

Madawaska Valley Public Library Policy Manual

Policy Type: Human Resources

Policy Number: HR-04

Policy Title: Vacation, Public Holidays
and Leave

Initial Approval Date: March 2021

Review Date: 2025

This policy addresses the conditions and procedures with respect to vacations, public holidays, and leave, and are intended to provide employees with appropriate time away from work.

Section 1: Vacation Time and Vacation Pay

1. For the purpose of vacation entitlement, years of employment means the combined years of employment as a full time and a regular part time employee. Part time service is based on cumulative hours worked.

2. Full Time Employees

- a) Employees working 30 to 35 hours per week accrue annual *vacation time* as set out this table:

Full Time Years of Service	Annual Vacation Entitlement
Less than one year	0.83 days per month for each full calendar month worked, up to December 31.
1 – 4	10 days or 70 hours
5 - 9	15 days or 105 hours
10-14	20 days or 140 hours
15 or more	25 days or 175 hours

- b) Years of service for the purposes of vacation accrual begins January 1st of the vacation year during which the employee will complete the relevant year of employment.
- c) For the purpose of vacation entitlement, years of employment means the combined years of employment as a full time and a regular part time employee. Part time service is based on cumulative hours worked.

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- d) The years of service for those working less than 35 hours per week (but at least 30 hours per week) will be pro-rated based on the actual hours worked in a week, using this formula:

$$\frac{\text{Actual number of hours paid in the year X FT annual vacation based on years of service in hours}}{1820(\text{number of FT hours in a year})}$$

2. Part Time Employees

- a) Vacation pay for part time employees is in accordance with the *Employment Standard Act, 2000*, except that part time employees:

Part Time Years of Service	Annual Vacation Entitlement
Less than five years	10 days or 70 hours, receive four per cent (4%) vacation pay.
5 - 9	15 days or 105 hours, receive six percent (6%) vacation pay.
10-14	20 days or 140 hours, receive eight percent (8%) vacation pay.
15 or more	25 days or 175 hours, receive ten percent (10%) vacation pay.

- An employee may carry the equivalent of one (1) year's vacation to the subsequent year. The carried over vacation must be used in the subsequent year.
- Employees must submit vacation requests in writing. Vacation requests are authorized by the Library CEO.
- Vacation to which an employee is entitled may be taken in one unbroken period or several periods; however, the CEO has the right to schedule vacations in accordance with operational needs. Employees will be able to utilize one (1) day of annual vacation, in one (1) hour increments, pre-approved. All other vacation may not be taken in anything less than one-half (1/2) days.

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6. All employees are entitled to two (2) weeks of earned vacation consecutively. Vacation periods of more than two weeks may be obtained with the expressed permission of the Library CEO.
7. If a public holiday falls during an employee's vacation period, he or she is entitled to another day off.
8. Should an employee fall ill or have an accident immediately prior to or during his or her vacation, sick leave (if applicable) may be substituted for vacation when a doctor's note is presented.
9. Vacation credits will not accrue during an unpaid leave of absence (including Workplace Safety and Insurance Benefits) or after a period of thirty (30) consecutive days leave for illness.
10. If an employee is off on short-term disability and returns to work through participation in a modified work program (work hardening program) but is unable to return to full hours, his/her vacation entitlement is pro-rated.
11. Upon termination of employment or if an employee transfers to part time employment, he/she is paid the pro-rated monthly portion of unused vacation that was credited on January 1 . Conversely, an employee is responsible for payment of vacation taken but not earned based on a pro-rated monthly calculation from January 1.
12. While on active payroll, employees are not permitted to take cash in lieu of vacation except upon termination of employment, unless under extenuating circumstances and then with the approval of the Library CEO.

Section 2: Public Holidays under the *Employment Standards Act*

1. The Library will observe the following public holidays and will be closed on those days; these are paid holidays for full-time employees:
 1. New Year's Day (January 1)
 2. Family Day (February)
 3. Good Friday (March/April)
 4. Easter Monday (March/April)
 5. Victoria Day (May)

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6. Canada Day (July 1)
7. Civic Holiday (August)
8. Labour Day (September)
9. Thanksgiving Day (October)
10. Remembrance Day (November 11)
11. Christmas Day (December 25)
12. Boxing Day (December 26)

plus, any other day proclaimed hereafter by the Federal or Provincial Government is recognized as an additional holiday.

