Municipality of the County of Cumberland

Personnel Policy 19-02

March 6, 2019

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MUNICIPALITY OF CUMBERLAND POLICY 19-02

Personnel Policy

Part I

General

The purpose of this Policy is to document the personnel practices and policies of the Municipality of the County of Cumberland and to ensure that there is a clear understanding of the terms, conditions and requirements governing employment with the Municipality. It is the intent of the Municipality to provide fair and equitable work practices and benefits for its employees.

1. The procedural requirements in this Policy are intended to complement, supplement and be consistent with, and not to replace, the requirements of applicable labour legislation.

2. In this Policy, unless the context otherwise requires:

    a. "Career Track" means a plan developed by the employer and employee, and approved by the employer in writing, that sets out a plan for the employee's future with the Municipality including possible future positions and responsibilities and training, educational and certification goals.

    b. "CAO" means the Chief Administrative Officer of the Municipality of the County of Cumberland;

    c. "Complaint" means a formal allegation submitted, in writing, of treatment in contravention of this Policy or unfair treatment by supervisory or management staff, a fellow staff person, or a Councillor and includes a complaint based on harassment;

    d. "Council" means the Council of the Municipality of the County of Cumberland;

    e. "Director" means the Director of Public Works, the Director of Finance, the Director of Planning and Development or the Director of Policy and Research, as the case may be;

    f. "Harassment" means any improper conduct by an individual that is directed at and offensive to another person in the workplace, and that the individual knew or ought reasonably to have known would cause offence or harm; it includes an objectionable act, comment or display that demeans, belittles or causes personal humiliation or embarrassment, any act of intimidation or threat, bullying, physical threats or assaults and intimidation as well as harassment within the meaning of the Canadian Human Rights Act. Appendix A is annexed to this Policy as a guide for determining what constitutes harassment;

g. "Human Resources Administrator" means the Human Resources Administrator of the Municipality of the County of Cumberland;

h. "Management" means the CAO, Directors and all employees with supervisory responsibilities;

i. "Overtime" means hours worked in excess of normal work hours for which an employee is entitled to compensation in the form of pay or "time off in lieu";

j. "Substantive Position" means the employee's permanent position of employment; and

k. "Supervisor" and "Supervisory Staff" mean the person to whom the employee directly reports, as set out in the Municipality's Organizational Chart, and includes the CAO, Directors, Public Works Operations Supervisor, Accountant, Solid Waste and By-Law Administrator, and the Fire Protection and Inspection Services Coordinator.

Management Rights and Responsibilities

3. Management is responsible for the implementation, administration, and interpretation of this Policy. Every effort shall be made to ensure that the Policy is applied in a timely, consistent, fair and equitable manner.

Applicability

4. This Policy forms the terms and conditions of employment with the Municipality.

5. Council will undertake a consultation process with staff before formally considering changes to this Policy. A committee comprised of one staff member from each department of the Municipality will be formed to undertake the consultation process.

Hiring Authority

6. Council has the responsibility and authority to hire the Chief Administrative Officer (CAO) and to negotiate the terms of his or her employment. Council may engage third parties to assist in this hiring process.

7. The CAO has the responsibility and authority to hire Directors. A committee comprised of the CAO, Human Resources Administrator and other staff appointed by the CAO is responsible for the review of applications and interviewing candidates for Director Positions. The CAO may engage third parties to assist in this hiring process.

8. The applicable Director or Supervisor has the responsibility and authority to hire staff that report directly to them. A committee comprised of the applicable Director or Supervisor, Human Resources Administrator, and other staff selected by the Director or Supervisor is responsible for the review of applications and interviewing candidates for these positions.

9. The Human Resources Administrator has the responsibility and authority to hire summer students, employees, and temporary employees. A committee comprised of the Human Resources Administrator and other staff as agreed to by the applicable Director or Supervisor is responsible for the review of applications and interviewing candidates for these positions.

10. The Human Resources Administrator has the responsibility for the administration of the hiring process including advertising, applications receipt and review, interview questions and scheduling, and all internal and external communications.

Hiring Practices

11. It is and shall be a continuing practice of the Municipality to recruit and select employees in accordance with the Nova Scotia Human Rights Act. The Municipality will also provide the opportunity for employee advancement for qualified and capable existing employees to fill vacancies for some positions. Specifically:

    a. Vacancies for the positions of CAO and Directors shall be open to all qualified applicants. The interviewing and selection of a successful applicant shall be based on education, training, experience, ability, competence, attitude and character.
    b. Vacancies for all other positions shall first be made available to current permanent employees of the Municipality. The selection of a successful applicant shall be based on education, training, experience, ability, competence, attitude, and character. If two or more applicants have relatively equal qualifications, length of service will be the determining factor. If no qualified employees apply for the position the competition will be opened to the public.
    c. Current employees that fill vacancies pursuant to Subsection (b) above shall be required to complete a 3 month probationary period. Assessments will be held at the end of 1 and 3 months or more often at the request of the employee or applicable Director or Supervisor. Employees that successfully complete the probationary period shall be reclassified as permanent in the new position. If, at any time during the probationary period, either the employee or the Supervisor is of the opinion that it would be in the best interest of the employee and/or the Municipality, the employee shall return to their substantive position.
    d. Vacancies that are not filled by existing employees shall be open to all qualified applicants. The selection of a successful applicant shall be based on education, training, experience, ability, competence, attitude and character. Performance Assessment for these new employees will be held at the end of 1, 3, and 6 months or more often at the request of the employee or applicable Supervisor.

