

**THE CORPORATION OF THE CITY OF NORTH BAY**

**BY-LAW NO. 2003-164**

**BEING A BY-LAW TO ESTABLISH A  
PLAN OF SICK LEAVE CREDITS  
(AND TO REPEAL BY-LAW NUMBERS BY-LAW  
NUMBERS 1967-2431, 1973-34 AND 1982-41)**

**WHEREAS** the Council passed Resolution 2003-488 at its Meeting held July 28, 2003, authorizing the amendment of By-law No. 1967-2431 to reflect changes made to collective agreements which have impacted the application of sick leave usage for employees governed by the CUPE Collective Agreement, as well as non union staff, and to limit the vesting of sick leave for employees represented by the North Bay Professional Fire Fighters' Association, Local 284.

**NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:**

1. For the purposes of this By-law:
  - (a) "City" shall mean The Corporation of the City of North Bay and any Local Board (except a School Board) or Commission in the City of North Bay which has not established a plan of sick leave gratuities for employees or any class thereof;
  - (b) "Council" shall mean the Council of The Corporation of the City of North Bay;
  - (c) "Director of Human Resources" shall mean the Director of Human Resources for The Corporation of the City of North Bay;
  - (d) "Employee" shall mean:
    - (i) a salaried officer, clerk, worker, servant or other person in the employ of the City;
    - (ii) an hourly-paid employee who is classified as a permanent employee of the City;
  - (e) "Month" shall mean a calendar month;
  - (f) The masculine shall include the feminine.
2. A plan of sick leave credit gratuities is hereby continued and established for all present and future employees, subject to the control of Council. The conduct and management of such plan shall be vested in the Director of Human Resources.
3.
  - (a) The Director of Human Resources shall keep a register or registers in which all sick leave credits and sick leave debits for employees shall be computed and recorded in accordance with the terms and provisions of this By-law. In the case of salaried and hourly paid employees, sick leave credits and sick leave debits shall be computed from the date of employment on or subsequent to the 1<sup>st</sup> day of January 1965. The register or registers shall show the net sick leave credit or debit of each employee after deduction of all sick leave absences.
  - (b) The head of each City Department shall furnish the Director of Human Resources with a report each week setting forth the days of absence of any employee of their Department for the immediately preceding week and the reason for such absence.

4. (a) (i) Employees represented by The North Bay Professional Fire Fighters Association, local 284, shall be entitled to sick leave credits of one and one-half (1½) days for each month during which employed by the City and is not on leave of absence without pay, which sick leave credits shall be cumulative.
  - (ii) Other employees covered by this by-law and who are normally scheduled to work seven (7) hours per day shall be entitled to sick leave credits of ten and one-half (10.5) hours for each month during which the employee is employed by the City is not on leave of absence without pay, which sick leave credits shall be cumulative.
  - (iii) Other employees covered by this by-law and who are normally scheduled to work more than seven (7) hours per day shall be entitled to sick leave credits of twelve (12) hours for each month during which the employee is employed by the City is not on leave of absence without pay, which sick leave credits shall be cumulative.
  - (b) Sick leave credits entitlement shall cease once an employee has been absent from work for a period of four (4) consecutive months due to illness or injury.
  - (c) Section 4(b) does not apply to employees represented by The North Bay Professional Fire Fighters Association, Local 284.
5. In the case of employees represented by CUPE Local 122-1, as well as non-union staff, absence from work on account of illness shall be deducted in hourly increments. Absence of one-half (0.5) hour or less shall not be deducted from sick leave credits. Absence of more than one-half (0.5) hour but less than one (1) hour shall be deducted as one (1) hour.
  6. An employee shall report his/her illness to their Department Head during the first day of absence from work.
  7. The Director of Human Resources, or Department Manager, may require an employee who has been absent from work to file a medical certificate certifying that such employee's absence was due to illness.
  8. In the case of prolonged illness of an employee, the Director of Human Resources, or Department Manager, may require progress reports from time to time from the employee's physician setting forth the nature and probable duration of such illness, the appropriateness of modified work and the completion of a Functional Abilities Assessment.
  9. (a) Subject as otherwise provided in the this By-law, an employee who is absent from work by reason of illness shall be entitled to receive sick pay in the total amount not exceeding their accumulated sick leave credits.
  - (b) An employee whose sick leave credits have been exhausted shall be entitled to take vacation during periods of illness.
  - (c) An employee who is absent from work and in receipt of Workplace Safety Insurance Board compensation due to a compensable accident or a compensable industrial disease suffered or contracted in the course of employment with the City shall receive from the City the difference between the amount payable by the Workplace Safety Insurance Board and their regular salary or wages during the period of disability, not exceeding nine (9) months.
  - (d) Where an employee is absent from work for more than nine (9) months due to a compensable accident or a compensable industrial disease as aforesaid and is in receipt of Workplace Safety Insurance Board's compensation, such employee shall be entitled to have their sick leave

