

ADMINISTRATION POLICY

Exempt Staff Policy

Policy number:	HR-LR-006 (F)
ALT report:	ALT2007-081
Approved by:	Administrative Leadership Team (ALT)
Effective date:	2007 / 12 / 11
Next revision due:	2012 / 12 / 11
Department/BU:	Corporate Services / Human Resources (Total Rewards)

BACKGROUND

The Exempt Staff Policy is intended for the guidance of both the employer and exempt employees of The Corporation of The City of Calgary ("The City").

Any questions regarding the contents of the Exempt Staff Policy Statement may be directed to Human Resources.

PURPOSE

The purpose of this policy is to document specific policies applied by The City to its exempt employees (i.e. employees that are not encompassed with, or covered by, collective bargaining).

DEFINITIONS

1. Business Unit – a sub-unit of a department; headed by a director who reports to a general manager.
2. Department – a grouping of business units; headed by a general manager who reports to the City Manager.
3. Deptid owner – a position in the organization that has the responsibility to manage both people and budgets.
4. Division – a sub-unit of a business unit; headed by a manager who normally reports directly to a business unit director.
5. Employee – Throughout these provisions, where the term "employee" is used and where terms reflecting male and / or female gender are used, it shall be

considered that either the feminine or masculine has been used where the context of the application so required.

6. Established – see “Regular”.
7. Exempt – a position or employee that is not encompassed with, or covered by, collective bargaining.
8. Limited Term – see “Temporary”.
9. Manager – a division-level manager.
10. Overtime – those hours an employee is assigned to work over and above their standard hours of work (See Section 6.02 – Hours of Work for Full-Time Employees).
11. Regular – also known as “Established”; refers to a position that has been authorized through the budget process as part of the ongoing complement of positions in a business unit.
12. Supervisor – a person who supervises exempt positions and employees; in some cases, may also be the manager and / or deptid owner.
13. Temporary – also known as “Limited Term”; refers to a position that has been set up, or is expected to exist, for a specified, and limited, period of time.

Table of Contents

Exempt Staff Policy	1
SECTION 0 - INTRODUCTION	5
0.01 scope/exceptions	5
0.02 consequences of non-compliance	5
SECTION 1 - MOVEMENT OF PERSONNEL	6
1.01 General	6
1.02 Employment Moves	6
1.03 Service	7
SECTION 2 - WORKING CONDITIONS	8
2.01 Hours of Work for Full-Time Employees	8
2.02 OVERTIME	9
2.03 Re-Arranged Work Week (RAWW)	11
2.04 Part-Time Employees	11
2.05 Business Continuity	12
2.06 Probationary and Trial Periods	12
2.07 Reversion to Union Positions	13
2.08 Working After Retirement	13
SECTION 3 - PERFORMANCE DEVELOPMENT	16
3.01 Responsibilities	16
SECTION 4 - STAFF DEVELOPMENT	17
4.01 Training Opportunities	17
4.02 Conference Attendance	17
SECTION 5 - MEMBERSHIPS	18
5.01 Professional	18
5.02 Association	18
SECTION 6 - COMPENSATION	19
6.01 Policy and Principles	19
6.02 Exempt Salary Structure	19
6.03 Statutory and General Holidays	20
6.04 Annual Vacation	21
6.05 Benefits	23
6.06 Pension Programs	24
6.07 Flexible Spending Account Plan	24
6.08 Supplementation of Compensation	25
SECTION 7 - POSITION EVALUATION	26
7.01 Compensable Factors	26
7.02 Job Evaluation Process	27
7.03 Request to Review Job Evaluation Results	29
SECTION 8 - SALARY ADMINISTRATION	31
8.01 Rates on Entry into Exempt Positions	31
8.02 Salary Adjustments	31
8.03 Pay-for-Performance Increases	34
8.04 Relief PAY for Exempt Positions	34
8.05 Standby Duty	36

8.06 Special Duties / Projects.....	36
8.07 Exceptional Circumstance Adjustments	37
SECTION 9 - LEAVES OF ABSENCE WITHOUT PAY	38
9.01 Conditions	38
9.02 Maternity Leave	41
9.03 Adoption Leave	42
9.04 Parental Leave	43
9.05 Family Leave	43
9.06 Time Off for Religious Observance.....	44
9.07 Military Leave	44
9.08 Self-Funded Leave	45
SECTION 10 - LEAVES OF ABSENCE WITH PAY	47
10.01 Birth / Custody Leave	47
10.02 Bereavement Leave	47
10.03 Jury Selection / Jury Duty	48
10.04 Witness Duty	49
SECTION 11 - COUNSELLING AND DISCIPLINE	51
11.01 Counselling.....	51
11.02 Discipline	51
11.03 Appeals of Discipline and Dismissal	54
SECTION 12 - SUSPENSIONS PENDING INVESTIGATION.....	55
12.01 Definition	55
12.02 Consultation Required	55
12.03 Written Notification	55
SECTION 13 TERMINATION OF EMPLOYMENT	56
13.01 Resignations.....	56
13.02 Notice of Termination and Dismissal	56
13.03 Abandonment of Employment	56
13.04 Employment References	57
REVISION HISTORY	Error! Bookmark not defined.
APPENDIX: SUPPLEMENTATION OF COMPENSATION	60

POLICY

SECTION 0 - INTRODUCTION

0.01 SCOPE/EXCEPTIONS

The Exempt Staff Policy Statement is intended for the guidance of both the employer and exempt employees of The City of Calgary. It documents specific policies applied by The City of Calgary to its exempt employees.

The City Manager of The City of Calgary has the authority, under Bylaw No. 42M2004, to determine salaries, working conditions, benefits, hours of employment and all circumstances of employment with all City personnel for whom a collective bargaining agent has not been provided. In this policy, the Administrative Leadership Team (ALT) sets out a statement governing the employment of such exempt employees.

The ALT recognizes the executives or designated committees of The City of Calgary Society of Professional Engineers (CCSPE), The City of Calgary Administrative, Professional and Technical Employees Association (APTEA) and the Senior Executive Association as representatives of such exempt employees who are members of the foregoing Associations.

The ALT accepts this representation as a matter of mutual convenience, noting that this in no way precludes individual representation by exempt employees in regard to their own employment.

The ALT undertakes to consider revisions to this policy statement that may be proposed by representatives of the CCSPE, APTEA and the Senior Executive Association to consult with these bodies when revisions are proposed or contemplated by the ALT. Exempt employees are to be advised in writing whenever revisions are made to this policy statement.

0.02 CONSEQUENCES OF NON-COMPLIANCE

None.

SECTION 1 - MOVEMENT OF PERSONNEL

1.01 GENERAL

The City of Calgary values its employees and therefore makes available employment opportunities and encourages internal employee movement.

The City endeavours to inform employees of available job vacancies in the civic service through the normal posting / advertising process and gives due consideration based on the merit principle to those employees applying.

1.02 EMPLOYMENT MOVES

1. Appointment to Exempt Positions

Each employee shall, upon appointment, be given a letter of offer by Human Resources. The offer letter shall specify status, initial salary, salary range, probationary arrangements and other matters pertaining to the appointment.

All new exempt employees will be provided with a copy of this Exempt Staff Policy Statement at the time of hire as well as an application to join CCSPE or APTEA, where applicable.

2. Reporting Relationships

Normally, an employee reports to only one authority. In some cases, there may be more than one reporting relationship for an employee. The supervisory areas should identify the authority and accountability for administrative (e.g. work hours) and technical (e.g. functional) matters.

3. Reassignment of Duties

From time to time, The City may reassign employees to other positions and classifications in cases:

- of work shortages, work reductions / reorganizations, or similar situations; or
- where employees have become unable to perform their work satisfactorily due to health, injury, or other similar reason.

4. Workforce Reduction

In the event that it becomes necessary to reduce the workforce, The City shall make every effort to deploy / appoint exempt personnel affected by the staff reduction into existing vacant positions for which they qualify. This is applicable to those exempt employees who have achieved satisfactory performance as evident through The City's performance management system.

1.03 SERVICE

1. Calculation of Service

An employee's service shall be calculated from the most recent date of continuous employment with The City.

2. Service on Re-engagement

Where an employee resigns, is terminated, or dismissed from the civic service and is later re-engaged (i.e. re-hired), service shall date only from the date of re-engagement.

3. Non-Crediting Service

Employees of the School, Hospital, Library, ENMAX and other Boards and Authorities shall not, on appointment to the civic service, be credited for service purposes with time served in the employ of these Boards and Authorities.

4. Service on Change in Jurisdiction

The employee who has service in one or more bargaining unit(s) and accepts employment in an exempt position without a break in service will retain and accumulate service.

An exempt employee who accepts employment in a bargaining unit position without a break in service will retain and accumulate service.

5. Inter-Departmental or Inter-Jurisdictional Movement

Under no circumstances will any business unit require an employee to resign when moving between business units or when moving into an exempt position from a bargaining unit position.

SECTION 2 - WORKING CONDITIONS

Current working conditions of other employees in the private and public sectors (including other civic employees) will be taken into consideration when determining working conditions for exempt employees.

2.01 HOURS OF WORK FOR FULL-TIME EMPLOYEES

1. Standard Hours

The standard hours of work for full-time exempt employees are 7.5 hours per day for 14 days during each three-week period, for an average of 35 hours per week.

2. Non-Standard Hours

Management may designate specific positions as requiring other work hour arrangements, such as: longer daily hours and / or a shorter workweek, due to operational needs or the relationship of the exempt position to a union position. Such full-time positions shall be referred to as having non-standard hours of work.

Full-time exempt employees are compensated on an annual basis regardless of the scheduled standard weekly hours (i.e. the annual salary remains the same whether an exempt employee works 35, 38, 40 or 42 hours a week).

3. Work Outside Regularly Scheduled Hours

The nature of the demands of employment in an exempt position may be such that an employee performs work outside of regularly scheduled hours, (i.e. early arrival and late departure). These additional hours are not to be considered as compensable overtime.

However, when extra hours are worked on a regular and consistent basis, the supervisor may grant suitable time off to recognize the employee's extra hours that exceed those defined above.

