

POL-ADM.2018.35 Title: *Vacation with Pay*



Type:	Human Resources
Authority:	CEO
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Associated Documents:	Employment Standards Act, S.O. 2000, Part XI
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Legal Framework

The Blue Mountains Public Library shall set vacation with pay procedures which meet the Employment Standards Act, S.O. 2000 and subsequent Acts, and is predictable and equitable to all Employees. The Library respects the need for Employees to have time off from work and to be able to plan such time in advance. Although the Library is the employer, the Board will align its vacation with pay procedure to that of the Town for payroll contracting purposes.

ADM.2018.35.1 Definitions

Permanent Full-Time Employee: An Employee who is hired to work on a full-time basis (35 hours per week) with no predetermined end date.

Permanent Part-Time Employee: An Employee who is hired to work on a part-time basis (less than 35 hours per week) with no pre-determined end date.

Seasonal Employee: An Employee who is hired for a specific season (i.e. Summer Programming).

Temporary Full-Time Employee: An Employee who is hired for a specific season.

Temporary Part-Time Employee: An Employee who is hired to work on a part-time basis (less than 35 hours per week) whose employment is terminated upon a predetermined end date or project completion.

Vacation Year: Means the twelve (12) month period from January 1 to December 31, which coincides with the fiscal year.

Week: Means five (5) working days.

ADM.2018.35.2 Vacation Entitlement Calculation

1. The Library follows an annual vacation schedule based on calendar date rather than anniversary date of hire.

2. **Vacation Banks:** Vacation is advanced on January 1 of each year for the current calendar year (versus gradually accruing over the course of the year). Vacation credits are accrued bi-weekly. Specifically, January 1 of each year, staff will accrue 1/26 of their annual vacation entitlement every two (2) weeks. Permanent Full-Time and eligible Permanent Part-Time Employees will be credited with their full annual vacation entitlement on January 1 of each year; however, these credits are not actually earned until they have accrued.
3. An Employee's vacation entitlement for the entire calendar year is based on the Employee's anniversary date in correlation to the vacation entitlement schedule. If an Employee is in their first year of employment or hitting a milestone year for advancement on the schedule, their calculations will be pro-rated in accordance with their anniversary/original date of hire.
4. Full-time service, for the purpose of vacation entitlement, will be calculated from the Employee's original hire date to a full-time position with the exception of Employees who have held seasonal, temporary, or part-time (not including student/co-op) positions with the Library. Upon being hired into a full-time position with the Library, an Employee who has held or currently holds a seasonal, temporary, or part-time position with the Library, will have their vacation entitlement calculated based on the number of full years of previous service with the Library.
 - 4.1. BMPL shall provide full-time Employees with no less than two (2) weeks' vacation leave after each vacation entitlement year. An entitlement year is calculated from the point where an Employee began retaining vacation benefits.
 - 4.2. BMPL shall provide temporary, seasonal, contract, casual/relief, and permanent part-time Employees with no less than 4% vacation pay included with each pay.
 - 4.3. Vacation allowances shall be reviewed from time to time by the Board and shall be re-evaluated and adjusted accordingly any time TBM changes its vacation allowances.

Table 1: Vacation Entitlement for temporary, seasonal, contract, casual/relief, and permanent part-time Employees with less than 21 hours per week

Continuous Years of Service	Annual Accrual Rate
On date of hire	4% of pay as per the Employment Standards Act
After 5 years of service	6% of pay as per the Employment Standards Act

Table 2: Vacation Entitlement for Full-Time and Permanent Part-Time Employees with Guarantee of 21+ hours per week

Full-Time Entitlements		
Continuous Years of Service	Rate of Leave	Number of Additional Days
First Year of Employment	3 weeks (Prorated)	
1 st Full Year	3 weeks	
2 nd Full Year	3 weeks	+2 days
3 rd Full Year	3 weeks	+3 days
4 th Full Year	3 weeks	+4 days
5th Full Year	4 weeks	
6 th Full Year	4 weeks	+1 days
7 th Full Year	4 weeks	+2 days
8 th Full Year	4 weeks	+3 days
9 th Full Year	4 weeks	+4 days
10th Full Year	5 weeks	
11 th Full Year	5 weeks	+1 day
12 th Full Year	5 weeks	+2 days
13 th Full Year	5 weeks	+3 days
14 th Full Year	5 weeks	+4 days

15th Full Year	6 weeks	+2.5 days non-cumulative
16 th Full Year	6 weeks	+1 day non-cumulative
17 th Full Year	5 weeks	+2 days non-cumulative
18 th Full Year	5 weeks	+3 days non-cumulative
19 th Full Year	5 weeks	+4 days non-cumulative
20th Full Year	7 weeks	+1 week non-cumulative
21 st Full Year	7 weeks	+1 day non-cumulative
22 nd Full Year	7 weeks	+2 days non-cumulative
23 rd Full Year	7 weeks	+3 days non-cumulative
24 th Full Year	7 weeks	+4 days non-cumulative
25th Full Year	7 weeks	+1 week non-cumulative
26 th Full Year	7 weeks	+1 day non-cumulative
27 th Full Year	7 weeks	+2 days non-cumulative
28 th Full Year	7 weeks	+3 days non-cumulative
29 th Full Year	7 weeks	+4 days non-cumulative

30th Full Year	7 weeks	+1 week non-cumulative
31 st Full Year	7 weeks	+1 day non-cumulative
32 nd Full Year	7 weeks	+2 days non-cumulative
33 rd Full Year	7 weeks	+3 days non-cumulative
34 th Full Year	7 weeks	+4 days non-cumulative
35th Full Year	7 weeks	+1 week non-cumulative

Notes:

- **Prorated Days:** For the first year of employment based on the portion of the year worked.
- **Non-Cumulative Day(s)/Week(s):** Must be used within the year and do not carry over to the next year.

