



**Municipality of the County of Kings
Non-Unionized Employee Vacation and Overtime Policy**

Policy Category	Human Resources	Most Recent Amendment	August 18, 2020
First Council Approval	July 26, 2018	Future Review Date	July 2024

1. Purpose

The Employee Vacation and Overtime Policy will outline the following benefits for all non-unionized employees of the Municipality of the County of Kings (the “Municipality”):

- Vacation;
- Holidays; and
- Overtime and time in lieu.

The Municipality recognizes the need for rest and relaxation on the part of its employees and encourages employees to use allotted vacation time, and be entitled to eligible holidays each year each year. Annual vacation and holidays provide employees with a break from the workplace and an opportunity to rejuvenate, such that they are able to return to work refreshed and more productive.

It is the Municipality's policy to provide fair amounts of annual vacation time and to ensure employees have the ability to take vacation in the year that it is earned. This Policy provides a consistent approach to managing vacation.

The Municipality also recognizes that employees work outside of regular hours and the need to appropriately manage those additional hours worked. This Policy establishes guidelines to ensure that overtime hours for non-unionized employees are administered consistently, and recorded accurately.

2. Scope

This Policy applies to all non-unionized employees. The Chief Administrative Officer (CAO) is excluded from this Policy.

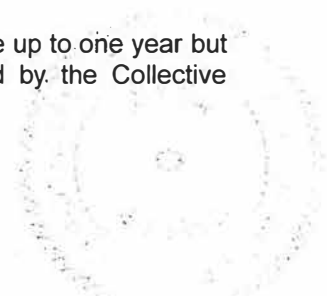
The Collective Agreement shall determine vacation, holidays, overtime, and time in lieu for unionized employees.

3. Definitions

3.1 **Management:** those employees who are excluded from the Collective Agreement between the Municipality of the County of Kings and CUPE Local 2618 and are in management roles; this includes the Deputy Chief Administrative Officer, Directors, and Managers.

3.2 **Non-Unionized-Non-Management:** those employees who are excluded from the Collective Agreement between the Municipality of the County of Kings and CUPE Local 2618 and are not in management roles.

3.3 **Term Employees:** an employee who has been hired for a defined period of time up to one year but is not filling another Employee’s position; term employees are not covered by the Collective Agreement.





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4. Policy Statements

All Non-Unionized Employees

4.1 Vacation Year & Allotments

4.1.1 The vacation year shall be January 1 - December 31, inclusive.

4.1.2 All employees shall be entitled to receive annual vacation leave with pay as follows:

From commencement of employment to start date of the next vacation year	Three weeks prorated to hire date
1 st full vacation year through 4 th full vacation year	Three weeks
5 th full vacation year through 8 th full vacation year	Three weeks and two days (17 days total)
9 th full vacation year through 14 th full vacation year	Four weeks
15 th full vacation year through 18 th full vacation year	Four weeks and two days (22 days total)
19 th full vacation year through 24 th full vacation year	Five weeks
25 th full vacation year and thereafter	Six weeks

4.1.3 Term, Part-Time, Temporary, and Seasonal Employees shall be entitled to vacation leave with pay as set out above, on a pro-rata basis based on the actual time worked.

4.1.4 First full vacation year means hired on or before January 15.

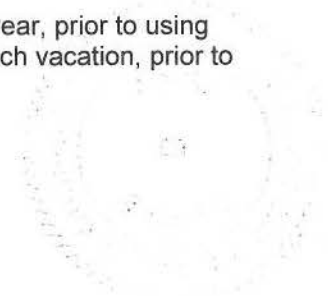
4.1.5 Probationary Employees may not take any vacation beyond what they accumulate until successful completion of the probation period.

4.2 Vacation Requests

4.2.1 Employees shall submit their vacation leave preference to their immediate supervisor. It is the joint responsibility of an employee and the employee's immediate supervisor to ensure that vacation leave is scheduled and taken at a mutually agreeable time.

