

CAPITAL REGIONAL DISTRICT

BYLAW NO. 3343

(as amended by Bylaws 3649, 3946, 4122, 4223, 4330, 4428, 4483, 4642)

A BYLAW TO REGULATE THE CONDITIONS OF EMPLOYMENT OF OFFICERS, GENERAL MANAGERS AND MANAGEMENT STAFF OF THE DISTRICT NOT INCLUDED IN A COLLECTIVE AGREEMENT

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WHEREAS the Capital Regional District may by bylaw under the Local Government Act appoint persons to the office of Corporate administration, the office of Financial administration and to any other offices that it has by bylaw designated as officer positions and appoint or cause to be appointed other exempt management staff that it considers necessary and may establish their terms and conditions of employment;

AND WHEREAS the Regional Board of the Capital Regional District has deemed it expedient to establish some terms and conditions of employment of its officers and exempt management staff who are not subject to the provisions of a collective agreement;

NOW THEREFORE the Regional Board of the Capital Regional District in open meeting assembled enacts as follows:

Part I

Definitions

1. In this bylaw, unless the context otherwise requires:

"Bargaining Unit" means employees who are members of a Bargaining Unit in respect of which a bargaining agent has been certified under the provisions of the Labour Code of British Columbia for the District;

"District" means the Capital Regional District;

"Exempt Staff" means all Officers, General Managers, and Management staff;

"General Managers" means those persons holding the offices that have been designated by the Board as General Managers with the District and are not members of the Bargaining Unit;

"Management Staff" means persons holding positions that have been designated by the CRD as Management Staff positions with the District and who are not members of a Bargaining Unit;

"Officer" means persons holding the Officer positions as set out in Schedule "A" hereto with the District and who are not members of the Bargaining Unit;

"Regional Board" means the Board of the Capital Regional District;

"Senior Managers" means those Management Staff persons who hold offices that have been designated by the Chief Administrative Officer and General Managers, who may report to the Chief Administrative Officer or a General Manager and who are responsible for a major operating division;

"Statutory Holiday" means New Year's Day, Good Friday, Easter Monday, Victoria Day, Canada Day, British Columbia Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, every day which is a public holiday by virtue of a proclamation of the Government of Canada, British Columbia or of the Regional Board;

"Working Day" shall mean regular hours of work as defined by the Chief Administrative Officer and General Managers.

2. (a) The Regional Board is hereby authorized to negotiate with the Capital Regional District Managerial and Professional Association as a bargaining agent for the Officers, General Managers and Management Staff.

- (b) Should a person be exempted from the Bargaining Unit and become an Officer, General Manager or Management Staff such person shall be requested to consent to be bound by the terms and conditions of this bylaw as the terms and conditions of their ongoing employment with the Capital Regional District.
3. Any Officer, General Manager or Management Staff who becomes employed by the Capital Regional District following the final adoption of this bylaw shall as a condition of their employment be bound by the terms and conditions of this bylaw subject to their having been provided a copy of this bylaw and being informed that the terms and conditions of the bylaw form the terms and conditions of their employment.

Part II

Appointment Procedures

4. All Officers and General Managers shall be appointed by the Board.
5. The appointment of Management Staff shall be recommended by the appropriate General Manager to the Chief Administrative Officer who may confirm or reject the appointment as recommended. The Chief Administrative Officer has the authority to dismiss and suspend Management Staff.

Probation

6. Every Officer and General Manager shall serve a probation period of twelve (12) months from the date of their appointment, and all other Management Staff shall serve a probation period of six (6) months from the date of their appointment.
7. The probation periods of twelve (12) or six (6) months shall be completed before any Officer, General Manager or Management Staff is eligible for appointment to the regular staff of the District.

Termination and Suspensions

8. (a) The Board may dismiss an Officer or General Manager:
- (i) for cause, by a majority of the votes cast and without notice, and
 - (ii) without cause by at least two-thirds of the votes cast with notice or payment in lieu of notice, and,
 - (iii) pursuant to 8(a)(ii) above, Officers will receive twelve months notice or payment in lieu of notice; or the greater of three months or the balance of the period of probation for Officers in the probationary period.
- (b) The employment of an Officer or General Manager may be suspended by the Chairperson of the Board who shall report to the Board at its next meeting such suspension and the Board may reinstate the Officer or General Manager who has been suspended or confirm the suspension or confirm and extend the suspension or dismiss the Officer or General Manager.
- (c) The Chief Administrative Officer has the authority to dismiss and suspend Management Staff, except those positions designated as Officers and General Managers.

Part III

Chief Administrative Officer Duties

9. (1) (a) In addition to the duties, powers and functions set out in s.235 of the Local Government Act, the duties of the Chief Administrative Officer shall include the supervision and direction of all Officers and employees of the Regional District.

(Bylaw 4122)

- (b) Without limiting the generality of subsection 9(a) above, the Chief Administrative Officer shall:

(i) be responsible for hiring, supervising, suspending and discharging all employees of the Regional District, other than Officers and General Managers and employees who report directly to Commissions who specifically have been delegated the authority to hire and fire employees within their sphere of authority.

