

MUNICIPALITY OF SIOUX LOOKOUT
ADMINISTRATIVE PROCEDURE NO. 3-20

SUBJECT: **SICK LEAVE & PERSONAL DAYS**

SECTION: Personnel

APPLIES TO: All Employees

EFFECTIVE: October 16, 2014
 September 1, 2021

20.1 SICK LEAVE & PERSONAL DAYS DEFINED

Pay for sick leave is for the sole and exclusive purpose of protecting the employee against loss of regular income when he/she is legitimately ill and unable to work due to his/her illness, in circumstances which compensation is not payable under the Workers' Compensation Act, and when the employee must care for a family member. It is not intended for personal business or as an extension of an employee's vacation.

20.2 PAYMENT OF SICK LEAVE

- (a) Subject to section 20.3 and 20.7 of this policy, and to the limitations set out in paragraph (b) of this section, an employee who becomes unable to work due to illness shall receive full pay for sick leave to the extent that they have established sick pay credits, and their account for sick pay credit will be debited for such sick leave accordingly.
- (b) Employees shall be entitled to sick leave at a rate of 14 days per year, 1.17 days per month, to be pro-rated in any years of partial service. Regular Part Time Union employees shall be entitled to accrue sick leave pro-rata based on the regular amount of hours in a normal work week. Part Time non-union employees are eligible for sick leave in accordance with the Employment Standards Act.
- (c) Employees working 1950 hours annually shall have 15 hours or employees working 2080 hours annually shall have 16 hours per year of their sick leave credits to be designated as personal leave credits. Employees shall be entitled to use personal leave days to care for family members, attend out-of-town appointments or as otherwise approved. These credits will be carried in the sick bank and shall be otherwise treated as sick leave credits.

20.3 ACCUMULATION OF SICK LEAVE & PERSONAL DAYS

- (a) If an employee does not utilize 14 sick days in a calendar year, one hundred percent (100%) of such unused days shall be carried forward into the following year and accrued for future use to a maximum of 907.5 hours (121 days) for employees working 1950 hours a year and 968 (121 days) for employees working 2080 hours a year. There shall be no pay out upon severance, retirement or death for accumulated sick days.

- (b) For Full Time Management and Full Time Non-union/Non-management employees, fifty percent (50%) of the balance of the employee's sick leave bank as of December 31st, 2008 shall remain in their sick leave bank for future use. There shall be no pay out for these sick days upon severance, retirement or death.
- (c) For Union employees, fifty percent (50%) of the balance of the employee's sick leave bank as of April 1st, 2008 shall remain in their sick leave bank for future use. There shall be no pay out of these sick days upon severance, retirement or death.

20.4 PAYMENT OF UNUSED SICK LEAVE

- (a) Full Time Management and Full Time Non-union/Non-management employees with five (5) or more years of service upon severance, retirement or death shall be eligible to receive payment at fifty percent (50%) of the December 31st, 2008 dollar value of the balance of his/her sick leave credits, to a maximum of ninety-three (93) working days for those hired before January 1, 1980 and to a maximum of seventy-five (75) working days for those employees hired after January 1, 1980, subject to the notice requirements and payment obligations as outlined in (c) of this section.
- (b) Union employees with five (5) or more years of service upon severance, retirement or death shall be eligible to receive payment at fifty percent (50%) of the April 1st, 2008 dollar value of the balance of his/her sick leave credits, to a maximum of ninety-three (93) working days for those hired before January 1, 1980 and to a maximum of seventy-five (75) working days for those employees hired after January 1, 1980, subject to the notice requirements and payment obligations as outlined in (c).
- (c) Between December 1st and December 15th in each year, employees may apply, in writing, to the employer to have their frozen entitlement (as described in sections (a) and (b)) paid out by the end of that year. The employer reserves the right to cap payments to union employees at \$40,000 per year, and to cap payments to Management, Non-union/Non-management employees to \$25,000 per year. Should the total value of the payouts requested by each group exceed their respective maximums, payouts shall be made in accordance with seniority for union members and in accordance with years of service for Management, Non-union/Non-management employees. Should the maximums be reached, a partial payout shall be eligible to union employees based on seniority, and to Management, Non-union/non-management employees, based on years of service.
- (d) An employee of the Municipality with less than five (5) years of services at April 1st, 2008 for union employees and at December 31st, 2008 for Management, Non-union/Non-management employees, shall be entitled to the provisions of (a), (b) and (c) upon achieving five (5) years of service. Union employees hired after April 1st, 2008, and Management, Non-Union/Non-management employees hired

after December 31st, 2008 are not eligible to receive payment for unused sick leave.

