

Employee manual

This manual is adopted as an official policy of the Kent Regional Service Commission (KRSC). It is used as a guide and directive for work organisation, the distribution of duties and the management process of the KRSC employees.

To be noted that the present manual can be improved, modified or compensated at any time by a negotiation or a contract between the KRSC and one of their employees.

It is the responsibility of each full-time employee of the KRSC to read and respect the present manual while accomplishing his duties for the KRSC.

Administrative policy **20-01**

Adopted: March 12, 2020

Amendment: December 16, 2021

CHAPTER I – DEFINITIONS

1(1) Interpretation

In this document:

«Act » means the laws of the Province of New Brunswick, the laws of Canada and the regulations arising from them, the Canadian constitution and the applicable judicial precedents;

« by-laws » means the Kent Regional Service Commission's by-laws ;

« candidate » means all persons applying for a position with the KRSC;

«Commission» means the board of directors of the Kent Regional Service Commission;

« compensation » means a flat rate amount paid by the Minister of Finance in accordance to section 33 of the Jury Act or anyone legally authorised to call witnesses and this does not include travelling expenses, meals and other expenses incurred for the appearance;

«employee » means all persons hired by the Kent Regional Service Commission;

«employer » means the Kent Regional Service Commission;

« Executive director » means the person with the title of manager, secretary or treasurer, in accordance with section 13 of the *Regional Service Delivery Act*;

«full time employee» means all employees that are hired yearly for an undetermined amount of time, and this in accordance with paragraph 14 of the *Regional Service Delivery Act*;

«KRSC » means the Kent Regional Service Commission is a corporation in accordance with the *Municipalities Act* and the *Regional Service Delivery Act*;

«management employee» means every directors of the departments and the Executive Director;

« policies » means all administrative documents adopted by the Commission in order to insure the proper management of the Kent Regional Service Commission and its employees;

«regular employee » means all employees who's services are retained daily and have no permanent position;

«seasonal employee » means all employee hired full time but for a period of less than one (1) year;

« spouse » means all individual, that are married in accordance the *Marriage Act* or that are common law partners;

«subordinate» means the employees other than management hired through job creation projects, student employees or other employees that report directly to a management position within the KRSC other than the Executive Director.

1(2) Compliance with the Act and by-laws

This document must, at all times be, in compliance with the Acts and by-laws. All sections of this document which are not in compliance with the acts and by-laws are automatically null and void.

1(3) Field of Application

The objectives of the current document are as follow:

- a)* Define the responsibilities of each employee of the KRSC;
- b)* Define the powers of the KRSC and of the Executive Director as an employer;
- c)* Clarify the work ethics required by the employer;
- d)* Establish a conflict resolution system between employees and the KRSC;
- e)* Define certain employees management processes, in particular the evaluation, the control and the staffing;
- f)* Establish a process for hiring contractual, temporary or supernumerary employees.

1(4) Application

Generally, and without limiting the employee's responsibility to conform to this document, the Executive Director is responsible to ensure that this document be followed, and except for the ultimate responsibility, can delegate any duties that are his responsibilities according to this policy.

1(5) Contractual estoppel

- a)* Notwithstanding any of the provisions in this document, the Commission may, by contractual agreement with an employee, offer benefits or advantages other than those prescribed in this document. In case of a conflict between this document and the contractual agreement between the KRSC and an employee, the contractual agreement will prevail.
- b)* Notwithstanding any of the provisions in this document, the Commission may, in a contractual agreement with a company or a supplier, provide benefits other than those prescribed in this document. In case of conflicts between this document and the contractual agreement between the KRSC and the company or supplier the contractual agreement will prevail.

CHAPTER II – DESCRIPTIONS OF DUTIES

2. Duties for management employees

2(1) General

In addition to the job description of a specific position, all management of the KRSC must conform to the general duties descriptions. The management duties include the present document and the specific position description.

2(2) Notices and policies

All management employees act as advisors in their respective fields to the Executive director and all elected officials. For this reason, they:

- a)* Advise the Executive Director on all matters that are relative to their duties;
- b)* Recommend to the Executive Director of any regulations, policies and acts that could help improve the services which they manage;
- c)* Interpret the acts and policies which they are responsible;
- d)* Recommend and participates in the negotiations of all new service agreements which relates their field of work.

2(3) Information and communication

All management employees must report on the performance of their duties, to their superiors by:

- a)* Producing reports (annual report) on the administration of their department at the frequency required by the Commission;
- b)* Communicating with the Executive Director on any relevant information pertaining to the proper conduct of the KRSC's business, including information on matters which the Commission or the Executive Director may be called upon to answer;
- c)* Advising the Executive Director of any incident that could result in a civil liability claim against the KRSC;
- d)* Monitoring the follow-up on any necessary documents, by keeping updated folders and documents relating to their departments and by recording in writing any information likely to be of any importance to archives or central files;
- e)* Maintaining close links with professional associations in their work field that can legitimately bring added value to the services and projects of the KRSC.

