

THE MUNICIPALITY OF MARMORA AND LAKE

BYLAW NUMBER 2010-04

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Being a bylaw to establish an Employment Policy  
For the Municipality of Marmora and Lake

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WHEREAS the Council of the Municipality of Marmora and Lake deems it desirable to establish an Employment Policy for the Municipality;

NOW THEREFORE the Council of the Municipality of Marmora and Lake enacts as follows:

1. Employment

1.1 Purpose

It is the policy of the Municipality of Marmora and Lake to recruit and employ the most qualified candidate for each position, in accordance with all applicable legislative requirements so that the best interests of the municipality and its residents are served.

1.2 Authority to Create New Positions

Authorization to create any new permanent full time or permanent part time position shall be given by Council prior to the beginning of any recruiting activities.

1.2.2 Classification

Positions within the Municipality of Marmora and Lake shall be classified as follows:

- i) "Permanent Full Time Position" means a position in which the employee works on a continuous year-round basis, a minimum of 37.5 hours per week, 52 weeks of the year.
- ii) "Permanent Part Time Position" means a position in which the employee works on a continuous year-round basis, less than 37.5 hours per week, 52 weeks of the year.
- iii) "Casual Position" means a position in which the employee works on a seasonal basis, anticipated to be less than six (6) consecutive months at the time of hiring or the employee works for discontinuous periods of time on an irregular basis.

1.2.3 Specific Authorization

- i) Council shall consider the creation of new Permanent Full Time and Permanent Part Time positions upon the receipt of a report and recommendation from the CAO.
- ii) Casual positions shall be deemed to be approved and may be filled if sufficient funds are approved for such a position in the annual operating budget.

### 1.3 Appointments

1.3.1 Council shall appoint the CAO, to be selected as set out in Section 1.5.1

1.3.2 The Chief Administrative Officer shall bring forward a recommendation to Council concerning the appointment, employment, suspension or dismissal of a Department Head/Statutory Officer, to be selected as set out in Section 1.5.2. The appointment shall be subject to ratification by Council.

1.3.3 For the purpose of this policy, Department Head/Statutory Officer shall mean:

- i) Manager of Transportation Services
- ii) Manager of Environmental Services
- iii) Fire Chief
- iv) Manager of Arena/Parks
- v) Treasurer/Deputy Clerk
- vi) Municipal Clerk
- vii) Economic Development/Tourism Coordinator

1.3.4 A Department Head/Statutory Officer shall have the authority to hire a permanent full time or permanent part time employee to an approved position to be selected as set out in Section 1.5.3. The appointment shall be subject to ratification by Council.

1.3.5 A Department Head/Statutory Officer and CAO shall have the authority to suspend a permanent full or permanent part time employee and Council shall be so advised of such suspension. The CAO shall bring forward a recommendation to Council concerning the dismissal of a permanent full or permanent part time employee.

1.3.6 A Department Head/Statutory Officer shall have the authority to hire and dismiss a casual employee.

### 1.4 Recruitment

1.4.1 All permanent full time and permanent part time vacancies, as well as casual positions, with employment anticipated to be greater than one (1) month at the time of hiring, shall be advertised in local community newspapers and posted on the municipal web site.

1.4.2 Casual employees with employment anticipated to be less than one month at the time of hiring or required to work for discontinuous periods of time or on an irregular basis, shall be recruited in a less formal manner, with the prior approval of the CAO.

### 1.5 Selection Process

1.5.1 For the position of CAO, the entire Council shall, at their discretion, convene as a Selection Panel. An outside human resources specialist shall be retained to assist and advise in the process. As a first step, the HR specialist will meet with the selection panel to discuss a recruitment strategy and determine the various steps involved in the process. Council shall select the candidate to be offered the position.

