



MUNICIPALITY OF CLYDE RIVER BY-LAWS

By-Law Title: Employees

By-Law Number: 30

Being a by-law respecting the Employees of the Hamlet of Clyde River, pursuant to the provisions of the Hamlets Act.

THE COUNCIL OF THE HAMLET OF CLYDE RIVER, at a duly assembled meeting enacts as follows:

SHORT TITLE

1. This by-law may be cited as the “**Employees By-Law**”.

INTERPRETATION

2. In this by-law:
 - a) “Council” means the Council of the Hamlet of Clyde River;
 - a) “Hamlet” means the Municipal Corporation of the Hamlet of Clyde River, N.W.T.;
 - g) “Senior Administrative Officer” shall mean the Senior Administrative Officer of the Hamlet.

AUTHORIZATION

3. a) Employees of the Hamlet shall be paid on a bi-weekly basis.
 - b) All permanent employees shall be paid on an annual salary set on an hourly basis. All casual employees shall be paid on hourly wage.
 - c) The normal hours of work for all of the employees shall be eight (8) hours per day, forty (40) hours per week with exception of the office employees which shall be seven and on half (7 ½) hours per day, thirty-seven and one half (37.5) hours per week.
 - d) All employees may be required to work overtime on occasion. In lieu of overtime pay, additional time off could be granted at the Senior Administrative Officer’s discretion.
 - e) All employees are entitled to two (2) fifteen (15) minute breaks per day, one in the mid-morning and one in mid-afternoon.

PROBATION

4. a) The probationary period for new employees shall be six (6) months. The probationary period for existing employees being transferred to another position shall be three (3) months.
 - b) All employees on probation may be dismissed for cause with two (2) weeks’ notice or pay in lieu of notice.

OVERTIME

5. a) All employees are entitled to overtime pay subject to the provisions of this section.
 - b) Eligible employees shall receive overtime pay at the following rates:



- i. time and a half (1.5) for the first four (4) hours after regular eight (8) or seven and a half (7.5) hours working day;
- ii. double (2) time for every hour thereafter;
- iii. time and a half (1.5) for the first eight (8) hours' work on the first day of rest and double (2) time for every hour thereafter;
- iv. double (2) time for all the time worked on the second day of rest.

VACATION LEAVE

- 6. a) For each month in which a permanent employee received at least ten (10) days' pay, he or she shall earn vacation leave at the following rates:
 - i. one and one quarter ($1 \frac{1}{4}$) days per month [fifteen (15) working days] if he or she has completed less than three (3) years of continuous employment;
 - ii. one and two thirds ($1 \frac{2}{3}$) days per month [twenty (20) working days] upon completion of three (3) years and less than ten (10) years of continuous employment;
 - iii. two and one twelfth ($2 \frac{1}{12}$) days per month [twenty-five (25) working days] upon the completion of ten (10) years and less than twenty (20) years of continuous employment;
 - iv. two and a half ($2 \frac{1}{2}$) days per month [thirty (30) working days] upon the completion of twenty (20) years of continuous employment.

- b) No permanent employee shall be granted vacation leave during the first six (6) months of his or her employment.

- c) Part-time and casual employees shall receive vacation pay at the rate of four (4) percent of accumulated earnings upon the separation from the Hamlet or completion of one (1) year service for each succeeding year or portion thereof, they shall receive six (6) percent of their accumulated earnings.

- d) All employees wishing to take vacation leave must apply to the Senior Administrative Officer at least one (1) week prior to the first day of leave.

- e) The Senior Administrative Officer shall grant a vacation leave to an employee at the time which does not interfere with the operational requirements of the Hamlet. Subject to this requirement, the Senior Administrative Officer or the Foreman shall act on the application for leave as soon as possible after they are submitted.

- f) If, during any period of vacation leave, an employee becomes ill or has death or sickness in his or her immediate family, he or she shall be eligible for sick leave or special leave with pay and his or her vacation leave shall continue at a later date.

- g) If, in any year, an employee does not use his or her full vacation leave, the unused portion of the leave shall be carried into the following year.

- h) Upon the request of the permanent employee, and with approval from Council, unused vacation leave may be taken in cash instead of time off at the following rates:



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<u>Years of Service</u>	<u>Percent of Gross Pay from Last Anniversary Date to Date of Payment</u>
0 – 3 years	six percent (6%)
3 – 10 years	eight percent (8%)
10 years and over	ten percent (10%)

- i) Any employee taking annual leave between October 1st and March 1st of any year shall receive one (1) extra day of leave with pay for every five (5) days of leave taken.