2(4) Implementation of the standards and decisions

All management employees must oversee the implementation and compliance with standards and decisions relating to its direction. In this capacity they monitor:

- a)* The implementation of the decisions of the Commission which relate to their departments;
- b)* The implementation and compliance with orders and policies relating to their departments;
- c)* The administration of services and facilities particular to their department;
- d)* Keep confidential information which is provided to them in confidence.

2(5) Finances

In addition to the specifically distributed tasks, any management employee must ensure the good financial management that has been entrusted in him, when he:

- a)* Oversees the expenditures for which he is responsible and ensures they are authorized by the Executive director and are consistent with the estimated budget amount;
- b)* Participates in the annual budget preparation;
- c)* Provide efficient and effective administration of the responsibilities that have been conferred upon him.

2(6) Supervision

A management employee is responsible for the supervision of his staff. In this regard he:

- a)* Ensures that his subordinates comply with the orders, policies and the usual practices of the KRSC;
- b)* Complete the job description of his subordinates;
- c)* Undertakes all the necessary steps to obtain funding which will permit the hiring of seasonal staff;
- d)* Informs the Executive Director of any information and documents necessary to claim and manage any funds related to the creation of jobs or any received government subsidy;
- e)* Direct any hiring committee for his subordinates;
- f)* Foresees the human resources needed in his department and in this regard makes recommendations to the Executive Director.

2(7) Planning

All management employees must see to the planning of the activities under their management:

- a)* Oversee the drafting and implementation of development strategies for the services arising from their departments;
- b)* Oversee the management of their departments, including the preparation and implementation of a strategic plan for the Kent RSC and an action plan
- c)* Evaluate the performance, relevance and the effectiveness of any service in their departments.

2(8) Duty of due diligence and integrity

All management employees as staff members of the Kent Regional Service Commission, all management employees must exercise their functions with due diligence and integrity; to this fact it they must:

- a)* Ensure that their administration does not cause any prejudice or injustice to any citizen;
- b)* Ensure that their department is administered in a fair and equitable manner and that it does not offer any special treatment or privileged access to anyone;
- c)* Always fulfill their responsibilities to the best of their abilities;
- d)* Fulfill their duties promptly;
- e)* Ensure full access to public information on any work accomplished under their management;
- f)* Demonstrate transparency and accountability in all that they do on behalf of the KRSC.

CHAPTER III – RELATIONSHIP BETWEEN THE ELECTED OFFICIALS AND THE ADMINISTRATION

3 (1) Declaration of the principles for the roles of the elected officials and the administration

The Commission, in order to carry out its duties and responsibilities with the powers conferred to it by the law, must hire personnel to whom they delegate these responsibilities and powers to accomplish the work. Both parties must clearly understand their rights and obligations so as not to impose on the responsibilities of the other.

First and foremost, we can move ahead with the following principles

The responsibilities of each party (political and administrative) are very closely linked and wither cannot work without the other. The lines of communication and the lines of authority must be clearly established. Hence it may be established that the Commission is the final authority on all decisions that are accepted by the law.

The responsibility between the Commission and the administration must be clearly understood. The Commission in its collective term is the superior of the administration and not the individual members of the Commission. Although good and productive communication between members of the Commission and administrative employees is encouraged, directives and, or duties must be communicated in a formal way. It is through the medium of resolutions, policies, or bylaws that decisions are made. Those decisions may approve budgets, plans, strategies, mission statements, visions, etc. The Commission exercises its authority by determining the norms and guidelines that the Executive Director must follow.

As for the Executive Director, he has to oversee and respect all the decisions taken by the Commission. The Executive Director has all the rights and attributions necessary to accomplish his duties, but cannot make major orientation and strategic decisions. Evidently, he has a major role in the decision-making process through recommendations and the management of the decision making process, nonetheless all political decisions are the responsibility of the Commission. Also, it is not in the best interest of the organization that a member of the Commission takes administrative duties and assumes responsibility, and a staff member take political decisions and assume responsibility. It should be noted that it is not in the best interest of the organization that a member of the Commission does not assume administrative duties and responsibilities, nor that a staff member assume responsibilities and make political decisions.

Since all the powers of the Executive Director are delegated from the Commission, he is accountable for all the decisions undertaken on its behalf and has to report to them for any decision or action taken. Since the administration has the knowledge and the expertise regarding the files of the Commission and remains in position when elections are held, they must inform the incoming Commission members of their rights and indicate which are delegated to the administration. Without this approach the Commission would not be capable of making responsible decisions.

The most important link between the Commission and the Executive Director is the relationship between himself and the Chairperson. The Chairperson has some powers on the everyday operation of the Commission and the Executive Director is the entry point of the administrative part of the organization.

