

BY-LAW NO. 35-02

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

**THE COUNCIL OF THE MUNICIPALITY OF GRAND MANAN 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 Grand Manan

SHORT TITLE

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

DEFINITIONS

3. *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 Village Council and exercising authority on behalf of the Village Council.

Council means the Council of the Municipality of Grand Manan.

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 Village of Grand Manan.

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 Village of Grand Manan headed by a supervisor, or the Chief Administrative Officer and reporting to a committee or the Village Council.

Employer means the Village 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 employers rules, or verbally or physically abusing a supervisor or any other Village 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 shall be regarded as permissive and *shall* as imperative.

Probation means a period of six months from the day upon which an employee reports to work for the Village of Grand Manan. 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 employment, which 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) 30 hours per week for administration
 - b) 42 hours per week for park maintenance and recreation workers
 - c) 44 hours per week for pool worker
 - d) Determined at the time of hire for part time and casual employee and may be adjusted form time to time.
 - e) As follows for full time indeterminate employees:

Administration	9:00 am to 4:00 pm
Parks Maintenance	varies for employee
Recreation Worker	varies for employee
Pool Workers	varies for employee
6. Indeterminate employees are entitled to one hour off work for lunch; this time should be taken between the hours of 11:30 am to 1:30 pm.

RATES OF PAY

7. Minimum and maximum rates of pay for all positions are listed in Schedule A all employees are paid on an hourly basis with the exception of the CAO.

- a) Overtime means hours worked over the 44 hours as per the N.B. Employment Standards Act.
- 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) Payment of over time will follow Section 16 of the Act.
- f) 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.
- g) 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.
 - b. Carried vacation leave credits must be used before April 30 of the year after being carried or shall be considered lost.
 - 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 for 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 months for year one and two (Two Years)
 - b. One and a quarter (1 1/4) days per month from year three to year eight.(Three Years)
 - c. One and two-thirds (1 2/3) days from year nine on. (Four weeks)
- 10. Indeterminate part time employees will receive the same length of vacation and payment will be based on average number of regular hour worked in a two-year period.
- 11. Hourly paid employees shall receive vacation pay equal to four percent of the wages earned during the vacation pay year.

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

PERFORMANCE REVIEWS

13. Performance reviews will generally be conducted once a year as closed as possible to the employee's anniversary date. The supervisor will conduct all performance reviews.
14. 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 warning registered on the employees file during the twelve-month period.
15. Consideration will also be given for complete position related courses taken during the review period.
16. The employee will have an opportunity to discuss the recommendations with the Personnel Committee if he/she requests/
17. Each person will be reviewed by the 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 weakness. 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

18. All indeterminate employees must take part in the Municipalities basic benefit plan that includes the Municipal Employees Pension Plan. The employee may choose to sign up for any additional benefits offered by the employer.
19. Excluding safety tow boots, the employer will provide maintenance employees with protective and safety ware as deemed essential by the WHSCC. Safety tow boots are the responsibility

DISCIPLINARY ACTION

20. Any disciplinary action to be taken against an employee may be administered by the supervisor or the CAO. The manager's guide to Employee Discipline in the Village office will be the document governing the appropriate levels of discipline to be taken.
21. 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

22. Should any difference arise between the Employer and the Employee as to the interpretation of alleged violation of this By-law, the following grievance procedure N.B. Regulation 84-130 under the Service Labour Act will be the deciding procedure.

LEAVES

23. 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 days 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 Municipal plan kick in (6-7 days)
- e. Vacation leave cannot be accumulated while on sick time.

24. 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 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 shall be returned to the Municipality forthwith.
- d. Special leave shall accumulate at a rate of one half per day month to a maximum of 10 day provided the employee works the required days in a month.

LEAVE WITHOUT PAY

- 25. 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 the one day will need the approval of the CAO.
- c) Council must approve any Leaves of Absence

PAID HOLIDAYS

- 26. The following days are paid holidays:
 - i) New Years Day
 - ii) Good Friday
 - iii) Easter Monday
 - iv) Queen's/King's Birthday
 - v) Canada Day
 - vi) Labour Day
 - vii) Thanksgiving
 - viii) Remembrance Day
 - ix) Christmas Day
 - x) Boxing Day
 - xi) Civic Holiday

27. Holidays are paid only if the employee works the regular working day before and the regular working day after the date of the holiday.

TAVEL AND TRAINING

- 28. a) All employees must be willing to take any training considered necessary by the employer.
- 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

29. Parenting leave will be approved on the basis of the N.B. Employment Standards Act. Sections 42, 43 and 44.

CRIMINAL RECORD CHECK

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

The New Brunswick Employment Standards Act will govern any personnel or labour issues notwithstanding in this By-law.

This By-Law comes into force on the date of final passing thereof.

Read A First Time In Its Entirety This 4 Day of November 2000.

Read A Second Time By Title only This 4 Day of November 2000.

Read A Third Time By Title and Enacted This 3 Day of February 2000.

Clerk

Mayor

Seal

SCHEDULE A

31. Rates of pay will be as follows:

- a) Administration \$19000 to \$35000 annually
- b) Parks Maintenance \$ 9 to \$15 hourly
- c) Recreation Worker \$ 9 to \$12 hourly
- d) Pool Maintenance \$ 9 to \$15 hourly
- e) Student Workers \$ 7 to \$ 12 hourly