4. Compressed Work Week

Compressed work week options are available upon request. Guidelines are provided in Employee Flexible Work Options.

2.02 OVERTIME

Management recognizes that where overtime is necessary, exempt employees must be compensated for it, but that it is not in the best interest of either the civic service or employee wellness that overtime be performed on a regular basis. Therefore, overtime must be actively managed.

1. Definitions

For full-time staff, overtime is defined as those hours an employee is assigned to work over and above their standard hours of work (see definition of Standard Hours of Work on page 7).

For staff working less than full-time hours overtime is defined as those hours an employee is assigned to work over and above the regularly scheduled daily or weekly hours, whichever is greater, of the staff working full time hours in the immediate work group.

E.g., an employee's work unit works 7.5 hours / day, Monday - Friday (i.e. Re-arranged Work Week (RAWW) schedule), but the employee is part-time working:

Monday -	4 hours
Tuesday -	7.5 hours
Wednesday -	7.5 hours
Thursday -	7.5 hours
26.5 hours weekly	

- If the employee is assigned to work 6 hours on Monday, no overtime is payable.
- If the employee is assigned to work 7.5 hours on Friday, no overtime is payable.
- If the employee is assigned to work 9.0 hours on Tuesday, 1.5 hours of overtime is payable.

2. Approval of Overtime

All overtime for exempt employees must be pre-authorized by the deptid owner. The following are options that may be considered before assigning overtime work to exempt employees:

- re-arrange the work week;
- restructure hours, i.e. shifts, weekends;
- re-prioritize assignments - eliminate low priority projects);
- hire additional staff;
- contract-out projects; and
- implement or remove a compressed work week.

3. Compensation for Approved Overtime

All directed and pre-approved overtime in excess of standard hours shall be compensated at time and one-half. Compensation for overtime shall be on a lieu time basis or cash, subject to operational needs.

Banked overtime must be used by the end of the calendar year following that in which it was banked; otherwise, it will be paid out. The appropriate business unit director must approve any exception.

Overtime related to business continuity initiatives (e.g., overtime work assigned for labour actions, pandemic emergencies, emergency operations, etc.), shall be compensated at double-time rate.

When an employee works in excess of 100 hours of overtime in any calendar year, the name of that employee, a summary of hours worked and the reasons for it shall be forwarded to the appropriate general manager for review.

4. Payment of Overtime

It is the employee's responsibility to complete and submit the appropriate overtime forms for approval and initiation of payment. Payment will be made as soon as possible after the overtime forms have been submitted.

2.03 RE-ARRANGED WORK WEEK (RAWW)

1. Conditions

Exempt employees whose standard hours of work are outlined in Section 2.01 – Hours of Work for Full -Time Employees are entitled to an average of one day off in every three-week cycle.

2. Three-week Cycles

A corporate schedule of three-week cycles is published annually by Human Resources and forms the basis for the calculation of earned days off.

Individual business units shall determine annual schedules of RAWW designated days off within each cycle for their employees.

3. Re-scheduling Days Off

Under extenuating circumstances, such as urgent work requirements, an employee may work on a scheduled day off and would then be encouraged to reschedule their day off to a mutually convenient time within the designated cycle.

4. Banking of Days Off

The banking of days off for a future date outside of the appropriate cycle is permitted and requires the approval of the deptid owner.

Banked days off must be taken prior to the end of the calendar year in which they were earned, or they will be forfeited with the exception of the days banked in December.

Days banked in December can be carried over to the next calendar year.

2.04 PART-TIME EMPLOYEES

1. Definition of Permanent Part-time Employee:

A permanent part-time employee is either:

- An employee who has been in continuous City service for the equivalent of six months of full-time employment in a regular part-time position that has been authorized as part of the normal establishment with a minimum of 20 scheduled hours per week; or
- An employee, who, prior to moving into a regular part-time position with a minimum of 20 scheduled hours per week, had achieved permanency within the City's service. The employee class (formerly known as the employee's appointment status) would be trial.

2. Permanent Part-time Employees

Permanent part-time exempt employees will be entitled to the provisions contained in the Exempt Staff Policy Statement on a pro-rated basis.

3. Temporary Part-time Employees

Non-permanent part-time exempt employees will be entitled to the terms and conditions of employment as outlined in the Alberta Employment Standards Code.

2.05 BUSINESS CONTINUITY

In the event of a legal or illegal work stoppage by any union local representing civic employees or a declared municipal emergency, exempt employees may be reassigned to assist in the maintenance of civic services. Such reassignment is controlled by Labour Action Business Continuity and may entail being assigned:

- work of a different type, for which training will be provided;
- work in another business unit; and / or
- a revised schedule of hours or days.

2.06 PROBATIONARY AND TRIAL PERIODS

1. Probationary Period

A new employee appointed to a regular (formerly known as 'established') exempt position shall be required to successfully work through a six-month probationary period during which their suitability shall be considered by their supervisor.

2. Trial Period

A six-month trial period is applicable when an exempt employee moves to a different regular exempt position after permanency with The City has been achieved.

3. Less than Full-Time Hours

The probationary / trial period for employees who work less than full-time hours shall continue until the employee has worked the equivalent of six months of full-time employment.

4. Extensions of Probationary / Trial Periods

At management's discretion, it may be deemed necessary to extend an exempt employee's probationary / trial period. Reasons for extending a probationary / trial period may include, but are not limited to, the following:

- absences from work during the probationary / trial period;
- inconclusive assessment of performance during the initial six-month period;
- changes to work assignments or supervision during the initial six-month period; or
- allowance of adequate time to properly assess positions with a yearly cycle.

A probationary / trial period may be extended for an additional period of up to six months.

A probationary / trial period will not be extended beyond a maximum period of twelve months of full-time employment, or the equivalent of twelve months of full-time employment in the case of part-time employees.

2.07 REVERSION TO UNION POSITIONS

Employees who have been promoted from bargaining unit positions to exempt positions may be eligible to revert, or be reverted, subject to the terms of the collective agreement for the bargaining unit from which they were promoted.

Note: Consult the appropriate collective agreement to determine if an option to revert exists and, if so, the time frames for exercising the reversion option.

2.08 WORKING AFTER RETIREMENT

1. Exempt Rehirement Policy

A general manager, business unit director or manager may, subject to appropriate approvals, offer to rehire an eligible retiring employee on a Rehirement Contract immediately following retirement for a limited term period (i.e. up to 24 months with possibility of extension).

For the purposes of the Exempt Rehirement Policy, the requirement for a 3 - month waiting period before rehiring retirees is not applicable, as noted under Section 3102.02 (Employment of Retired Individuals) of the Employment Policy (Administration Policy HR-031 – formerly Chapter 31).

2. Eligibility Requirements

The Exempt Rehirement Policy may be used where the following conditions are met:

- an eligible exempt employee with at least 30 years of pensionable service under the Local Authorities Pension Plan (LAPP) has announced his / her intent to retire to an immediate LAPP monthly pension, and
- the respective general manager, business unit director or manager has determined that:
 - there are no internal successor candidates currently ready to fill the vacancy created by the retirement;
 - there are no adequate external candidates available to fill the vacancy; and
 - there is a critical need for the vacancy to be filled at once or The City will suffer immediate harm from a significant loss of productivity and / or the loss of ability to provide a key service.

3. Business Case / Rehirement Contract

A business case must be developed for each rehirement situation and signed off by the business unit director, the appropriate general manager and the Director of Human Resources.

In addition to a business case, approved rehirement arrangements require the preparation and execution of an employment contract (i.e. Rehirement Contract).

Both the business case and employment contract must be consistent with the Rehirement Principles and other rehirement criteria as contained in Section 9 (Rehire Recommendations) of the Employment Policy (Administration Policy HR-031 – formerly Chapter 31).

4. Retired Employee Employment Pool

Exempt employees who retire to an immediate LAPP monthly pension may, at retirement or later, submit their name for inclusion in the Exempt Retiree Employment Pool, which is a listing of exempt retirees who are willing to work for The City on a short-term basis and who have applied to participate in the pool.

To be employed through the Exempt Retiree Employment Pool, these individuals must have been separated from The City for at least 90 days.

Directors / managers / supervisors seeking to fill limited term, seasonal or relief exempt positions may choose to hire eligible Exempt Retiree Employment Pool participants, without a competitive process.

Exempt Retiree Employment Pool participants are in no way obligated to accept employment from The City and continued participation in the pool is not contingent on acceptance of employment.

Participation in the Exempt Retiree Employment Pool is not a guarantee of employment and hiring managers / supervisors are not required to use the Exempt Retiree Employment Pool to fill vacant positions.

SECTION 3 - PERFORMANCE DEVELOPMENT

The City recognizes that people are our most important asset. Excellent people performance does not just happen -- it must be planned for, constantly developed, evaluated and recognized.

The City's Performance Development process is intended to align individual employee performance with The City's strategies for success, encourage continuous feedback and coaching, establish and carry out developmental plans and review and reward actual performance.

3.01 RESPONSIBILITIES

1. Performance Plans

It is intended that employees and their supervisors will establish performance plans that include expectations, objectives and results to which both parties agree and which are measurable and obtainable.

Note: The performance development process is described in more detail on the intranet under "Exempt - Performance and Career Planning".

2. Performance Reviews

The ALT requires a formal performance review, which should be conducted at least once a year, for all exempt employees. This process is to be mutually beneficial, where both the supervisor as well as the employee benefit from the approach used.

3.02 APPEAL OF PERFORMANCE EVALUATION

An employee, who believes that his / her performance has been assessed incorrectly by her / his immediate supervisor, may appeal as follows:

- An employee may appeal the matter in writing, within seven calendar days of being notified of their performance evaluation, to the next level of supervision above their immediate supervisor.
- The next level supervisor shall review the matter with the employee within 30 calendar days of receipt of the appeal and shall issue a final and binding decision on the appeal within 14 calendar days of the review.

SECTION 4 - STAFF DEVELOPMENT

4.01 TRAINING OPPORTUNITIES

The ALT supports and encourages participation in development and training programs targeted to organizational and business needs by ensuring that the responsibilities defined below are carried out.

