every week. Depending on what category a teacher falls into, they will be given a period of time during the school year to obtain a job in education; after that, and during the months of July and August, they will be expected to look for work in other fields of employment. Teachers eligible for EI benefits for the months of July and August must seek employment even if they intend to return to teaching in September.

The following are some avenues that should be explored or considered in looking for work:

- Apply for employment with appropriate school boards within traveling distance of your residence (whether or not they are advertising vacancies at the time);
- Check advertisements on employer web sites, in local papers and trade journals;
- Make inquiries of friends, relatives and business acquaintances;
- Identify organizations that might need workers with your particular background;
- Prepare a brief, clear, well-organized resume and make sufficient copies to distribute to potential employers;
- Ensure that if potential employers require an online profile, that profile is up-to-date, complete, and accurate.
- Register for the EI Job Alert System.

Allowable Earnings While on EI

Claimants in receipt of sickness or maternity benefits will have any earnings deducted from their benefits on a dollar-for-dollar basis.

Claimants claiming regular, parental or compassionate care benefits can declare earnings without changing the amount of EI Benefits. Since January 2013 individuals may choose from two options in determining eligible earnings:

- a. Claimants may claim, under previous rules, earnings of \$75.00 or 40% of weekly benefits without a reduction in EI Benefits.
- b. Claimants, under the new rules, may claim 50% of their EI Benefit for every dollar earned, up to 90% of the weekly insurable earnings.

The following table illustrates the differences of the two options. Individuals filing for applicable benefits with earnings to report will be automatically registered for the new method and have until 30 days after the completion of a claim to request to have their claim reverted to the previous method.

Comparison Table of the Previous Pilot Project and the New Pilot Project			
Previous Method		New Method	
Weekly insurable earnings	\$600	Weekly insurable earnings	\$600
EI weekly benefit amount (55% of \$600)	\$330	EI weekly benefit amount (55% of \$600)	\$330
Gross earnings declared during a week while on EI benefits	\$450	Gross earnings declared during a week while on EI benefits	\$450
Earnings amount (40% of the benefit amount: \$330 x .40 = \$132)	\$132	Earnings amount (50% of gross earnings: \$450 x .50 = \$225)	\$225
Net EI benefit payment for that week (\$330 + \$132 – \$450 = \$12)	\$12	Net EI benefit payment for that week (\$330 + \$225 – \$450 = \$105)	\$105
Combined earnings and EI benefits (\$450 + \$12 = \$462)	\$462	Combined earnings and EI benefits (\$450 + \$105 = \$555)	\$555

Clawback of Regular Benefits for High Income Earners

Members who have received regular EI benefit payments and have a net income of \$ 61,875 in a taxation year may be required to return 30% of the lesser of either the regular EI benefit payments made in that same taxation year or the net income above \$ 61,875. Claimants are exempt from benefit repayment if they are first-time claimants. Claimants who receive special benefits (maternity, parental, sickness, compassionate care or caring for critically ill children) are also not subject to clawback, regardless of

their annual income. However, if a claimant received a combination of regular and special benefits within the same tax year, they may still have to repay a percentage of the regular benefits received.

Quitting or Being Fired

People who quit their jobs without “just cause” or are fired for misconduct are disqualified from receiving any benefits. This has no effect on people who quit with “just cause”.

Just Cause

For a person to qualify for benefits, there must be “just cause” for leaving a job. The term “just cause” is defined in the Employment Insurance Act as follows:

“Just cause for voluntarily leaving an employment or taking leave from an employment exists if the claimant had no reasonable alternative to leaving or taking leave, having regard to all the circumstances, including any of the following:

1. sexual or other harassment;
2. obligation to accompany a spouse, common-law partner or dependent child to another residence;
3. discrimination on a prohibited ground of discrimination within the meaning of the Canadian Human Rights Act;
4. working conditions that constitute a danger to health or safety;
5. obligation to care for a child or a member of the immediate family;
6. reasonable assurance of another employment in the immediate future;
7. significant modification of terms and conditions respecting wages or salary;
8. excessive overtime work or refusal to pay for overtime work;
9. significant changes in work duties;
10. antagonism with a supervisor if the claimant is not primarily responsible for the antagonism;
11. practices of an employer that are contrary to law;
12. discrimination with regard to employment because of membership in an association, organization or union of workers;
13. undue pressure by an employer on the claimant to leave their employment, and;
14. any other reasonable circumstances that are prescribed.”