12. Persons with disabilities will be considered for employment on the basis of their ability to perform the responsibilities of the position in question.

13. Relatives and friends of Council members and employees who apply for employment with the Municipality will not be favoured or discriminated against. Council members and existing employees are not permitted to contact members of a selection committee in regard to a particular applicant. Councillors and staff that have friends and/or relatives submitting an application for a position are not permitted to participate in the hiring process. In the event that an applicant provides the name of a Council member and/or existing employee as a reference, that applicant will be requested to provide an alternate reference.

14. Council Members and employees directly involved in the hiring process must be knowledgeable of and abide with the provisions of the Municipal Conflict of Interest Act. It is the responsibility of each individual to notify the CAO immediately if they are of the opinion they might be in a conflict.

Probationary Period

15. All new employees shall be on probation for the first six months of their employment with the Municipality.

16. A probationary employee's Supervisor and the Human Resources Administrator will complete a performance assessment at the end of their probationary period and make one of the following decisions:
    a. the probationary employee be reclassified as a permanent employee;
    b. the probationary employee be dismissed at or prior to the end of the probationary period; or
    c. the probationary period be extended for an additional term of not more than six months.

Working Hours

17. Employees' regular working hours are from 8:30 a.m. to 4:30 p.m., Monday to Friday, inclusive. These hours may be varied by Supervisory Staff due to operational requirements or by express agreement between the Municipality and employee. Working hours may also be varied based on family and medical reasons as provided in the Nova Scotia Labour Standards Code.

18. Employees are permitted one hour for lunch between 11:30 a.m. and 2:00 p.m. Employees are permitted one 15 minute break between 10:00 and 10:30 a.m., and one 15 minute break between 3:00 and 3:30 p.m. Breaks must be taken at the location where the employee is working; i.e. at the Municipal building for those working in the building at the time of the break, and on-site or nearby for those working in the field at the time of the break. Supervisory staff have the authority to schedule lunch and breaks for individual employees as may be required to maintain service levels.

General Work Standards

19. The Municipality expects its employees to devote efforts during working hours to employment responsibilities.

20. Personal non-medical appointments must not be made during work hours unless the time has been properly booked as time off in lieu or vacation. The appropriate absence request and authorization form must be completed.

21. The Municipality expects that during working hours personal phone calls and e-mail will be kept to an absolute minimum, both in number and duration. The Municipality may exercise its right to monitor this activity and take action to ensure employees meet this expectation.

22. The Municipality also expects that personal use of the internet and social networking sites during working hours will be kept to an absolute minimum. The Municipality may exercise the right to monitor this activity and may take action including prohibiting or preventing access if it is believed an employee is not meeting the Municipality's expectation.

23. No employee shall volunteer or allow themselves to be nominated for any position with an outside organization or committee, including professional organizations to which they belong as part of their employment, which will require any commitment during work hours or use of Municipal resources, without the prior written authorization of the applicable Supervisor. Any current appointments must be approved prior to renewal.

Part II
Corrective Action

24. Corrective Actions are measures which are designed to address unsatisfactory conduct or performance. These actions may be taken in instances where the employee:

    a. should be aware of the performance and conduct expected of him/her but fails to provide satisfactory performance or conduct themselves appropriately, or
    b. is not aware of the performance or conduct standard, which may reflect a lack of communication, which may accordingly be considered a mitigating circumstance in the implementation of corrective action.

Corrective Action is dependent on the specific circumstances, but may range from counseling to verbal or written warnings, which are within the authority of Supervisory Staff; or suspension or dismissal, which are within the authority of the CAO.

Part III
Performance Management and Professional Development

25. The Municipality is committed to continuous employee performance management and development. This process is intended to enhance the effectiveness and efficiency of the organization and its employees, to focus resources on strategic priorities, to align organizational objectives within the organization, to provide a forum to discuss position responsibilities and training and career opportunities, and to build strong, positive relationships between management, supervisors and staff. Details of the process are available in other documents.

26. It is the objective of the Municipality to have competent, knowledgeable, and highly trained staff in its employ to ensure that the Municipality's mandate and objectives are met.

27. The Municipality will encourage, promote, and provide funding for training and professional development opportunities and programs that increase the efficiency and effectiveness of employees.

28. The Municipality will endeavor to place capable, competent, and motivated employees on specific career tracks. These career tracks will form part of a strategic succession plan of the Municipality. Employees will be informed, and must accept, that career tracks and succession plans are subject to change by Management due to internal and/or external factors.

29. The Municipality requires employees to be members of relevant professional development agencies or associations and maintain professional requirements. The Municipality will pay the costs of such memberships.

30. Employees must complete a written request to attend or enroll in a course of study, conference, workshop or training, or professional development program. The request must include details of the program, including dates, costs, relevance to the employee's responsibilities, and benefits to the Municipality. Registration materials may be used to supply some of this information. No employee shall enroll or register in any such class, conference, workshop or program that will take place during work hours or be funded in any way by the Municipality without prior written authorization from their Supervisor.

31. At the discretion of the applicable Supervisor, employees that attend or complete any professional development session or program may be required to prepare and present a report to other staff or Council..

Part IV
Employee Classification, Salary Scales, Wage Rates

32. The Municipality's employee classification system includes the approved organization chart, a listing and number of approved positions, salary scales, and hourly wage rate schedules(s).

33. Council has the responsibility and authority to approve the classification system.

34. The authority to approve changes to position descriptions rests solely with the CAO. The Human Resources Administrator has the responsibility for maintaining and drafting revisions to the position descriptions.

