



Hamlet of Cambridge Bay By-Laws

By-Law Name:	Management Employment By-Law
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By-Law Number:	258
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TABLE OF CONTENTS

Table of Contents	1
Description	2
By-Law	2
1. Short Title.....	2
2. Purpose	2
3. Application	2
4. Monitoring.....	2
5. References	2
6. Interpretation	2
7. Rate Of Pay	4
8. Probation	4
9. Hours of Work.....	4
10. Move-In/Out Expenses	5
11. Performance Review and Employee Files.....	6
12. Cost of Living Allowance	6
13. Salary Benchmarking	6
14. Professional Development Allowance	7
15. Vacation Leave.....	7
16. Vacation Travel Allowance.....	8
17. Designated Paid Holidays	8
18. Leave Of Absence	9
19. Special Leave	9
20. Sick leave	9
21. Court Leave	10
22. Injury-On-Duty Leave.....	11
23. Civic Leave.....	11
24. Other Employment	11
25. General Conditions.....	11
26. Termination Of Employment	12
27. Coming Into Force.....	12



DESCRIPTION

A By-Law of the Municipality of Cambridge Bay in the Nunavut Territory providing for the Terms of Employment of Municipal Managers pursuant to the provisions of the *Hamlets Act, R.S.N.W.T., 1988, c. H-1, s.51*.

BY-LAW

NOW, THEREFORE, THE COUNCIL OF THE MUNICIPALITY OF CAMBRIDGE BAY at duly constituted meetings enacts as follows:

1. Short Title

This By-Law may be cited as the “**Management Employment By-Law**”

2. Purpose

The purpose of this By-Law is to maintain a harmonious and mutually beneficial relationship between the Municipality of Cambridge Bay and its managers by setting forth certain terms and conditions of employment relating to pay, hours of work, benefits, and general working conditions affecting managers.

3. Application

These terms and conditions apply to all managers in the employ of the Municipality of Cambridge Bay. The terms and conditions of employment will be applied on an equal basis. Where the terms and conditions may be in conflict with those set out in a separate Employment Agreement, the terms and conditions of the Employment Agreement will apply.

4. Monitoring

The Municipal Council will monitor departmental performance by:

- a) Periodically reviewing departmental application of the Employment By-Law; and
- b) Reviewing the policies and procedures guided by the By-Law

5. References

This By-law has applied, as appropriate, the terms and conditions of the following:

- a) Collective Agreement between Public Service Alliance of Canada (Nunavut Employees Union) and the Hamlet of Cambridge Bay
- b) Labours Standards Act

6. Interpretation

For the purpose of this By-law:



- a) **Acting assignment** is a situation of a minimum of one day, where a manager is required to perform the duties of the Senior Administrative Officer or a higher classification of manager.
- b) **Allowance** means compensation payable:
 - i) In respect of a position, or in respect of the positions in a group by reason of duties of a special nature
 - ii) For duties that a manager is required to perform in addition to the duties of their position
- c) **Common-law Spouse** means a person who:
 - i) Has lived with an employee for a continuous period of at least one (1) year
 - ii) The employee has represented said person as his/her spouse
 - iii) Has signed a statutory declaration declaring that he/she has co-habited with said person for a minimum of one (1) year
- d) **Continuous employment** means uninterrupted employment with the Municipality of Cambridge Bay.
- e) **Day** means a working day.
- f) **Day of rest** means a day on which that employee is not ordinarily required to perform the duties of the position and is not on any type of leave.
- g) **Dependant** means a person who is the Manager's:
 - i) Spouse (including common-law spouse) who is residing with the manager;
 - ii) Child, step-child or adopted child who has resided with the manager for a period of at least six (6) consecutive months (unless the child is less than six (6) months old) and who is:
 - Under twenty five (25) years of age and dependent on him/her for support and is in full-time attendance at school if of school age
 - Twenty five (25) years of age or more and dependent on him/her by reason of mental or physical infirmity
 - iii) Any other relative of the employee's household who has resided with the employee for a period of at least six (6) consecutive months and who is wholly dependent on him/her for support by reason of mental or physical infirmity
- h) **Employee** The Labour Standards Act defines an employee as a person to do skilled or unskilled manual, clerical, technical, operational or administrative work.
- i) **Employer** means the Municipality of Cambridge Bay.
- j) **Hamlet of Cambridge Bay** means the Municipality of Cambridge Bay and/or the "Employer".



