


# POLICY

	Policy:	<b>Annual Vacation and Paid Holidays</b>		
	Department:	Office of the CAO		
	Division:	Human Resources	By-Law No.:	N/A
	Administered By:	Manager of Human Resources	Approval Date:	DRAFT
	Replaces:	Non-Union Annual Vacation October 25, 2021 Paid Holidays October 23, 2006		
	Attachment(s):	N/A		

## 1. POLICY STATEMENT

The Corporation of the Town of Amherstburg is committed to providing paid vacation time to employees in accordance with legislative responsibilities as well as to provide time away from the workplace for rest and rejuvenation that supports employee health and wellness and work-life balance and distinction.

## 2. PURPOSE

2.1. This policy defines the vacation and paid holiday entitlements for non-union employees.

## 3. SCOPE

3.1. This policy applies to all non-union permanent full-time employees.

3.2. Vacation and paid holiday entitlements for employees employed under union or association agreements shall be administered in accordance with those agreements and or applicable legislation.

3.3. Vacation and paid holiday entitlements for all other employees will follow the guidelines under the Employment Standards Act (ESA) as amended.

3.4. This policy shall be reviewed every five (5) years from the date it becomes effective or sooner at the discretion of the CAO or designate.

## 4. DEFINITIONS

Common definitions, acronyms, and terms are available in the Glossary located on the Town's Policies webpage.

## 5. INTERPRETATIONS

Any reference in this policy to any statute or any section of a statute shall, unless expressly stated, be deemed to be reference to the statute as amended, restated or re-enacted from time to time. Any references to a by-law or Town policy shall be deemed to be a reference to the most recent passed policy or by-law and any replacements thereto.

## 6. GENERAL CONDITIONS

6.1. The vacation year shall be from January 1st to December 31st.

- 6.2. Vacation entitlements are intended to be used by employees within the calendar year for which the entitlement is provided and, subject to the provisions of section 6.3, must be taken within the same calendar year.
- 6.3. Accumulation of vacation beyond the calendar year may be permissible, provided a legitimate and reasonable rationale is presented demonstrating the reasons the employee was unable to use their vacation days within the calendar year. Accumulation of carried forward vacation shall be considered as follows:
  - 6.3.1. If, by the end of the calendar year, an employee has not used all of their vacation entitlements, the employee may request vacation carryover to the following year of up to 10 days for approval by the Department Director.
  - 6.3.2. Requests for carryover of the CAO's vacation entitlement of up to ten (10) days shall be approved by the Mayor.
  - 6.3.3. Any remaining vacation entitlement in excess of ten (10) days shall be forfeited, subject to compliance with the Employment Standards Act, 2000.
  - 6.3.4. All vacation days carried over must be used within the first ten (10) months (by October 31<sup>st</sup>) of the year they are carried forward to, with any unused entitlements being forfeited.
- 6.4. Notwithstanding provisions within this Policy, where service or operational exigencies have precluded an employee from using their vacation entitlement within a calendar year, resulting in excess of ten (10) days remaining, the employee may make a request to the Director, who will provide a recommendation to the CAO who may then authorize carryover of vacation entitlement in excess of ten (10) days or pay out of unused vacation entitlements in excess of ten (10) days at the applicable daily salary rate in the year in which it was earned by the employee at year end.
  - 6.4.1. In all cases, where the vacation has been carried forward, a plan must be put in place to ensure progressive reduction of the carried forward vacation within the first 5 months (by May 31<sup>st</sup>) and full utilization by October 31<sup>st</sup>.
  - 6.4.2. Requests for carryover or pay out of the CAO's vacation entitlement in excess of ten (10) days shall be approved by Council and are subject to the reduction plan as laid out above.
- 6.5. In May and October of each year, the Senior Management Team (SMT) will be provided with a summary of the outstanding vacation entitlements for their employees. The SMT shall ensure that an active plan is developed for all outstanding vacation time to be scheduled and taken within the calendar year subject to authorization to carry forward and reduction plan under sections 6.3.4 and 6.4 above.
- 6.6. Once an employee's vacation has been requested and subsequently approved by the Employer, it shall not be cancelled, postponed, or interrupted by the Employer except in the event of a Municipal emergency as defined in the Employment Policy or in the event the employee has been summoned to testify as a Crown witness on behalf of the Town as outlined in the Leave of Absence policy. Should an employee's vacation be cancelled or

postponed, the employer agrees to provide full reimbursement for any deposits, cancellation fees or other such expenses incurred by the employee for such action provided that insurance is not covering the cancellation fee.