1. Management's Responsibilities

Business unit directors, managers and supervisors at The City shall have responsibility and accountability for the development of their employees. Maximum use of existing human resources will be fostered and plans will be developed to meet future requirements.

2. Employee's Responsibilities

All exempt employees are responsible for their own self development, including availing themselves of opportunities which will enable them to maintain effective work performance in their present position and to prepare for advancement and / or other position changes.

4.02 CONFERENCE ATTENDANCE

Attendance at conferences shall take into account the needs of the exempt employee's personal development and the value to The City resulting from such attendance. Attendance requires prior approval of the business unit director or supervisor.

SECTION 5 - MEMBERSHIPS

5.01 PROFESSIONAL

Where maintenance of membership in a professional organization is a requirement of holding a particular position, The City will reimburse the employee for 100% of the annual membership fees with the deptid owner's approval.

5.02 ASSOCIATION

Deptid owners are responsible for approving payment of membership fees for employees in associations that, in their opinion, provide value to The City.

Employees are encouraged to actively participate through membership in associations that are directly related to their field of work.

Where employees are nominated for executive positions in associations, formal approval of the business unit director shall be obtained prior to standing for office and such requests shall indicate the approximate length of leave of absence and / or expense to The City.

SECTION 6 - COMPENSATION

6.01 POLICY AND PRINCIPLES

The salary policies for the exempt group are set by the City Manager and the ALT, based on recommendations from Human Resources and in accordance with the following principles:

- The City of Calgary, an employer of choice for people who derive satisfaction from delivering high quality public service, provides its exempt employees with total rewards that are competitive with relevant markets.
- Salary is directly linked to performance that helps The City achieve its business goals.
- Salaries will be established in a manner which:
 - ◆ recognizes The City's responsibility as a public sector employer;
 - ◆ is consistent with The City's ability to pay;
 - ◆ recognizes the relative worth and value of jobs based on consideration of relevant and objective job-related factors; and
 - ◆ is responsive to public and private market conditions on a local, regional and national basis, where applicable, including the relationship to current collective agreements.

6.02 EXEMPT SALARY STRUCTURE

1. Pay Bands

The exempt salary structure consists of eight pay bands from A-H and a pay band for engineers-in-training. Each pay band has a salary range with a minimum and a maximum salary.

The specific salaries associated with each pay band are set out in a separate document available from Human Resources.

2. Salary Structure Adjustments

Human Resources will review the salary structure annually and make recommendations to the City Manager.

Human Resources will ensure that The City's market data is current.

The selection of both benchmark positions and survey participants will be done in consultation with the appropriate business unit directors and general managers.

Note: Information on salary and compensation surveys is available in the Compensation Policy (Administration Policy HR-TR-004).

6.03 STATUTORY AND GENERAL HOLIDAYS

1. List of Holidays

Exempt employees are entitled to statutory holidays as follows:

- New Year's Day;
- Family Day;
- Good Friday;
- Easter Sunday;
- Victoria Day;
- Canada Day;
- August Civic Holiday; (if proclaimed);
- Labour Day;
- Thanksgiving Day;
- Remembrance Day;
- the second half of their last scheduled work day before Christmas;
- Christmas Day;
- Boxing Day; and
- Any other holiday that is proclaimed or declared by The City of Calgary and / or the Province of Alberta and / or the Government of Canada, except when replacing the above-named holidays; in which case, the proclaimed statutory holiday only shall be recognized.

2. Entitlement to Statutory Holidays

Exempt employees are entitled to statutory holidays from the date of commencement of work for The City.

3. Banked Statutory Holidays

A banked statutory holiday must be used by the end of the calendar year following that in which it was banked; otherwise, it will be paid out.

4. Premiums for Statutory Holidays

All directed and pre-approved work on a statutory holiday that is normally a day off is considered to be overtime and shall be compensated at time and one-half (i.e. 1.5X) in addition to a regular day's pay. Compensation shall be on a lieu time basis or cash, subject to operational needs (as per Section 6.03 – Statutory and General Holidays).

If this overtime premium is banked (i.e. to be taken at a later date), it must be used by the end of the calendar year following that in which it was banked; otherwise, it will be paid out.

All direct and pre-approved work on a statutory holiday that is normally a work day for the employee shall be compensated at double time (i.e. 2X) in addition to a regular day's pay. This double time will be taken in pay.

6.04 ANNUAL VACATION

1. Entitlement - Standard Hours

Employees who work standard hours of work, as per Section 2.01 – Hours of Work for Full -Time Employees, are entitled to annual vacation as follows:

- 14 days after completion of 1 year of service (i.e. 105 hours);
- 19 days after completion of 8 years' service (i.e. 142.5 hours);
- 24 days after completion of 15 years' service (i.e. 180 hours); or
- 28 days after completion of 25 years' service (i.e. 210 hours).

Any exceptions to the above-noted vacation entitlement may be approved by the business unit director. Consultation with the assigned Human Resources Advisor is encouraged.

2. Entitlement - Non-Standard or Part-time Hours

Exempt employees, who work non-standard or part-time hours, are entitled to vacation on a pro-rated basis to ensure receipt of vacation entitlement equivalent to employees who work standard hours.

To determine the pro-ration, employees will be credited with continuous service from their most recent date of hire. The pro-ration of their entitlement will then be based on hours worked in the previous year.

3. Eligibility for Vacation Entitlement

Eligibility for vacation entitlement is generally established after one continuous year of employment. Once eligibility has been established, an employee is

required to take annual vacation prior to the completion of their second, and each subsequent, 12-month period of employment.

However, employees may, in their first year of employment and in subsequent years, request to take vacation in the year in which it is earned, rather than the subsequent year. This is subject to meeting the requirements of the work unit and management approval.

4. Short Vacation Periods

An exempt employee may elect to take their vacation entitlement in periods of less than one week as long as the time is taken within the appropriate 12 month period with the mutual agreement of the employee and the deptid owner and subject to operational needs.

Employees, with the approval of the deptid owner, may use vacation entitlements in periods of one hour or more, for personal reasons, provided that the employee's vacation entitlement exceeds the minimum provincially legislated vacation levels (after each year of employment, two weeks of annual vacation; and after five years of employment, three weeks of annual vacation).

5. Accumulation (Banking) of Vacation

Exempt employees may, at their option accumulate vacation time as follows, provided the minimum provincially legislated vacation time is taken

Maximum Bankable Hours

- The overall maximum banked hours is 300 hours.

Non-Bankable Hours

- An employee must take the remainder of their vacation period as outlined in this section.

1. Maximum Bankable Hours by Employee Class

- Full-time exempt employees working standard hours and with annual vacation entitlement in excess of the Alberta Employment Standards Code requirement can bank up to a maximum of 37.5 vacation hours per year.
- Full-time exempt employees working more than 35 weekly standard hours and with annual vacation entitlement in excess of the Alberta Employment Standards requirement can bank up to a maximum of their weekly standard hours (e.g. up to 38, 40 or 42 hours) per year.

- Part-time exempt employees with annual vacation entitlement in excess of the Alberta Employment Standards requirement can bank up to a maximum of 37.5 vacation hours per year.

Request to Bank / Take

- An employee's request to accumulate annual vacation shall be officially recorded by the employing business unit in writing or on the appropriate form prior to the employee's current year vacation base date.
- Accumulated vacation time may be taken subject to operational needs and with approval of the deptid owner.

6. Vacation Payout

- Exempt employees who are entitled to five weeks or more vacation may request to receive the value of all or part of their fifth and subsequent weeks of vacation in cash, or to request the transfer of these funds for deposit to The City's group Registered Savings Plan (RSP).

Note: Provisions are detailed in Section 8.06 (Pay in Lieu of Vacation) of the Compensation Policy (Administration Policy HR-TR-004).

6.05 BENEFITS

As part of its total compensation package, The City makes available a range of benefits with the understanding that the level of benefits, in general, for exempt employees shall be at least equal to the general level of benefits enjoyed by other civic employees.

Exempt employees will participate in the Municipal Employees Benefit Association of Calgary (MEBAC) and, subject to the eligibility requirements being met, are entitled to the following employee benefits:

- Group Life Insurance;
- Alberta Health Care Insurance;
- Hospital and Extended Health Care Plan;
- Dental Plan;
- Short Term Sickness and Accident Plan;

- Long Term Disability Benefits;
- Optional Group Life;
- Employee Assistance Program;
- Health Spending Account; and
- Retiree Benefits (extended health, dental, group life and Alberta Health Care).

Note: Information regarding benefits is provided upon employment, or refer to the information about employee Pay and Benefits on the intranet.

6.06 PENSION PROGRAMS

The role of The City's pension program is to maintain a committed and motivated corporate workforce by providing secure and stable income into retirement.

Program offerings include:

- LAPP for all exempt employees; and
- Supplementary Pension Plan (SPP): Level F and above (according to base position); and
- Over-Cap Pension Plan: Level G and above (according to base position).

Note: Provisions of these plans are detailed in separate documents available through Human Resources, or refer to information about Leaving The City on the intranet.

6.07 FLEXIBLE SPENDING ACCOUNT PLAN

Exempt employees who occupy positions evaluated at levels F, G or H are eligible for the Flexible Spending Account Plan (FSAP). Members of the FSAP are given cash-equivalent credits based on their position. These credits can be taken as reimbursement for non-taxable expenses, as cash or as a combination of the two. Prior to the beginning of each enrollment period, the eligible employee must make their selection and return the allocation form. This selection is irreversible until the next enrollment. If the allocation form is not received by the posted deadline, all credits are assigned to the non-taxable option.

1. Eligibility

Eligibility for the Flexible Spending Account Plan is determined on a monthly basis throughout the year. Any new hire or internal position changes – for example, a promotion that occurs and changes the amount of available credits – are reflected at the next monthly review.