(ii) administer all salaries of all Officers and employees of the Regional District, within the limits of any salary plan or employment agreement.

(iii) submit annually an organizational chart and list of appointed Officers and employees along with the annual budget submissions.

(Bylaw 4428)

(2) The Chief Administrative Officer:

- (a) Must receive approval of the Board to establish or dissolve any department of the Regional District.

(b) Is authorized to organize or reorganize departments of the Regional District as, in the opinion of the Chief Administrative Officer, may be necessary to carry out the more efficient and effective administration of the affairs of the Regional District provided that the Chief Administrative Officer shall not increase the number of permanent employee positions without first obtaining the approval of the Board. This approval may be obtained annually with the inclusion of the staff establishment chart with the financial plan.

(c) May assign to other appointed Officers and employees of the Regional District any powers or duties assigned to the Chief Administrative Officer to achieve more efficient and effective administration of the Regional District's affairs.

(Bylaw 4122)

(d) May appoint an Acting Chief Administrative Officer and Acting Officers during absences to ensure continuity and the effective administration of the affairs of the Regional District.

(e) May instruct Counsel to defend an action or proceeding in any Court of Law, or before any tribunal, arbitrator, or any other person, for or on behalf of the Regional District. The Chief Administrative Officer shall periodically report to the Board on all outstanding legal matters involving the Regional District.

(f) May retain and instruct legal counsel to commence civil and administrative actions in any Court of Law, or before any tribunal, arbitrator, or any other person, for or on behalf of the Regional District, to protect and maintain the interests of the regional district.

(Bylaw 4428)

Part IV

Interim Appointments

10. The Regional Board may from time to time appoint or revoke the appointment of any person to act as the Chief Administrative Officer and such person if appointed shall while so acting have all the duties and powers of the Chief Administrative Officer.

Part V

Remuneration

11. (a) Salaries for all exempt staff will be in accordance with the CRD exempt salary plan as approved by the Board.

Part VI

Salary Increases

12. Annual cost of living increases shall be equivalent to those provided to unionized staff of the CRD.
(Bylaw 4330)
13. Other increases may be approved by the Board and administered within the context of the exempt staff salary plan.

Part VII

Vacation Leave, Overtime and Special Leave

14. No Statutory Holiday falling within a period of an Officer, General Manager or Management Staff's absence from work, whether on vacation leave or on sick leave shall be included in the computation of the length of his or her absence.
15. Where an Officer, General Manager or Management Staff or other exempt employee has served continuously in the employment of the District, he or she shall be entitled to the following schedule of vacation leave:
 - (a) on the first calendar year a proportional vacation entitlement based on the time actually worked in that year as a percentage of the second year entitlement;
 - (b) in the second calendar year and up to and including the eighth calendar year twenty (20) working days per year;
 - (c) during the ninth to sixteenth calendar year, twenty-five (25) working days per year;
 - (d) during the seventeenth to twenty-ninth calendar year, thirty (30) working days per year;
 - (e) during the thirtieth and all subsequent years of service, thirty-three (33) working days per year.

For the purposes of this section Officers, General Managers and Senior Managers are considered to have the equivalent of ten (10) completed years of experience at the commencement of their employment for the purpose of calculating vacation leave entitlement.

Any deviation from this schedule of vacation leave may only be granted by approval of the Chief Administrative Officer.

16. (a) All Officers, General Managers and Management Staff shall be granted five (5) days paid leave during each calendar year as ex gratia payment for overtime worked. Such time must be taken during the current calendar year and will not be accrued for use in subsequent calendar years.
- (b) Compulsory overtime worked in excess of one full-time work week may be eligible for additional compensation in the form of equivalent time off at the discretion of individual General Managers. In the case of Officers and General Managers, additional time off may be granted upon the written approval of the Chief Administrative Officer.
17. Officers, General Managers or Management Staff working less than a full-time work schedule shall have their vacation leave in section 15, and ex gratia payment in lieu of overtime in section 16, prorated based on their full-time equivalence.
18. Officers, General Managers or Management Staff who leave the employ of the District after completion of one calendar year of service shall receive holidays or pay in lieu thereof on the basis of time actually worked from the commencement of the calendar year to the date of the termination.
19. Except in extenuating circumstances, Officers, General Managers and Management Staff are expected to utilize their vacation time each year. Vacation time taken by Management Staff will be at the approval of the General Manager or Officer. Vacation time taken by General Managers or Officers will be at the approval of the Chief Administrative Officer
20. The accumulation of annual holidays at the end of the calendar year will only be permitted upon the approval of the Chief Administrative Officer.
21. In special circumstances the Chief Administrative Officer may grant to any Officer, General Manager or Management Staff unpaid leave of absence in addition to his or her annual holiday entitlement.
22. Officers, General Managers and Management Staff are eligible for paid bereavement leave of up to five (5) days including return travel time where a death occurs in the immediate family. For the purposes of this provision, immediate family means parents, step parents, foster parents, grandparents, spouse, common-law spouse, children, step children, foster children, brother, sister, in-laws, grandchildren, or any other relative who has been living at the same residence as the employee.
23. Any Officer, General Manager or Management Staff who is summoned to perform jury duty, or ordered to appear as a witness or to testify in any court action, shall be excused from attendance for work while performing such duties. Except where the court action is occasioned by the Officer's, General Manager's or Management Staff's personal affairs, he or she shall be entitled to his or her full pay provided that he or she shall pay to the District all Jury Fees to which he or she is entitled except transport, accommodation and meal expenses.
24. Other leaves and similar provisions provided to CRD Bargaining Unit employees shall be extended to Officers, General Managers, or Management Staff.

