

The Corporation of the Municipality of Brockton



By-Law 2022-147

Being a By-Law to Adopt an Annual Vacation Policy for the Municipality of Brockton.

Whereas The Council for The Corporation of the Municipality of Brockton deems it expedient to establish policies;

And Whereas the *Municipal Act 2001, S.O. 2001, c 25, Section 5(3)*, as amended provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law;

And Whereas the Municipality of Brockton wishes to adopt an Annual Vacation Policy;

Now Therefore the Council of The Corporation of the Municipality of Brockton enacts as follows:

- 1.0 That the Corporation of the Municipality of Brockton Council hereby adopts an Annual Vacation Policy as contained in the attached Schedule "A" to this By-Law.
- 2.0 This By-Law shall come into full force and effect on January 1, 2023.
- 3.0 This By-Law may be cited as the "Adopt Annual Vacation Policy By-Law".

Read, Enacted, Signed and Sealed this 20th day of September, 2022.

Mayor – Chris Peabody

Director of Legislative and Legal Services (Clerk)
– Fiona Hamilton

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| Department: | Municipal Employees | Policy Number: | F16-0501-22 |
| Section: | Human Resource | Effective Date: | September 20, 2022 |
| Subject: | Annual Vacation | Revised Date: | |
| Authority: | Employment Standards Act, 2000 (ESA), By-Law 2022-147 | | |

1. Purpose

Municipality of Brockton understands the importance of personal time off for its employees. Employees are encouraged to use their accrued paid vacation time for rest, relaxation, and personal pursuits. Municipality of Brockton recognizes that other paid time off may be required from time to time. As such, the purpose of this policy is to explain the standards, guidelines, and procedures for paid time for all employees.

2. Definitions

In this policy:

- a) "CAO" means Chief Administrative Officer;
- b) "Employee" means full-time;
- c) "ESA" means Employment Standards Act, 2000;
- d) "Municipality" means the Municipality of Brockton;
- e) "Supervisor" means the person to whom any employee directly reports, and where applicable, includes Department Head and the CAO;
- f) "Vacation Day" – a pre-requested day off and approved by supervisor;
- g) "Vacation Time" - is the length of time employees may take off work; and
- h) "Vacation Pay" - Vacation pay accumulates as wages are earned. If you are on an unpaid leave, vacation pay does not accrue if your leave exceeds 30 days; which it is not payable during the leave. In the event that you are permitted to take vacation before it has accrued, any associated vacation pay shall be considered as an advance against future wages.

3. Eligibility

- a) Vacation time must be taken in accordance with ESA.
- b) The vacation year commences January 1st and concludes on December 31st of the same year, within which time all vacation entitlement must be taken.
- c) Employees shall be eligible for vacation with pay on the following basis:

| Years of Service | Vacation |
|---|--|
| 0-5 years of continuous full-time permanent service | 3 weeks per year |
| Anniversary of 5 th year to 10 th year of continuous full-time permanent service | 4 weeks per year |
| Anniversary of 10 th year to 15 th year of continuous full-time permanent service | 5 weeks per year |
| January of the 15 th year of continuous full-time permanent service | 1 day for every year over 15 years of service to the maximum of 30 days per calendar year. |

- d) Vacation entitlement shall be capped at a maximum of 30 days for any employee hired after January 1st, 2006.
- e) When an employee qualifies for an incremental increase in vacation entitlement (i.e. moving from 4 weeks to 5 weeks) the additional week of vacation shall be prorated for the first year it is awarded based upon the employee's anniversary date: (i.e. an employee completed 10 years of continuous full-time permanent service on July 1st, the employee receives an additional $\frac{6}{12} \times 5$ days = 2.5 days' vacation for that calendar year or a total of 22.5 vacation days). On the 15th year of service, the employee shall be entitled to the additional day as of January 1st and the 1 day will not be prorated.
- f) Vacation pay is included in your salary, and therefore your salary will be continued during your vacation time. If you are on an unpaid leave, vacation pay does not accrue and is not payable during the leave.
- g) Continuous service without vacation, but with extra compensation, is not regarded as good policy and no employee may make such election.
- h) Vacation time is earned on a pro-rated basis during years that you are not employed for the entire year. An employee who starts or leaves their employment during the year shall not be entitled to full vacation entitlement but shall be entitled to vacation entitlement prorated based on the time worked in that year.
- i) In the event that you are permitted to take vacation before it has accrued, any associated vacation pay shall be considered as an advance against future wages. Employees who have received vacation entitlement exceeding the prorated calculation will have the overpayment recovered by the Corporation from the employee.
- j) Vacations for employees shall be granted at times to be determined by mutual agreement between the Department Head and the employee, which shall be consistent with the efficient operation of the department. In the event there are more requests for vacation than the operation of the department can accommodate, the Department Head will determine priority for vacation based on the skills and qualifications required for the work to be performed and if necessary seniority. Department Heads have the ability to put blackout dates on certain dates based on the demands of the department and may require a percentage of vacation to be taken during less demanding times in the department.
- k) Vacation time shall not accumulate from year to year. However, in special circumstances, Department Heads may permit an employee under their supervision, the CAO may permit a Department Head or the Mayor may permit the CAO, to carry over a maximum of five (5) days' vacation until March 31st of the following year. Any vacation days permitted to be carried over must be booked before December 31st of the year in which the employee was entitled to take the vacation days.

- l) Vacation time will be monitored by the Department Heads for their subordinates. The CAO shall monitor vacation entitlement for all Department Heads. The Mayor shall monitor vacation time for the CAO.

4. Consequences for Failing to Adhere to Policy

If an employee does not comply with the terms of this policy, they may be subject to disciplinary action, including possible termination of employment in accordance with the Employee Discipline Policy (H00-0610-12).

5. Policy Changes

- a) The Municipality of Brockton has the ability to amend, change or rescind this policy at any time following Council approval and employees will agree to the changes without notice.
- b) If the minimum requirements of the Employment Standards Act, 2000 provide employees with any greater entitlements than those set out in this Policy, the Municipality of Brockton will provide employees with such greater entitlements in substitution for those set out in this Policy.