- Employees hired or promoted between January 01 and June 30 to an established position that is eligible for the FSAP, will receive the full credit allocation for that year. If an employee becomes eligible for credits after June 30, the credit allocation is prorated for a half-year.
- Employees participating in the plan who receive a promotion between January 01 and June 30 to a position that is eligible for a greater credit allocation will receive the full difference between their current allocation and their new credit allocation. If an employee becomes eligible for higher credits after June 30, the difference between their current allocation and their new credit allocation is prorated for a half year.
- Employees hired or promoted to a limited term position that is eligible for the FSAP will receive credits after occupying the temporary position for six (6) consecutive months. The initial FSAP credits are pro-rated by the number of months occupied in the eligible position. Enrollment takes effect with the next enrolment date after the six months has been reached – either Jan 1 or July 1. Credit allocations then occur every six months after the initial enrolment until the limited term position ends.
- Employees who terminate or retire can use credits allocated to a non-taxable account for reimbursement of services completed prior to the date of termination or retirement. Claims must be made within 60 days of that date. Unused credits will be forfeited. A cash allocation will be retained by the employee.
- Employees who move to a position that is not eligible for the FSAP will retain their previously granted credit or cash allocation for the balance of that enrolment period. No new credit allocation will be made thereafter.

2. Plan Provisions

Detailed provisions of this plan are available on The City's intranet.

6.08 SUPPLEMENTATION OF COMPENSATION

If an exempt employee is killed or totally disabled as a result of an accident arising directly out of the course, and in the scope, of their employment with The City of Calgary, that employee, or surviving spouse or dependent children, shall be eligible for Supplementation of Compensation as set out in the Appendix of this document.

SECTION 7 - POSITION EVALUATION

7.01 COMPENSABLE FACTORS

Exempt positions are evaluated through a systematic process that determines the relative value of jobs across The City. The position level is determined according to 13 compensable factors within four categories, as follows:

Skills:

- Knowledge;
- Communication;
- Change Management; and
- Leadership.

Responsibility:

- Complexity;
- Independence;
- Impact of Decisions ;
- People Development;
- Project Team Involvement;
- Internal Interaction;
- External Interaction; and
- Health, Wellness and Safety.

Effort:

- Physical and Visual Effort and Manual Dexterity.

Working Conditions:

- Work Environment.

7.02 JOB EVALUATION PROCESS

1. Job Evaluation Questionnaire

Position evaluation will be based upon the duties and responsibilities described in the Exempt Job Evaluation Questionnaire (JEQ).

The incumbent (where one exists) and the immediate supervisor, with assistance from Human Resources, if required, should complete the JEQ.

The position manager must approve the JEQ prior to it being submitted to Human Resources for review.

Note: For further information on the JEQ and Job Evaluation Guide, contact Human Resources or refer to information on the intranet about Job Evaluation - Exempt.

2. Initial Position Evaluation

A position may be deemed identical to an already existing and evaluated position, if one exists. If not, the following process will be used to evaluate the position level.

3. Preliminary Rating

Human Resources, with input from the position's supervisor, will apply a preliminary rating to the position after reviewing the completed JEQ questionnaire, and seeking clarification and additional information where required.

4. Rating Team

The role of the rating team is to maintain consistency and accuracy of system application; team members are not advocates for any particular job.

Business unit management is invited to provide an overview and / or set the context for the position at the rating team's meeting.

Human Resources will present the position, along with the preliminary rating, to a rating team to reach a consensus on the final evaluation.

Employees and **business unit management** may be contacted, at the discretion of the rating team, to answer any questions the team may have during their review of the position.

5. Notification of Rating

Upon completion of the rating, Human Resources will notify the incumbent employee (if one exists) and the position manager of the rating decision.

6. Decision Review

The employee and / or **business unit management** have the right to request a review of the decision as outlined under Section 7.03 – Request to Review Job Evaluation Results.

7. Criteria for Re-evaluation of Existing Positions

Managers are responsible for ensuring that positions submitted for re-evaluation meet the guidelines for sufficient grounds for review. Grounds for review include the following:

- a significant change in assigned duties and responsibilities;
- a change / concern regarding internal relativity within the business unit and the Corporation as a whole; or
- verification of a vacant-rated position that has been filled by an incumbent for a reasonable period of time, allowing for the development of more informed and relevant examples.

In those cases where re-evaluation is not warranted, the manager will advise the incumbent employee.

8. Process for Re-evaluation

The incumbent (where one exists) and the supervisor will complete a JEQ.

The documentation will be forwarded to Human Resources for evaluation, as outlined in Section 7.02 – Job Evaluation Process.

The rating team will complete all requests for position re-evaluations as expeditiously as possible.

Notification in writing will occur as outlined previously.

7.03 REQUEST TO REVIEW JOB EVALUATION RESULTS

1. General

The incumbent and / or **business unit management** may request that a job evaluation decision be reviewed. Human Resources can provide relevant information to assist the parties in determining whether to proceed with a review.

2. Documentation

Requests for review are to be approved by the business unit director and submitted, in writing, to Human Resources within 21 calendar days of notification of the rating decision. Requests for review are to be submitted using the Exempt Job Evaluation Request for Review form. Refer to information on the intranet about Job Evaluation - Exempt.

The requester may approach Human Resources to obtain relevant information that would be of assistance in the preparation of the request.

3. Review Process

A review team will be convened to review the job evaluation decision as expeditiously as possible. Human Resources will present the request for review to the review team. **Business unit management** may attend in order to provide additional information or clarifying comments at the outset of the meeting.

Incumbents and **management** may be contacted by the review team to answer any questions the team may have.

The review team will reach a decision on the individual factors that have been appealed, as well as other factors that have an inter-relationship, and arrive at an overall job rating.

4. Final Decision

In order for the results of the original job evaluation decision to be overturned, a consensus decision of the review team will be required.

The review decision may result in a position rating going up, down or staying the same.

The incumbent and the business unit director will receive written notification of the decision of the review team from Human Resources.

The decision of the review team is final and binding on all parties.

5. Position Verification (Audit)

The relevant policy is available in Section 6 (Position Verification Policy) of the Compensation Policy (Administration Policy HR-TR-004).

6. Exceptions to the Job Evaluation Process

A general manager may authorize the removal of an exempt position from the job evaluation process in extraordinary circumstances (i.e. mitigation of significant retention risks or to address an exceptional recruitment challenge). In this circumstance, the position will be deemed to be “unrated” and a competitive rate of pay will be determined. Consultation with the assigned Human Resources Advisor is encouraged.

SECTION 8 - SALARY ADMINISTRATION

8.01 RATES ON ENTRY INTO EXEMPT POSITIONS

1. External Hires

Normally, an external applicant who meets the minimum position requirements would be placed within the first one third of the pay range.

2. Existing Employee

Promotion, demotion and transfer policy would usually be applied to an existing City employee who moves into an exempt position. See the appropriate sections of this Policy Statement.

3. Rates Lower than Minimum

Rates lower than the minimum may be approved for training programs lasting more than one year, or for employees who do not meet minimum job requirements (i.e. an underfill). See Section 8.02.07 – Salary Adjustments, Underfill Promotion.

4. Rates Above First Third of Range

For those new employees who substantially exceed the position's minimum qualifications, a starting salary beyond the first third of the range may be authorized by the employing business unit director. Consultation with the assigned Human Resources Advisor is encouraged.

In such cases, consideration would be given to the individual's qualifications and experience compared to what is required for the position, salaries of existing incumbents, market factors, ability to recognize performance growth in position, etc.

8.02 SALARY ADJUSTMENTS

1. Upward Position Reclassification

An employee whose position is reclassified upwards may be eligible for a salary adjustment in accordance with Section 8.02.5 - Promotion.

2. Downward Position Reclassification - Normal Protection

An employee, whose position is reclassified downward, due to either:

- a management reorganization where no demotion for cause is intended; or

- a re-evaluation of the position, which was initiated by the employee and results in a downward reclassification, would normally be entitled to red-circling protection as long as the employee remains in that position.

3. Application of Red-Circling

When an employee is red-circled, the employee's current rate of pay is fixed (or frozen) until the maximum of the new evaluated level for the position (i.e. the level after reclassification) equals or exceeds the rate actually being paid to the employee.

At that point the red-circling will be removed and the employee would then be eligible for performance increases, where the range permits.

4. Special Salary Protection on Downward Reclassification

While other types of salary protection may be afforded on downward reclassifications, each case would be considered on its own merit. Approval for special salary protection may be authorized by the applicable business unit director. Consultation with the assigned Human Resources Advisor is encouraged.

5. Promotion - Normal Salary Adjustment

Promotion to a position in a higher pay range than the employee's existing base position does not automatically result in an increase in pay.

The decision regarding pay on promotion is based on the employee's related qualifications and competencies as compared to both existing staff in similar positions and the minimum qualifications for the position.

Normally, the increase available on promotion is:

- a) 0 -10%; or
- b) the minimum of the new pay range.

6. Promotions - Exceptions

An increase greater than (a) or (b) above is considered exceptional and requires the prior approval of the business unit director. Consultation with the assigned Human Resources Advisor is encouraged.

7. Underfill Promotion

A promoted employee, who is within one year of meeting the minimum qualifications for the job (i.e. an underfill), may be placed at a rate 5% below

the minimum of the appropriate pay range. When the employee meets the minimum requirements, the employee's salary should be adjusted to at least the minimum of the position's pay range.

If a promoted employee is already paid within the applicable pay range, the employee's salary may be red-circled until the employee meets the minimum requirements. Once the employee meets the minimum requirements, the employee's salary may be adjusted in accordance with the promotion policy noted above.

Note: In either case, the effective date of the salary adjustment would be the date the employee met the position requirements.

8. Demotion - Normal Salary Adjustment

Upon demotion, an employee should be placed within the lower pay range at their current pay rate, if possible.

If the employee's current rate exceeds the new range maximum, then the employee is placed at the maximum of the new pay range.

9. Demotion - Special Circumstances

Maintenance of an employee's salary rate above the range maximum would be considered in exceptional circumstances and requires the prior written agreement of the business unit director. Consultation with the assigned Human Resources Advisor is encouraged. Red-circling would then apply to the employee's new rate of pay.

10. Transfer - Normal Salary

Normally, upon transferring into a position within the same pay range, an employee maintains their existing rate of pay.

