

TOWN OF MONTAGUE

BY-LAW NO. 2009-02

A BY-LAW OF THE MUNICIPALITY OF MONTAGUE RESPECTING THE RIGHTS AND RESPONSIBILITIES OF EMPLOYEES, RATES OF PAY, AND ALL MATTERS PERTAINING TO EMPLOYMENT

THE COUNCIL OF THE MUNICIPALITY OF MONTAGUE DULY ASSEMBLED HEREBY ENACTS AS FOLLOWS:

PURPOSE

1. The purpose of the By-law is to define and outline the conditions of employment for the municipality of Montague.

SHORT TITLE

2. This by-law shall be known as the "Personnel By-law"

DEFINITIONS

3. In this By-Law:

Administration & Personnel Committee (the Committee) means the committee responsible for Administration and Personnel issues.

Allowance means compensation payable to an employee in addition to his/her regular remuneration payable for the performance of the duties of his/her position.

Anniversary Date refers to the actual date of hire for an indeterminate employee.

Casual means an employee that is employed for work on a temporary nature.

Committee of Council means a committee duly appointed by the Town Council and exercising authority on behalf of the Town Council.

Council means the Council of the Municipality of Montague.

Common law spouse relationship exists when for a continuous period of at least one year, an employee has lived with a person, publicly represented that person to be their spouse, and lives and intends to continue to live with that person as if that person were their spouse.

Continuous employment and continuous service means uninterrupted employment with the Town of Montague.

Day of rest in relation to an employee means a day other than a holiday on which that employee is not ordinarily required to perform the duties of the position other than by reason of his/her being of leave of absence. Day of rest does not apply to casual employees.

Demotion means the appointment of an employee for reasons of misconduct, incompetence, or incapacity, to a new position of which the maximum pay is less than that of his/her former position or a reduction in pay while performing his/her current duties.

Dependent means a person residing with the employee who is the employee's spouse including common law, child, stepchild, adopted child, foster child, who is of the legal age or under and dependent on the employee for support, or being over the legal age, is dependent on the employee for the reason of:

- 1) mental or physical infirmity or,
- 2) is in full time attendance at a recognised institution of learning.

Department refers to an organization unit of the Town of Montague headed by a supervisor, or the Chief Administrative Officer and reporting to a committee or the Town Council.

Employer means the Town Council or their agent, the Chief Administrative Officer.

Fiscal Year means the period of time from January 1 to December 31 in the same year.

Full time means an employee who works at least 6 hours per day, 5 days a week and is employed on an indeterminate basis.

Holiday means a 24-hour period commencing at 12:01 a.m. of the day designated as a paid holiday.

Indeterminate means a position that is not temporary and is expected to be long term or permanent.

Insubordination means refusing a directive by a supervisor within the supervisor's authority, intentionally breaking employer's rules, or verbally or physically abusing a supervisor or any other Town employee.

Lay Off means an employee whose employment has been terminated because of lack of work or because of the discontinuance of a function or of lack of funds.

Leave of absence means absence from duty with the employer's permission.

May will be regarded as permissive and shall as imperative.

Part time means an employee who works less hours or days than a full time employee and who is employed on an indeterminate basis.

Probation means a period of six months from the day upon which an employee reports to work for the Town of Montague. An employee may be rejected during his/her probationary period on the grounds of unsuitability.

Week for the purpose of this directive shall be deemed to commence at 12:01 a.m. on Monday and terminate on midnight on Sunday. However, there are classes of employees that may work a different week due to the nature of their job.

APPLICATION

4. This by-law applies to all municipal employees, with the exception of the Chief Administrative Officer and to the employer, where the Municipalities Act applies.

HOURS OF WORK

5. Hours of work shall be:

- a) 75 hours bi-weekly for administration.
- b) 80 hours bi-weekly for maintenance and recreation workers.
- c) Determined at the time of hire for part time and casual employees and may be adjusted from time to time.
- d) As follows for full time indeterminate employees:

Administration	9:00 am to 5:00 pm (Winter)
	9:00 am to 4:00 pm (Friday)
	8:30 am to 4:00 pm (Summer)
	8:30 am to 4:00 pm (Friday)
Maintenance	7:00 am to 4:00 pm

6. Indeterminate Administration employees are entitled to one hour off work for lunch in the winter, one half hour in the summer; this time should be taken between the hours of 11:30 a.m. and 1:30 p.m. Indeterminate Maintenance employees are entitled to one hour off work for lunch and the time should be taken between the hours of 11:30 a.m. and 1:30 p.m.