- k) **Fiscal Year** means the period of time from April 1, in one year to March 31, in the following year.
- l) **Holiday** means the twenty-four (24) hour period commencing at 12:01 am of a day designated as a paid holiday in this By-Law.
- m) **Manager** means an employee responsible for planning, organizing, coordinating, directing and controlling the use of persons, material and money.
- n) **Municipality** means the Municipality of Cambridge Bay
- o) **Overtime** means time worked by a manager in excess of the standard daily or weekly hours of work
- p) **Remuneration** means pay and allowances.
- q) **Term Manager** means:
 - i) A person not part of the Collective Agreement
 - ii) A person who is employed on a term basis for a period of twelve (12) months or less.

7. Rate Of Pay

Managers will receive pay as follows:

- a) The bi-weekly rate of pay is equal to annual rate of pay divided by twenty-six 26.
- b) When a manager is assigned an acting assignment as SAO or higher management level from the manager, the manager shall be paid an extra 10% of their regular pay calculated from the date on which the manager commences to act for the duration in which the manager acts.

8. Probation

The probationary period on initial appointment of a new Manager shall be six (6) months; a Manager promoted from within shall be three (3) months.

- a) For questionable performance or lack of demonstrated skills required for the position, this period may be extended for a further period of time not exceeding three (3) months. The manager shall be advised in writing.

9. Hours of Work

The standard hours of work for managers are normally seven and one-half (7 1/2) hours per day; thirty-seven and one-half (37 1/2) hours per week. The nature of the work and the exigencies of the service require flexibility in arrival and departure times. The working day of every manager shall commence and terminate at the hours fixed by the Senior Administrative Officer.



10. Move-In/Out Expenses

A manager hired from outside the Municipality of Cambridge Bay boundaries is entitled to moving expenses into the Municipality provided the move is not being paid for by a third party. The following limitations shall apply:

- a) In no case, will a move-in by a manager be paid without the prior authorization of the Senior Administrative Officer.
- b) A manager, working for the Municipality who was moved in is entitled to move-out expenses provided they are leaving the Municipality of Cambridge Bay within thirty days or as negotiated with the SAO, and is not having the move paid for by a third party.
- c) Reimbursement of move-in or move-out expenses shall be limited to costs, which would have been incurred if the move had been carried out in the most practical and economic manner.
- d) Additional expenses may be approved by the Senior Administrative Officer in exceptional circumstances where the expenses for meals, accommodation or other items cannot be kept within allowable limits. The circumstances for the additional expenses must be explained.
- e) A newly employed manager who resided in the Municipality of Cambridge Bay prior to employment by the Municipality is not entitled to move-out expenses except in the case where the previous employer provided the employee's move-out expenses or expenses were provided by the employee's spouse through employment, but the employee instead hired on with the Municipality thereby forfeiting the previous employers move-out package.
- f) The following expenses are allowed for removal assistance:
 - i) **Transportation** must be by the most economical airfare (e.g., family plan), standard class rail or privately owned vehicle (duty travel mileage rates apply).
 - ii) **Meals and incidental expenses** are paid at Municipality of Cambridge Bay per diem:
 - When the journey starts for a maximum of three days
 - En route, for the time required to make the direct journey. An employee traveling by vehicle will be allowed accommodation and meal costs
 - iii) **Excess baggage** is paid to a maximum of four pieces for the manager plus two additional pieces for each dependent
 - This applies if the effects are moved separately by a slower method of transportation or if no other expenses are reimbursed for moving effects
 - Each piece of excess baggage is limited to 32 kgs (70 lbs.)
 - iv) **Telephone calls and faxes** necessary to facilitate shipment of effects
- g) The following maximum weight entitlements for movement of effects include excess baggage weight if any:



- i) *Furnished Accommodation*
 - 680 kgs. (1,500 lbs.) if no dependents reside with the employee
 - 1,361 kgs. (3,000 lbs.) if one dependent resides with the employee
 - 1,588 kgs. (3,500 lbs.) if two or more dependents reside with the employee
- ii) *Unfurnished Accommodation*
 - 1,814 kgs. (4,000 lbs.) single
 - 6,818 kgs. (15,000 lbs.) with family
 - Packing, crating, unpacking, uncrating and transportation costs will be paid. If professional movers are not available in the community, payment may be authorized for the cost of purchasing packing materials from local stores and the cost of making crates by local residents
 - Temporary storage will be reimbursed until permanent accommodation is available (where authorized in advance)
- h) The newly employed manager must provide receipts for all moving expenses.
- i) The Director of Finance will review all invoices for travel, moving, storage and the services as applicable and authorize payment after ensuring compliance with previous authorization for the move, estimates, limits and entitlements.

11. Performance Review and Employee Files

Each manager will receive an annual performance review to be retained in his/her employee file.

- a) When a formal review of a manager's performance is made, the manager concerned shall be given the opportunity to discuss it with the Senior Administrative Officer. The manager shall also be given the opportunity to provide written comments to be attached to his/her performance appraisal.
- b) The Municipality agrees not to introduce as evidence in the case of promotional opportunities or disciplinary action any document from the file of a manager, the existence of which the manager was not made aware of, by the provision of a reading by the manager at the time of filing.
- c) Upon written request of a manager, the personnel file of that manager shall be made available for his/her and/or his/her legal representative for examination at reasonable times in the presence of the Manager of Human Resources & Benefits and/or the Senior Administrative Officer.

12. Cost of Living Allowance

Each fiscal year, a manager will receive a Cost of Living allowance of five (5) percent of his/her salary.

13. Salary Benchmarking

Every three years, all management salaries will be benchmarked against like positions in the industry and adjusted as appropriate.



14. Professional Development Allowance

Each manager is allocated up to \$3,000.00 a year for professional development. This allocation cannot be carried over. The Senior Administrative Officer must approve any application for professional development allowance.

15. Vacation Leave

Unless specifically described in a manager's employment contract, vacation pay shall be based on the following:

- a) For each year in which a permanent manager received at least ten (10) days pay in each of the 12 months, vacation leave will be granted at the following rates:
 - i) 0 – 2 years 3 weeks earned vacation leave per year
 - ii) 2 – 10 years 4 weeks earned vacation leave per year
 - iii) 10 - 15 years 5 weeks earned vacation leave per year
 - iv) 15+ years 6 weeks earned vacation leave per year
- b) Subject to operational requirements, the Municipality shall make every reasonable effort in granting vacation leave with pay to a manager so as:
 - i) To not recall a manager to duty after he/she has proceeded on vacation leave
 - ii) To grant the manager vacation leave at a time specified by the manager
 - iii) To confirm the authorization of vacation leave as soon as possible after the manager has applied for such leave
 - iv) To schedule vacation leave on an equitable basis, and when there is no conflict with the interests of the municipality or other managers, according to the wishes of the manager
 - v) When two (2) or more managers request the same vacation period, position ranking then seniority shall govern
- c) Where, in respect of any period of vacation leave, a manager
 - i) Is granted special leave with pay because of illness in the family
 - ii) Is granted sick leave on production of a medical certificate

The period of vacation leave so displaced shall either be added to the vacation period, if requested by the manager and approved by Senior Administrative Officer or reinstated for use at a later date.

- d) Where in any vacation year a manager has not been granted all of or taken all of the vacation leave credited to him/her, the unused portion of vacation leave shall be carried over up to the next year. No manager may carry more than one years vacation leave credits without the approval of the Senior Administrative Officer.



- e) Upon request of a manager, and with the approval of The Senior Administrative Officer, earned vacation leave credits may be paid out in cash.
- f) When, during any period of vacation leave, a manager is recalled to duty, he/she shall be reimbursed by the Hamlet for reasonable expenses incurred.
 - i) In proceeding to his/her place of work
 - ii) In respect of any non-refundable deposit, or pre-arrangement associated with his/her vacation
 - iii) In returning to the place from which he/she was recalled, if he/she immediately resumes vacation upon completing the work for which he/she was recalled after submitting such accounts as are normally required by the hamlet.
- g) Where a manager dies, earned but unused vacation pay shall be paid to the estate.
- h) Where a manager ceases to be employed, earned but unused vacation pay shall be paid as part of the final pay cheque
- i) A manager whose employment is terminated by reason of a declaration of abandonment of position is entitled to receive earned but unused vacation pay. When the Municipality has made a reasonable effort and after one month has failed to locate the Employee, payment will be cancelled
- j) A manager, on a leave of absence without pay, can not accumulate vacation leave credits for the period in which leave of absence occurs.