11. Transfer - Special Circumstances

Any increase in salary on transfer would usually be based on the employee's hours of work, relative qualifications, competencies or experience related to the new position and as compared to other existing staff in identical positions.

An increase in salary requires the prior written consent of the business unit director. Consultation with the assigned Human Resources Advisor is encouraged.

12. Compression Pay

Generally, compression is said to exist when the maximum of an exempt Supervisor's salary range is lower than the annual rate of pay, including designated pay premiums, of her / his best-paid union subordinate.

In such situations, compression pay will be considered. A rate of up to five percent above the enhanced base rate (i.e. the annual rate of pay including designated pay premiums) of the highest paid union subordinate will be applied and reviewed on an annual basis.

Business unit management will resolve any concerns about compression on a case-by-case basis after a compression analysis has been completed by Compensation & Total Rewards.

8.03 PAY-FOR-PERFORMANCE INCREASES

1. Purpose

Annual salary adjustments will be based on performance. Pay-for-performance increases are designed to move employees through their pay range in recognition of improved skills and knowledge and greater experience.

2. Availability

Pay-for-performance increases, based on corporate guidelines, are available annually until the maximum of the pay range has been reached and will normally be effective the first pay period in January.

3. Notification of Pay-for-performance Salary Adjustments

Notification of pay-for-performance increases will be given to affected employees, normally through the performance development and appraisal process (See Section 8.03 – Pay-for-performance Increases).

When performance does not meet expectations and a pay-for-performance adjustment will be nominal or withheld, the affected employee will also be notified.

The notification will be in advance of the pay date when adjustments are expected.

8.04 RELIEF PAY FOR EXEMPT POSITIONS

1. General

Relief pay provisions apply to any employee who relieves in an exempt position, except where specifically prohibited by collective agreement.

Relief is of mutual benefit to the employer and the relieving employee. The employer benefits from having necessary duties carried out while the employee receives a developmental opportunity.

To be considered to be in a relief situation, an employee shall be required to perform the principal duties for the higher level position; at the same time, the employee may also be required to perform some of the duties of their regular position.

Relief pay provisions apply to any employee who relieves in an exempt position, except where specifically prohibited by union contract.

2. Eligibility for Relief Pay

To be eligible for relief pay, relief duties are normally taken on for a minimum period of four and a maximum of 21, consecutive workdays.

On completion of the minimum four-day qualifying period in a relief assignment, an employee shall be eligible for relief pay for the total period of relief, including the qualifying period.

3. Calculating Relief Pay

Taking into consideration the scope of responsibilities to be assumed, the employee shall receive:

- up to five percent of current salary in addition to regular salary; or
- the minimum salary for the pay range of the higher level position.

The specific amount of relief compensation is to be determined by the supervisor.

4. Impact of Relief on Pension

Exempt relief duties are pensionable according to the terms of the LAPP.

5. Exceptions

In the case of formal relief / acting lists for employees moving from unionized to exempt positions, the applicable business unit director must approve exceptions to the preceding relief policy.

8.05 STANDBY DUTY

1. General

Standby duty is neither optional nor transferable to another employee and requires an ability to report or respond immediately.

Standby duty occurs on those occasions where:

- an employee is directed and scheduled to be personally available or accessible to an operation during “off hours”; and
- the employee’s activities away from the job are limited or restricted (this requirement, by its very nature, places significant restrictions on the types, and location, of activities that the employee can do during “off duty hours”).

Standby duty demands that an employee be personally available (i.e. the standby responsibility is neither optional nor transferable to another employee) and requires an ability to report or respond immediately.

2. Standby Pay

Exempt employees required to be on standby will receive a premium of \$25 per day.

8.06 SPECIAL DUTIES / PROJECTS

1. General

An employee who is requested to assume significant special duties that are:

- in addition to their normal work; or
- related to a special project of a limited time frame, which is beyond the scope of work normally encompassed within the salary range,

may be paid a supplementary amount of up to five percent.

Approval for special duties pay must be obtained at the commencement of the assignment from the responsible business unit director.

2. Circumstances Requiring Consultation

Approval for payment of the special duties premium must be made by the applicable business unit director for the following:

- any adjustment which will take the employee over the maximum of the pay range; or

- any extension beyond the initial limited time frame.

Consultation with the assigned Human Resources Advisor is encouraged.

8.07 EXCEPTIONAL CIRCUMSTANCE ADJUSTMENTS

Approval Process

Unusual circumstances may exist where one time pay-for-performance adjustments are desired for exempt employees, outside the pay-for-performance cycle.

In such cases, the business unit will forward to the general manager a request to authorize such an adjustment.

SECTION 9 - LEAVES OF ABSENCE WITHOUT PAY

The City recognizes that it may be necessary or desirable for an exempt employee to periodically take a leave of absence from the work place.

Note: Leave of Absence for educational purposes is discussed in Section 3604.07 (Terms Binding The City and Employee) of the Learning and Development Policy (Administration Policy HR-036 – formerly Chapter 36).

9.01 CONDITIONS

The following conditions apply to all leaves of absence without pay except where otherwise specified in Sections 9.02 to 9.08:

1. Eligibility

All permanent exempt employees are eligible to apply for leaves.

2. Approval

All leaves are subject to the approval of the business unit director.

3. Service-Related Entitlements

All service-related benefits and entitlements (e.g. vacation and statutory holiday entitlements), unless specifically provided for in this policy statement, shall be rested (i.e. employee does not receive credit for absence period) during periods of leave which exceed 30 calendar days.

4. Benefit and Pension Coverage

Employees must contact Human Resources, prior to beginning such leave, regarding benefit and pension coverage and premiums.

Premium rates, amounts and required benefit coverage on a Leave of Absence, shall be determined by the Municipal Employees Benefit Association of Calgary (MEBAC).

5. Benefits and Pension for Leave of 30 Days or Less

Where any leave of absence without pay has been granted for a period of 30 consecutive days or less, such employee shall be required to pay the usual benefit premiums, pension contributions and other levies normally in force had such leave of absence not been granted.

6. Benefits for Leave Over 30 Consecutive Days

Except where otherwise provided in this policy statement, when an employee has been granted any leave of absence without pay for a period of more than 30 consecutive days, they shall be required to pay, in advance:

- both the employee's and the employer's share of their benefit premiums for applicable benefits, and
- any other levies normally in force had such leave of absence not been granted.

7. Purchase of Pensionable Service

A. Local Authorities Pension Plan (LAPP)

Upon return from the leave, the employee has a one-time option to purchase the leave period as pensionable service under the LAPP or Supplementary Pension Plan (SPP) on a current-service basis.

This one-time option allows the employee to pay only the employee portion of contributions, with The City paying its portion of contributions.

Once an employee's cumulative periods of unpaid leaves of absence exceed one year, the employee will be required to pay both the employee and employer contributions for all subsequent periods of unpaid leaves of absence purchased on a current service basis.

The amounts of contributions required are calculated by Alberta Pensions Administration.

Under the LAPP, periods of unpaid leaves of absence may be purchased as optional service at a later date. The costs of such optional service purchases are calculated by Alberta Pensions Administration and are entirely employee funded.

Note: For more information on the LAPP, refer to the LAPP handbook or see the website of the Local Authorities Pension Plan.

B. Other Pension Plans

For more information on purchasing unpaid leaves of absence on other City plans, contact Human Resources.

8. Job Postings

Employees on leave are responsible for knowing of, and are eligible to apply on, job postings and, if successful, the employee will report to work as per the business unit's requirements.

9. Return from Leave

Should an employee desire to return from leave earlier than initially established, the employee must submit a written request to the business unit for management's consideration.

An employee will be required to meet all terms and conditions of employment, (e.g. medical fitness, driver's license, etc.) prior to returning to The City's employ.

Employees returning to The City's employ from a leave of absence may be returned to their position, if the position has remained established; otherwise, the employee may be offered other vacant positions for which they qualify, or be terminated. See Section 1.02 – Employment Moves and Section 13 – Termination of Employment.

The employee's exempt manager or supervisor will be responsible for communicating with the employee prior to their return to work from leave of absence regarding any potential redeployment or lay off.

10. Resignation While on Leave

Should an employee on leave resign from employment, the employee will provide the business unit with a written letter of resignation.

11. Change in Compensation

A change in compensation that is implemented during the period of leave and affects the employee will be applied upon return to work.

12. Employment with Another Employer

While on a leave of absence without pay, an employee shall not accept employment with another employer or engage in self-employment without the prior written approval of the business unit director (see the Code of Conduct Policy (Administration Policy HR-LR-005)).

13. Overstaying a Leave of Absence

Where an employee overstays their leave of absence without prior authority of the business unit director, they shall automatically forfeit their position with The

City, unless, in the opinion of the business unit director, such overstay was justifiable.

9.02 MATERNITY LEAVE

1. Definition of Maternity Leave

A maternity leave is defined as the total time off work, before and after the birth of a child, including some health-related portion.

2. Conditions for Maternity Leave

A pregnant employee, who is permanent or non-permanent with at least 12 months of continuous service, shall be entitled to maternity leave without pay for a period not to exceed 15 weeks.

An employee with at least six months of continuous service may be granted leave at the discretion of management.

During the health-related portion of a maternity leave, a pregnant employee may be eligible for benefits as any other employee who is absent or on sick leave.

During the first six months of her pregnancy, the employee shall apply in writing to her business unit for maternity leave and include the estimated delivery date and the commencement date of the maternity leave.

Maternity leave shall start at a time designated by the employee that is within 12 weeks of the estimated delivery date, but no later than the date of the birth of the child.

Once the maternity leave has been approved, the start date can commence earlier (e.g. if the baby arrives before the estimated delivery date); however, the leave cannot be adjusted to a later start date.

The City's Medical Health Consultant, in consultation with the employee's personal physician, may determine that the employee's ability to carry out her assignments is limited by her pregnancy. In such case, The City may give the employee written notice requiring her to start maternity leave within 12 weeks of the estimated delivery date.

