

January 11, 2010

ACTION REQUIRED

To: The Board of Governors of Exhibition Place

From: Dianne Young, Chief Executive Officer

Subject: **Amendment to Existing Vacation Entitlement Policy**

Summary:

In June 2001, the Board approved two policies entitled “Vacation Entitlement and Vacation Carry-Over”. In November 2006, the Board approved the revised Human Resources Policy Manual whereby the aforementioned two policies were amalgamated to become one entitled “Vacation Entitlement”. The vacation entitlement policy provides an outline of vacation accumulation and carry-over provisions and basically provides that on December 31st of each year an employee should have no more than one years’ vacation entitlement in his/her vacation bank. Furthermore, the right to carry-over vacation time over and above one years’ entitlement must be approved by the Chief Executive Officer and only granted in extenuating circumstances.

With the introduction of the Short-Term Disability Plan by the City and the Board in March 2008, an issue has arisen that employees may be on Short-Term Disability for up to 26 weeks in one year and may be in the process of applying for Long-Term Disability. The new policy attached is proposing a carry-over of more than one years’ vacation entitlement in these circumstances and once an employee is approved for Long-Term Disability then all vacation time owing will be paid out to the employee.

Recommendation:

It is recommended that the Board approve the amendment to the Vacation Entitlement Policy attached to allow for a carry-over of more than one years’ vacation entitlement in the circumstances when an employee is on Short Term Disability and is in the process of applying for Long-Term Disability and further, a pay out of this vacation time once Long-Term Disability is approved.

Financial Implications & Impact Statement:

As a result of this amendment, employees on Short Term Disability who are moving to Long Term Disability will be paid out in cash their vacation entitlement. There are very few employees who fall into this category and over the last 10 years, if we had a Short Term Disability policy as is now in place, vacation payouts would have happened for about 4 employees.

Decision History:

At its meeting in November 2006, the Board approved of a Human Resources Policy Manual which included a Vacation Entitlement Policy.

Issue Background:

In keeping with City of Toronto procedures, vacation accumulation should continue uninterrupted while an employee is on approved short-term disability benefits regardless of their balance at year-end. This change will allow the carry-over without approval from the Chief Executive Officer and further provides a procedure for pay out provisions once the employee has transitioned from short to long term disability benefits.

Comments:

In June 2001 staff recommended and the Board approved a change in the Board's carry-over policy to be in keeping with the City. The result of this policy change allow staff to carry over only one time their annual vacation entitlement and was based on the principle that vacation time should be taken in the year earned. Further, it was noted that as of December 31st of each year an employee should have no more than one years' vacation entitlement in his/her vacation bank. The right to carry-over vacation time over and above one years' entitlement must be approved by the Chief Executive Officer and only granted in extenuating circumstances.

With the introduction of the Short-Term Disability Plan by the City and the Board in March 2008, an issue has arisen that employees may be on Short-Term Disability for up to 26 weeks in one year and may be in the process of applying for Long-Term Disability. The amendment to the Vacation Policy attached is proposing a carry-over of more than one years' vacation entitlement in these circumstances and once an employee is approved for Long-Term Disability then all vacation time owing will be paid out to the employee.

Contact:

Sandy Douglas Director HR, Security, OH&S

Telephone: 416-263-3233

Fax: 416-263-3690

Email: sdouglas@explace.on.ca

Submitted by:

Dianne Young
Chief Executive Officer



Vacation Entitlement

FORMERLY CALLED:	1/ As Above 2/ Vacation Carryover
-------------------------	--

DATE OF ISSUANCE		
January	22	2010

SUPERCEDES POLICY DATED		
October	16	2006

PAGE		
1	of	2

Vacation entitlement:**Employees in salary grade fifteen to nineteen**

- 4 weeks for employees who have completed one year of service
- 5 weeks for employees who have completed 17 years of service
- 6 weeks for employees who have completed 23 years of service
- 1 additional vacation day per year upon completion of 19 years of service to a total accumulation of 6 weeks after the completion of 23 years of service.

Employees in salary grade eight to fourteen

- 3 weeks for employees who have completed one year of service
- 4 weeks for employees who have completed 9 years of service
- 5 weeks for employees who have completed 17 years of service
- 6 weeks for employees who have completed 23 years of service
- 1 additional vacation day per year upon completion of 19 years of service to a total accumulation of 6 weeks after the completion of 23 years of service.

Employees in salary grade one through seven:

- 3 weeks for employees who have completed one year of service
- 4 weeks for employees who have completed 9 years of service
- 5 weeks for employees who have completed 17 years of service
- 6 weeks for employees who have completed 23 years of service

Vacation credits accrue based on an employee's annual entitlement. For example, an employee entitled to 3 weeks vacation annually will accumulate 1.25 vacation days per month of service. The month of hire is counted provided an employee commences regular full time employment prior to the 15th of the month. Employees must be in receipt of wages (with the exception of those on an approved maternity / parental leave) in order to be entitled to vacation credits.

An employee in their first year of service is eligible to take vacation days equivalent to the number accrued at the time of actual requested absence.

Vacation credits may not normally be used before being earned.

Employees should submit requests for vacation approval, in writing, to their direct supervisor and are expected to schedule their vacations as far in advance as possible.

Supervisors are responsible for managing vacation schedules to ensure employees use their annual vacation entitlement.

Each area is responsible for the preparation of its own vacation schedules and may specify periods when vacations may not be scheduled because of operational requirements. Every effort shall be made to grant annual vacations on the dates requested by employees.

Prior to commencing vacation an employee may delay the start of their vacation or reschedule the vacation period if:

- The employee has a death in their family for which bereavement leave would normally be granted.
- They become ill or are injured and require in-patient treatment in a hospital for which sick leave would normally be granted.
- They are required to appear in court for jury duty or witness service.

Employees having commenced vacation may apply for the restoration of vacation credits in the following circumstances:

- The employee has a death in their family for which bereavement leave would normally be granted.
- They become ill or are injured and require in-patient treatment in a hospital for which sick leave would normally be granted.

Employees may be asked to provide reasonable proof to Human Resources in order to receive approval for the postponement of the vacation and / or the restoration of vacation credits.

Vacation Carry-Over

Employees may carry over from one calendar year to the next, a maximum of one year's vacation entitlement. In unusual circumstances, when vacation cannot be used, for example, where an employee has been asked to forego vacation for operational reasons, requests for extension to the following year will be considered on a case-by-case basis. Requests to carry over more than one year's entitlement require the approval of the Chief Executive Officer.

In the event an employee is in receipt of Short Term Disability pay and is applying for or waiting for approval of Long Term Disability benefits, excess vacation will be carried forward automatically. All vacation time owing will be paid out once the Long Term Disability claim is approved. Approval will not be required from the Chief Executive Officer to carry over and / or pay out excess vacation amounts under these circumstances.

Approved By: Chief Executive Officer & The Board of Governors of Exhibition Place