- 1.5.2 For a Department Head/Statutory Officer position, the CAO and the entire Council shall, at their discretion, convene as a Selection Panel to review applications, determine who shall be interviewed, conduct the interviews and upon the recommendation of the CAO to Council, select the candidate to be offered the position.
- 1.5.3 For any other permanent full time or permanent part time position, the Department Head/Statutory Officer, the CAO and the Chair of Personnel shall convene as a Selection Panel, determine who shall be interviewed, conduct the interviews and upon the recommendations of the Department Head/Statutory Officer to the Selection Panel, select the candidate to be offered the position.
- 1.5.4 Casual employees shall be hired by the appropriate Department Head/Statutory Officer.
- 1.5.5 Reference Checking  
No offer of employment shall be made until satisfactory reference checks have been conducted on the applicant.
- 1.5.6 Probation Period  
All new Permanent Full Time and Permanent Part Time Employees will be subject to a three month probationary period during which time performance will be assessed. Performance related issues will be brought to the attention of Council by the CAO prior to the end of the probation period.
- 1.5.7 Offers of Employment  
All offers of employment for permanent full time and permanent part time positions shall be made by letter, which shall set out the job title, starting date, salary, benefits, working conditions, the probation review period and other relevant facts and policies concerning the position.
- 1.5.8 Records of Offenses Check  
Prior to commencing employment, all new employees who will be responsible for handling money, providing services to children or seniors or work with confidential information must supply a record of offences document.
- 1.6 Employment of Relatives
  - 1.6.1 (i) The immediate relatives of the CAO and Elected Official shall not be employed by the municipality in any capacity.  
  
(ii) The immediate relatives of Department Head/Statutory Officers shall not be employed where such employment would be within the same department.

- 1.6.2 In the event that in the future through:
- A marriage between staff members
  - A staff member's promotion to a Department Head/Statutory Officer's position or,
  - A municipal election
- a conflict with this policy is created, the CAO, the Reeve and the Chair of Personnel shall undertake a review to seek a solution with the conflict that is consistent with this policy and the relevant provisions of the Human Rights Code.
- 1.6.3 Conflicts with the policy that exist at the time of its enactment shall be grandfathered.
- 1.6.4 For the purpose of this section, immediate relative shall include parent, spouse and child, in accordance with Ontario Human Rights Code.
- 1.7 Hours of Work
- 1.7.1 The normal work week for Administrative Staff and Economic Development/Tourism shall be 37.5 hours per week. The Administrative Office Staff work schedule is attached as Appendix A to this bylaw.
- 1.7.2 The normal work week for all other departments (Transportation Services, Environmental Services, Arena/Parks, Fire, CBO/Bylaw Officers) shall be 40 hours per week.
- 1.8 Overtime
- 1.8.1 Overtime shall be paid at one and one-half times hourly rate for all hours worked in excess of the normal work week.
- 1.8.2 Overtime may be accumulated to be taken off as time-off-in-lieu to a maximum of 40 hours at any given time, subject to the approval of the CAO or Department Head/Statutory Officer.
- 1.9 Hours of Work – Department Head/Statutory Officer
- 1.9.1 The normal work week for Department Head/Statutory Officer shall be the normal work week expressed in hours, for the department, as follows:
- (i) Administrative Departments (Treasurer/Deputy Clerk, Municipal Clerk, Economic Development/Tourism Coordinator) 37.5 hours per week.
  - (ii) Operative Departments (Transportation Services, Environmental Services, Arena/Parks, Fire, CBO/Bylaw Officer) 40 hours per week.
- 1.9.2 Department Head/Statutory Officer shall not be paid for hours worked in excess of their normal work week, but shall be entitled to time-off-in-lieu of overtime, subject to the approval of the CAO.

1.10 On Call

- 1.10.1 An employee of Transportation Services, Environmental Services and Arena/Parks shall be designated as on-call outside of the normal work week and shall be compensated at \$1.00 per hour for each on-call hour.
- 1.10.2 Call outs for on-call employees shall be paid at the employee's hourly rate for a minimum of 4 hours.
- 1.10.3 Department Head/Statutory Officer are essentially on-call on a continuous basis to respond to emergency situations and as such shall not be further compensated for call outs, but will be provided time-in-lieu, subject to the approval of the CAO.

1.11 Compensation and Salary Ranges

The compensation and salary ranges for all positions shall be in accordance with the plan and salary grid adopted by Council in 2008 and as amended from time to time by resolution of Council. Movement through the steps on the grid, as well as the annual economic increase if any, shall be contingent upon a satisfactory performance appraisal on an annual basis.

1.12 Clothing Allowance

The Municipality of Marmora and Lake wants to ensure that all employees work in a safe manner and shall supply appropriate safety apparel to all employees and shall reimburse employees for appropriate safety footwear on an annual basis in positions requiring such footwear to a maximum of \$200.00.

1.13 Employee Training and Development

- 1.13.1 The Municipality of Marmora and Lake supports the training and development of all employees and the principle of succession planning. All work related training and development opportunities will be made available to employees, subject to the recommendations of Department Head/Statutory Officer, the availability of budgets and the approval of the CAO.