4.3 Change in Employment Status

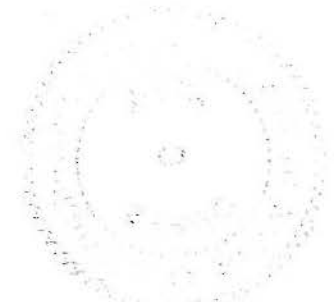
4.3.1 An Employee whose employment is terminated at any time in the year, prior to using vacation earned, shall be entitled to payment of wages in lieu of such vacation, prior to termination.





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- 4.3.2 An Employee whose employment terminates for any cause shall compensate the Municipality for vacation leave taken, but to which the Employee at that time has not earned. Where possible, this shall be deducted from any final payment to which the Employee is entitled at the time of termination.
- 4.4 Vacation Carry Over
- 4.4.1 All Non-Unionized Employees may carry over up to a maximum of five working days annual vacation. For exceptional circumstances, as determined by the Director or in the case of Directors, the CAO, the Director or CAO may authorize an Employee to carry over additional vacation days. The vacation carried over shall be taken in the following vacation year at the rate of pay prevailing when the vacation is taken.
- 4.5 Interruptions and Cancellations to Vacation Time
- 4.5.1 If a paid holiday falls or is observed during an Employee's vacation period, the Employee shall be allowed an additional vacation day at a time mutually agreed upon between the Employee and their immediate supervisor.
- 4.5.2 Where an Employee qualifies for court leave or jury duty during vacation, per Policy HR-06-010 Court Leave, the time shall not be deducted from vacation allotments. Vacation shall be taken at a mutually agreed upon later date.
- 4.5.3 Upon giving the Employer at least one week's notice, an Employee shall be permitted to cancel a period of vacation. This vacation will be rescheduled to a later time and will be subject to operational requirements and already scheduled vacations of other Employees.
- 4.6 Additional Vacation in Employment Offer
- 4.6.1 The CAO may take into account a candidate's past relevant work experience and award up to an additional two weeks of vacation beyond the standard three weeks for a new employment contract.
- As an illustrative example, if a Director is hired with 20 years of municipal experience in a Director's role, the CAO may accept these years of service towards the vacation schedule listed in Section 4.1 of this Policy.
- 4.7 Holidays
- 4.7.1 All non-unionized employees shall be entitled to the following holidays:
- 4.7.1.1 New Year's Day
 - 4.7.1.2 Nova Scotia Heritage Day
 - 4.7.1.3 Good Friday
 - 4.7.1.4 Easter Monday
 - 4.7.1.5 Victoria Day
 - 4.7.1.6 Canada Day
 - 4.7.1.7 First Monday in August





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- 4.7.1.8 Labour Day
 - 4.7.1.9 Thanksgiving Day
 - 4.7.1.10 Remembrance Day
 - 4.7.1.11 Christmas Eve Day (half-day)
 - 4.7.1.12 Christmas Day
 - 4.7.1.13 Boxing Day
 - 4.7.1.14 New Year's Eve Day (half-day)
 - 4.7.1.15 Floating Holidays (three per calendar year)
- 4.7.2 Floating Holidays are to be scheduled by mutual agreement between the Employee and their immediate supervisor, and may be taken in hourly increments. Floating Holidays will be approved on a first come, first served basis based on operational requirements.
- 4.7.3 Part-Time Employees shall receive payment for holidays on a pro-rata basis, to be based on average weekly hours worked in the four (4) week period immediately preceding the week in which the holiday occurs. Floating Holidays will also be allocated on a pro-rata basis.
- 4.7.4 When any of the holidays listed in Section 4.7.1 falls on a Saturday or Sunday, the Municipality shall declare another day to be observed as the holiday and shall give at least two weeks' notice of the date to be observed where this occurs.
- 4.7.5 Employees shall be paid for the above holidays provided they have:
- 4.7.5.1 worked the regularly scheduled shift of work immediately preceding and immediately following the holiday. An approved sick day or a vacation day is to be considered as a day worked; and
 - 4.7.5.2 received, or are entitled to receive, pay for at least fifteen days during the thirty calendar days immediately preceding the holiday.
- 4.7.6 Employees who do not work on a holiday will receive pay equivalent to the amount they would have received for normal hours of work.
- 4.7.7 Employees who are required to work and who do work on a holiday shall be paid the amount they would otherwise have received for that holiday or schedule a substitute day off with pay with approval of the Employee's immediate supervisor.

