THE CORPORATION OF THE TOWN OF SOUTH BRUCE PENINSULA

BY-LAW NUMBER 31-2012

Being a By-Law to Amend By-Law Number 44-2009 Being a By-Law to Adopt the Manual Governing the Policies and Procedures for the Corporation of the Town of South Bruce Peninsula (Vacations)

WHEREAS Section 8 of the Municipal Act, 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS Section 11 of the Municipal Act, 2001, c.25, as amended authorizes municipalities to pass by-laws regarding the accountability and transparency of the municipality and its operations;

AND WHEREAS Section 270 (1) 5 of the Municipal Act, 2001, c.25, as amended authorizes the municipality to adopt and maintain policies with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public;

AND WHEREAS the Council of the Corporation of the Town of South Bruce Peninsula adopted a Municipal Policy Manual and desires to amend said by-law by amending the policy regarding vacations.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF SOUTH BRUCE PENINSULA ENACT AS FOLLOWS:

1. THAT Policy B.2.1 Vacations as amended and attached hereto, be added to the Municipal Policy Manual.

2. THAT the provisions of Policy B.2.1 are hereby retroactive to January 1, 2012.

2. THAT all by-laws and policies inconsistent with this by-law are hereby repealed and replaced with this by-law.

3. THAT this by-law shall come into full force and effect upon the final passing thereof.
READ a FIRST and SECOND time this 6th day of March, 2012.

[Signatures]

READ a THIRD time and FINALLY PASSED this 6th day of March, 2012.

[Signatures]
VACATIONS

PURPOSE:

To establish a vacation structure that helps the Town of South Bruce Peninsula attract and retain highly motivated employees.

POLICY:

1. ANNUAL VACATION

Employees shall be entitled to an annual vacation with pay in accordance with the following provisions:

1.1 All employees who have one (1) year or less of continuous service as of January 1st in any year, shall be entitled to a vacation with pay in the amount of one day for every month worked, up to a maximum of ten (10) days.

1.2 All employees with more than one (1) year continuous service as of January 1st in any year, shall be entitled to a vacation of two (2) weeks or ten (10) days with pay.

1.3 All employees who have three (3) or more years continuous service as of January 1st in any year, shall be entitled to a vacation of three (3) weeks or fifteen (15) days with pay.

1.4 All employees who have nine (9) or more years continuous service as of January 1st in any year, shall be entitled to a vacation of four (4) weeks or twenty (20) days with pay.

1.5 All employees who have seventeen (17) or more continuous years of service as of January 1st in any year, shall be entitled to a vacation of five (5) weeks or twenty-five (25) days with pay.

1.6 All employees who have twenty five (25) or more continuous years service as of January 1st in any year, shall be entitled to a vacation of six (6) weeks or thirty (30) days with pay.

1.7 Heads of Departments (Chief Administrative Officer, Clerk, Manager of Financial Services, Manager of Public Works, and Manager of Emergency Services) shall, in addition to the above, be granted one extra week or five (5) days annual vacation.
2. **VACATION ELECTION**

Vacation lists will be posted in January of each year for the upcoming period's holiday selection. The selection of vacation dates will, where practical, be approved on the basis of classification and seniority in each department, so long as the selection is consistent with the efficient operation of the department.

3. **PART TIME EMPLOYEES**

Continuous part-time employees are given vacation entitlement of 4% of earnings. Part-time staff receive vacation pay each pay period.

4. **QUALIFICATION**

The qualifying year shall be from January 1 to December 31. Eligibility for paid vacation shall be determined on January 1st and entitlement will be calculated using the employees hire date.

5. **TIMING OF VACATION**

The Employer shall determine when an employee shall take his or her vacation subject to the following rules:

5.1 The vacation must be completed no later than 3 months after the end of the 12 month period for which it is given.

5.2 The vacation must be a two week period or one week periods each unless the employee requests in writing that the vacation be taken in shorter periods and the employer agrees to the request.

6. **TERMINATION/RESIGNATION**

If an employee resigns or is terminated, a direct deposit will be issued to the employee for a proportionate amount of their salary or wages for any unused or accrued vacation time.
VACATIONS

7. NEGOTIATED VACATION ENTITLEMENT

Where a newly hired employee negotiates and receives a vacation entitlement which is of a greater entitlement amount than outlined in Section 1, that employee will receive incremental increases in the number of weeks entitlement at the years of service levels outlined in Section 1 in addition to their negotiated vacation entitlement. (Clarification and example: after three (3) years an employee receives an additional week regardless of how many weeks they started with, after nine (9) years another week would be received, etc.)

8. EMPLOYMENT STANDARDS ACT

Notwithstanding anything contained herein, vacations are to be provided and taken in accordance with the Employment Standards Act.