

MUNICIPALITY OF BIFROST-RIVERTON

POLICY & PROCEDURES MANUAL

Leave Policy

Reference/Title:	HR 01 – Consolidated Leave Policy
Policy Number:	2020-05
DATE ADOPTED:	November 12, 2020
ADOPTED BY:	Council Resolution
Pages:	6
Replaces:	1993 Employee Agreement, 2016-02
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1. POLICY

The Municipality of Bifrost-Riverton have been operating under a 27-year-old employee agreement and the intention of this policy will be to modernize and document the current Leave policy for all personnel. The Policy will be broken into a number of sections covering specific policies and procedures related to employee leave.

The sections are on the following topics:

- i) **Designated Holidays (page 2)**
- ii) **Vacation Leave (page 3)**
- iii) **Sick Leave (page 4)**
- iv) **Bank Time Leave (page 4)**
- v) **Leave Requests (page 4)**
- vi) **Compassionate Leave (page 5)**
- vii) **Maternity Leave (page 5)**
- viii) **Jury and Witness Duty Leave (page 5)**
- ix) **Retirement Leave (page 6)**

i) **DESIGNATED HOLIDAYS**

1.1 The following holidays have been designated as paid time off, which are included in Division 4 21(1) of *The Employment Standards Code* as General Holidays:

New Year's Day
Louis Riel Day
Good Friday
Victoria Day
Canada Day
Labour Day
Thanksgiving Day
Christmas Day

In addition to the legislated general holidays, all Municipality of Bifrost-Riverton staff will also observe the following Holidays:

Easter Monday
Terry Fox Day
Remembrance Day
Boxing Day

Should the Legislature or Parliament pass legislation providing for an additional holiday, such will be treated as a holiday for the purpose of this agreement.

1.2 If Christmas Day or New Year's Day falls on a weekday other than Monday, employees may leave work at noon on the day prior to the said holiday while receiving a full day's pay.

1.3 In order to qualify for holiday pay, which shall be equal to the amount the employee otherwise would have earned on that day, an employee must have:

- a) worked at least fifteen (15) days in the previous thirty (30) calendar days;
- b) worked the last scheduled day before and the first scheduled day after the holiday, unless his/her absence was authorized or justified; and
- c) reported for work if required on the holiday.

1.4 An employee required and authorized to work on any holiday shall receive the regular overtime rate of time and a half.

1.5 For Summer Students, Term and Casual personnel, they will receive 5% of the previous four week's regular wage pay in lieu of holiday pay.

ii) VACATION LEAVE

2.1 Employees shall accumulate vacation leave entitlement as follows:

a) an employee who has completed less than two years of service shall be entitled to ten (10) working days of vacation entitlement per year;

b) employees with more than two (2) years completed years of service, but less than ten (10) years of completed service, shall be entitled to vacation leave entitlement at the rate of fifteen (15) working days per year;

c) employees with more than ten (10) years of completed service, but less than twenty (20) years of completed service, shall be entitled to vacation leave entitlement at the rate of twenty (20) working days per year;

d) employees with more than twenty (20) years of completed service, but less than thirty (30) years of completed service shall be entitled to vacation leave entitlement at the rate of twenty-five (25) working days per year;

e) employees with more than thirty (30) years of completed service shall be entitled to vacation leave entitlement at the rate of thirty (30) working days per year

2.2 In the case of Summer Students, Term and Casual personnel, they shall receive vacation pay each pay period as outlined:

4% for zero (0) to two (2) years

6% for three (3) to nine (9) years

8% for ten (10) and over

Further, seasonal, term and casual employees shall be paid vacation pay on regular and eligible sick hours according to the Employment Standards Code.

2.3 All vacations are to be taken in the year immediately following that in which the entitlement was accumulated, however, with the permission of the Municipality, vacation leave entitlement may be carried over from one year to the next. Permission will be recommended by a designated officer and a resolution from Council shall authorize it.

2.4 The Municipality shall schedule vacations so as to least interfere with the continuance of operations as possible, but wherever possible vacation time shall be granted at such time as mutually agreeable to employees and the Municipality.

2.5 Vacation entitlements shall not be taken in increments bigger than ten (10) working days without prior consent from the CAO or, in the case of the CAO, from Council.

2.6 An employee is permitted to take vacation leave in increments of their choosing and does not require to be taken in half-day or full day increments. Administration is to break vacation entitlement into hours.

iii) SICK LEAVE

3.1 Full time employees shall accumulate sick leave entitlement at the rate of 1.25 days per completed month of active employment to a maximum of 125 days.