1.14 Employee Benefits

1.14.1 Definition

The benefit program provided by the Municipality is available to permanent full time employees and shall become effective three months following the first day of work in the permanent full time position.

1.14.2 Benefits – Insured

The municipality shall pay 100% of the required premium for the following benefits:

- i) Short Term Disability – 66.67% of weekly earnings, to a maximum of \$700.00; payable on the first day of accident or 8<sup>th</sup> day of sickness for 17 weeks. This benefit is a taxable benefit when received by employees.
- ii) Long Term Disability Benefit – 66.67% on monthly earnings, up to a maximum of \$4000.00, payable after 17 weeks to age 65, but not beyond an employees retirement. Benefits are taxable.
- iii) Employee Basic Life Benefit 1.5 time annual earnings to a maximum of \$150,000, 50% reduction at age 65, to age 70 or date of retirement, whichever is earlier.
- iv) Basic Accidental Death or Dismemberment – an amount equal to the employee basic life benefit, to age 70 or date of retirement, whichever is earlier.
- v) Critical Illness Benefit - \$2000.00, benefit is taxable, to age 65 or date of retirement or the benefit is paid, whichever occurs first.
- vi) Semi-Private Hospital Accommodation
- vii) Extended Health Care Benefit – 100% reimbursement of eligible charges; benefits include prescription drugs, dental care benefits, private nursing, physiotherapy, diagnostic services, accidental dental, prosthetic appliances, ambulance, paramedical services, vision and deluxe travel.

1.14.3 OMERS Pension

In addition to the Canada Pension Plan, every permanent full time shall join the Ontario Municipal Employees Retirement System (OMERS) as provided by the Act. The municipality and the employee shall make contributions in accordance with the provisions of the plan.

1.14.4 Paid Holidays

- i) The municipality recognizes the following as paid holidays:

New Years Day	Civic Holiday
Family Day	Labour Day
Good Friday	Thanksgiving Day
Easter Monday	Christmas Day
Victoria Day	Boxing Day
Canada Day	
- ii) When any of the holidays noted above fall on a Saturday or Sunday, either the following Monday or the preceding Friday shall be observed as the holiday.
- iii) Employees who are not required to work on the holiday shall receive payment equal to one normal day's pay. Employees who are required to work on the holiday shall be paid at time and one-half, in addition to their regular pay for the holiday.
- iv) In order for an employee to be paid for a statutory holiday, the employee must have worked the regular work day before and after the holiday.

- v) Special closing for Christmas and New Years shall be dealt with by Council on an annual basis.

1.14.5 Vacations

- i) Permanent Full Time Employees shall receive an annual vacation with pay in accordance with credited service based on a calendar year prior to the commencement of the vacation period as follows:

Less than 1 year	1 day for each full month worked
One year or more	2 weeks with pay
Four years or more	3 weeks with pay
Ten years or more	4 weeks with pay
Eighteen years or more	5 weeks with pay
Twenty-Five years or more	6 weeks with pay

Permanent Part Time and Casual Employees shall be paid vacation in accordance with the Employment Standards Act.

- ii) Department Head/Statutory Officer shall be entitled to one additional week in each of the above mentioned categories.
- iii) Annual vacations shall be approved by the appropriate Department Head/Statutory Officer.
- iv) The vacation shall be taken within twelve months after the employee has earned it.
- v) Except as may be otherwise agreed by the CAO and approved by Council, an employee may not add the whole or any part of a vacation period not enjoyed by him/her in the year in which he/she was entitled to such vacation, to the vacation period to which he/she is entitled in any succeeding year or years.
- vi) If a paid holiday falls or is observed during an employee's vacation period, he/she shall be granted an additional day's vacation for each holiday, in addition to their regular vacation time.
- vii) Vacation pay for each week of vacation shall be at the rate of the employee's current hourly rate.
- viii) Where the employment of an employee ceases before the completion of a twelve month period of employment and the employee has not been paid or given a vacation with pay for that period, the Municipality shall pay to the employee an amount on the basis of normal eligible vacation, prorated for the full months worked.
- ix) Regular salaried employees whose service terminated during the year and who have received their annual vacation shall have the credit for the unearned vacation deducted from their last pay.