5. Any new Employee hired by the Library or current Employee hired into a new position with the Library may negotiate for increased vacation entitlements, as approved by the Library CEO. However, if a newly hired Employee is granted a greater vacation entitlement than is set out in Table 2 above, their vacation entitlement shall not be increased subsequently until the Employee obtains sufficient years of service with the Library to qualify for the new vacation entitlement threshold according to Table 2. All increases to entitlement at the point of hire shall be in keeping with past practice of the Library and be fair and equitable compared to others across the organization.

6. If a temporary full-time, temporary part-time, and/or seasonal Employee is offered full-time employment with the Library, the Library CEO shall, as part of the full-time job offer, prorate vacation entitlement at the commencement of full-time employment to reflect the amount of full-time equivalent employment with the Library as a temporary full-time, temporary part-time, and/or seasonal Employee prior to full-time employment. The prorated vacation entitlement will be based on the years of service rounded down to the nearest full year. For instance, if an Employee previously held seasonal contracts with the Library for a total period of four (4) years and five (5) months, the Employee would be credited with four (4) years of service at the time of being hired into a full-time position.

7. Where one or more than one Public or Board Designated Holidays occur during the vacation

period, the entitlement calculation will not include the holiday.

8. Regularly scheduled days off are not included in calculating vacation leave.

ADM.2018.35.2 Scheduling Vacation

1. Managers are responsible for planning work schedules in a manner that will allow all staff to take their appropriate vacation entitlement on an annual basis. Managers are responsible for ensuring proper coverage at both branches.
2. Employees must take a minimum of two (2) weeks' vacation time off each year after working one (1) year with the Library. Employees must take a minimum of three (3) weeks' vacation time off each year after working five (5) years with the Library. The Employee's manager or the Library CEO will schedule this vacation time if the Employee has not booked the minimum time off prior to the end of the year.
3. Employees should not make any vacation commitments until they receive formal approval from their manager.
4. All vacation time will be approved by the manager or Library CEO before being taken.
5. BMPL has the right to deny vacation leave if:
 - 5.1. It is requested within two-weeks of the date.
 - 5.2. The monthly schedule has already been posted and no other staff are willing/able to switch shifts.
 - 5.3. Other Employees have already requested and been granted leave for the same period;
or
 - 5.4. The request is at a peak time of service.
6. If a manager needs to deny an Employee's vacation request, the reason for denial should be shared with the Employee.

ADM.2018.35.3 Unused Vacation

1. Employees are permitted to carry over vacation time of two (2) weeks from year to year at the discretion of the Library CEO, provided they have taken the minimum vacation time required as per the Employment Standards Act. Any unused vacation time greater than two (2) weeks at the end of the year will be forfeited.
2. Employees are permitted to additional vacation time carry-over greater than two (2) weeks if approved by the Library CEO, provided they have taken the minimum vacation time required as per the Employment Standards Act.
3. All vacation time carry-over must be used by December 31 of the following year.
4. Vacation banks are not permitted to go into a negative balance.
5. Unused earned vacation time may not be taken beyond the Employee's last day worked.

6. Full-time Employees who have twenty-five (25) years of service or more with the Library may bank unused vacation time, up to a maximum of eight (8) weeks, to be accessed up to their retirement at the discretion of the Library CEO.

ADM.2018.35.4 Extenuating Circumstances Impacting Vacation Plans

1. If an Employee's vacation is interrupted due to illness or accident requiring hospitalization or confined to bed rest for longer than a forty-eight (48) hour period, the period of hospitalization/confined to bed rest will be considered sick leave upon submission of a satisfactory medical certificate and the vacation credits will be restored. If the Employee lacks sick credits, the Employee may, at their option, take the time as unpaid leave and the vacation credits will be restored, or continue to apply vacation credits to the leave.
2. If the death of an immediate family member occurs during an Employees vacation, the Employee will be granted bereavement leave with pay and the vacation will be restored upon satisfactory submission of proof of relationship (generally an obituary notice).
3. If a statutory holiday falls or is observed during an Employee's vacation period, the Employee shall be allowed an additional vacation day with pay at a time mutually agreed to.
4. Employees on any type of approved leave of more than thirty (30) calendar days will have the time of leave deducted from their vacation accrual. Vacation pay does not accrue while an Employee is on an unpaid leave of absence. The Employee's vacation bank will be adjusted when they return from leave and leave time will be deducted. Service will continue to accrue on leave. Employees who have unused vacation from prior to their leave shall ensure they utilize the vacation in the current year they return. In no event, will any Employee receive less than the minimum vacation time to which they are entitled under application employment standards legislation.

ADM.2018.35.5 Payment Guidelines

1. Remuneration receipts provided to Employees with each pay cheque shall identify:
 - 1.1. The amount of vacation earned in the pay period and in Year to Date.
 - 1.2. The amount of vacation paid in the pay period and in Year to Date; and
 - 1.3. The vacation entitlements separate from regular wages.
2. At the end of a vacation entitlement year or stub period, an Employee may request in writing (and is entitled to receive) a written statement that sets out the information contained in the record the employer is required to keep.
3. The statement shall be provided to the Employee not later than the later of,
 - 3.1. Seven days after the Employee makes the request; and
 - 3.2. The first pay day after the Employee makes the request.