16. Vacation Travel Allowance

A manager (new employee) who has completed nine (9) months of continuous service is entitled to Vacation Travel Assistance once each fiscal year for himself/herself, his/her spouse and up to two of his/her dependents.

- a) Each manager shall be granted two (2) days of leave with pay in each vacation year for the purpose of travel when taking annual vacation. These travel days are not to be accumulated from year to year.
- b) Vacation Travel Assistance shall be applied consistently with Section 19(08) of the Collective Agreement between the PSAC as represented by the Nunavut Employees Union and the Hamlet of Cambridge Bay.

17. Designated Paid Holidays

Managers are entitled to be paid for holidays as follows:

- a) Designated Paid Holidays:
 - i) New Year's Day
 - v) Canada Day
 - ix) Remembrance Day



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| ii) Good Friday Day | vi) Labour Day | x) Boxing Day |
| iii) Easter Monday | vii) Thanksgiving Day | xi) Christmas Day |
| iv) Victoria Day | viii) Hamlet Day | xii) Nunavut Day |

- b) Any other holiday declared by Council in addition to the above to be consistent with Section 17(01) of the Collective Agreement between the PSAC as represented by the Nunavut Employees Union and the Hamlet of Cambridge Bay.
- c) When a manager works on a holiday, he/she is entitled to another day off work with pay
- d) All management employees must have prior approval from the Senior Administrative Office prior to working on any holiday for which they request another day off work with pay
- e) Where a day that is a designated holiday for a manager falls within a period of leave with pay, the holiday shall not count as a day of leave.

18. Leave Of Absence

The Senior Administrative Officer may grant leave of absence without pay to any manager upon receiving the request in writing.

19. Special Leave

Managers are entitled to Special Leave as follows:

- a) Unless otherwise stipulated in an Employment Agreement, managers shall earn special leave credits at the rate of one 1/2 day for each calendar month for which they earn pay for a minimum of 10 days.
- b) A permanent manager who gives the Senior Administrative Officer due notice, may be granted special leave with pay of up to five (5) continuous working days at the discretion of the SAO.

20. Sick leave

Managers are entitled to Sick Leave as follows:

- a) Unless otherwise stipulated in an Employment Agreement, managers shall earn sick leave credits at the rate of one 1 ¼ days for each calendar month for which they earn pay for a minimum of 10 days.
- b) When the Senior Administrative Officer is satisfied that a manager is unable to perform the duties of his/her position because of illness, the manager may be granted:
 - i) Leave of absence with pay to the extent that the manager has earned sick leave



- ii) Leave of absence without pay where the manager has not earned sick leave.
- c) Normally, an oral statement describing the nature of the illness or injury that results in being unable to duties at work shall be acceptable for sick leave with pay if the period of sick leave requested does not exceed three (3) days. Exceptions to this will be decided upon by the Senior Administrative Officer.
- d) If the period of sick leave exceeds three (3) days, or the manager has been granted nine (9) or more days of sick leave in the calendar year, none of which were certified by a qualified medical practitioner, the manager shall provide the Senior Administrative Officer with a certificate signed by a qualified medical practitioner.
- e) The Senior Administrative Officer may in special circumstances, ask for a second medical opinion from a qualified medical practitioner.
- f) Sick leave is normally not granted when a manager does not intend, or will be unable to return to work at the expiration of sick leave. The Senior Administrative Officer must approve any exceptions to this.
- g) When a manager is receiving Worker's Compensation due to injuries received while on duty, such leave will not be charged to sick leave credits.
- h) A manager, on a leave of absence without pay cannot accumulate sick leave credits for the period in which leave of absence occurs.