Other reasonable circumstances that have been prescribed by regulation include:

- (a) circumstances in which a claimant has an obligation to accompany to another residence a person with whom the claimant has been cohabiting in a conjugal relationship for a period of less than one year and where
 - (i) the claimant or that person has had a child during that period or has adopted a child during that period,
 - (ii) the claimant or that person is expecting the birth of a child, or
 - (iii) a child has been placed with the claimant or that person during that period for the purpose of adoption; and
- (b) circumstances in which a claimant has an obligation to care for a member of their immediate family within the meaning of subsection 55(2) of the legislation.

Severance Pay/Early Retirement Incentive Payments

As of March 31, 1985, monies other than salary paid or payable on or after termination are regarded as “earnings” in determining eligibility for EI benefits. If a teacher receives such payments, the EI Commission will consider these payments as money earned and will allocate them as if they were the teacher’s weekly salary. Therefore, EI benefits will not begin until all such earnings have been allocated. Prior to June 20, 1993, claimants who received separation payments had the commencement date of their claim delayed until the monies received on separation had been “used up” based on the allocation mentioned above. Effective June 20, 1993, claimants should have their benefit period established immediately. They are still subject to an allocation of earnings, however, the benefit period will be extended for a corresponding period of time. This allows a claimant to participate in programs offered by the EI Commission during the allocation period.

Retired Teachers

Retired teachers may not be eligible for EI benefits if their resignation is considered to be voluntary. However, if resignation is due to a “just cause” (see “Quitting or Being Fired”), retired teachers may be eligible to receive EI benefits. Effective January 5, 1986, income from retirement, including retirement gratuities, is regarded as “earnings” in determining eligibility for EI benefits, except for those retirees who undertake post-retirement employment in which contributions to the Newfoundland and Labrador Teachers’ Pension Plan is not a requirement. (Teaching 65 days or fewer in a school year will not affect a teacher’s pension.) These retirees may claim EI benefits upon termination of the post-retirement employment as long as they have the required number of insurable hours and they maintain an active job search. The provision regarding allowable earnings while in receipt of EI benefits referred to in this publication also applies to retired teachers.

Retired teachers who choose to suspend their pension benefits so that they can accept contractual work over and above the 65 day limit will have their pensions considered as earnings when they complete the term of employment. As a result, retired teachers in this situation will be ineligible for EI benefits.

Types of Teacher Contracts and Their Effects on EI Insurability Teachers on Continuing Contract

A continuing contract remains in force from year to year. Although teachers on continuing contract do have an interruption of work during July and August, EI legislation disqualifies them from receiving regular benefits unless they have sufficient hours of non-teaching employment. As well, if their continuing contract is terminated at the end of June, teachers may apply for benefits during the months of July and August, as long as they are searching for non-teaching jobs. Teachers receiving regular EI benefits will be governed by the definition of what constitutes suitable employment depending upon which category of claimant they are deemed to be.

EI sickness benefits are not payable during the non-teaching periods to teachers on continuing contract, unless the contract ends. Maternity/parental benefits or compassionate care benefits may be payable. EI special benefits for parents of critically ill children also may be payable.

Teachers on Term Contract

A term contract is in force for a specific period of time during a school year. As a result, teachers on term contract may qualify for benefits upon termination of the contract. The period of qualification may also include July and August. However, teachers who finish a term contract at the end of June but obtain another contract (term or permanent) for September during July or August, must notify their EI agent as soon as possible of the date of acceptance of a contract, and may be disentitled to benefits as of this date.

Substitute Teachers

Substitute teachers may qualify for EI benefits if they have the required number of hours of insurable employment in the 52 weeks preceding application for benefits or since the start of the last EI claim. Earnings while on claim must be reported. See “Allowable Earnings While on EI” for further explanation.

An EI claim expires 52 weeks following the commencement date of claim. Bearing in mind that the range of benefit entitlement varies from as low as 14 weeks to a maximum of 45 weeks, benefits may be claimed any time during the 50-week period (52 weeks minus the two-week waiting period). If intermittent temporary work is secured during the benefit period, the teacher may continue to claim all of the entitled number of weeks during periods of unemployment within 52 weeks from commencement of claim. The unused entitlement may not be claimed after the EI claim has expired; however, a new claim may be filed as long as the teacher has the required number of insurable hours. A two-week waiting period would apply.

NOTE: All work and gross income, including the “holdback” portion of salary for any work as a “replacement” teacher, must be reported. You must report any earnings that are earned or generated while on claim even if they are received at a later date.