35. A salary scale and responsibility review and comparison to other rural municipalities will be conducted every 5 years commencing in the 2011/2012 fiscal year.

36. Salary scale increments for individual employees are based on the performance management and development process results, years of service, successful completion of training, attitude, motivation, initiative, a commitment to the strategies and objectives of the Municipality, and a demonstrated commitment to quality public service.

37. Council has the responsibility and authority to approve salary scale increments for the CAO position.

38. The CAO has the responsibility and authority to approve salary scale increments for the Directors and other positions that report directly to the CAO.

39. The Directors and Supervisors have responsibility and authority to approve salary scale increments for those positions that report directly to them.

40. In those instances where the factors that are used to determine salary scale increments support an employee's salary being increased by more than one increment, the responsibility and authority for this decision rests with that employee's supervisor, their Director, the Director of Finance and Administration (or a different Director if required) and the Human Resources Administrator.

41. The Director, or Supervisor to whom a new employee reports, in consultation with the Human Resources Administrator, has the responsibility and authority for initial placement of that new employee at the appropriate level on the salary scale. This placement will be based on the following factors:
    a. the academic qualifications, training, and skill achievements of the new employee compared to those set out in the position description; and
    b. market conditions and market demands for candidates.

42. Council will consider changing the approved salary scale for an existing position upon recommendation from the CAO. The CAO will decide whether to make such a recommendation based on a report to be prepared by the Supervisor for that position, in consultation with the Human Resources Administrator. That report must, where applicable, be submitted to the Supervisor's Director for comment before being submitted to the CAO. The report must include the following information:
    a. changes in responsibilities of the position;
    b. a comparison to other salary scales and positions within the organization and to similar positions in other municipalities; and
    c. attainment of academic, training or professional development goals which have been specifically approved in the career track portion of the employee's personal development plan. In some cases Council may agree in advance that attainment of specific career track goals will result in a specified salary scale change.

43. Employees should not expect to receive an increased salary scale when they attain the highest level of the scale for the position which they occupy.

44. The Municipality's current practice is to annually adjust all salary scales in accordance with increases in the Nova Scotia Consumer Price Index.

Part V
Overtime

45. It is the objective of the Municipality to maintain appropriate staffing levels for the management, administration and operations of the Municipality so as to minimize overtime. In those circumstances for which overtime is necessary, it is the intent of the Municipality to provide fair compensation.

46. Overtime must be approved in writing in advance by the appropriate Supervisor except when emergency or urgent conditions make it impossible to obtain advance approval, or when the responsibilities of the employee prevent return to the office at the end of the normal workday.

47. Supervisors have the authority to approve all time off in lieu and paid overtime in accordance with the provisions of this Policy.

48. Overtime worked on a normal workday in excess of regular work hours or on the weekend shall be compensated at time and one half.

49. Overtime worked on paid holidays shall be compensated at time and one half in addition to the regular holiday pay.

50. Training and development sessions attended outside of regular work hours will normally not be considered overtime. When the training is required by the Municipality and it would be of little or no personal benefit to the employee and if it involves sacrifice or significant inconvenience on the part of the employee, overtime shall be approved for travel time which is outside of the normal workday or normal work week. Overtime for such travel time shall be at straight time and taken as time off in lieu.

51. Compensation for overtime worked on a specific project with an independently approved budget that includes labour allocations, shall normally be in the form of pay.

52. Except as set out in the preceding section, compensation for overtime shall normally be time off in lieu. Every reasonable effort shall be taken to provide this time off at a mutually agreeable time between the Municipality and the employee. Compensation for overtime in the form of additional pay shall only be approved under exceptional circumstances.

53. Under normal circumstances employees will not be permitted to accrue or carry more than 70 hours of overtime. Overtime accrued above 70 hours must be taken as time off in lieu or pay within 30 days of the date that work occurred.

54. If an employee is called in or contacted at home to work overtime the following provisions will apply:
    a. if the employee can work from his or her personal residence, overtime shall be compensated at an amount equal to the greater of one hour or the actual time worked at time and one half; or
    b. if the employee must leave his or her personal residence, overtime shall be compensated at an amount equal to the greater of three hours or the actual time worked at time and one half.

    For purposes of this section "actual time worked" shall include travel time to and from the employee's residence.

55. Each Director shall be responsible for submitting an annual overtime report to the CAO for his or her department for the previous calendar year, such report to be submitted prior to January 31. The CAO shall determine the details required for this report.

    The purpose of this report is to assist in reviewing service delivery options, equitable and fair distribution of overtime, assessing staff resource requirements, annual operating and capital budget deliberations and approval, and position responsibilities and priorities.

Overtime – Directors Positions

56. It is the expectation of the Municipality that Directors will work a reasonable number of hours outside normal office hours if required to ensure the responsibilities of those positions are performed, without additional compensation. Specifically:
    a. Directors will not be permitted overtime for attending training sessions, conferences, or meetings associated with professional or work related membership, including travel time for such activities.
    b. Directors will not be permitted overtime within the normal workday and for work performed immediately preceding and following the normal workday hours of 8:30 a.m. to 4:30 p.m., unless that work is a meeting or part of a special project.
    c. Directors will be compensated on a straight time basis (normally time off in lieu) for

attending evening and weekend meetings.

d. Directors will be compensated on a straight time basis or time and one-half for other work activities outside regular hours not specifically addressed in this section, on approval by the CAO.