2. The procedure for paying public holidays will follow the instructions contained within the *Employment Standards Act*, and the *Guide of the Employment Standards Act*.
3. An employee may observe religious holidays that fall on dates other than those listed. To do so an employee must submit a vacation request.

Section 3: Specific Leave of absence

1. Sick leave, family responsibility leave, bereavement leave, family caregiver leave, family medical leave, domestic or sexual violence leave, critical illness leave, child death leave and crime-related child disappearance leave are different types of leaves. The purposes of the leaves, length, and eligibility criteria are different. An employee may be entitled to more than one leave for the same event. Each leave is separate and the right to each leave is independent of any right an employee may have to the other leave(s). **This means that a single absence can only count against one statutory leave, even if the event that triggered it is a qualifying event under more than one leave.** Employees are encouraged to familiarize themselves with these types of leave. within the *Employment Standards Act*, and the *Guide of the Employment Standards Act*.
2. An unpaid leave of absence for another purpose may be granted upon written request to the Library CEO. The approval process will involve consideration of the following factors including length of employment; number of previous unpaid leaves of absence; and ability of the library to cover the employee's work during the leave of absence.

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Section 4: Pregnancy and Parental Leave (including Adoptive Leave)

1. Pregnancy leave and parental leave are available to all employees who have at least thirteen (13) weeks service with the Township of Madawaska Valley.

2. Pregnancy Leave

- a) In accordance with the *Employment Standards Act (ESA)*, pregnant employees have the right to take pregnancy leave up to 17 weeks without pay and without loss of service/seniority or benefits. Employees will not be paid wages while on pregnancy leave. The pregnancy leave is for a seventeen (17) week period commencing on the date requested by the mother to commence leave, or the date of birth (whichever is first).
- b) Employees taking pregnancy leave must provide at least 2 weeks written notice to the Library CEO advising of the date the leave will begin. The date chosen for commencing leave must be no more than 17 weeks prior to the expected date of birth as confirmed by the physician.
- c) In the event of complications with the pregnancy or because of a birth, still birth, or miscarriage that occurs earlier than the expected date of delivery of the child, the employee must, within 2 weeks of stopping work, provide written notice to the Library CEO of the date the pregnancy leave will begin or has begun. The employee provides the Library CEO with a certificate from the physician stating the expected birth date of the child.
- d) Pregnancy leave ends 17 weeks after the pregnancy leave began. If the employee wishes to return to work earlier, the employee provides the Library CEO with a least 4 weeks' written notice of the date of return.
- e) If an employee has been employed by the Library for at least 13 weeks and is the parent of a child, he/she is entitled to take an unpaid parental leave, without loss of service/seniority or benefits, for up to 37 weeks following the birth of the child, or the coming of the child into the employee's custody, care, and control for the first time. The term "parent" includes a person with whom a child is placed for adoption and a person who is in a relationship of some permanence with a parent of a child and who intends to treat the child as his or her own.

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3. Parental Leave

- a) A “parent” includes birth parent, adoptive parent, a person in a relationship of some permanence with a parent of the child who plans to treat the child as their own.
- b) In accordance with the *Employment Standards Act*, both new parents have the right to take parental leave up to 61 or 63 weeks of unpaid time off work, without loss of service/seniority or benefits.
- c) An employee must give the Library at least 2 weeks’ written notice before beginning a parental leave and provide details on how many weeks they plan to take as parental leave.
- d) If an employee wishes to end their leave earlier than planned, they must provide 4 weeks notice.
- e) Documentation will be provided by the Library so that the eligible employee can receive maternity and/or parental benefits through the federal *Employment Insurance Act* during the period they are off on an ESA pregnancy or parental leave.

Section 5: Bereavement Leave

1. In accordance with the *Employment Standards Act (ESA)*, employees are entitled to up to two days of unpaid job-protected bereavement leave each calendar year, after they have worked for the library for at least two consecutive weeks.
2. Employees are eligible for paid bereavement leave in the event of death in the family.

