

COMMUNITY LIVING DURHAM NORTH

VACATION AND LIEU TIME

Policy No: C-15 (Human Resources)

Effective Date: May 1, 2007

Last Revision: November 1, 2010

Last Review: March 9, 2020

Rationale:

To retain its status as a responsible corporate citizen and as an employer of choice, the Association provides full time employees with generous vacation allotments and part time employees with pay in lieu. However, in administering the Vacation benefit, it is essential to keep in mind the needs of supported persons, and the fiscal health of the Association.

Policy Statement:

Vacation entitlements for unionized staff are set forth in the collective agreement. Regular non-unionized employees will have vacation entitlements that equal or exceed what are negotiated with our bargaining units.

The vacation year will correspond to the Association's fiscal year, i.e. April 1<sup>st</sup> to March 31<sup>st</sup>.

Typically, employees will not be permitted to carry vacation from one year into the next as this would burden the Association with a financial obligation without the means of discharging it. All vacation earned during a given fiscal / vacation year (i.e. April to March) must be taken by March 31<sup>st</sup> – the last day of that fiscal year. Exceptions can sometimes be made in the case of administrative staff only because such positions are not replaced and, therefore, an employee's absence on vacation does not burden the agency with extra relief costs.

Management will exercise its right as an employer and deny requests for specific blocks of vacation if, were the request granted, the interests of supported people would be compromised or the agency subjected to unreasonable inconvenience or cost.

Approved by: Jamie Ross

Date: November 1, 2010

for the Board of Directors

## COMMUNITY LIVING DURHAM NORTH

### VACATIONS

Procedure No: C-15-1

**The Vacation Benefit will not Create  
an Unfunded Liability**

Effective Date: October 19, 2010

Last Revision: March 9, 2020

Last Review:

- Full time employees must take the vacation that they earn in a given fiscal year (i.e. between April and March) during that same fiscal year. This applies also to new employees who can, and must, take vacation during their first year of service. However, while vacation begins to accrue upon the employee's start date, it cannot be taken while they are still on probation. This will create exceptions to the general rule – an employee on probation in March cannot take vacation and is therefore able to carry it into the next fiscal year.
- In the case of unionized employees, vacation requests are to be submitted at or near the beginning of the fiscal year (the actual date is specified in the collective agreement) and employees who meet this deadline will have their requests approved (or denied) based on their seniority. Employees can also request vacation dates after the deadline, but in that case seniority has no bearing upon the approval process. Employees submitting vacation after the deadline are at risk of having their requests cancelled if they cannot be successfully backfilled.
- An employee can request that a portion of his vacation entitlement be paid out. If such a request is granted, it will be granted only once during the fiscal year and the pay-out will occur at or near the close of the fiscal year (i.e. in March or April). Note that CLDN does not encourage its employees to accept vacation pay-outs and will not normally grant such requests unless there would be real logistical difficulties in scheduling the vacation prior to March 31<sup>st</sup>. Further, the Employment Standards Act dictates that employees have a minimum of two weeks of vacation (i.e. time off) and this minimum portion cannot be converted into pay.
- Employees cannot wait until after December 15<sup>th</sup> in order to declare their intention with regard to unused vacation time. By this date, the employee must commit themselves and request specific days off.
- If the employee fails to communicate their intent, in writing, by December 15<sup>th</sup>, management will schedule all of their remaining vacation time, and the vacation time that they are projected to earn during the balance of the fiscal year. The vacation (and lieu time) will be scheduled consecutively, and no portion of the outstanding hours will be paid.
- The employee will be promptly notified of their scheduled vacation dates. Relief staff will have been inserted into the schedule as part of this process, and for this reason the HR department will not entertain requests to change vacation dates that have been scheduled for the employee.