Part VI Paid Holidays, Vacations and Volunteer Paid Days

Paid Holidays

57. The following are recognized as paid holidays:
    a. New Year's Day
    b. Good Friday
    c. Easter Monday
    d. Victoria Day
    e. Canada Day
    f. Civic Holiday (first Monday in August)
    g. Labour Day
    h. Thanksgiving Day
    i. Remembrance Day
    j. Christmas Day
    k. Boxing Day

58. In the event that one of these paid holidays fall on a Saturday or Sunday, a day off with pay will be provided the following weekday.

59. The Municipality will not provide additional leave with pay if an employee experiences circumstances on a paid holiday that would otherwise have led to a claim or application for sick or emergency leave.

60. In order to qualify for payment for holiday leave, temporary employees must work the regular working days prior to and following the holiday, unless they are absent on approved paid leave.

Paid Vacations

61. All vacation entitlements shall be calculated based on the Municipality's fiscal year (April 1 to March 31), and shall be prorated in accordance with commencement, anniversary and end of employment dates.

62. Temporary employees shall receive vacation time or pay in accordance with the Labour Standards Act. Term employees shall receive vacation time or pay in lieu in accordance with the Labour Standards Act unless they have been provided additional benefits in an employment agreement with the Municipality.

63. Vacation entitlement up to a maximum of five days may be carried forward to the next year.

64. Employees on leave of absence without pay, maternity leave, workers' compensation, parental leave or long term disability do not accumulate vacation entitlement.

65. Permanent full time employees and probationary employees shall be entitled to vacation in accordance with the following schedule:
    a. 1.25 days per month up to and including the sixth year of employment calculated from the employee's commencement date,

b. 1.67 days per month from the commencement of the seventh year of employment and up to and including the thirteenth year, and
c. 2.083 days per month from the commencement of the fourteenth year of employment up to and including the twentieth year, and
d. 2.5 days per month from the commencement of the twenty-first year and henceforth.

66. All requests for vacation of 5 or more days (either continuous or within a two-week period) should be submitted prior to May 31st of each year. In the event of a conflict, seniority will be used to determine priority. Vacation requested after May 31st will be approved on a case by case basis and priority will normally be given to the first submission. Vacation will be scheduled to ensure operational requirements are not disrupted and undue hardship is not placed on fellow employees. Reasonable effort will be made to ensure employees will be able to take their annual vacation at a time that is most convenient for them. Employees may be required to split their vacation, taking their vacation at two or more times per year.

67. All vacation requests, and requests for changes in approved vacation, must be approved by the Supervisor, before the requests and changes become effective.

68. An employee who is hospitalized for a continuous period of 48 hours or more, or that can prove (usually with medical evidence) to the satisfaction of the CAO that they were medically incapacitated for a continuous period in excess of 48 hours, while on vacation, will be permitted to use sick leave and have their vacation entitlement reinstated for that period of hospitalization or incapacitation. For the purpose of this clause, "incapacitated" means disabled to the extent that most normal daily activities cannot be carried out, and will only include a major illness or injury.

69. An employee may request bereavement leave for a period covered by booked vacation. If the leave is granted, the corresponding amount of vacation time shall be reinstated.

70. Any request for sick or bereavement leave during booked vacation time (pursuant to the preceding two sections) must be made at the first reasonable opportunity. Late requests may be denied.

71. If an employee experiences a minor health condition which would significantly impair their booked vacation plans, but which would not significantly interfere with their ability to carry out the responsibilities of their employment position, they may request to return to work and defer their vacation, and the Municipality will attempt to accommodate the request.

72. Any employee who leaves the employ of the Municipality during the fiscal year shall have their vacation entitlement prorated, and in the event vacation in excess of the prorated entitlement has been taken, the salary received for the excess shall be repaid to the Municipality.

73. The Municipality requires a mandatory vacation during the Christmas to New Year's Day period. The specific days and duration of the office closure and mandatory vacation days will be determined annually by the CAO with reference to the calendar and work requirements and in consultation with staff. No exceptions will be permitted.

Paid Volunteer Work Day

74. The Municipality supports and encourages employees to be members of registered charitable and not for profit organizations that provide services to the residents of Cumberland County.

75. The Municipality will provide one (1) full day per fiscal year with pay for its employees to participate in such activities.

76. The applicable Supervisor has the authority to approve this paid volunteer work day.

Part VII
Pension and Group Insurance Plans

77. Any employee who has successfully completed the probationary period and has obtained a permanent position is eligible to participate in the Municipality's registered pension plan, subject to the requirements of that plan.

78. Any employee who has successfully completed the probationary period and has obtained a permanent position is eligible to participate in the Municipality's extended health, dental, life insurance, accidental death and dismemberment, and long term disability plans; subject to the requirements of those plans. Eligible employees are required to participate in the life insurance, accidental death and dismemberment and long term disability plans, unless at the time of the adoption of this Policy the employee was not participating in those plans and they agree to sign a waiver with respect to their participation.

Part VIII Leave
Bereavement Leave

79. Employees bereaved by the death of a family member will be granted time off from work, without loss of pay, in accordance with the following schedule and conditions:

    a. on the death of a parent, spouse, partner or child, for a period not to exceed five working days, one of which shall be the day of the funeral;
    b. on the death of a Brother, Sister, Grandchild, Grandparent, Mother In-Law or Father In-Law for a period not to exceed three working days, one of which shall be the day of the funeral;
    c. on the death of a direct related Aunt, Uncle, Brother or Sister In-Law, or Son or Daughter In-Law, one day for the purpose of attending the funeral;
    d. in regard to subsections (1) to (3) above, where the funeral is held at considerable distance a maximum of two additional days may be granted for travel;
    e. on the death of any other relative, fellow employee, former employee, close friend or former Councillor, employees may be granted sufficient time, to a maximum of one-half day, to attend the funeral;
    f. step relations are treated in the same manner as set out above; and
    g. all bereavement leave, as permitted under this section, is subject to the approval of the Supervisor to whom the employee reports.