VACATION TRAVEL ASSISTANCE

7. a) Vacation travel assistance will be as follows:

- i. For the Senior Administrative Officer, Foreman and Airport Maintainer, one (1) return trip to Montreal, Quebec. If any of the employees mentioned above does not use his or her benefit, Council may choose option by motion.
- ii. For the Mechanic, Assistant Mechanic, Assistant Senior Administrative Officer and Finance Officer, one (1) return trip to Iqaluit, N.W.T. If any of the employees mentioned above does not use his or her benefit, Council may choose option by motion.
- iii. For all other employees, assistance in cash if the employee is taking vacation on the land and with the following rates:

<u>Individual</u>	<u>Rate</u>
Employee	six percent (6%)
Employee's Spouse	eight percent (8%)
Each dependent child (18 years & under)	ten percent (10%)

- b) A dependent who is under eighteen (18) years of age and has a common-law spouse cannot be claimed as a dependent by the employee.

DESIGNATED PAID HOLIDAYS

8. a) Each permanent employee shall be paid for the following holidays provide that the last regular working day prior to the holiday and the first regular working day are worked:

- | | |
|-------------------|--|
| 1) New Years' Day | 7) Thanksgiving Day |
| 2) Good Friday | 8) Remembrance Day |
| 3) Easter Monday | 9) Christmas Day |
| 4) Victoria Day | 10) Boxing Day |
| 5) Canada Day | 11) Hamlet Day (July 1 st) |
| 6) Labour Day | |

- b) When an employee works on a holiday, he/she shall be paid, in addition to pay that he/she would have been granted had he/she not worked on the holiday, double (2) time for all time worked.
- c) When a designated holiday falls within a period of leave with pay, the employee shall be entitled to another day of leave.



LEAVE WITHOUT PAY

9. Leave without pay up to a maximum of one (1) month may be granted to any employees by the Senior Administrative Officer up to one (1) year with the discretion of Council.

SPECIAL LEAVE

10. After the completion of one (1) year of continuous employment, a permanent employee who gives the Senior Administrative Officer prior notice may be granted special leave with pay of up to five (5) continuous working days per year:
- when there is a death in the employee's immediate family;
 - when an employee gets married;
 - when an employee's wife gives birth;
 - when a spouse, dependent child of the family or relative permanently residing in the employee's household or with whom the employee permanently resides becomes ill, provided that a medical certificate is delivered to the Senior Administrative Officer;
 - to attend a non-Hamlet conference or a workshop once a year;
 - when an employee or an immediate family member is subpoenaed by court whether to appear before court or to be a member of the jury of the court.

SICK LEAVE

11. a) Employees shall earn sick leave credits at the rate of one and a quarter (1.25) days for each month in which he/she earns pay for at least ten (10) days.
- b) When management staff is satisfied that an employee is unable to perform the duties of his/her position because of illness, the employee may be granted:
- leave of absence with pay to the extent that the employee has earned sick leave; or
 - leave of absence without pay where the employee has not earned sick leave.
- c) If the period of sick leave exceeds three (3) days, the employee must present a medical certificate stating his/her illness and incapability to work.
- d) Sick leave with pay is not normally granted immediately prior to vacation leave or termination. All exceptions must be approved by the Senior Administrative Officer.
- e) Leave resulting from on-the-job injury will not be deducted from normal sick leave.

MATERNITY LEAVE

12. a) An employee who becomes pregnant or is planning to adopt shall:
- notify the employer of her pregnancy at least fifteen (15) weeks prior to the expected date of termination of her pregnancy; and
 - be granted leave of absence without pay commencing eleven (11) weeks before the expected date of termination of her pregnancy and ending no later than twenty (20) weeks after the date of termination of pregnancy.



- b) At the request of the employee, the employer may vary the time provided that the employee submits the written approval of either a qualified medical practitioner or a person approved by the Deputy Minister of Health.
- c) Further, when a pregnant employee produces a statement from her physician that her working condition may be detrimental to her health or that of the foetus, the employer will either change those working conditions where that is reasonable within her operational requirements or allow the employee to take leave of absence without pay for the duration of her pregnancy.
- d) In the case of adoption, the employee is to notify her employer of her adoption at least fifteen (15) weeks prior to the expected date of adoption and leave without pay as specified in section 12. a) ii above.

REMOVAL IN – REMOVAL OUT

- 13. a) All staff hired from outside of the Hamlet (community) are entitled to their moving expenses into and out of the Hamlet, provided that the move is not being paid by a third party.
- b) The following conditions shall apply:
 - i. Council must authorize all move ins and move outs;
 - ii. Weight limits shall be six hundred and eighty kilograms (680 kgs) each for employee/spouse and three hundred and forty (340 kgs) for each child.

STAFF HOUSING

- 14. a) Subject to Council's approval, any Hamlet employee shall be eligible for staff housing.
- b) The rates for staff housing will be used as present rental rates.
- c) The Hamlet staff shall, prior to taking up residence in a Hamlet staff house, sign a rental agreement with the Council.