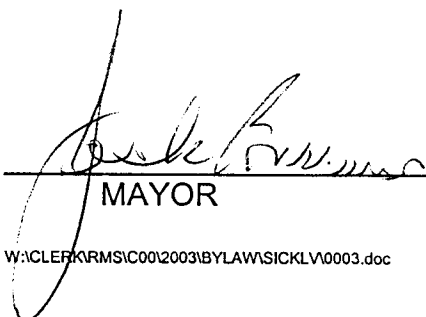
credits applied for the purpose of making up the difference between the amount of the compensation being paid and their regular salary or wages.

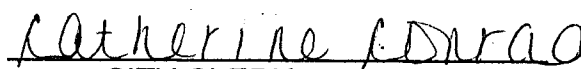
10. (a) An employee represented by The North Bay Fire Fighters Professional Fire Fighters Association, Local 284, hired prior to January 1, 1998, who has completed five (5) years or more continuous service with the City shall, on the termination of such employment, be entitled to be paid an amount equal to his salary, wages or other remuneration for one half the number of days standing to their sick leave credit at the rate received by the employee immediately prior to termination of employment but such amount shall not exceed one-half year's earnings at the aforesaid rate.
  - (b) In the event of the death of an employee qualified for payment of vested sick leave credits on the basis hereinbefore set forth, the amount thereof shall be payable to the Executor or personal representative of such deceased employee.
  - (c) An employee who has completed five (5) years or more continuous service with the City shall, on termination of such employment, be entitled to be paid an amount equal to his/her salary, wages or other remuneration for one-half the number of days standing to the employee's sick leave credit as at September 30, 1980 at the rate received by the employee immediately prior to termination or employment but such amount shall not exceed one-half year's earnings at the aforesaid rate.
  - (d) Subject to Section 10(c) as of and from October 1, 1980 there will be no entitlement to a pay-out for sick leave credits on account at termination of employment.
  - (e) An employee absent from work due to illness or injury and not eligible for benefits under the Workplace Safety Insurance Board shall use sick leave credits accumulated after September 30, 1980 during the period of absence. Should an employee not have sufficient sick leave credits to cover the period of absence, the employee shall then draw upon sick leave credits accumulated up to and including September 30, 1980 as required.
  - (f) For purposes of clarity Sections 10(c), (d) and (e) shall not apply to employees represented by The North Bay Professional Fire Fighters Association, Local 284.
11. This by-law shall come into force and effect in accordance with the provisions of the respective collective agreements or approved By-law for non-union staff.
  12. By-law Numbers 1967-2431, 1973-34 and 1982-41 are hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL THIS 3<sup>RD</sup> DAY OF NOVEMBER, 2003.

READ A SECOND TIME IN OPEN COUNCIL THIS 3<sup>RD</sup> DAY OF NOVEMBER, 2003.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 3<sup>RD</sup> DAY OF NOVEMBER, 2003.

  
MAYOR

  
CITY CLERK