80. In the event additional time is necessary for compassionate purposes an employee may request additional days of unpaid leave and such days may be granted at the discretion of the CAO.

Sick Leave

81. The Municipality allows employees to earn and accumulate sick leave benefits ("sick leave") in order to provide some protection against loss of pay:
    a. in the case of long term incapacity, during the period between cessation of work and commencement of other benefits, plans or insurance; and
    b. in the case of short term inability to work due to illness, injury or the need to obtain medical treatment.

82. It is expected that not all sick leave earned will be used in short term situations, and that with the passage of time employees will accumulate the maximum allowable in order to give them protection in the event of serious and extended health problems.

83. Permanent full time employees, probationary employees and term employees shall earn sick leave at the rate of one and one-half days per month worked. Unused sick leave can be accumulated to a maximum of one hundred fifty (150) days.

84. Any employee who uses six days or more of sick leave within any six month period shall meet with their Supervisor and the Human Resources Administrator. The employee's attendance record for the previous six months will be discussed to determine the reasons for the usage and to identify any steps that can be taken to reduce it. The Human Resources Administrator will then prepare a report for the Supervisor outlining recommendations, if any are warranted, for action to be taken to reduce future sick leave. Employees are expected to take all reasonable steps to maintain, or where necessary to improve, their health so as to minimize short term sick leave usage and the Municipality will support employees in this regard. A record of all such meetings, including their results, shall be maintained. Failure of an employee to make reasonable efforts to control short term sick leave usage may result in Corrective Action.

85. If requested by their Supervisor or Director, an employee claiming an entitlement to sick leave in excess of three consecutive working days must provide a medical certificate from a qualified medical practitioner. Failure to provide the certificate will be grounds for denial of the claim.

86. Employees on long-term disability, maternity or parental leave, leave of absence or suspension without pay do not earn sick leave.

87. Employees with children are permitted to use a maximum of ten days of accumulated sick leave per year to care for those children in the event of serious illness or need for medical treatment.

88. In the event of a serious illness or need for medical treatment of a spouse or partner, or parent of an employee, up to five days accumulated sick leave per year may be used to provide care, or when necessary, obtain treatment.
89. An employee falsely claiming Sick Leave is subject to Corrective Action up to and including dismissal.

90. At the end of each fiscal year employees who have increased their accumulated unused sick leave shall be awarded a lump sum payment based on the following schedule:
    a. Less than 50 days total accumulation: no payment;
    b. 50 to 99.9 days total accumulation: the payment shall equal 10% of the equivalent value of the increased accumulation;
    c. 100 to 149.9 days total accumulation: the payment shall equal 20% of the equivalent value of the increased accumulation; and

d. 150 days total accumulation: the payment shall equal 30% of the equivalent value of the increased accumulation and what would have been increased accumulation if not for the 150 day maximum.

Emergency Leave

91. Employees may request emergency leave with pay to enable the employee to deal with a sudden or unexpected extraordinary happening or situation, demanding prompt personal action. Generally emergency leave is not granted in periods of greater than one day. The granting of emergency leave is at the discretion of the relevant Director or Supervisor or the CAO. Emergency leave will not be approved for other permitted leaves as set out in this policy. An employee granted emergency leave with pay shall have an equal amount of time deducted from their accumulated sick leave.

Leave Without Pay

92. Requests for leave without pay will be considered on a case-by-case basis and may be granted or refused at the sole discretion of the Municipality. This discretion shall be exercised, in the case of requests totaling three months or less in a three year period, by the employee's supervisor. In cases where the request or the total of the request and leave without pay granted within the previous three years exceeds three months, this discretion shall be exercised by the CAO.

    The maximum cumulative amount of leave without pay that may be granted to an employee is one year.

Prepaid Personal Leave Days

93. In recognition that the Municipality cannot provide paid leave for all circumstances where it would be beneficial to an employee, the Municipality allows a limited number of prepaid leave days to be accumulated.

94. Employees can accumulate prepaid leave by requesting that their pay be reduced by an amount equal to one regular day's pay spread evenly over sixteen (16) weeks (8 pay periods). The maximum amount of prepaid leave that can be accumulated is three days.

95. Requests to accumulate prepaid days must be submitted in writing to the employee's Supervisor. Such requests must be approved by the Supervisor before being implemented.

96. The forgoing provisions allowing the accumulation of prepaid leave days cannot be used to repay any leave which has been taken or other time which has been missed from work.

Emergency Service Provider Leave

97. The Municipality supports local volunteer emergency service providers and recognizes the contributions these organizations and their members make to the health, safety, and well being of the public.

98. Volunteer Fire Departments, Ground Search and Rescue, Canadian Red Cross, St. John's Ambulance, Medical First Responders, EMO Responders, (including radio operators) and any other volunteer emergency response organizations approved in writing by the CAO are approved organizations for the purpose of Emergency Service Provider Leave.

99. Employees who are members of approved organizations and who do not receive any remuneration relative to emergency response activities will be permitted to respond to emergency situations as a member of the organization without loss of regular pay and benefits. The Municipality reserves the right to require that an employee return to regular duties, notwithstanding that the emergency response may be ongoing.