1.14.6 Leave of Absence/Disablement

1.14.6.1 Bereavement

All permanent full time employees shall be granted leave with pay in the case of the death of a relative as follows:

(a) Spouse, child, parent, sister, brother, grandchild 5 working days

(b) Grandparent, mother-in-law, father-in-law,  
Brother in law, sister in law, son in law,  
daughter in law 3 working days

(c) Aunt, Uncle, niece, nephew 1 working day

There may be circumstances where additional leave, with or without pay, may be necessary. Such circumstances will be evaluated on a case by case basis and additional leave may be granted with the approval of the CAO

1.14.6.2 Paternity Leave

The Municipality shall grant an employee a paternity leave of absence in accordance with applicable legislation without pay and loss of seniority upon reasonable notice provided:

- (a) Such Employee has completed twelve months of continuous service prior to the starting time of the leave.
- (b) Such written request is made at least two weeks prior to the proposed starting date of the leave together with a certificate from the doctor estimating the date of delivery.
- (c) During such leave, the Municipality shall continue to pay benefits as done prior to the leave.
- (d) If the employee fails to return to her employment following a pregnancy leave or absence or extension thereof, the employer shall recover the full cost of the premiums from the commencement of such leave.

1.14.6.3 Other Leave

- (a) The Municipality may grant leave of absence without pay to any employee who requests it for good and sufficient cause. The request shall be in writing and shall specify the length of the absence. Such leave shall not be unreasonably withheld.

1.14.6.4 Benefits During Extended Leave

- (a) If the Benefit package coverage is desired by the employee during a leave of absence of 4 weeks or more, the employee shall pay the full premium costs of all benefits during the leave of absence.
- (b) Continuation of Other Benefits while on Disability. Premiums for benefits will be continued for employees on Sick Leave and Long Term Disability Benefits for a period of up to twelve months from the date of disability unless employment ceases. Any individual still on L.T.D. at the end of this period are no longer considered to be municipal employees, they will not be eligible to participate in any benefit plans unless premiums have been waived as part of such a plan.

1.15 Mileage, Vehicles and Other Expenses

- 1.15.1 Employees, when required to use their personal vehicles for municipal business purposes, shall be reimbursed at the prevailing rate as established by Council from time to time (currently \$0.45 per km.).
- 1.15.2 Certain employees, as a condition of their employment, may be required to use a special (work) personal vehicle for municipal business purposes (1/2 ton truck or larger S.U.V., van). This currently applies to the Manager of Transportation Services, Manager of Environmental Services, Manager of Arena and Parks, the Fire Chief and the Landfill Manager. Such employees shall be reimbursed for the use of their vehicles for municipal business purposes at a rate per km. which reflects the fact that their vehicles are used as work vehicles for municipal purposes. The rate established for such business use shall be \$0.60 per km for the first 5000 km per year and \$0.45 per km over 5000 km per year. These rates will be reviewed by Council from time to time and in any case, as this provision is in transition from the current practice, it will be reviewed in four months.
- 1.15.3 Employees shall be required to submit mileage claims forms on a monthly basis and to provide sufficient details to support the claim. Employees shall be required to retain records of their mileage claim in order to satisfy Revenue Canada requirements with respect to the claim.
- 1.15.4 The per km rates set out in 1.15.1 and 1.15.2 shall be increased by Council if the price of gasoline increases to over \$1.10 per litre for a sustained period of time (greater than one month).
- 1.15.5 Employees attending conferences or training on behalf of the municipality shall be reimbursed for the cost of reasonable expenses incurred, such expenses to be documented with original receipts.
- 1.15.6 Staff shall be reimbursed for the actual reasonable cost of meals and other expenses while attending conferences, training or other functions on behalf of the Municipality.

- 1.15.7 The municipality shall pay the cost of work related professional or other association fees on behalf of the municipal employee, subject to the approval of the CAO and provided the fees have been included in the approved budget.
- 1.15.8 The municipality shall offer an interest free R.R.S.P. loan to any permanent full time employee who opted not to enroll in the OMERS pension program in 2004, to a maximum of \$4,000.00 per year, provided the loan is fully reimbursed by the employee within the calendar year. All other existing and future permanent full time employees must be enrolled in the OMERS program.
- 1.16 Repeals
- 1.16.1 Bylaw 2001-17 is hereby repealed.
- 1.17 Effective Date
- 1.17.1 This bylaw shall take effect on the date of passing.

Read a First, Second and Third Time and finally passed this 20<sup>th</sup> day of April , 2010.

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Reeve

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Municipal Clerk