The employee will be required to pay in advance for the non-health-related portion of the maternity leave, the employee's share of the premiums for applicable benefits, and any other levies normally in force had such leave of absence not been granted.

Note: The Municipal Employees Benefit Association of Calgary (MEBAC) shall determine premium rates, amounts and required benefit coverage for maternity leaves.

An employee returning to work from maternity leave shall be reinstated to the same or a similar position as the one held at the time maternity leave commenced.

An employee granted maternity leave will receive service credit for the duration of the leave.

An employee will not be entitled to statutory holiday entitlements during maternity leave.

An employee who has been granted a maternity leave must comply with Section 9.01 – Leaves of Absence Without Pay - Conditions.

9.03 ADOPTION LEAVE

Where an employee seeks a leave of absence for the purpose of legal adoption, that employee shall apply for an adoption leave giving:

- where possible, written notice of at least two weeks before the employee can reasonably expect to first obtain custody of the child being adopted; or
- where such prior notice is not possible, as soon as is practical upon receiving notice of adoption.

1. Terms and Conditions

The terms and conditions of employment applicable to maternity leave shall also be applicable to adoption leave, except that the leave of absence of up to 15 weeks without pay shall commence on the date on which the adoptive parent first obtains custody of the child being adopted.

2. Sharing the Leave

If The City employs both adoptive parents, they may share the leave of absence, with the total leave not to exceed 15 weeks. The parents may be granted leave simultaneously, subject to operational requirements.

9.04 PARENTAL LEAVE

1. Eligibility

A parent, who is a permanent employee or a non-permanent employee with at least 12 months of continuous service, is entitled to a parental leave without pay of up to 37 weeks for the care of a new-born or newly adopted child.

An employee with at least six months of continuous service may be granted leave at the discretion of management.

2. Timing of Leave

Parental leave is available within the year that the child arrives home.

Where the parental leave is not taken immediately after a maternity or adoption leave, The City's operational needs should be considered together with the needs of the employee.

3. Notice Required

Employees shall provide reasonable notice of their desire for parental leave.

4. Sharing the Leave

If The City employs both parents, they may share the leave of absence, with the total leave not to exceed 37 weeks. The parents may be granted leave simultaneously, subject to operational requirements.

5. Terms and Conditions

The terms and conditions of employment applicable to maternity leave shall also be applicable to parental leave.

9.05 FAMILY LEAVE

1. Eligibility

Permanent employees may be entitled to a leave of absence without pay to care for ill or elderly family members.

2. Priority

Requests for such leave shall be given priority over other requests for unpaid leaves of absence for personal reasons.

Family leave shall be granted subject to the needs of the operation.

3. Service-Related Entitlements

All service-related entitlements shall be rested during periods of leave that exceed 30 calendar days (i.e. employee does not receive credit for these during the absence period).

4. Reduction in Hours of Work

If an employee requests, consideration shall be given to reducing the employee's hours of work to accommodate responsibilities for an ill or elderly family member.

5. Alternate Employment

Similarly, where there is an opportunity within the Corporation for alternate employment that would allow an employee to meet their responsibilities to an ill or elderly family member, consideration will be given to transferring the employee to the suitable vacancy.

6. Operational Needs

Reduction in hours of work, or movement of employees for this purpose, shall be implemented upon consideration of the needs of the operation.

7. Terms and Conditions

An employee who has been granted a family leave must comply with the conditions governing leaves of absence without pay as established in Section 13.01 – Termination of Employment - Resignations.

9.06 TIME OFF FOR RELIGIOUS OBSERVANCE

Requests for leave of absence without pay for religious purposes will be considered and approval may be required in accordance with the Duty to Accommodate in Employment Policy (Administration Policy HR-EMP-001).

9.07 MILITARY LEAVE

For information on Military Leave, refer to the Military Leave for Reservists Policy (Administration Policy HR-TR-001).

9.08 SELF-FUNDED LEAVE

The Self-Funded Leave of Absence Plan is designed to allow employees to defer a portion of their salaries for the purpose of funding an unpaid leave of absence, which can be used for career development or personal growth opportunities.

1. Plan Administration

The plan will be administered by Human Resources in accordance with the Self-Funded Leave of Absence Plan ("Plan") approved effective 1991 July 01 and updated 2004 August.

2. Eligibility

All permanent employees who have a minimum of five years of service and occupy regular (also known as "established") positions are eligible to apply for participation in the Self-Funded Leave of Absence Plan.

3. Contributions and Leave Period

Employees may defer receipt of up to one third of their gross salary for a maximum period of six years. The amount contributed may be adjusted once a year by written request to the plan administrator, but the length of the contributory period cannot be changed.

The leave must be for at least six consecutive months, but no more than 12 consecutive months, and must begin within six years of enrolment in the plan.

The employee must return to City employment for a period of time at least equal to the length of the leave.

Employees are not eligible to apply if it is reasonably anticipated that they will retire prior to the commencement of the leave period.

During the leave period, employees are entitled to normal benefit coverage on the condition that the employee pays the employee's portion of all required premiums in a lump sum prior to the commencement of the leave.

The general conditions of a Leave of Absence Without Pay (see Section 9.01 – Leaves of Absence Without Pay – Conditions) will be applicable to plan participants, as will the guidelines on outside employment contained in the Code of Conduct.

4. Approval

Applications must be approved by the appropriate business unit director based upon the recommendation of the employee's manager and subject to the operational requirements of The City. General managers must approve

applications from directors and applications from general managers must be approved by the City Manager.

SECTION 10 - LEAVES OF ABSENCE WITH PAY

10.01 BIRTH / CUSTODY LEAVE

Upon request, an employee who is to become a parent (excluding one who is already on maternity, adoption or parental Leave) shall be entitled to a one-day leave of absence with pay:

- for attending the delivery of the child; or
- for attending to the release from hospital of the spouse or domestic partner who has given birth; or
- on the day of first obtaining custody of a child who has been legally adopted.

Note: If The City employs both parents, only one birth / custody leave of absence shall be available.

10.02 BEREAVEMENT LEAVE

A leave of absence with pay in order to carry out responsibilities incurred by the death of an immediate family member may be permitted at the discretion of the supervisor.

1. Definition of Immediate family

For this purpose, immediate family is defined as current spouse, (including common-law or same gender spouse), parent, step-parent, guardian; brother or step-brother; sister or step-sister; child, step-child, foster child or ward; grandparents or step-grandparents of the employee; grandchild or step-grandchild; or related dependent living in the household of the employee.

Subject to operational requirements, a leave of absence with pay of seven (7) consecutive calendar days may be permitted at the discretion of the Manager to address the demise of the employee's parent-in-law or step parent-in-law, brother-in-law or step brother-in-law, sister-in-law or step sister-in-law, grandparent-in-law or step grandparent-in-law

2. Length of Leave

Where the supervisor is satisfied that the request is a legitimate one, it will be permissible to grant a leave of absence up to, but not exceeding, seven consecutive calendar days. The employee will be paid for their normal working days during the leave period granted.

3. Attending a Funeral Service

Leave of absence with pay to attend funeral services only of persons related more distantly than those listed above may be granted at the discretion of the supervisor.

4. Additional Time

In addition to the above-specified days, additional leave without pay may be granted upon request, subject to operational requirements.

5. Interruption of Vacation

An exempt employee, who is absent from work on vacation at the time the death of a relative (as defined under 10.02.1. - Definition of Relative) occurs, shall not be disentitled to bereavement leave if they are required to interrupt their vacation to attend the funeral or assume responsibilities arising from the death.

That portion of their vacation, which may be subsequently approved as bereavement leave, will be rescheduled at the employee's request to a mutually convenient time.

10.03 JURY SELECTION / JURY DUTY

1. Court Attendance

Where an employee is required to attend court for the purpose of jury selection and / or to serve as a juror in any court and such attendance requires time off work, the employee shall be granted leave without loss of regular pay for regular time missed, provided:

- the employee immediately advises his / her supervisor of the requirement for a leave of absence and submits a Request for Leave of Absence Form with a copy of the subpoena;
- the supervisor submits the request for leave of absence form and the copy of the subpoena to the City Solicitor prior to the employee proceeding to court;
- the employee surrenders any pay received for jury duty (excluding any portion designated for expenses such as travelling and meals) to The City through the City Solicitor; and
- the employee presents proof of time spent in jury selection or jury duty to the supervisor and proof of the amount of jury duty pay received to the City Solicitor.

2. Jury Duty Exemptions

Jury duty exemptions are provided in the Jury Act of Alberta as amended from time to time. For example, members and employees of any police force as well as probation officers and lawyers are exempted from jury duty.

Municipal employees are not exempt from jury duty. Other exemptions from jury duty are provided in the *Alberta Jury Act*.

Note: An employee wishing to be exempted from jury duty must apply to do so as soon as possible after receiving the notice of being selected for jury duty by:

- completing the appropriate section of the summons; and
- forwarding it to the person or office specified on the summons (e.g. Jury Management Office, Province of Alberta).

10.04 WITNESS DUTY

1. Eligibility

When an employee has been served with a subpoena to attend court as a witness or to give evidence that requires the production of City documents, and such attendance requires time off work, the employee shall be granted such time off without loss of regular pay for regular time missed, provided:

- the duty or evidence arises out of the course and scope of the employee's employment with The City;
- the employee immediately advises her / his supervisor of the requirement for a leave of absence and submits a request for leave of absence form with a copy of the subpoena;
- the supervisor submits the request for leave of absence form and the copy of the subpoena to the City Solicitor prior to the employee proceeding to court;
- the employee surrenders any pay received for witness duty (excluding any portion designated for expenses such as travelling and meals) to The City through the City Solicitor; and
- the employee presents proof of time spent in witness duty to the supervisor and proof of the amount of witness duty pay received to the City Solicitor.

2. City Documents

When the subpoena requires that City documents must be produced at the trial, the City Solicitor will then contact the solicitor involved to determine what is required at the trial.

3. External Solicitor

In no case should the employee deal directly with an external solicitor until clearance has been obtained from the City Solicitor.