To recapitulate, the Executive Director answers to the Commission from whom he receives his directives and working guidelines. He, in turn, ensures that the organization's mandate answers the needs and wishes of the Commission. Decisions and directives are communicated through policies, bylaws, plans, budgets, etc. When a decision or directive needs clarification or modification, the Executive Director requests the Chairperson or in some cases the Commission to clarify the issue. Should the question be brought to the Commission, the Executive Director must call a meeting and prepare a recommendation to the Commission. The Executive Director does not at any time decide the orientations nor the rules and regulations of the Kent Regional Service Commission. Conversely, the members of the Commission cannot individually determine the workload of the staff or delegate responsibilities.

CHAPTER IV – HOURS OF WORK

4(1) Hours of Work

- a) The hours of work for administrative employees shall be seven hours and 45 minutes (7.75 hrs) per day on Monday, Tuesday, Wednesday, and Friday.
- b) The hours of work for administrative employees shall be eight (8) hours per day on Thursdays.
- c) Administrative employees shall receive a fixed day off with pay every two weeks (usually Monday or Friday).
- d) For a total of 70.25 hours per two weeks. The surplus of 0.25 hours per two weeks is accumulated for the summer period (see next point).
- e) During the summer period, between the end of classes and Labour Day, the hours of work for the administrative employees are four (4) hours per day on Fridays.

4(2) Flexible schedule

- a) It must be understood that the work schedule has to be flexible in light of the particular needs of the Kent Regional Service Commission.
- b) Following the approval of the general management, the employees can perform certain tasks and functions outside the office.

4 (3) Closing of the office

- a) The Executive Director may close the offices when:
 - i) he deems it necessary for the safety of the employees and the citizens;
 - ii) a state of emergency is declared by the town of Richibucto and or Bouctouche where offices are located;
 - iii) it is necessary to ensure the good management of the KRSC.
- b) When the Executive Director closes the offices according to sub-paragraph i), he must advise all directors without delays, and if possible.
- c) When the Executive Director closes the offices according to sub-paragraph i), he must broadcast a message to this effect through various media.
- d) When the closure of the office is predictable, the Executive Director has to take all possible actions to advise the residents living within the territory of the KRSC prior to the office closure.
- e) In order to keep stability in administering benefits and payroll the employees shall be paid a normal work day when the offices are closed according to paragraph a).

4 (4) Overtime – Hourly paid employees

- a)* Overtime is described as any period of time which an employee has worked more than his normal work hours or week, or during a statutory holiday, and this on the demand or on the authority of his superior.
- b)* All the overtime accumulated by hourly paid employees during the week will be compensated hour for hour in free time.
- c)* Any overtime will be paid 1.5 hours in free time for each hour the employee worked during the weekend, from 4:30pm on Friday to 8:15am on Monday.
- d)* **Other**
 - i)* If an employee has to work between 12PM and 1PM, he will be able to take his lunch hour in at another time during the day.

CHAPTER V TIME OFF

5 Annual Vacations

5 (1) Duration of annual vacations

- a)* All permanent employees that have worked without any interruptions for twelve (12) months (1 year) can accumulate annual paid vacation for two (2) weeks, which is ten (10) business days.
- b)* All permanent employees that have worked without any interruptions thirty-six (36) months (3 years) can have three (3) weeks, fifteen (15) business days, of annual paid vacation.
- c)* All permanent employees that have worked without any interruptions ninety six (96) months (8 years) can have four (4) weeks, twenty (20) business days, of annual paid vacation.
- d)* All permanent employees that have worked without any interruptions one hundred and eighty (180) months (15 years) can have five (5) weeks, twenty-five (25) business days, of annual paid vacation.
- e)* All permanent employees that have worked without any interruptions two hundred and forty (240) months (20 years) can have six (6) weeks, thirty (30) business days, of annual paid vacation.
- f)* All permanent employees continue to accumulate annual vacations according to the paragraphs a), b), c), d), e), and f), when they are taking time off for other reasons than annual vacations and approved by this policy.
- g)* If a statutory holiday, according to article 6(1) occurs during the annual vacation of an employee, he must accumulate one day of annual vacation for this day.

Any accumulated annual vacation day according to paragraph h) may be taken to prolong an annual vacation period or may be added to his annual vacation account.

5(2) New employees

- a) Any new employee who begins to work before the 16th day of the month starts to accumulate annual vacation credits for the current month.
- b) Any new employee who begins to work after the 15th day of the month starts to accumulate annual vacation credits at the following month.