6.7. Where in any year an employee ceases to be an employee of the Town prior to December 31<sup>st</sup>, the employee will be paid their vacation entitlement on a prorated basis on the later of seven (7) days from the employee's departure or the next pay day. In the event an employee has overdrawn their vacation entitlement, the equivalent monetary reimbursement owing will be deducted from the employee's final pay, to the extent available.

6.8. **Vacation Entitlement**

6.8.1. Vacation entitlement is prorated with the date of hire to December 31<sup>st</sup> of the same year and shall be considered the first year of vacation. Annual vacation for each non-union employee shall be as follows:

In the second calendar year	- 2 weeks	4%
In and after the third calendar year	- 3 weeks	6%
In and after the eighth calendar year	- 4 weeks	8%
In and after the fourteenth calendar year	- 5 weeks	10%
In and after the twenty-second calendar year	- 6 weeks	12%
In and after the twenty-ninth (29) calendar year	- 7 weeks	14%

6.8.2. Notwithstanding 6.8.1, the schedule of annual vacation entitlement for non-union/management staff shall not provide a lesser benefit than that provided under the union collective agreement.

6.8.3. Upon hire, an employee's accumulated years of professional municipal service will be considered when determining the starting annual vacation entitlement. Subsequent increases in vacation time will be based on service thresholds.

6.9. Days to be recognized as paid statutory holidays during the calendar year shall be as follows:

- 6.9.1. One (1) full day prior to New Year's Day;
- 6.9.2. New Year's Day;
- 6.9.3. Family Day;
- 6.9.4. Good Friday;
- 6.9.5. Easter Monday;
- 6.9.6. Victoria Day;
- 6.9.7. Canada Day;
- 6.9.8. Labour Day;
- 6.9.9. National Day for Truth and Reconciliation;
- 6.9.10. Thanksgiving Day;
- 6.9.11. Remembrance Day;
- 6.9.12. One (1) full day prior to Christmas Day;
- 6.9.13. Christmas Day;
- 6.9.14. Boxing Day;
- 6.9.15. Or the day which may be proclaimed as the effective legal holiday for the days previously set forth; and,
- 6.9.16. Any other day which may be proclaimed as a holiday by the Governor General, Lieutenant Governor in Council and/or the Mayor.

- 6.9.17. When a paid holiday falls on the weekend and no other day is proclaimed as said holiday, the employees shall be granted the Friday preceding such holiday or the Monday following such holiday off with pay, at the option of the employer.
- 6.9.18. The Town of Amherstburg Municipal Offices will be closed between Christmas Eve and New Year's Day, inclusive. It is understood and agreed that to facilitate the closure, employees are required to schedule either personal time, vacation time and/or time off banked in lieu of overtime on the days not recognized as paid holidays during this period.

## **7. RESPONSIBILITIES**

- 7.1. The **Mayor** has the authority and responsibility to:
  - 7.1.1. Consider requests for carry over of unused vacation time of the CAO in accordance with this policy.
- 7.2. **Council** has the authority and responsibility to:
  - 7.2.1. Approve the Annual Vacation and Paid Holidays Policy.
- 7.3. The **CAO** has the authority and responsibility to:
  - 7.3.1. Ensure compliance with the Annual Vacation and Paid Holidays Policy.
  - 7.3.2. Authorize exigent and exceptional carryover or payment of unused vacation time in excess of 10 days where necessary and ensure appropriate resources are in place to support municipal operations in accordance with this policy.
- 7.4. **Directors** have the authority and responsibility to:
  - 7.4.1. Monitor and ensure appropriate approval and vacation scheduling processes are in place for their department.
  - 7.4.2. Review vacation balances as distributed twice annually in May and October and ensure plans are in place to use vacation entitlements in accordance with this policy and any carry over provisions in place.
  - 7.4.3. Approve carryover of unused vacation balances up to 10 days in accordance with this policy.
- 7.5. **Manager of Human Resources** has the authority and responsibility to:
  - 7.5.1. Administer and recommend changes to the Annual Vacation and Paid Holidays Policy.
- 7.6. **Managers and Supervisors** have the authority and responsibility to:
  - 7.6.1. Monitor, approve and schedule vacation time off for their staff.
- 7.7. **Staff** have the responsibility to:
  - 7.7.1. Take approved time off per their vacation entitlement each year.
  - 7.7.2. Adhere to and abide by the Annual Vacation and Paid Holidays Policy.

## **8. LEGISLATIVE REFERENCES**

- 8.1. Employment Standards Act, 2000