Special Benefits

There are five types of special EI benefits: maternity, parental (including adoption), sickness, parents of critically ill children, and compassionate care. Individual claimants may receive up to 15 weeks of maternity, 35 weeks parental, 35 weeks parents of critically ill children, 15 weeks sickness, and 6 weeks compassionate care benefits. Special benefits may be paid in any combination and at any point during a benefit period provided the claimant proves entitlement for each type of benefit. It is possible that a claim may be extended (beyond the initial benefit period of 52 weeks) in order to pay special benefits, provided the appropriate conditions are met.

Eligibility

To be eligible for special benefits, teachers must have a minimum of 600 insurable hours of employment within the last year or since the last EI claim. Eligible teachers can receive maternity and/or parental, compassionate care, and parents of critically ill children benefits during July and August. Earnings during special benefits claims are deducted dollar for dollar.

Maternity

These benefits are available only to the natural mother. A maximum of 15 weeks of benefits is payable at any time during the period beginning 8 weeks before the expected date of delivery and ending 17 weeks following the week in which confinement occurs. Benefits commence after the two-week waiting period has been served except where the EI claim is made immediately following a period of sick leave, in which case the waiting period may be waived. Therefore, application may be made as early as 10 weeks prior to the date of delivery. Should the newborn infant remain in hospital for an extended period of time after birth, benefits may be interrupted during the time the child is in hospital and continued after the baby is released from hospital. Should a teacher receive paid sick leave from the school board during the period surrounding the birth of the child as specified by her doctor, the 15-week EI benefit period may be interrupted. Maternity benefits may not be extended beyond 17 weeks following the week in which the baby is born.

Parental (including adoption)

A maximum of 35 weeks of parental benefits can be collected by both biological and adoptive parents and their partners while they are caring for their newborn or adopted child. The 35 weeks of benefits can be paid to either parent or their partner, or shared between them if both parents and/or partners are eligible. Parental benefits may be claimed at any time during the year after the child arrives home. However, if a newborn or newly adopted child requires an extended period of hospitalization, the time limit for claiming parental benefits may be extended to a maximum of two years from the date of birth or adoption. Claimants of parental benefits must submit an application form, an ROE, the date of birth of the newborn or, in the case of an adoption, the date on which the child was placed with them (they must also provide the full name and address of the agency handling the adoption); and the SIN of the other parent, if they plan to share the benefits.

Sickness

Teachers who are off work and unable to earn regular pay due to illness may claim EI benefits for a maximum of 15 weeks while school is in session. EI is a second payer, and all benefits provided by the employer (such as cumulative sick leave and Long Term Disability benefits) must be used first. Since the Long Term Disability (Salary Continuance) program of teachers in Newfoundland and Labrador, provided by the Association, has been deemed a private plan, claimants are eligible for both the EI and LTD benefits concurrently. Claimants may use the last two weeks of their sick leave entitlement as the waiting period. Teachers on continuing contracts cannot claim sickness benefits for the months of July and August unless they have sufficient insurable employment in some other occupation in the past 52 weeks. A teacher who is on unpaid sick leave during the teaching period and who is not covered by wage loss (i.e., by long term disability insurance) could be eligible for EI sickness benefits. Sickness benefits may be collected before or after maternity or parental benefits, but the total of these special benefits may not exceed 50 weeks (except for natural mothers who meet medical requirements for an extension). To apply for sickness benefits, a medical certificate should be provided along with the application form and ROE.

Compassionate Care Benefits

Compassionate care benefits have been available to qualifying applicants since January 2004. These benefits are available to people who have to be away from work temporarily to care for a “family member” who is gravely ill with a significant risk of death. Medical proof of the need for care/support and risk of death within 26 weeks is required. There is a prescribed list of applicable “family members” and a minimum of 600 insurable hours in the previous 52 weeks is required for eligibility. A maximum of six weeks of benefits are available for compassionate care and a medical certificate is required.

Parents of Critically Ill Children

Parents who have to be away from work to provide care or support to a critically ill or injured child may be eligible for up to a maximum of 35 weeks of EI special benefits for Parents of Critically Ill Children (PCIC). Once a parent applies for the PCIC benefit, they must submit a medical certificate signed by a specialist medical doctor attesting that their child is critically ill or injured and requires their care or support. To be eligible to establish a claim for the PCIC benefit, a parent must be able to show that:

- their regular weekly earnings from work have decreased by more than 40% because they need to provide care or support to their critically ill or injured child;
- they have accumulated 600 insured hours of work in the 52 weeks prior to the start of their claim, or since the start of their last claim, whichever is shorter;
- they are a parent of the child who is critically ill or injured; and
- the child is under 18 years of age at the time the 52-week window opens. If the child turns 18 years of age during the 52-week window, the parent still remains eligible to receive the PCIC benefit. The 52-week window begins on the day the medical certificate is issued; or, if the claim is made before the certificate is issued, from the date the specialist medical doctor certifies that the child is critically ill or injured.