5(3) Accumulation and transfer

- a) Annual vacations normally have to be taken following the twelve months in which they were accumulated. All annual vacation time that is not taken within the fiscal year will be forfeited and cannot be reclaimed in the future.
- b) Notwithstanding paragraph a), the Executive Director may, after receiving a written request from the employee, before the end of the fiscal year in which the annual vacation credits were accumulated, to transfer a portion or the totality of the annual vacation credits which were not taken to the following year, when circumstances related to his workload forced him to cancel his annual vacations or postpone them.

5(4) Authorisation

- a) Any employee who wants to take annual vacation time off has to advise the Executive Director of his preferred dates.
- b) When an employee is requesting annual vacation dates, the Executive Director may:
 - i. Accept the request as it is.
 - ii. Grant a portion of the requested annual vacation.
 - iii. Refuse the requested dates.
- c) When the Executive Director evaluates the requested annual vacation dates, he must consider:
 - i. The quantity and the urgency of the work that has to be completed by the employee during the requested period.
 - ii. The possibility for the employee to take time off at another period during the current fiscal period
 - iii. The impact on the functioning of the KRSC deriving from the absence of the employee during the requested period.

- d) When determining the period when the employee can take annual vacations, the Executive Director cannot, unless there is extremely unexpected circumstances, force an employee not to take his time off in the current fiscal period.

6. Statutory Holidays

6(1) Recognized statutory holidays

The following days are statutory holidays recognized by the KRSC:

- a) New Year's Day
- b) Family Day
- c) Good Friday
- d) Easter Monday
- e) Victoria Day
- f) Canada Day
- g) New Brunswick Day
- h) Acadian Day (if the day falls on a regular business day)
- i) Labour Day
- j) Truth and Reconciliation Day
- k) Thanksgiving Day
- l) Remembrance Day
- m) Christmas Day
- n) Boxing Day

The business days between Christmas and New Year's Day will be given to employees without loss of salary.

6(2) Working on a statutory holiday

- a) Every hourly paid employee that has to work on a statutory holiday (at the request of the Executive Director or the department director) must be remunerated two (2) hours for every hour he has worked that day.

6(3) Statutory holidays during a scheduled leave.

- a) When a statutory holiday happens during a maternity leave, time off to take care of children, time off without pay, a suspension period without pay or during a long term leave for training, it cannot be compensated.

7. Health Leave

7(1) Accumulation of health days

- a) Every employee has the right to accumulate health days at one and a quarter (1 1/4) day per civil month without interrupted work at the maximum of one hundred and twenty (120) regular business days. This clause does not apply to the employees of the previous Kent District Planning Commission that have accumulated a maximum of one hundred and fifty (150) days as of the official approval date of this policy.
- b) Every employee has the right to health leave without with applicable benefits when he is not capable of performing his functions because of illness, because he was exposed to a contagious disease, because he is suffering from physical or mental fatigue or he was the victim of an accident for which no compensation is paid out according to the Health and Safety Act or the long term disability insurance plan.
- c) In order to calculate the accumulation of health days, we have to count the following days as regular working days:
 - i. Annual vacations.
 - ii. Paid leaves according to this policy
 - iii. Health days
 - iv. Statutory holidays or days taken in substitution of these.

7(2) New employees

- a) Every new employee that begins to work before the sixteenth (16th) day of the month may start to accumulate health days for the current month.
- b) Every new employee that begins to work after the fifteenth (15th) day of the month begins to accumulate health days the following month

7(3) Calculation of the sick days

- a) At the beginning of every month, the Executive Director will add to employee's accumulated health leave account the credits earned to date.
- b) A deduction shall be made from an employee's accumulated health leave credits for each working day that the employee is absent on health leave.

- c) When an employee is absent for less than one-half because of sickness, only the number of hours taken will be deducted from the accumulated health leave credit.

7(4) Request for health days in advance

- a) Every employee of the KRSC or the previous Kent District Planning Commission or the Kent County Solid Waste Commission, who worked for at least eighteen (18) months without interruption and has taken all of his accumulated health days may request up to five (5) health days in advance.
- b) The Executive Director may approve or refuse the request for health days in advance according to the following criteria's:
 - i. The need of the employee
 - ii. The probability that the employee will eventually return to work.
- c) If an employee, who was granted advanced health leave, ceases to work for the KRSC while still owing for advanced health leave granted, he will be obliged to reimburse these days at a rate of a normal day's salary per advanced day left owing.

7(5) Authorization

- a) An employee who is obliged to take time off because due to illness must promptly advise the Executive Director.
- b) If an employee is unable to advise the Executive Director prior to taking health leave he must promptly advise the administrative assistance or one of the directors working that day.
- c) When an employee is absent from work for more than three days because of sickness, the Executive Director can request a physician's report confirming the state of health of the employee.

8. Medical Appointments

- a) When an employee's appointment is outside of the region from Miramichi to Moncton and he can receive services from a specialist in the region, only the time of the appointment and up to an hour of travelling time will be given to the employee as permitted time for an appointment.