100. Employees wishing to be eligible for Emergency Service Provider Leave must inform the Municipality in writing, and in advance of any such leave being taken of their membership in an organization approved pursuant to this Policy.

101. An employee that responds to an emergency as a member of an approved organization outside regular work hours from Sunday through Thursday will be allowed to take a rest period of up to eight hours, depending upon what is required, the following work day, without loss of regular pay and benefits.

102. Employees that respond to an emergency during work hours will, if required, be allowed to take a rest period that day without loss of regular pay or benefits.

Maternity/Parental Leave Top Ups

103. The Municipality will provide a salary top-up during the legislated Maternity/Parental Leave period (17 weeks) so that employment insurance benefits and the top-up amount equal 80% of an employee's gross salary. The salary that will be used for calculating this amount is the employee's salary on the first day of the maternity/parental leave. Adjustments will not be made for salary scale increments or inflationary increases approved during the leave period.

Part IX
Building Closure

104. Weather or facility conditions may require closure of the Municipal Building. The CAO or designate has the authority to close the Municipal Building when, in his or her belief, it is necessary due to health and safety concerns, weather conditions or forecasts, road conditions, or other factors.

105. In the event the Building is closed pursuant to the preceding section there will be no loss of pay or other benefits. Those employees that choose to remain at work during such building closures or that may be required to work at home are not eligible to receive incremental pay or accumulate overtime during regular work hours.

106. In the event the Building is closed for a period in the morning and subsequently opened, those employees that do not report for work at the time of opening will be required to use vacation or accumulated overtime for the applicable portion of the day. Claims for sick leave under these circumstances will not be approved unless the leave was booked in advance.

107. Building closures do not entitle employees to reinstatement of coincident booked leave of any type.

108. Employees on paid sick leave the day prior to a Building closure who do not report to work when the Building reopens are required to use sick leave for the duration of the closure.

109. Employees on paid sick leave the day prior to a Building closure who do report to work when the building reopens are not required to use sick leave for the duration of the closure.

110. The Municipality will use local radio announcements and the afterhours recorded telephone message to notify employees and the public of Building closures.

Part X
Problem Resolution and Complaint Process

111. Any employee who believes they have been subjected to harassment in the workplace, or who believes any situation affecting them in the workplace is unjust or inequitable, or is a hindrance to effective operation, is encouraged to use the procedure set out herein to resolve such problem and can do so without fear of recrimination. If the employee wants the Municipality to participate in the resolution of a problem, the process set out in this Part must be followed.

112. Whenever reasonable under the circumstances, an employee to whom the preceding section applies should attempt informal resolution in a fair and respectful manner, without having to resort to the formal Complaint Process. When appropriate, informal resolution may minimize the extent of the problem and its effects on all those involved and prevent the situation from escalating to the point where filing a complaint is necessary. Informal resolution should be attempted as soon as possible, preferably within 24 hours of the event or the employee becoming aware of the problem.

113. Attempts at informal resolution should generally be made as follows:
    a. In the case of harassment, the employee who feels offended should make it known to the other person, if they are comfortable doing so.
    b. If (a) above does not result in the resolution of the problem or the employee offended does not wish to speak directly with the other person, the employee affected should meet with their Supervisor or the next management person in line who is not involved in the problem. The Supervisor or other management person should make every effort to resolve the problem by ensuring the parties understand the existence and nature of the problem, and making sure the policies of the Municipality are understood and applied.
    c. In all attempts at informal resolution no records will be made unless a breach of applicable laws or Municipal policies is found that results in Corrective Action or other legal consequences.

114. Where informal resolution is inappropriate or does not resolve the problem, an employee shall have recourse to the formal Complaint Process, the main steps of which are as follows:

    a. **First Step**: The employee shall submit the complaint, in writing, to their immediate Supervisor, preferably within 4 working days of the event or one day after an attempt at informal resolution is concluded.

    Although it is expected this time frame will normally be respected, it is understood that the circumstances leading to a complaint can vary widely, and there may be reasons why the enforcement of a strict deadline would be unfair. An employee who submits a complaint outside the time frame should be prepared to explain the delay. When deciding whether to process a delayed complaint, the Supervisor shall consider the reasons for the delay and the effect the delay would have on the investigation and the ability of the other person to respond.

    The employee submitting the complaint may choose to have a fellow employee appear with him or her.

    The Supervisor shall respond within 4 working days, verbally and in writing.

b. **Second Step:** If the response of the Supervisor is not acceptable, the employee may submit a written complaint to the Human Resources Administrator within 4 working days of the Supervisor's written response. The Human Resources Administrator shall review the response of the Supervisor in collaboration with the relevant Director or the CAO and shall afford an opportunity to the employee to discuss the subject matter of the complaint. The Director shall give a reply in writing within 5 working days of receiving the complaint.

c. **Third Step:** If the second step does not result in an acceptable solution, the employee may submit the complaint in writing to the CAO within 4 working days of the Director's response. The CAO will conduct an investigation into the matter, review all previous responses, meet the parties involved, make a final decision and advise the employee, in writing, within 10 working days of the receipt of the complaint.