RATES OF PAY

7. Minimum and maximum rates of pay for all positions will be determined by the Administration & Personnel Committee and approved by Council.
 - a) Overtime means hours worked over 40 hours.
 - b) Straight time means regular hourly rate of pay.
 - c) Time and a half means 1.5 times straight time.
 - d) Double time means 2 times straight time.
 - e) All employees must have authorization from their supervisor to work more than their regular hours, and the supervisor must complete and sign an overtime authorization form.

Failure to receive permission may be deemed to be permission being denied.

- f) An employee may arrange to bank over time credits at a rate equal to the hours paid out for over time. This will be granted to a maximum equalling one full week of regular hours banked. Time off in lieu of overtime will usually be taken at a time convenient to both the employer and the employee.

VACATION LEAVE

8. General Provisions:

- a) Employees wishing to carry over vacation leave credits must obtain written permission from their supervisor and/or Council or vacation leave credits will be paid out at year end.
- b) Carried vacation leave credits must be used before April 30 of the year after being carried or shall be paid out at that time.
- c) An employee who is hired during the year shall receive a pro-rated portion of the first year's vacation.
- d) An employee who is hired during the year shall work at least three months prior to being eligible to take vacation leave.
- e) Vacation leave will be granted on the basis of seniority and no two employees within the same department may be off on vacation leave at the same time unless authorized by the CAO.

VACATION LEAVE RATES

9. For each month of a fiscal year in which an indeterminate employee receives ten days pay, he/she shall earn vacation leave at the following rates:

- a) Seven eighths ($7/8$) days per month for year one and two. (Two weeks)
- b) One and a quarter ($1\ 1/4$) days per month from year three to year eight. (Three weeks)
- c) One and two thirds ($1\ 2/3$) days from year nine to year nineteen. (Four weeks)
- d) Two and one twelfth ($1\ 1/12$) days from year twenty on. (Five weeks)

10. Indeterminate part time employees will receive the same lengths of vacation and payment will be based on the average number of regular hour worked in a two-week period.

11. Hourly paid employees shall receive vacation pay equal to four per cent of the wages earned during the vacation pay year.

12. All vacation requests must be submitted at least two weeks in advance and seniority will be used to determine between overlapping dates requested.

CHAIN OF COMMAND

- 13. Normal direction for Employees will respect the following chain of command:
- Committee – Council – CAO - Maintenance Head and/or Staff.**

14. Staff may request that signed work orders be issued before any work is initiated.

PERFORMANCE REVIEWS

15. Performance reviews will generally be conducted once a year as close as possible to the employee's anniversary date. The supervisor will conduct all performance reviews.

16. In a performance review each employee will be judged on how well they carry out the duties of their position description, the ability to carry out assignments properly and quickly, absence without permission and late for work and any complaints or warnings registered on the employees file during the twelve-month period.

17. Consideration will also be given for completed position related courses taken during the review period.

18. The employee will have an opportunity to discuss the recommendations with the Administration & Personnel Committee if he/she so request.

19. Each employee will be reviewed by the Administration & Personnel Committee once per year of employment for recommendations concerning possible increases in salary. The supervisor may also recommend increases in pay based on training taken within the period of review. Increases will be provided on the basis of merit and funds available at the time of the review. The performance review will outline strengths and weaknesses and corrective action required to remedy weaknesses. All performance reviews will be kept in the employees personnel file and the employees may view their file with sufficient notice and with their supervisor in attendance.

EMPLOYEE BENEFITS

20. All indeterminate employees may take part in the Municipalities basic benefit plan that includes the Municipal Health Plan. Health plan costs will be shared 50/50 between to Town and the employee. The employee may choose to sign up for any additional benefits offered by the employer.

21. Pension plan benefits (RRSPs, etc) will be based on the employee's regular wage. Pension plan benefits will be matched by the Town to all indeterminate employees at a rate of up to 5.00% the employee's regular wages if the employee pays the same percentage of their regular wages into the plan. The employee is free to pay more into a plan, but the Town will only pay its portion up to the 5.00%. Should an employee choose to pay less than the full 5.00% into the plan, the Town's portion will be reduced to a corresponding percentage.

22. Excluding safety toe boots, the employer will provide maintenance employees with

protective and safety ware as deemed essential by the WHSCC. One pair of safety toe boots will be provided to Maintenance personnel on a bi-yearly basis.

DISCIPLINARY ACTION

23. Any disciplinary action to be taken against an employee may be administered by the CAO. If necessary, or at the discretion of the employee or CAO, the Administration & Personnel Committee may be consulted before verbal disciplinary action is taken. The Administration & Personnel Committee shall be the disciplinary committee and shall be consulted before written disciplinary action is taken. Disciplinary action will assume the following pattern:
- a) Verbal warning from CAO.
 - b) First written warning signed by both CAO and employee. If the Employee will not sign the written warning, the matter shall be referred to the Committee.
 - c) Second written warning signed by both CAO and employee and referred to the Committee with possible punitive measures taken (demotion, suspension).
 - d) Termination.
24. On any recommendation of termination of an employee appointed by council, the council or a committee of council would review the employee's personnel file.