9. Leave because of death

- a) Every employee has the right to paid leave due to death in the family has specified hereunder.
 - i) Up to five (5) business days in the event of the death of the father, mother, or legal guardian, wife, husband, son, daughter, father in law, mother in law, brother, sister or grandchildren of the employee.

- b) At the request of the permanent employee, a maternity leave must begin at any time within eight (8) weeks before the delivery date.

When the employee is incapable of doing her normal work duties because of the pregnancy, the employer will make an effort to bring adaptive measures. If the adaptive measures are not possible, the employer may order the employee to go on maternity leave.

When, at any time, prior to the start of the maternity leave that was requested, the employer orders the employee to go on maternity leave, or, when her physician orders her to go on maternity leave, the employee may, after presentation of an appropriate medical certificate use her accumulated sick days up to the date of the expected date of the requested maternity leave.

- c) The leave identified in paragraph b) is added on to the maternity leave described in paragraph a).
- d) An employee, other than a pregnant woman, who becomes a parent, has the right to parental leave with pay for a period of ten (10) business days beginning at the delivery or adoption day.

11(2) Benefits during the leave and reinstatement

- a) The employee that is on maternity leave cannot be dismissed, suspended or laid-off during the leave or for reasons resulting from the maternity leave.
- b) During the maternity leave, the employer will continue to contribute the employee's portion of the group insurance and the RRSP.
- c) At the end of the maternity leave, the employee will be reinstated to the position she had before her absence without any reduction in salary.
- d) A maternity leave is considered an extenuating situation according paragraph 7(3)b).

11(3) Authorization

- a) Every employee who wants maternity leave will have to advise the Executive Director at least four (4) months before the expected delivery date or as soon as the pregnancy is confirmed.
- b) The employee who will be on maternity leave will have to supply a certificate from the physician indicating the expected delivery date and must advise the Executive Director of the expected date that the maternity leave will begin and the date when the employee expects to be back at work.

12. General leaves

12(1) Physician, Optometrist and Dentist

- a) Every employee may obtain paid time off for an appointment with a physician, an optometrist or a dentist when an appointment cannot be obtained after regular hours of work. The time off is only available for a visit to a physician, an optometrist or a dentist practicing in the Moncton to Miramichi region. The time taken for the appointment will be added in the "appointment" column of the timesheet. The use of sick days is not necessary for appoints mentioned above
- b) The Executive Director may grant paid time off in case of an emergency where circumstances beyond the employee's control prevent him from coming to work for part or all of a day.

12(2) Deferred Study Leave

- a) Should an employee want to take time off for training or education of up to a year, he must give at least one year's notice prior to the beginning of the leave which has to be approved by the Executive Director and the board of the KRSC.
- b) The Commission must defer a portion of his salary until this leave is completely paid for and this, before his departure.

12(3) Elections

According to the article 86 of the Elections Act, every employee that has the right to vote must be given three consecutive hours to go vote while the polls are open on Election Day. If he cannot be provided with three consecutive hours because of hours of work, the Executive Director must provide him with the time to go vote.

12(4) Leave without pay

- a) Every employee can obtain a leave without pay for a prolonged period of time (maximum of five (5) business days) for any reasonable cause, provided this leave does not disturb the functioning of the administration of the KRSC or the services delivered to the citizens.
- b) Every employee desiring leave without pay must obtain the approval of the Executive Director.

12(5) Extended leave

- a) When an employee is absent from the office for more than three (3) consecutive weeks (15 working days) for vacation or illness, he is obligated to leave his computer at the office, as well as the passwords attached to it, and transfer his emails to his immediate supervisor in order to ensure the proper functioning of the service.

12 (6) Absence of the Executive director

- a) When the Executive director is out of the office in a meeting, out on vacation or on health leave, he will have to appoint an employee to assume the role of interim executive director.

He must advise the staff as soon as possible who will be responsible for assuming the role of executive director during his absence.

12 (7) Family leave

Each employee will be entitled to five (5) days per year as family leave. This leave can be:

- a) To fulfill obligations related to the care, health or education of his child or the child of his spouse.

- b) Due to the state of health of a parent or a person for whom the employee acts as a caregiver, as must be certified by a professional in the health and social services sector.

These days cannot be carried over from one year to another and cannot be converted into cash.

*"Parent" means the child, spouse, father, mother, brother, sister, grandchildren and grandparents of the employee or his or her spouse, as well as the spouses of these persons, their children and the spouses of their children.

CHAPTER VI – SEVERANCE PACKAGES FOR A RETIRING EMPLOYEE AND THE DEPARTURE OF AN EMPLOYEE

13. Retirement and departure package

In order to reward the employee for his contribution to the KRSC, a retirement or departure package will be granted when an employee terminates his employment. The retirement or departure package is calculated based on the number of accumulated sick days not taken.