21. Court Leave

Leave of absence with pay shall be granted to every manager who is required to attend court as follows:

- a) Special Court Leave with pay shall be granted for a period up to one (1) day to be taken once per calendar year, to a manager for the purpose of accompanying a dependent child under nineteen (19) years of age, or nineteen (19) of age or over if dependent by reason of mental infirmity, to a Court proceeding provided the dependent child is required to attend by subpoena or summons.
- b) A manager going through divorce proceedings or to attend divorce, separation, custody or adoption proceedings before a court of law as a party to such action is entitled to one (1) day of Special Court Leave with pay if required to appear in court.
- c) A manager, who is not on leave of absence without pay or under suspension, will be granted Special Court Leave with pay:
 - i) To serve on a jury and the jury selection process
 - ii) To answer a subpoena or summons to attend as a witness in any proceeding authorized by law to compel the attendance of witnesses



- iii) Provision number ii) shall not apply if the court action is in connection with the employee or the employee's family's private affairs except where the employee must appear in court as a victim of family violence or to testify on behalf of a victim of family violence.
- d) Any fee received for loss of wages when court leave is granted shall be turned over to the Municipality.

22. Injury-On-Duty Leave

A manager shall be granted injury-on-duty leave with pay:

- a) For such reasonable period as may be approved by the Senior Administrative Officer where it is determined by the Worker's Compensation Board that they unable to perform their duties because of:
 - i) Personal injury accidentally received in the performance of their duties and not caused by the manager's wilful conduct
 - ii) Illness resulting from the nature of their employment;
 - iii) if the manager agrees to pay the Municipality any amount received by him/her for loss of wages in settlement of any claim he/she may have in respect to such injury or illness.
Note from SAO – This needs to be rearranged somehow, possibly by removing injury and illness from this sentence and having a separate sentence for each under i) and ii) Encorporate highlighted section into a).

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23. Civic Leave

A Manager may be entitled, at the discretion of the Senior Administrative Officer, to leave with pay for community service activities or other service of value to the Municipality as determined by the Senior Administrative Officer.

24. Other Employment

Managers must have the approval of the Senior Administrative Officer for other employment:

- a) No manager shall carry on a business or employment outside of regularly scheduled hours on duty without the written consent of the Senior Administrative Officer.
- b) In the case of the Senior Administrative Officer, Council must be made aware and agree to the outside employment as per Employment Contract.
- c) No manager shall have a contract with the Municipality for the supply of services or equipment outside of the term of his/her employment.

25. General Conditions

There are general working conditions that apply to the employ of managers:



- a) The Senior Administrative Officer is responsible for the hiring and dismissal of all managers.
- b) Council must approve the creation of any new management position.
- c) When a manager is first engaged or when a manager is re-assigned to another position, the Senior Administrative Officer shall, before the manager is assigned to that position, provide the manager with a Position Description, including salary of the position, and a Job Definition Worksheet detailing work duties and standards of the position to which he/she is assigned.
- d) The Municipality shall continue to make every reasonable effort to maintain all equipment and facilities directly relating to the occupational safety and health of its employees, in a good state of repair.
- e) Items of protective clothing and/or safety equipment required under the Safety Act and Worker's Compensation Act shall be provided by the Municipality to managers.
- f) Each manager will have a clothing allowance of \$250.00 per year to be approved by the SAO.

26. Termination Of Employment

Managers may receive a severance package upon termination of employment under the following conditions:

- a) A manager who voluntarily resigns after ten (10) years of continuous service must give one (1) month's notice of resignation unless such period is waved by the Senior Administrative Officer and Council. The manager would receive a severance package of a maximum of eight (8) weeks pay or notice or a combination of notice and pay.
- b) A manager who retires at age 60 or more after ten (10) years of continuous service must give one (1) month's notice of retirement unless such period is waved by the Senior Administrative Officer and Council. The manager would receive a severance package of a maximum of eight (8) weeks pay or notice or a combination of notice and pay.
- c) A manager who is terminated for cause or abandons their position:
 - i. Who has been employed for a period of less than 10 years is not entitled to a severance package.

27. Coming Into Force

This by-law shall dictate the Conditions of Employment for managers in the employ of the Municipality of Cambridge Bay on the 28th of May, 2012.