Part VIII

Sick Leave

25. (a) Each Officer, General Manager and Management Staff, who is too ill to attend work may be entitled during such illness to be absent from work without loss of pay.
- (b) Each Officer, General Manager and Management Staff, with more than three (3) months of service, shall be entitled to a bank of 120 days of sick leave.
- (c) There shall be no cash payment for accrued sick leave on termination of employment.
- (d) Officers, General Managers or Management Staff working less than a full-time work schedule shall have their sick leave noted in section 25(b) above prorated based on their full-time equivalence

Part IX

Pension, Health and Life Insurance Schemes

26. All Officers, General Managers, and Management Staff shall, subject to insurance carrier requirements, be eligible for extended health, dental, group long term disability insurance coverage, and group life insurance benefits at a coverage as provided by the plan. Improvements to benefits negotiated by the CRD Bargaining Unit shall be extended to Officers, General Managers and Management Staff. The Board shall pay the premium for group life insurance (excluding employee paid optional life), accidental death and disability, extended health and dental plans, and group long term disability insurance coverage.
(Bylaw 4483)
27. Officers, General Managers and Management Staff may, subject to medical qualification, obtain additional group life insurance coverage as provided by the plan (equal to their annual earnings). The Officer, General Manager or Management Staff shall pay 100% of the insurance premiums for additional coverage.
28. Officers, General Managers and Management Staff shall, subject to the terms and conditions of the Plan, be eligible to participate under the Municipal Pension Plan.

Part X

Conflict of Interest

29. While the Officer, General Manager or Management Staff is employed by the District he or she shall:
 - (a) during ordinary office hours, devote his or her full time, energy and ability to his or her employment with the District and shall not during any such time engage in any other business or activities unless approved by the Chief Administrative Officer.

Part XI

Incapacity and Death

- 30. (a) Should an Exempt Staff become totally incapacitated during the employment of such person by the District, the benefits derived by that person prior to their incapacity shall terminate at the end of the period of the permitted accumulated sick leave provided for under the terms of this bylaw.
- (b) In the event of the death of an Exempt Staff while in the employment of the District, the District shall:
 - (i) pay to the estate of the Exempt Staff two (2) months of salary at the rate applicable for the last full month of the said Exempt Staff; and
 - (ii) when the death of an Exempt Staff leaves a spouse and/or dependants enrolled in the medical plan, dental plan and extended health care plan, such enrolment may continue for twelve (12) months following the death, provided the enrolled family members pay the Exempt Staff's share of the cost of the premium for the plans.

Part XII

Professional Membership Dues

- 31. Where it is a condition of employment that an Officer, General Manager or Management Staff possesses and maintains a professional designation, then the District will reimburse the costs of the employee's annual professional membership dues.

Part XIII

Annual Review

- 32. The conditions and terms of employment as provided for in this bylaw shall be subject to an annual review and discussion for the year following in November of each year between the Board and the Officers, General Managers and Management Staff or an association formed by them for that purpose.

Part XIV

Citation

- 33. This bylaw may be cited as the "Officers', General Managers' and Management Staff's Bylaw No.1, 2006".
- 34. Bylaw No. 3204, is repealed upon adoption of this bylaw.

READ A FIRST TIME THIS	14 th	day of	June	2006
READ A SECOND TIME THIS	14 th	day of	June	2006
READ A THIRD TIME THIS	14 th	day of	June	2006
ADOPTED THIS	14 th	day of	June	2006

Original signed by Alan Lowe
CHAIR

Original signed by Carmen Thiel
SECRETARY

SCHEDULE "A"

(Bylaw 3649, 3946, 4122, 4223, 4642)

OFFICERS

Role

In accordance with Sections 234 and 235 of the *Local Government Act*:

Chief Administrative Officer

In accordance with Sections 234 and 237 of the *Local Government Act*:

Chief Financial Officer / General Manager, Finance & Technology

In accordance with Section 234 and 236 of the *Local Government Act*:

Corporate Officer / General Manager, Corporate Services

In accordance with Section 234 of the *Local Government Act*:

General Manager, Electoral Area Services

General Manager, Housing, Planning and Protective Services

General Manager, Infrastructure and Water Services

General Manager, Parks, Recreation and Environmental Services