Every employee who has accumulated sick days has the right to reimbursement of his sick days as a retirement or departure package to a maximum of 90 days at his current salary.

The sum given to the employee will be contributed to an RRSP only.

CHAPTER VII – TRAINING

14. Training while working

14(1) Authorization

- a) Every employee that wants to pursue training while working must advise the Executive Director of his intentions to take a course or training at least one month before commencement.
- b) When the Executive Director evaluates the training request, he must consider:
 - i. The pertinence of the training according to the duties of the employee.
 - ii. The cost of the training, including the cost of traveling if necessary, the availability of funds in the accounts dedicated for this purpose.
 - iii. The impact on the functioning of the KRSC when the employee is absent for the requested period.
- c) The expenses paid for the training, including the tuition fees, the registration fees, the purchase of text books, have to be authorized by the Executive Director, as any other expense made by the employee.

14(2) Training sessions

From time to time, the KRSC can organize training sessions at the offices of the KRSC and pay it through the training budgets of the employees.

CHAPTER VIII – PENSION FUNDS

15. Pension funds

15(1) Every permanent employee can contribute to a RRSP.

15(2) This policy has to respect all the conditions established by Revenue Canada.

15(3) The maximum annual contribution to the pension fund is 7.00% for the employer's portion and 7.00% for the employee's portion.

15(4) The annual contribution of the KRSC to the pension fund is equivalent to the contribution of the employee.

15(5) The contribution of the employee is subtracted automatically from his biweekly pay by the person responsible for the finances of the commission and a note is indicated on the employee's pay stub.

CHAPTER IX – GROUP INSURANCE

16. Group insurance

16(1) Every permanent employee can benefit from a group insurance that includes life insurance, long term disability insurance and medical insurance.

16 (2) The type of insurance and the value of the group insurance is determined by the Commission through a contract with a provider.

16(3) The Commission will continue to pay its share of group health and life insurance premiums for employee coverage and dependent coverage for a maximum of two (2) months while the employee is on a disability leave of absence.

While the employee is on any other type of unpaid leave of absence from the Commission, he is responsible for paying the total premiums for his coverage and that of his dependants while on leave. Failure to do so may result in loss of coverage and possible refusal by our insurance carriers to allow his coverage to be reinstated. The employee will be responsible to fill the form that will be provided by the Commission

CHAPTER X – COMPLAINTS AND GRIEVANCE

17. Complaints

17(1) General

- a) Every employee has the right to submit a complaint for the following:
 - i) That his workplace is dirty or dangerous or a duty is asked that will likely harm his health or his safety or of any employee.
 - ii) That the KRSC requests from the employee to accomplish work duties that he cannot reasonably perform.
 - iii) That his work load is abusive and may harms his health
 - iv) That he is subjected to discrimination or receives sexual or sexist harassments.
 - v) That he is subject to an abuse of power from his superior, including the abusive administration of this policy or any policy of the KRSC.
 - vi) That a decision from his superior concerning the benefits he receives according to this policy that may be abusive and or limits his reasonable access to these benefits.
 - vii) That a dispute regarding his work, other than a question of orientation or philosophical order is not resolved by his superior.

- b) That when a complaint is made against the Executive Director, it must be treated as a request for mediation in person to the Board of Directors of the Commission.

CHAPTER XI – DISCIPLINE

18. Discipline

18(1) Responsibilities

- a) The Executive Director has to inform every new management employee the importance of this policy and every regulation, policy or bylaw that the employee has to respect in accordance to this article.
- b) Every management employee has to communicate the obligations and responsibilities that fall to his subordinates according to this policy and any other regulation, policy or bylaw of the KRSC.
- c) Every management employee that has to impose a disciplinary sanction according to this article has to advise the Executive Director immediately with an internal memo.

18(2) Violations

- a) Commits a violation of the first level, any employee who for the first time:
 - i) deliberately hides necessary information for the good management of the KRSC, including any information that involves a mechanical break, an accident in the work place or that it could involve a civil action against the KRSC, that could lead to a judicial proceeding against the KRSC or any claims against the insurers of the KRSC;
 - ii) refuses to complete any duties included in his work description or that its reasonably connected, with the exception of the right to refusal described in the work according to the *New Brunswick Occupational Health and Safety act*;
 - iii) divulges information of a confidential nature contrary to the directives of his superior or in the policies of the KRSC;
 - iv) utilizes equipment, material or employees of the KRSC for personal purposes without benefiting monetary gains;
 - v) doesn't accomplish his duties in a reasonable time frame, and this repeatedly
 - vi) generally, acts in a clearly unreasonable way;
 - vii) fails to make reasonable efforts to correct errors.

b) Commits a violation of the second level, any employee who:

- i) repeats for a first time, after been sanctioned according to the sub paragraph a);
- ii) falsifies or modifies a request for time off or on his time sheet, in order to gain the right to time off that he was not eligible for according to this policy or any other applicable policy, regulations or bylaw;
- iii) when it is requested from his superior, omits or refuses to wear or utilize safety equipment related to the work duties;
- iv) causes damages to the material or equipment of the KRSC because of his negligence or omission to follow the directives of his superior on how to use the equipment or material;
- v) profess insults or ungracious language towards work colleagues, superiors, or the KRSC, whether in their presence or not;
- vi) utilizes equipment, material or employees of the KRSC for personal purposes, in order to make profit;
- vii) abuses some powers and advantages that are given to him through his position and, with this, causes harm to a citizen of the KRSC, or any other person or business with which the KRSC do business with;
- viii) acts in a way that damages the image of the KRSC, its employees or any members of the Commission.

c) Commits a violation of the third level, any employee who:

- i) repeats for a second time, after been sanctioned for a first time according to sub-paragraph a) and a second time according to sub-paragraph b);
- ii) repeats, after being sanctioned according to sub-paragraph b);
- iii) commits, during his work or any functions reasonably related, a violation to the Act that can be brought to the courts for criminal matters.
- iv) steals funds, material and equipment of the KRSC, or uses in a fraudulent way, especially, but not exclusively, in deliberately falsifying receipts, the register of the petty cash, or any other instrument of financial control, using the credit card of the KRSC for personal purposes, claiming travel expenses that he doesn't have the right to, and produces false receipts;
- v) acts, by negligence, or in a deliberate way, in a way to create a dangerous situation or causes a workplace accident;

- vi)* has in his possession or consumes, during work or in any other way that he is under the influence of substances during work, such as alcohol or drugs, other than those prescribed by a physician or omits to advise his superior and continues to work under the influence of a prescribed drug by a physician that can affect his faculties in such way that he could jeopardize his safety as well as the safety of others;
- vii)* deliberately causes damages to material and equipment of the KRSC;
- viii)* commits perjuries during an inquiry according to this policy or according to a regulation, a policy, a bylaw or required by the law;
- ix)* makes or contributes to the preparation of falsified statements in order to obtain employment insurance, or benefits deriving from the group insurance;
- x)* deliberately destroys official documents of the KRSC, at the exception of those that are authorized by his superior or the Commission.

18(3) Sanctions

- a)* When an employee commits a violation of the first level, he is subject to a verbal warning, a written warning and a one day suspension without pay.
- b)* When an employee commits a violation of the second level, he is subject to a severe written warning and three days suspension without pay.
- c)* When an employee commits a violation of the third level, he is subject to a suspension for an indefinite time period, including possible dismissal.

18(4) The disciplinary process

- a)* When the superior of an employee, notices in his opinion, that an employee committed a violation of the first or second level, he has to advise the employee in the briefest delay and impose the sanction that matches the violation and advise the Executive Director.
- b)* When the superior of an employee, notices in his opinion, that an employee committed a violation of the third level, he must advise the Executive Director in the briefest delay by written memo.
- c)* When the Executive Director receives the memo according to sub-paragraph b), he must undertake a reasonable and justified inquiry in order to report a written decision within ten business days after the reception of the memo.

- d) If he has reasons to believe to keep the employee in his position, even for a temporary period and this, in virtue of the nature of the act in which the employee was accused of, would harm the interests of the KRSC or the public safety, the Executive Director can suspend the employee with pay for the period of the inquiry according to the sub-paragraph c).
- e) If, at the conclusion of the inquiry according sub-paragraph c), the Executive Director considers that the employee has committed a third level violation, he must suspend in writing the employee without pay for an indefinite period of time.
- f) When the Executive Director suspends an employee according to sub-paragraph e), he must recommend in writing, to the Commission that the employee in question must be dismissed for cause and must submit a copy of the recommendation to the affected employee.
- g) The recommendation of the Executive Director according sub-paragraph f) must include:
 - i) The name of the employee.
 - ii) The position occupied by the employee.
 - iii) The description of the violation.
 - iv) A report of the Executive Director's inquiry.
 - v) The location and the date of the next meeting of the Commission where they will address this recommendation.
 - vi) A clear and precise indication of the rights of the employee to be present during the meeting of the Commission where they will address the recommendation.
- h) Throughout the discussion by the members of the Commission, the natural justice regulations have to be respected, especially:
 - i) the right of the employee to present proof in his defense, including calling witnesses;
 - ii) the right of the employee to be heard by the decision making body who will make the official decision;
 - iii) the right for an impartial hearing;
 - iv) the right for a presumption of innocence;
 - v) the right to have the presence of his lawyer or legal councillor.
- i) When the Executive Director studies the recommendation, the Commission may:
 - i) accept the recommendation and dismiss the employee;

- ii)* reduce the level of violation;
 - iii)* refuse the recommendation, if in its opinion, there is overwhelming proof in favor of the recommendation.
- j)* When the Commission has rejected the recommendation, the superior cannot call upon another violation of less degree according to the same acts as those that motivated the recommendation of dismissal.
- k)* When the Commission reduces the level of violation, this constitutes a regular violation at that level and is subject to repeated sanctions.