20.5 USE OF FROZEN PAYOUT BANK FOR SICK LEAVE PURPOSES

If an employee has exhausted his/her useable sick leave bank but must be absent from work due to illness in accordance with Section 20.1 and 20.2, he/she can request to receive payment for sick leave from their frozen payout amount as may have been established in accordance with Section 20.4.

Such payments will be made at the employees' regular rate of pay and will decrease the fixed dollar value of the amount that had been set aside for payout at severance, retirement, or death in accordance with Section 20.4.

20.6 PROOF OF ILLNESS

A medical certificate from a legally qualified medical practitioner may be required to confirm any illness or injury. In the case of prolonged absence, a medical certificate shall be submitted at the employer's discretion at intervals of no less than thirty (30) days and, unless otherwise advised by the Employer, at thirty (30) day intervals. No employee shall draw sick leave benefits if the absence from work is not due to illness or injury as may be attested to by the medical certificate.

20.7 SICK LEAVE RECORDS

A record of all unused sick leave will be kept by the Corporation and immediately after the close of each calendar year, each employee shall review the records of the Corporation to verify that the accumulated sick leave is correct. Any employee is to be advised, on application, of the amount of sick leave accrued to their credit.

20.8 NOTIFICATION

In order to be eligible for sick leave benefits, the employee must inform his/her respective supervisor or designate of the employee's illness or injury promptly, and wherever possible, prior to the commencement of the work day. Where the employee is negligent in notifying the Employer of his/her absence, the employee's absence will be without pay.

20.9 WORKERS' COMPENSATION INJURIES

In the event of a compensable injury under the Workers' Compensation Act as a result of which Workers' Compensation benefits are paid to the employee, and in the event that such Workers' Compensation benefits are less than the sick leave benefits, the Employer shall pay to the employee the difference between such Workers' Compensation benefits and the employee's normal average take home pay, such difference being taken from the employee's sick leave bank.

20.10 MEDICAL APPOINTMENTS

Every effort must be made for employees to schedule medical appointments outside of working hours. In the event that an employee must attend a medical appointment during working hours, that employee is eligible to use sick time, in accordance with the procedure outlined above, for the period of time they are under treatment by a medical professional.

20.11 PERSONAL EMERGENCY LEAVE DEFINED

Personal emergency leave is defined as leave without pay in accordance with the Employment Standards Act of Ontario as summarized as follows:

- (a) An employee is entitled to leave without pay for the following reasons:
 - (i) A personal illness, injury or medical emergency.
 - (ii) The death, illness, injury or medical emergency of an individual described in subsection (b).
 - (iii) An urgent matter that concerns an individual described in subsection (b).
- (b) The following individuals qualify as reason for leave, as described in subsection (a):
 - (i) The employee's spouse.
 - (ii) A parent, step-parent or foster parent of the employee or the employee's spouse.
 - (iii) A child, step-child or foster child of the employee or the employee's spouse.
 - (iv) A grandparent, step-grandparent, grandchild or step-grandchild of the employee or of the employee's spouse.
 - (v) The spouse of a child of the employee.
 - (vi) The employee's brother or sister.
 - (vii) A relative of the employee who is dependent on the employee for care or assistance.
- (c) Any employee wishing to take personal emergency leave as herein described shall inform the employer of their intention to do so. If the employee must begin the leave before advising the employer, the employee shall advise the employer of the leave as soon as possible after beginning it
- (d) An employee is entitled to take a total of 10 days' personal emergency leave under this article in each calendar year.

- (e) If an employee takes any part of a day as leave under this article, the employer may deem the employee to have taken one day's leave on that day for the purposes of subsection (d).