3.2 Sick leave may be used by an employee when he/she is unable to perform his/her duties, provided that any absence does not exceed five (5) days or a medical certificate by a qualified medical practitioner justifying the absence is provided upon the return to work. The Municipality may require a medical certificate from a qualified medical practitioner in any case of an employee absence.

3.3 Sick leave shall not be used by an employee for any period(s) of illness which occur(s) during his/her regularly scheduled vacation or any other leave of absence.

3.4 Employees are allowed to use Sick Leave time for family matters as well; taking a family member to medical appointments, staying home with a sick family member, etc

iv) BANK TIME LEAVE

4.1 For each hour of overtime worked 1 ½ hours of time is banked, which is paid at the regular wage rate when the employee takes the time-off.

4.2 Bank Time must be scheduled to be taken within three months of earning it, unless an application to Employment Standards is made to authorize extending it over a longer period.

All applications shall be made for a one-year allowance for bank time to accumulate to a maximum of 200 hours before mandatory pay out.

Applications are to be sent to: Executive Director, Employment Standards Room 604 – 401 York Avenue, Winnipeg, MB R3C 0P8

Individual applications have to made with Council approval and employee sign-off is required.

Pension in particular is the main motivation behind making an application because the inevitable winter no work days reduce pensionable hours and pensionable service.

4.3 Should an application not be made to Employment Standards, the Municipality must pay out all banked hours at the regular wage rate.

v) LEAVE REQUESTS

5.1 Municipal employees requesting or considering leave shall notify their immediate supervisor as soon as possible. The following is a guideline for leave requests:

Vacation Time Requests - should be provided no later than two weeks prior to Vacation being taken. Ideally, personnel will schedule their vacation leave at the beginning of each calendar year to ensure sufficient staffing.

Sick Time Requests – If you are stricken with an illness, notification no later than the morning of the day you will not be in will be required. If you have a medical appointment, notification of the appointment is required as soon as date of appointment is known.

Banked Time – No later than the day before time in lieu is being taken.

5.2 Notification must be made in person or via phone, email or text. Reason for the leave, date(s) of the leave, and duration of the leave (full day, between hours of _ to _, etc.) must be stated during notification.

5.3 That supervisor shall endeavor to approve or deny the request at the time of notification. The supervisor is responsible for notifying the office after approving or denying the request.

vi) COMPASSIONATE LEAVE

6.1 Leave of up to three (3) days may be allowed if and as required for an employee to arrange and attend the funeral or to settle the estate of the immediate family member within one year of death.

6.2 This includes all the following: spouse, child, parent, sibling, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparent, close friend, and any other relative living with the employee who is dependent on the employee.

vii) MATERNITY LEAVE

7.1 Employees shall be entitled to such leave in accordance with The Employment Standards Act.

7.2 As at 2020 The Employment Standard Act establishes:

- Employees who have worked for at least seven consecutive months and are expecting to give birth to a child are entitled to take leave.
- Leave can begin up to 17 weeks before the expected date of the birth.
- Employees requesting maternity leave must give their employers at least four weeks' written notice before the leave. They must also provide a medical certificate indicating the estimated date of delivery.
- Employment is considered continuous during a legislated leave of absence from work. This means an employee is still employed, though not earning wages for the period of the leave. When employees return from the leave, they are still entitled to any pension and other benefits they had before the leave. As well, their years of service include the time away on the leave.

For more information contact Employment Standards:

Phone: 204-945-3352 or toll free 1-800-821-4307

Website: www.manitoba.ca/labour/standards

viii) JURY AND WITNESS DUTY LEAVE

8.1 Employees shall be entitled to such leave in accordance with The Jury Act of Manitoba.

8.2 Employees obliged to attend Court as Jurors or as witnesses in accordance with a subpoena shall receive their normal rate of pay for any work missed, less any monies received for such service.

- After 10 days of serving as a juror on a trial at the Court of Queen's Bench, jurors will be paid a jury fee for the remaining days of the trial.

For more information contact Manitoba Courts:

Website: www.manitobacourts.mb.ca

ix) RETIREMENT LEAVE

9.1 A permanent full-time employee who:

- a) Voluntarily resigns or retires;
- b) Is eligible for a pension under the Municipal Employee's Benefits Board Program; and
- c) Begins to draw a pension under the Municipal Employee's Benefits Board Program

within two (2) months of the date on which he/she ceases to be actively employed by the Municipality shall be entitled to a retirement leave payment equivalent to twenty (20) percent of the number of unused sick leave credits multiplied by the daily rate for that employee's position in effect on his/her last day of active employment.

9.2 The sick leave records maintained by the Municipality are deemed as accurate for these purposes, and any payment contemplated hereunder shall be calculated on the basis of such records.