3. Full-time Employees

- a) Up to a maximum of five (5) days with pay in the event of the death of immediate family member: wife, husband, common-law spouse, and children.
- b) Up to a maximum of three (3) days for the death of extended family: a father, mother, father-in-law, mother-in-law, sister, brother, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, grandchild, or foster child, and any relative permanently residing in the employee’s household or with whom the employee resides.

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- c) Any leave taken must coincide with the death of the deceased person.
- d) One (1) day leave is granted to attend the funeral of the grandparent, brother-in-law or sister-in-law of the employee's spouse.
- e) Common-law status is recognized, but in no event is an employee eligible for leave for a former common-law relationship or relationship by marriage that has since been terminated by divorce or annulment.
- f) When the funeral occurs outside the area, such paid leave may include reasonable travelling time at the discretion of Library CEO.
- g) In the case of the death of any other person close to the Employee, a leave of absence without pay may be granted at the discretion of the Library CEO.
- h) In the event that bereavement leave is required while an employee is on paid vacation, such paid vacation is re-credited to the employee.

4. Part-time Employees

- a) As per above, leave is applicable to the extent that such leave is required during a three (3) or a five (5) day consecutive period (that coincides with the date of the funeral) on days that part-time employees are scheduled to work.

Section 6: Jury or Witness Duty

1. Full time and part time employees subpoenaed for jury duty or as court witnesses will be given leave of absence with pay for scheduled time lost.

Section 7: Sick Leave

1. The Library is committed to promoting and maintaining high levels of attendance in the workplace, however it is acknowledged that there are times when an employee will need to be away from work either due to illness, urgent issues or a family member's illness, injury or medical emergency.

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2. Full time and part time employees are entitled to up to three sick leave days per year once they have worked for an employer for at least two consecutive weeks as outlined in the *Employment Standards Act*.
3. The three days of leave do not have to be taken consecutively. Employees can take the leave in part days, or full days. If an employee takes only part of a day as sick leave, the employer can count it as a full day of leave.
4. Employees cannot carry over or accumulate unused sick leave days to the next calendar year.
5. Employees may use their sick leave credits for medical appointments, but arrangements must be made with the CEO or supervisors at least seven days in advance of taking time off.
6. Accumulated sick leave has no cash value on termination of employment.
7. An employee is to advise the CEO prior to taking sick leave that they will be taking a sick leave of absence, or as soon as possible after starting it. All sick leaves shall be recorded by the CEO.
8. Any sick leave over **five (5) days** requires a medical note which outlines
 - a) the duration or expected duration of the absence;
 - b) the date the employee was seen by a health care professional;
 - c) whether the patient was examined in person by the health care professional issuing the note.
 - d) The Library cannot ask for information regarding the diagnosis or treatment of the employee's medical condition.
 - e) Without documentation, the absence will be without pay.
9. An employee can take sick leave for illnesses, injuries and medical emergencies for themselves. It does not matter whether the illness, injury or medical emergency was caused by the employee or by external factors beyond their control.

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10. Employees are entitled to take the leave for pre-planned (elective) surgery if it is for an illness or injury, even though it is scheduled ahead of time and not a medical “emergency”. However, employees cannot take leave for cosmetic surgery that is not medically necessary or is unrelated to an illness or injury.

Section 8: Infectious Disease Emergency Leave

Beginning January 25, 2020, the *Employment Standards Act, 2000* is amended to include an unpaid, job-protected infectious disease emergency leave during COVID-19.

1. This leave is available to employees for reasons related to COVID-19, including:
 - a) personal illness, quarantine or isolation
 - b) to provide care or support to family members for reasons related to COVID-19, including school or day care closures
2. A medical note is not required; however, written notice of leave is required.
3. There is no specified limit to the number of days an employee can be on infectious disease emergency leave.

Section 9: Other leave

1. An unpaid leave of absence for another purpose are requested in writing and authorized by the Library CEO. The approval process will involve consideration of the following factors including length of employment; number of previous unpaid leaves of absence; and ability of the Library to cover the employee’s work during the leave of absence.

Related Documents

Employment Standards Act S.O. 2000, Chapter 41
Policy Number HR-13 COVID-19 Pandemic Policy