4. Non-Employment-Related Witness Duty

Where the duty or evidence does not arise out of the course and scope of the employee's employment with The City, the supervisor may determine, in consultation with the City Solicitor, whether it is in the public interest (i.e. an act of good citizenship) for The City to grant either:

- a leave without loss of regular pay for the regular time missed (the second, third and fourth conditions under Section 10.04.1 - Eligibility apply), or
- a leave of absence without pay (the second and third conditions under Section 10.04.1 - Eligibility apply).

In either case, the employee must present proof of time spent in witness duty to the supervisor.

SECTION 11 - COUNSELLING AND DISCIPLINE

11.01 COUNSELLING

When an employee is experiencing difficulty in meeting work standards or in conforming to City regulations, the employee shall be counselled.

Minutes of matters discussed may be completed by the supervisor in the form of a memo to the employee. The need to keep formal notes is determined by the seriousness of the incident.

Counselling of a non-disciplinary nature is intended to determine the nature of a perceived problem, and shall outline in clear terms the work performance or conduct expected of the employee, as well as:

- the method of achieving acceptable work standards; and
- the time frame within which those standards are to be met.

11.02 DISCIPLINE

1. General

In an effort to maintain consistency across the civic service in matters related to exempt discipline, the Manager, Labour Relations should be consulted before initiating any action.

Prior to effecting discipline, investigation of the grounds is required.

Disciplinary action is imposed where there is just cause.

2. Documentation

The City recognizes the necessity of objective and impartial disciplinary action and therefore:

- Disciplinary action must be assessed individually on the merits of each case and employee; and
- All documentation related to the disciplinary action must be complete and accurate.

In all cases involving the placing of disciplinary documents on an employee's personnel file, copies of the disciplinary document are to be provided to the employee and the Manager, Labour Relations.

Where a disciplinary document does not cite a specific expiry date, it may be removed at the employee's request from their personnel file after one year only by the employee's business unit director following consultation with the Manager, Labour Relations.

3. Disciplinary Sanctions

Where discipline is appropriate, the disciplinary action to be taken shall be determined by the nature and gravity of each incident or set of circumstances.

Disciplinary sanctions may include, but are not limited to the following:

- written warning(s);
- final written warning(s);
- suspension; and/or
- dismissal.

Depending on the nature and gravity of the offence, disciplinary sanctions may be bypassed or repeated.

4. Examples of Disciplinary Offences

Offences which constitute cause for disciplinary action or dismissal include, but are not limited to, the following:

- possession or consumption of intoxicants (e.g. alcohol, drugs) on City premises or reporting to work under the influence of these intoxicants;
- physical assault of a fellow employee or citizen;
- conviction of a criminal offence committed during the course of employment or while off-duty when the nature of the conviction prejudices The City's or other employees' legitimate interests;
- falsification of official documents, including employment applications, employment records, medical documents, production records, time sheets, invoices or other documents;
- malfeasance, including the wrongful or unauthorized acquisition, use, appropriation, or disposal of City assets (including monies, information, data, materials, labour, or equipment), the violation of public trust or duty, or the misuse of position for personal gain (failure to report known or suspected malfeasance may in itself be subject to disciplinary action);

- off-duty behaviour when the conduct of the employee harms The City's reputation or product, the behaviour renders the employee unable to perform duties satisfactorily, it leads to refusal, reluctance, or inability of other employees to work with them, or it places difficulty in the way of The City properly carrying out its function of efficiently managing its operations and directing its workforce;
- misuse of the City's electronic equipment (includes telephones, copiers, fax machines, computers, etc.) and their uses for personal reasons (see Acceptable Use of City Technology Resources Policy.
- failure to adhere to The City of Calgary's Corporate Vision, Mission, Values, Ethics and Corporate Ethics;
- failure to adhere to the Respectful Workplace Policy (Administration Policy HR-LR-001);
- failure to adhere to The City of Calgary's policy on threats and violent acts in the workplace.

5. Disciplinary Demotion

Demotion can be used in certain circumstances as a disciplinary response. The circumstances which may warrant consideration of this response include:

- recurrent negligence;
- poor work attitude;
- unsatisfactory work performance; and
- disregard for safety regulations.

The terms under which a demotion is imposed must include:

- a clear written statement of the reasons for demotion;
- a concise written summary of the work performance or conduct expected of the employee;
- an appropriate time frame within which to accomplish the stated objectives; and
- a review process by which the supervisor may reasonably assess the employee's progress.

11.03 APPEALS OF DISCIPLINE AND DISMISSAL

Exempt employees who have been disciplined or dismissed may appeal against this action, in accordance with the procedures outlined below:

1. First Level - Probationary or Permanent Employee

A probationary or permanent exempt employee who has been disciplined or dismissed may appeal against this action within 30 calendar days of notification of the notice of the discipline or dismissal.

The employee shall submit an appeal in writing to their business unit director, who shall conduct a hearing into the matter within 30 calendar days of the receipt of the appeal.

At the appellant's request, a member of the Executive of The City of Calgary Society of Professional Engineers (CCSPE) or The City of Calgary Administrative, Professional and Technical Employees Association (APTEA) may attend the hearing.

The business unit director shall issue a decision on the appeal within 14 calendar days of the date of the appeal hearing.

Employees who report to a business unit director will undertake the foregoing to the general manager level.

The decision at this level shall be final and binding for probationary employees.

2. Second Level – Permanent Employees Only

In the case of permanent exempt employees, if the first-level appeal decision does not give satisfaction to either party, a second-level hearing shall take place before the general manager.

The employee must submit the request for appeal within 14 days of receipt of the first level appeal decision.

At the appellant's request, a member of the Executive of CCSPE or APTEA may attend the hearing.

SECTION 12 - SUSPENSIONS PENDING INVESTIGATION

12.01 DEFINITION

A Suspension Pending Investigation (SPI):

- is with compensation (subject to outcome);
- may be initiated when an employee is alleged to have committed an employment-related offence of a serious nature, where further data gathering or fact finding is required; and
- is non-disciplinary in nature.

12.02 CONSULTATION REQUIRED

The Labour Relations Division must be consulted prior to affecting any SPI.

Where prior notification is not possible, Human Resources should be notified as soon as possible when a SPI has been imposed.

12.03 WRITTEN NOTIFICATION

Written notification of a SPI should be made to the employee with the following parties copied:

- Manager, HR Service Centre;
- Employee File
- Manager, Pay Services; and
- Manager, Labour Relations.

SECTION 13 TERMINATION OF EMPLOYMENT

13.01 RESIGNATIONS

Exempt employees shall provide The City with a minimum of two weeks' notice in writing of their resignation.

13.02 NOTICE OF TERMINATION AND DISMISSAL

1. Notice on Termination

Where The City terminates an exempt employee for non-culpable reasons, the employee shall be given reasonable notice of termination, but in no case less than the notice provided for in the Alberta Employment Standards Code.

2. Notice on Dismissal

Where an exempt employee is dismissed for cause, no notice shall be provided.

3. Appeals Against Dismissal

An exempt employee desiring to appeal against dismissal shall do so under the appropriate procedure outlined in Section 11.03 – Appeals of Discipline and Dismissal.

13.03 ABANDONMENT OF EMPLOYMENT

1. Circumstance

An exempt employee who fails to report to work and fails to personally get authorization for such absence shall be considered to have terminated from the civic service when such absence without permission reaches one calendar week in duration.

2. Action

The supervisor shall send the employee a registered / couriered letter to the last known address. The letter shall indicate that the employee is considered to have deserted the civic service as of the last day worked.

Such separation shall be recorded as a resignation.

3. Re-consideration

Where an employee shows through documentary evidence that it was impossible to comply with their obligations under Section 13.03.1 – Circumstance, management may reconsider whether the employee has terminated from the civic service.

13.04 EMPLOYMENT REFERENCES

The City will provide employment references for either existing or previous City employees. The following conditions will apply:

- In accordance with the *Freedom of Information and Protection of Privacy Act* of Alberta, the employee (or former employee) must sign a City of Calgary Consent to Provide Employment Reference (Candidates Declaration P 889) Form before any information is released to a third party;
- A manager or supervisor who either directly supervised or is familiar with the individual's work should provide employment references;
- Any information being released as a result of a request for employment reference must be provided in a truthful, non-malicious manner;
- The information being provided must be related to objective, job-related criteria;
- Responses to questions relating to the employee's attendance at work should disclose only the frequency of absence, but not why the person was unable to attend work (e.g. must not disclose the nature of any illness).

City representatives, who are providing the employment reference, must avoid giving any information that would be:

- their personal opinion or belief as it relates to the individual in question;
- unrelated to the individual's specific job tasks or requirements;
- unsolicited by the prospective employer requesting the reference; and
- related to a prohibited ground of discrimination as defined by *Alberta Human Rights, Citizenship and Multiculturalism Act* (e.g. race, colour, ancestry, place of origin, gender, religious beliefs, physical or mental disability, age, source of income, sexual orientation, marital status or family status).

Note: For further information on providing employment references, consult Human Resources or see information about "Reference Checks" on the HR intranet website.

SUPPORTING REFERENCES AND RESOURCES

Please note that some of the items listed below may not be publicly available.