The PCIC benefit can be shared between parents, either at the same time or separately, to a combined maximum of 35 weeks during the 52 week window.

Information reproduced from publications located at:

www.servicecanada.gc.ca/eng/sc/ei/pcic/eligibility.shtml

www.servicecanada.gc.ca/eng/sc/ei/pcic/additional-information.shtml

www.servicecanada.gc.ca/eng/sc/ei/pcic/definitions.shtml#def1

Clawback of Special Benefits for High Income Earners

Claimants who receive special benefits (maternity, parental, sickness, compassionate care or caring for critically ill children) are also not subject to clawback, regardless of their annual income. However, if a claimant received a combination of regular and special benefits within the same tax year, they may still have to repay a percentage of the regular benefits received.

EI Questions A-Z

www.servicecanada.gc.ca/eng/ei/information/az_index.shtml

**Table of Weeks of Benefit
Regional Unemployment Rate**

Hours of work	6% and under	+ 6% to 7%	+ 7% to 8%	+ 8% to 9%	+ 9% to 10%	+ 10% to 11%	+ 11% to 12%	+ 12% to 13%	+ 13% to 14%	+ 14% to 15%	+ 15% to 16%	+ 16%
420-454									26	28	30	32
455-489								24	26	28	30	32
490-524							23	25	27	29	31	33
525-559						21	23	25	27	29	31	33
560-594					20	22	24	26	28	30	32	34
595-629				18	20	22	24	26	28	30	32	34
630-664			17	19	21	23	25	27	29	31	33	35
665-699		15	17	19	21	23	25	27	29	31	33	35
700-734	14	16	18	20	22	24	26	28	30	32	34	36
735-769	14	16	18	20	22	24	26	28	30	32	34	36
770-804	15	17	19	21	23	25	27	29	31	33	35	37
805-839	15	17	19	21	23	25	27	29	31	33	35	37
840-874	16	18	20	22	24	26	28	30	32	34	36	38
875-909	16	18	20	22	24	26	28	30	32	34	36	38
910-944	17	19	21	23	25	27	29	31	33	35	37	39
945-979	17	19	21	23	25	27	29	31	33	35	37	39
980-1014	18	20	22	24	26	28	30	32	34	36	38	40
1015-1049	18	20	22	24	26	28	30	32	34	36	38	40
1050-1084	19	21	23	25	27	29	31	33	35	37	39	41
1085-1119	19	21	23	25	27	29	31	33	35	37	39	41
1120-1154	20	22	24	26	28	30	32	34	36	38	40	42
1155-1189	20	22	24	26	28	30	32	34	36	38	40	42
1190-1224	21	23	25	27	29	31	33	35	37	39	41	43
1225-1259	21	23	25	27	29	31	33	35	37	39	41	43
1260-1294	22	24	26	28	30	32	34	36	38	40	42	44
1295-1329	22	24	26	28	30	32	34	36	38	40	42	44
1330-1364	23	25	27	29	31	33	35	37	39	41	43	45
1365-1399	23	25	27	29	31	33	35	37	39	41	43	45
1400-1434	24	26	28	30	32	34	36	38	40	42	44	45
1435-1469	25	27	29	31	33	35	37	39	41	43	45	45
1470-1504	26	28	30	32	34	36	38	40	42	44	45	45
1505-1539	27	29	31	33	35	37	39	41	43	45	45	45
1540-1574	28	30	32	34	36	38	40	42	44	45	45	45
1575-1609	29	31	33	35	37	39	41	43	45	45	45	45
1610-1644	30	32	34	36	38	40	42	44	45	45	45	45
1645-1679	31	33	35	37	39	41	43	45	45	45	45	45
1680-1714	32	34	36	38	40	42	44	45	45	45	45	45
1715-1749	33	35	37	39	41	43	45	45	45	45	45	45
1750-1784	34	36	38	40	42	44	45	45	45	45	45	45
1785-1819	35	37	39	41	43	45	45	45	45	45	45	45
1820-	36	38	40	42	44	45	45	45	45	45	45	45