Procedure No: C-15-2  
**The Banking and Use of Lieu Time**

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Last Review:

- Like vacation, lieu time is to be used at a time that is mutually agreed; i.e.: requests will be approved pending management's ability to assign the shift to another employee. However, management needs to budget expenditures and it is not obliged to wait indefinitely for lieu time to be scheduled.
- Therefore, as with vacation time, December 15<sup>th</sup> will serve as that point in the fiscal year when all outstanding lieu time accounts are settled.
- If the employee fails to communicate with HR or with management, by December 15<sup>th</sup>, requesting specific days off, in writing, then management will schedule the employee's days off.
- The employee will be promptly notified of his scheduled days off. Relief staff will be inserted into the schedule as part of this process, and for this reason the HR department will not entertain requests to change days off.
- Unlike vacation, it is not possible to predict the amount of lieu time that will be earned after December 15<sup>th</sup>. Lieu time that accumulates during this last part of the fiscal year will be taken at a time that is mutually agreed. Or, if it is not taken by the end of the last full pay period in March, it will be paid out as part of the first pay period that runs into April.

Procedure No: C-15-3  
**Monitoring the Use of Unearned Vacation Time**

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Last Revision:  
Last Review: March 9, 2020

- Because staff use all of their first year's earnings prior to the end of their initial year of service, they enter year two, and every other year, with no accrued earnings. Consequently, by the end of September, the mid-point in our fiscal year, employees will have earned no more than 50% of their annual entitlement, be that one week or three weeks.
- This creates the potential of employees leaving us at a time when they owe money to the agency in view of paid vacation that has already been taken but was never earned.
- As a rule of thumb, therefore, HR will refuse vacation requests that would put the employee more than two weeks into arrears. There is a rationale for placing this limit on the employee's potential "indebtedness." If the employee resigns, and provides the agency with the minimally acceptable notice period of two weeks, then their final pay cheque would be sufficient to fund a full reconciliation. It is not necessary that this protocol be applied with mathematical precision, but it must be applied fairly and with reasonable consistency.

- As practical examples:

An employee entitled to four weeks of vacation would definitely not be permitted to use all of that allotment in April and May – because at the end of May they will only have earned two-thirds of a single week.

Nor would an employee entitled to six weeks be permitted to use all of that prior to September 30<sup>th</sup> – at which point they would have earned only three weeks.

Procedure No: C-15-4

**Program Specific Limitations on how many Staff can be on Vacation at one Time**

Effective Date: October 1, 2010

Last Revision: March 9, 2020

Last Review:

- It is important to maintain a level of consistency in the support that we provide to people, and it is also essential that not all of the staff most familiar with the operations of a particular program be away from work at one time. Therefore, quotas are in place indicating how many full and part time staff in each program may be granted vacation leave for any given period. When these quotas come into play and vacation has been requested at or near the beginning of the fiscal year (as stipulated in the collective agreement), seniority will dictate to whom the leave is granted. Subsequently, seniority shall have no effect and vacation will not be granted if it would cause the quota to be exceeded.
- For Administration staff, quotas are also in place for vacation leave. Vacation requests need to be completed by February 1<sup>st</sup>, and seniority will dictate to whom the leave is granted.
- Because the size and nature of programs can change over time, and management does not wish to deny vacation requests arbitrarily, the quota for each program will be reviewed and then re-posted annually, as per the collective agreement.
- If the employee, upon their own initiative, moves from one program location to another, via the transfer list or by winning a job competition, they must re-apply for vacation approval, even if that approval was already obtained. The reason for this is simple: the prior approval was based on a house specific quota that is now irrelevant. If, however, the transfer was instigated by management, every effort will be made to ensure that the employee retains their approved vacation dates.

Procedure No: C-15-5

**Vacation Requests that Target Weekends**

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- Most full time employees work staggered work weeks to allow for periodic, scheduled weekend shifts. This is done to provide a full time presence on weekends and to create the sense of a single, integrated team. However, employees are not restricted to week-

long blocks of vacation but may request single days at a time. For this reason, it is to be anticipated that employees may occasionally submit vacation requests for a string of weekends, or weekend days. This is problematic, operationally, because most part time employees regularly work weekends and are not available to backfill a full time staff making such a request.

- Therefore, when such requests are made, an attempt will promptly be made to backfill the requested dates by following the normal protocol, but staff will not be contacted if they would be put into overtime.
- Any dates that are successfully backfilled will be granted as paid vacation days. Dates that are not backfilled will be denied.
- If a part time employee who has agreed to backfill one of the shifts in question subsequently leaves our employment or transfers internally and abandons that shift, it will be offered to his or her newly hired replacement. If that staff declines the work opportunity, the scheduled vacation day will be cancelled.

Approved by: Glenn Taylor  
CEO

Date: March 19, 2021