115. The following provisions apply to the Complaint Process:

a. If a problem arises which an employee feels cannot be presented to their Supervisor because the Supervisor is involved in the problem, that particular step in the complaint procedure may be by-passed.
b. If the employee believes the CAO is part of the problem, the complaint may be submitted, at the option of the employee, to the Director of their choice. This choice is to be made by the employee, but is subject to the agreement of the chosen Director. If no Director will agree to take on the complaint, the employee must take the matter directly to the CAO or else consider the matter closed. The chosen Director shall prepare a reply and recommendation within 5 working days and provide it to the employee and the CAO. The CAO will review the complaint and the reply and recommendation, and conduct any additional investigation he or she deems appropriate. The CAO may also select an unbiased third-party to conduct an assessment to ensure objectivity. The CAO will then make a final decision and advise the employee, in writing, within 10 working days.
c. All replies, recommendations and decisions should, where applicable, include an implementation schedule.
d. Subsequent to the implementation of any response or decision, no record of the processing of any complaint shall be retained in an employee's personnel file except for any legal or Corrective Action taken and the reasons therefore. Notwithstanding the foregoing, the CAO may retain such records of complaints and related matters as he or she sees fit for the purposes of ensuring consistency or in case the subject matter of the complaint is raised again or pursued further.

116. The CAO is, other than the courts or other legal process, the final arbiter in the Complaint Process. It is therefore the responsibility of the CAO to ensure the treatment of all employees throughout the process is without bias and is fair.

Part XI
Expense Reimbursement and Allowances

117. It is the objective of the Municipality to reimburse employees for out of pocket expenses incurred that are associated with employees carrying out the responsibilities of their positions. All requests for reimbursement of expenses must be submitted on the prescribed form.

118. Employees will be reimbursed for the cost of highway tolls, bridge tolls, airport parking fees, airport security fees, taxi fares, and public transportation fares while attending approved meetings, conferences, workshops, professional development sessions, or performing other required work activities. Receipts must be provided (except for tolls).

119. The Municipality will pay directly the costs of overnight accommodations for employees attending approved meetings, conferences, workshops, and other professional development sessions when the timing of these sessions requires overnight accommodations.

120. Each department of the Municipality is responsible for arranging overnight accommodations for staff within that department. In those circumstances where accommodations are required for staff of two or more departments of the Municipality, the Administrative Assistant of the Finance Department will be responsible for arranging accommodations.

121. In those circumstances where professional associations to which the Municipality's staff hold membership have arranged accommodation discounts or conference rates, it is the expectation of the Municipality that employees will take advantage of those discounts or rates.

122. The Municipality will pay a "mileage" rate (per kilometre) to employees that use their personal vehicles in carrying out their employment responsibilities.

123. The rate paid pursuant to the preceding section will be determined by reference to the amount paid to Provincial employees by the Province of Nova Scotia.

124. The amount paid pursuant to the two preceding sections is intended to reimburse employees for all costs associated with the use of their vehicle for employment purposes, except additional insurance costs wholly attributable to use of the vehicle for employment purposes, which will be reimbursed to the employee.

125. The Municipality will include a non-owned automobile endorsement as part of its insurance program in an effort to limit insurance costs for personal motor vehicles, and will indemnify employees against all costs associated with third party claims arising from the legitimate use of their vehicle in carrying out their employment responsibilities.

126. Employees that use personal vehicles in carrying out their employment responsibilities must hold a valid Driver's License and maintain third party liability insurance in the amount of $1,000,000 at all times.

127. In those circumstances where more than one employee of the Municipality is attending the same function or event, car-pooling will be required. The standard to be met is three employees per vehicle. For those functions or events where overnight accommodations are not booked, the standard to be met is four employees per vehicle.

128. Employees that decide, when carpooling is available, not to car pool for personal reasons will have the travel-related portions of their expense claim reduced by 50%.

129. Where employees cannot agree on which personal vehicle to use for travel to a destination, their Supervisor shall make that decision. Where employees of several departments are attending the same event or function, the most senior supervisory position among the staff attending shall make that decision.

130. If an employee opts to travel back and forth to an event on successive days instead of using accommodations which would have been paid for by the Municipality, their claim for travel expenses shall not exceed what the overnight accommodations would have cost.

131. Employees that have access to the use of a particular municipal vehicle will be required to travel in that vehicle to meetings, conferences and training sessions, unless it is required for other municipal purposes.

132. The Municipality will provide a meal allowance for meals purchased outside of the County of Cumberland by employees while carrying out their employment responsibilities.

133. The reimbursement for meal expenses will be the lesser of either the amount identified on the meal receipt or the allowance identified in the Employee Travel & Expense Claim Form. Receipts must be provided.

134. The amount of the meal allowance shall be equal to the amount provided to Council members.

135. If meals are provided either as part of accommodation services or as part of the event those meals must not be claimed. Details of accommodation services and the event program must be submitted with the Request To Attend Form.

136. Meal allowances will not be provided in those instances where it would be reasonable for an employee to have breakfast at home prior to leaving or where an employee can arrive home at a reasonable time for supper. For purposes of this section, the Municipality will not pay breakfast allowance to an employee leaving home after 6:00 am or supper allowance to an employee arriving home before 6:00 pm.

137. Employees claiming the breakfast and supper meal allowances will not be permitted to submit overtime for the meal periods. The amount of time allotted for these meal times will be one hour each.

138. Employees will be reimbursed for the cost of a supper meal taken in Cumberland County, to a maximum of $15, in those circumstances when the employee has an evening meeting and the mileage claim to and from the employee's home would exceed $15. Receipts must be provided.

139. Employees will be reimbursed for the cost of a supper meal, to a maximum of $15, when the workday extends to 7:00 pm or later. Receipts must be provided.

140. The Municipality will pay a reasonable advance to employees for expenses to be incurred pursuant to this Part, such advance not to exceed 50% of the estimated expenses.