GRIEVANCE PROCEDURE

25. Should any difference arise between the Employer and the Employee as to the interpretation of alleged violation of this By-law, disputes arising out of or in connection with the difference shall be settled by arbitration by one or more arbitrators appointed by the said parties.

LEAVES

26. Sick leave

- a) Indeterminate employees are entitled to sick leave credits of 1.25 days per month in which the employee has completed ten consecutive day of work.
- b) Sick leave will accumulate to a maximum of 240 days.
- c) Employees must advise their supervisor prior to the commencement of their regular work hours that they are sick and unable to attend work. At the discretion of the employer a medical leave notice may be requested from a qualified doctor or nurse for confirmation.
- d) If an employee is sick for more than three days a letter of confirmation is required. Sick pay will be paid out up to the date that the Employee's health plan kicks in or the accrued sick time is used.
- e) Vacation leave cannot be accumulated while on sick time.

27. Special Leaves

- a) Special leave with pay will be given to a maximum of 3 days where there is a death in an employee's immediate family. Immediate family is defined as husband, wife, father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, brother, sister, stepsister, stepbrother, grandmother, grandfather, grandson, granddaughter, common-law spouse, father in-law, mother in-law or any relative who the employee lives with or lives with the employee.
- b) Special leave with pay, to a maximum of three days, will be given to the employee on the birth of the employee's child, adoption of a child, or when an employee is to be married. The approval of special leave in this incident will be subject to operational requirements.
- c) Special leave with pay shall be given to serve on a jury. Leave without pay may be granted if an employee is called as a witness. Any remuneration received from the Town shall be returned to the Municipality forthwith.
- d) Special leave shall accumulate at a rate of one half day per month to a maximum of 10 days provided the employee works the required days in a month.

LEAVE WITHOUT PAY

28. Leave without pay will be as follows:

- a) An employee can be given leave without pay at anytime, if authorised by the supervisor, to attend meetings, dental/doctor appointments, funerals, or any reason the supervisor considers acceptable, up to one day.
- b) Any more time than one day will need the approval of the CAO.
- c) Council must approve any Leave of Absences.

PAID HOLIDAYS

29. The following days are paid holidays:

- a) New Years Day
- b) Islander Day
- c) Good Friday
- d) Easter Monday
- e) Queen's Birthday
- f) Canada Day
- g) Civic Holiday
- h) Labour Day
- i) Thanksgiving
- j) Remembrance Day
- k) Christmas Day
- l) Boxing Day

30. Holidays are paid only if the employee works the regular working day before and the regular working day after the date of the holiday and has been employed for more than thirty days as per Section 7.1(a) of Chapter E-6.2, the Employment Standards Act.

TRAVEL AND TRAINING

31.

- a) All employees must be willing to take any training considered necessary by the employer and relative to the employee's job position.
- b) Any employee taking training or on business for the employer will have travel and accommodation paid and will receive a meal allowance approved by the council.
- c) Any employee travelling on business for the employer that has expenses other than the ones mentioned above must submit an expense form. The expense form will have to be approved by the CAO before payment is made. Expense forms must be submitted no later than the end of each month.

PARENTING LEAVE

32. Parenting leave will be approved on the basis of Section 22 of Chapter E-6.2, the Employment Standards Act of PEI.

CRIMINAL RECORD CHECK

33. All newly hired municipal employees must provide the municipality a criminal record check from the RCMP. This is a condition of employment.

The PEI Employment Standards Act will govern any personnel or labour issues not withstanding in this By-law.


READ A FIRST TIME THIS 14 DAY OF Sept. 2009

READ A SECOND TIME THIS 13 DAY OF Oct. 2009

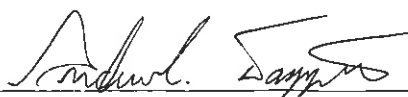
PASSED BY RESOLUTION THIS 13 DAY OF Oct. 2009

ADOPTION AND APPROVAL

This Bylaw was adopted and approved by a majority of the Councillors present at the Council meeting held on the 13 day of Oct., 2009.

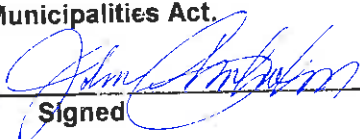


 Pat McGowan, Mayor



 Andrew Daggett, CAO

Filed on behalf of the Minister of Communities, Cultural Affairs and Labour according to s. 60(c) of the Municipalities Act.

 Oct. 19/09

 Signed Dated