In addition to the above, the Employee will receive one and one-half times their regular rate of wages for the time actually worked on the holiday.

Non-Unionized-Non-Management - Overtime and Time in Lieu

- 4.8 The Municipality intends that work shall be completed, in so far as possible, within regular work hours to reduce to a minimum the necessity for overtime work.



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- 4.9 Non-Unionized-Non-Management employees shall be eligible for overtime in one of two ways:
- 4.9.1 time off in lieu to be scheduled at a time mutually agreed between the Employee and the Employee's immediate supervisor, at a rate of one and one-half hours for each overtime hour worked except that if the overtime hours are worked on a Sunday or paid holiday the Employee shall be compensated at a rate of two hours off for each overtime hour worked. Any time off in lieu not taken within two months of when the overtime was worked shall be paid out to the Employee.
 - 4.9.2 by overtime pay, calculated at the same rate as established in 5.2.1.
- 4.10 All overtime must be preapproved by the Employee's immediate supervisor and cannot be claimed for a period of any less than 30 minutes in a workday.
- 4.11 Employees may be required to attend meetings outside of their regularly scheduled work hours. All time required at a meeting shall be paid at the applicable overtime rate. Employees who are required to be at a meeting for less than one hour shall be paid in 30-minute increments.
- Where a meeting or special event occurs more than one hour before or one hour after an Employee's regularly scheduled work hours, the Employee's:
- 4.11.1 actual travel time to the meeting shall be considered attendance at the meeting, to a maximum of thirty minutes per meeting or special event per day; or
 - 4.11.2 meals shall be provided in accordance with the Municipality's Business Expense Policy as approved by Council and amended from time-to-time. An Employee may not claim travel expenses for a meeting or special event that is held at the Municipality's office.
- 4.12 Overtime and Time Off in Lieu must be recorded in the Municipality's accounting and payroll records.
- 4.13 Should employment end and there remains unused banked time, the Employee shall be entitled to payment of wages in lieu of such overtime in the amount accrued.
- Overtime and Time in Lieu for Management**
- 4.14 The Municipality intends that work shall be completed, insofar as possible, within regular work hours to reduce to a minimum the necessity for overtime work.
- 4.15 Management will receive time off in lieu on a straight time basis for time worked outside normal working hours in the course of their duties.
- 4.16 Overtime cannot be claimed for a period of any less than 30 minutes in a workday.



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- 4.17 Management will not be permitted to earn more than 70 hours of overtime in any calendar year. Up to 35 hours may be carried over from year-to-year, however overtime accrual banks must not exceed 70 hours.
- 4.18 Overtime must be approved by the Employee's immediate supervisor.
- 4.19 Overtime and Time Off in Lieu must be recorded in the Municipality's accounting and payroll records. Time Off in Lieu will be taken at a time that is mutually agreeable to the member of the management team and their immediate supervisor. Compensation for overtime in the form of pay shall only be approved under exceptional circumstances.

This approval must be granted in writing by the CAO.
- 4.20 Should employment end and there remains unused banked time, the Employee shall be entitled to payment of wages in lieu of such overtime in the amount accrued.

5. Responsibilities

- 5.1 Council will:
 - 5.1.1 ensure the Municipality has a current and comprehensive Policy to address vacation, holidays, overtime, and time in lieu for non-unionized employees; and
 - 5.1.2 review and amend this Policy as needed.
- 5.2 The Chief Administrative Officer will:
 - 5.2.1 administer and implement this Policy; and
 - 5.2.2 identify necessary revisions to this Policy.

6. Amendments

Date	Amendments
August 18, 2020	Policy renamed, aligned with benefits available to unionized staff, added holidays, overtime and time in lieu, distinguished between management and other non-union staff, approval required to receive overtime in the form of additional pay, eliminated requirement to use vacation time before lieu time.