Part XII Miscellaneous Provisions

Employer-Provided Cell Phones

141. The Municipality will provide cell phones to employees when required.

142. Cell phones are required in the following circumstances:

    a. if the employee frequently works out of the office on municipal business and needs to communicate with the office or be contacted by the office;
    b. if the employee regularly works alone outside of the office; or
    c. if the responsibilities of the employee are such that they may be contacted on a regular basis outside of normal working hours.

143. Employees must reimburse the Municipality for all charges for personal calls on Municipal phones.

144. Supervisors are responsible for the initial decision to issue a cell phone and to review the need for cell phones on an annual basis.

Registered Retirement Savings Plan and Tax Free Savings Account Deductions

145. It is the objective of the Municipality to support and encourage employees to supplement their registered pension plan funds.

146. Upon written request the Municipality will make payroll deductions for contributions to registered retirement savings plans and tax free savings accounts.

147. It is the responsibility of the employee to provide all relevant details required to set up savings deductions, including the authorization and amount to be deducted, the payee institution and the account details.

148. Employees will be required to commit to payroll savings deductions for a minimum 12 month period, such period to coincide with the fiscal year.

Personal Use of Municipal Assets

149. Personal use of Municipal property, including, but not limited to vehicles, tools, equipment and supplies, is prohibited, except where reimbursement provisions have been approved. The Municipality has an obligation to be a good steward of the public's resources and to ensure the safety of its employees.

150. Laptop computers and projectors shall not be taken home except when overtime work to be done at home has been approved.

151. The postage machine shall not be used to post personal mail.

152. Personal use of photocopiers will be permitted at a cost per copy to be determined annually by the Finance and Administration Department. The cost per copy shall reflect the actual total cost per copy to the Municipality.

Employee Computer Purchase Plan

153. The Municipality recognizes that home computers are an important aspect of employees' family lives and that an employee's computer skills are an asset to the Municipality.

154. The Municipality will finance the purchase cost of eligible home computer equipment under the following conditions:
    a. The Municipality will finance 100% of the cost to a maximum of $3,000.
    b. "Eligible home computer equipment" means and is limited to: personal computers including desktops and laptops, monitors, printers, cables, keyboards, mouses, speakers and software purchased with the computer.
    c. Employees must choose to finance the purchase on either a one year or a two year basis.
    d. Equal bi-weekly payroll deductions will be used to reimburse the Municipality.

e. Employees are permitted to repay the entire principal balance outstanding at any time.
f. Participating employees will be required to sign a Repayment Plan.
g. An employee leaving the employ of the Municipality will be required to repay the amount outstanding in full. The Municipality will deduct any outstanding amount from any monies owed to the employee.

Taxable Benefits

155. The Income Tax Act requires that an imputed income or taxable benefit be included in an employee's income and that income taxes be calculated, deducted from an employee's pay, and remitted.

156. Taxable benefits are calculated based on the relevant cost of the service or item of equipment and are attributed to an individual employee on availability for personal use and not actual personal use.

157. Taxable benefits will be calculated and attributed to the applicable employees for employer paid life insurance premiums in excess of a threshold amount of proceeds, provision of cell phones, laptop computers, satellite cell phones, communication services and other appropriate items.

Previous Policies

158. This policy replaces all previous Personnel Policies of the Municipality of the County of Cumberland.

Effective Date

159. This Policy is effective upon adoption.

Clerk's Annotation For Official Policy Book

Date of Notice to Council Members
of Intent to Consider [7 days minimum]: February 27, 2019

Date of Passage of Current Policy: March 6, 2019

I certify that this Policy was adopted by Council as indicated above.

Brenda Moore — Clerk

March 11/19 — Date

Appendix A - Guide for determining what constitutes harassment

Some questions that can help assess whether the behaviour (act, comment or display) constitutes harassment:

- Is the behaviour unwelcome or offensive?
- Would a reasonable person view the conduct as unwelcome or offensive?
- Did it demean, belittle or cause personal humiliation or embarrassment?
- Is it a single incident?
- Is it a series of incidents over a period of time?

It is also important to consider the severity and impropriety of the act, the circumstances and context of each situation, and whether the behaviour is prohibited under the *Canadian Human Rights Act*. The prohibited grounds are race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and pardoned conviction.
The following are some examples, but not an exhaustive list, to clarify what is meant by "harassment".

What generally constitutes harassment	What may constitute harassment	What does not generally constitute harassment
Serious or *repeated* rude, degrading, or offensive remarks, such as teasing about a person's physical characteristics or appearance, put-downs or insults. Displaying sexist, racist or other offensive pictures, posters, or sending e-mails related to one of the eleven grounds prohibited under the *Canadian Human Rights Act*.	Criticizing an employee in public.	Allocating work. Following-up on work absences. Requiring performance to meet standards. Taking Corrective Action. A *single* or *isolated* incident such as an inappropriate remark or abrupt manner.
Repeatedly singling out an employee for meaningless or dirty jobs that are not part of their normal duties.	Exclusion from group activities or assignments.	Exclusion of individuals for a particular job based on specific occupational requirements necessary to accomplish the safe and efficient performance of the job.
Threats, intimidation or retaliation against an employee, including one who has expressed concerns about perceived unethical or illegal workplace behaviors.	Statements damaging to a person's reputation.	Measures taken against someone who is careless in his or her work, such as in the handling of confidential documents.
Unwelcome social invitations, with sexual overtones or flirting with a subordinate. Unwelcome sexual advances.	Making sexually suggestive remarks. Physical contact such as touching or pinching.	A social relationship welcomed by both individuals. Friendly gestures among co-workers such as a pat on the back.

Sexual and physical assaults are covered by the *Criminal Code*.