References to related corporate-wide procedures, forms and resources

- [My HR](#) intranet website
- Rehirement Contract on the [Rehirement of Retirees](#) intranet website
- [Self-Funded Leave of Absence Plan](#)
- [Corporate Vision, Mission, Values, Ethics and Corporate Ethics](#) intranet website
- [Flexible Spending Account Plan \(FSAP\)](#) intranet website – detailed provisions about the FSAP
- Employee [Flexible Work Options](#) intranet website
- Exempt Performance and Career Development Guide available on the [Performance and Career Development Process](#) intranet website
- [Job Evaluation – Exempt](#) intranet website
- [Evaluating Candidates](#) HR intranet website

References to related [Council policies](#), bylaws and [administration policies](#)

- Bylaw No. 42M2004
- Code of Conduct Policy (Administration Policy HR-LR-005)
- Compensation Policy (Administration Policy HR-TR-004)
- Duty to Accommodate in Employment Policy (Administration Policy HR-EMP-001)
- Employment Policy (Administration Policy HR-031)
- Learning and Development Policy (Administration Policy HR-036)
- Military Leave for Reservists Policy (Administration Policy HR-TR-001)
- Respectful Workplace Policy (Administration Policy HR-LR-001)

Other references and resources

Provincial Legislation

- [Alberta – Employment Standards](#)
- [Alberta Labour Relations Code](#)
- [Alberta Freedom of Information and Protection of Privacy Act](#) (FOIP)
- [Alberta Human Rights, Citizenship and Multiculturalism Act](#)
- [Alberta Jury Act](#)

External Websites

- [Local Authorities Pension Plan](#)
- [Municipal Employees Benefit Association of Calgary \(MEBAC\)](#)

REVISION HISTORY

Review Date	Description
2012 04 09	8.04. Amended to reflect that relief pay is pensionable as per approval from Administration and passed through Council on February 14, 2012.
2010 09 30	6.07. Flexible Spending Account Plan Edited clause
2009 06 30	7.02 - 8. Process for Re-evaluation Corrected reference to Section 7.02 – Job Evaluation Process
2008 03 30	Various amendments
2005 01 30	New Policy
1982 03 30	Chapter 30: Management Exempt Policy (in the hard-copy-based editions of the Administration Manual)

APPENDIX: SUPPLEMENTATION OF COMPENSATION

Note: Throughout these provisions, where the term "employee" is used and where terms reflecting male and / or female gender are used, it shall be considered that either the feminine or masculine has been used where the context of the application so requires.

Definitions, in Sections A1 to A13 inclusive:

Child - the natural child, whether born before or after the employee's death, or legally adopted child of an employee, and includes any person to whom the employee and spouse stood *in loco parentis*.

Dependent child - an unmarried child, who at the time the employee died, was being supported by the employee and

- is less than eighteen (18) years of age; or
- is eighteen (18) years of age or over, and not more than twenty-one (21) years of age, and is in attendance full time at an accredited school or university, having been in such attendance substantially without interruption since he reached eighteen (18) years of age;
- is eighteen (18) or more years of age and not more than twenty-one (21) years of age and is disabled having been supported due to such disability without interruption since the time he reached eighteen (18) years of age.

Disabled - suffering from a severe and prolonged mental or physical disability and for these purposes:

- a disability is severe only if by reason thereof an employee is incapable regularly of pursuing any substantially gainful occupations, and
- a disability is prolonged only if it is determined that such disability is likely to be long, continued and of indefinite duration, or is likely to result in death.

Full pay - the monthly basic salary that the employee was entitled to receive at the time he was disabled or killed. This salary is based on:

- the confirmed position and classification occupied by the employee at that time;
- the regular monthly hours of work applicable to that classification or position; and
- applying thereto any economic salary changes awarded from time to time to the Exempt Group and deducting there from an amount equivalent to all normal deductions provided however that the full pay will never be less than that which the employee was receiving at the time of death or disability.

Note: Any salary protection will cease at the dates it would have ceased had the employee not been killed or disabled as the case may be.

Normal deductions - those items which would have been deducted from the monthly basic salary of the employee, in the normal course of events had he not been disabled or killed. Without limiting the generality of the foregoing, normal deductions shall include:

- any and all deductions for the federal or provincial income tax according to the employee's exemption at the time he was disabled or killed; or, in the case of an employee who has been killed, according to the exemptions of his widow and children;
- contributions to any City Pension Plan and Canada Pension Plan;
- Group Life Insurance Commission premiums;
- Employment Insurance Commission premiums;
- Alberta Blue Cross and Alberta Health Care Insurance Commission premiums; and
- or any of their equivalents that might have been payable by the employee from time to time.

Widow - a woman has survived an employee to whom she was lawfully married and who was being wholly or partially supported by him at the time of his death, and includes a common-law spouse where there is no lawful wife at the time of death of the employee.

Widower - a man who has survived an employee to whom he was lawfully married and who she was wholly or partially supporting at the time of her death, and includes a common-law spouse where there is no lawful husband at the time of death of the employee.

Common-law spouse - any man or woman, who, although not legally married to an employee, lives and cohabits with an employee as the spouse of that employee and

- has maintained such relationship for a continuous period of five (5) years or more; or
- has maintained such relationship for a continuous period of two (2) years or more and has borne the child or children of such employee.

In either instance, the person is generally known as the employee's spouse in the community in which they lived at the time of death of the employee.

A1. Circumstances Resulting in Compensation

Where an employee is disabled or killed as a result of an accident arising directly out of the course and in the scope of his employment with The City of Calgary, The City shall pay to either:

- the employee, if disabled, or
- to the employee's widow and dependent children, if killed,
- the employee's full pay under the terms and conditions hereinafter set out provided the accident is not proven to be an intentional act to cause injury or death.

A2. Compensation to Widow

In the event an employee is killed leaving a widow surviving him under the circumstances set out in Section A1 – Circumstances Resulting in Compensation, The City shall pay to the widow monthly, subject to the deductions set out in Section A6 – Deductions from Compensation, the full pay that the employee would have received from The City had he not been killed, the said sum to be payable from the date of death of the employee until such time as:

- the widow remarries or dies, or
- the date the employee would have reached the age of sixty-five (65) years, or

- the date the employee would have been eligible for pension under the '85 factor',

whichever is earliest.

A3. Alternative Compensation to Widow

The City and the widow, provided there are no dependent children, may mutually agree to a lump sum payment of three (3) times the employee's annual salary in lieu of the provisions of Section A2 – Compensation to Widow.

A4. Compensation to Dependent Child(ren)

- a. In the event an employee is killed under circumstances set out in Section A1 - Circumstances Resulting in Compensation, leaving no widow, but leaving a dependent child or children surviving him, The City shall, subject to the deductions set out in Section A6 – Deductions from Compensation, pay to each dependent child (up to a maximum of four (4)), on a monthly basis, a sum equal to twenty percent (20%) of the full pay that the employee would have received from The City had he not been killed. The said sum is to be payable from the date of death of the employee until such time as:

- the child ceases to be a dependent child, or
- the date the employee would have reached the age of sixty-five (65) years, or
- the date the employee would have been eligible for pension under the '85 factor',

whichever is the earliest.

b. More than Four Dependent Children

Where the employee leaves surviving him more than four (4) dependent children, the total sum payable by The City pursuant to Section A4 – Compensation to Dependant Children shall be paid to such dependent children in equal shares.

c. Period of Compensation

A sum payable by The City pursuant to this Section shall be paid by The City as long as any child of the employee remains a dependent child.

A5. Compensation if Widow Dies

In the event the widow dies subsequent to an employee having been killed without having remarried, the provisions of Section A4 – Compensation to Dependant Children shall apply to any dependent child surviving the employee and his widow.

A6. Deductions from Compensation

In determining the amount to be paid to a widow or dependent child by The City, the following shall, upon being awarded to the widow or any dependent child, be deducted from the full pay: any benefits payable to the widow or any dependent child by reason of the death of the employee under:

- any Workers' Compensation (except any payment for funeral expenses);
- Canada Pension Plan (except any payment for funeral expenses);
- LAPP, City of Calgary Pension Plan, any other pension plan or annuity or any of their equivalents that have not been personally contracted for by the employee, the widow or any of the employee's family; or
- any damages awarded to the widow or any dependent child by reason of the death of the employee.

A7. Legal Guardian

Any sums of money payable by The City to any dependent child under the age of eighteen (18) years may properly be paid by The City to the legal guardian of such dependent child whose receipt shall be sufficient discharge to The City.

A8. Benefit Coverage

The City shall continue to ensure that the widow or any dependent child will be covered by the appropriate Alberta Blue Cross Plan and the Alberta Hospitals Act or any replacement, extension or substitution thereof in Alberta, provided the widow or any dependent child at all times remains eligible for such coverage.

A9. Pension

On the date that the employee would have reached the age of sixty-five (65) years had he not been killed, or the date the employee would have been eligible for pension under the '85 factor', had he not been killed, whichever is earliest, The City shall pay to the widow, if alive and if she has not remarried, each month, an amount equal to the monthly pension to which she would have been entitled as a widow had the employee died subsequent to his retirement date. This amount will be subject to the same deductions set out in Section A6 – Deductions from Compensation. .

Such amount shall be paid in the same manner and under the same conditions as may be provided in any City Pension Plan or its equivalent in existence at the date that the employee would have reached the age of sixty-five (65) years or the date the employee would have been eligible for pension under the '85 factor', whichever is the earliest.

A10. Compensation to Disabled Employee

In the event an employee is disabled under circumstances set out in Section A1 – Circumstances Resulting in Compensation, The City shall pay to the employee, on a monthly basis and, subject to the deductions set out in Section A6 – Deductions from Compensation, the full pay that he would have received from The City had he not been disabled until such time as:

- the employee dies or
- the date that the employee reaches the age of sixty-five (65) years or
- the date the employee would have been eligible for pension under the '85 factor'

whichever is earliest provided that if the employee recovers and is capable of being employed by The City at a salary which is equal to or in excess of the employee's full pay, then The City's obligation herein shall cease.

A11. Re-employment of Disabled Employee

Where a disabled employee partially recovers and The City finds alternative employment, which the employee is capable of performing, for the employee within The City or any of its Associated Boards, Commissions, Authorities, or Agencies, the full pay which the employee is entitled to receive shall be reduced by the monthly salary received from such employment.

A12. Outside Earnings Limit

A disabled employee may earn from employment, other than employment with The City or any of its Associated Boards, Commissions, Authorities or Agencies, up to twenty percent (20%) of his annual full pay without any reduction in the employee's full pay; but any monies earned by the employee from such employment in excess thereof shall be deducted from the employee's full pay.

A13. Administration

The Pay Services division of Human Resources of The City of Calgary shall administer these provisions.

A14. Annual Affidavits

Affidavits in a form and containing such information as may be prescribed by The City shall be filed annually with and, on a date to be specified by, Finance - Supply of The City, by the following persons:

- widow / widowers;
- guardians of the dependent children under the age of eighteen (18) years;
- dependent children over eighteen (18) years of age;
- disabled employees.