EMPLOYEE EVALUATION

- 15. a) The Senior Administrative Officer and the Foreman shall evaluate each employee's performance every year. They shall report to the Council on these evaluations no later than April 1st. These evaluations will determine each employee's eligibility for merit increases.
- b) In evaluating the Senior Administrative Officer and the Hamlet Foreman, Council may, if it wishes, obtain the assistance of the Department of Municipal and Community Affairs.
- c) A job description outlining the duties, responsibilities and remuneration shall be kept on each salaried employee's confidential file along with their performance appraisals and other pertinent documents.



TERMINATION

16. a) Under no circumstances will a permanent employee be terminated or get laid off without one month's notice or pay in lieu of notice.
- b) All employees are subject to three (3) written or verbal warnings by the Senior Administrative Officer or by the Hamlet Foreman before being dealt with by the Council, unless Council chooses to go directly to section 16. d).
- c) Council may, by motion, delete warning records after such time that Council desires.
- d) All permanent employees are subject to suspension without pay for cause by the Senior Administrative Officer at any time. Such suspensions will be dealt with by the Council at their next meeting.
- Council may:
- i. terminate the employee;
 - ii. reinstate the employee with full or partial pay for the period of suspension;
 - iii. demote the employee to a position with lower pay;
 - iv. continue the suspension without pay for a period of time as determined by the majority vote.
- e) The full Council will deal with disciplinary action relating to the Hamlet Foreman after the Mayor has dealt with the Foreman.
- f) The Council may, by motion, suspend the Senior Administrative Officer but shall give him/her a written statement of the reasons and give him/her a reasonable opportunity to be heard before the Council in person. Such suspensions will be dealt with in the same manner as suspension under section 16. d). The Senior Administrative Officer may be terminated, but only on the majority vote of the members present.
- g) All employees are subject to demotion by Council.
- h) Permanent employees must give one (1) months' notice of their resignation.

OTHER EMPLOYMENT

17. a) No employee shall carry on a business or outside employment without a written consent from Council.
- b) No employee shall have a contract with the Hamlet for supply of services or equipment outside the term of his/her employment.

USE OF HAMLET EQUIPMENT

18. a) No Hamlet employee shall transport any passenger who is not employed by the Hamlet at any time unless:



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- i. this is part of his/her regular duty; or
 - ii. when emergency transportation is required.
- b) No employee shall work on non-Hamlet equipment during working hours unless authorized by the Senior Administrative Officer.
- c) Notwithstanding the provisions of section 17. a), employees may work at nights on privately owned vehicles and receive payment for their work.
- d) All employees are entitled to three (3) minor services (welding, use of tools, etc.) every year free of charge as authorized by the Senior Administrative Officer.

PAY

19. a) The different positions in the Hamlet are listed on the attached 'Schedule A' with their own salary range.
- b) An employee who is promoted to a position with a higher pay range is entitled to a salary which is at least one step [four percent (4%)] higher than his/her previous salary.
- c) Based on satisfactory performance, each employee is entitled to at least one step [four percent (4%)] in the salary range of his/her position. This raise shall be granted on the first day of April each year after the employee's evaluation has been carried out as per section 15.
- d) In addition to their regular salary, employees are entitled to a settlement allowance equal to the rate set by the Government of the Northwest Territories.
- e) Those employees who own their residential housing are entitled to a housing allowance as set out in 'Schedule B'.

GENERAL CONDITIONS

20. a) All provisions of this by-law, except those relating to the Senior Administrative Officer shall be enforced for the Council by the Senior Administrative Officer and the Hamlet Foreman.
- b) Council itself shall enforce the provisions of this by-law dealing with the Senior Administrative Officer and the Hamlet Foreman.
- c) When a person is appointed to a Hamlet position or an employee is promoted, he/she shall receive a description of his/her position. This position description shall, after being signed by the employee and the Mayor, become a contract of employment between the Council and the employee, along with the provisions of this by-law.
- d) Council shall make every reasonable effort to keep all Hamlet Facilities in a safe operation condition and state of repair.
- e) Council shall provide, free of charge, all protective, safety and sanitary clothing and equipment necessary under the *Worker's Compensation Act*.



GREIVANCES

21. a) If an employee has a grievance which he/she cannot settle with his/her immediate supervisor, that grievance may be taken to:
- i. Finance/Administration Committee; or
 - ii. The Hamlet Council, if the Finance/Administration Committee cannot resolve the issue. Ruling of Council in all cases shall be final.

REPEAL

22. This By-Law #30 replaces By-Law #18.

Date of First Reading	(Day) 20	(Month) 03	(Year) 1991
Date of Second Reading	(Day) 04	(Month) 04	(Year) 1991
_____		_____	
Mayor		Senior Administrative Officer	
Date of Third Reading and Passed	(Day) 25	(Month) 04	(Year) 1991
_____		_____	
Mayor		Senior Administrative Officer	