CHAPTER XII – EVALUATION

19. Evaluation

19(1) Deadlines

- a) Every employee must be evaluated once every year, preferably before the beginning of the budget process.
- b) According to sub-paragraph 20(9) g), every new employee must be evaluated six months after being hired.
- c) When an employee has been evaluated according to sub-paragraph b), it is not necessary to evaluate him again according to sub-paragraph b) during the same financial year.

19(2) Process

- a) After the interview, the Executive Director, or the director of a department (if applicable), must write a report of the interview and formulate recommendations.
- b) Once the employee's evaluation is completed, the Executive Director, or the director of a department (if applicable), writes an evaluation report:
 - i) the recommendations emanating from the evaluation, including the modifications to the policies of the KRSC, the changes to the benefits or the salary of the employee, the changes to the work description of the employee, and any proposed changes to the status of the employee;
 - ii) the financial consequences of this recommendations.

19(3) Evaluation of the Executive Director

- a) Once every year, the Commission will evaluate the Executive Director.
- b) The evaluation of the Executive Director will be guided by the Chairperson of the board, the Vice-chair of the board and the President of the Finance, Administration and Human Resources Committee, that will report back to the board.
- c) During the evaluation of the Executive Director, the Chairperson of the Board will have to meet the employees of the KRSC, in order to determine the supervision, planning, and motivation skills of the Executive Director.
- d) The Chairperson of the Board, the Vice-chair of the board and the President of the Finance, Administration and Human Resources Committee, will prepare an evaluation report of the Executive Director, which they will submit to the Commission.

- e) In order to support the Chairperson of the Board, Vice-chair of the board and the President the Finance, Administration and Human Resources Committee in their evaluation process, the Commission may hire a consultant specialized in management of human resources.

CHAPTER XIII – HIRING

20. Hiring employees

20 (1) Hiring Process

- a) When a management position is vacant, the hiring process generally follows the following steps:
 - i) evaluation of the position;
 - ii) call for candidates
 - iii) creation of a selection committee (if needed);
 - iv) receiving and selecting candidates;
 - v) meeting the retained candidates for an interview by the selection committee;
 - vi) recommendations of the selection committee;
 - vii) hiring.

- b) During the vacancy of any other staff not mentioned in sub-paragraph 20(1) a), or when creating a non-management position, the hiring process generally follows these steps:
 - i) definition of the work duties;
 - ii) look for candidates;
 - iii) receipt and sorting of applications;
 - iv) Meeting of candidates selected for an interview by the selection committee;
 - v) hiring.

20(2) Evaluation of a position

After a management or secretarial position has been vacant, the Executive Director must evaluate the position and propose any modifications that will be required in the work duties, to the salary scale and to the qualifications required.

20 (3) Call for candidates

- a) For every management position, the Executive Director will have to announce, in respective delays, a call of candidates including:
 - i) identification of the position;
 - ii) a summary of the work duties;

- iii)* the necessary qualifications and qualities demanded;
 - iv)* the salary scale;
 - v)* the deadline to receive applications;
 - vi)* the KRSC coordinates.
- b)* The advertisement indicated in the previous article must be one quarter of page dimension and must be published so that it will facilitate the recruitment of high quality candidates.

20(4) Selection committee

- a)* For management positions, a selection committee is put in place that includes:
 - i)* a member of the Commission, of preference a member of the Finance, Administration and Human Resources Committee as Chair;
 - ii)* the Executive Director or his delegate;
 - iii)* a member of the Commission that has knowledge and experience in the vacant position.
- b)* For the other positions, a selection committee can be created under the directives of the Executive Director. Such a committee is comprised of:
 - i)* The management employee that is responsible for the vacant position is the Chair of the Committee;
 - iii)* Two other management employees.

20(5) Reception and sorting the candidate list

- a)* In the case of a management position, from the candidate list received, the Executive Director can proceed with a first sorting according to:
 - i)* Their compliance with the required qualifications; and
 - ii)* The reception of their candidacy by the required deadline.
- b)* In the case of another staff, the management employee that is responsible for the vacant position, will sort the candidate list and retain the desired number of candidates for an interview.

20(6) Interviews

- a) The selection committee will, do a sorting of the candidacies received that are admissible and retain three to five for an interview.
- b) During the interviews, the selection committee must be sure that the questions or interventions of the committee will not favor one candidate over another.
- c) Immediately after the interviews, the selection committee will recommend the successful candidate to the Commission.
- d) The enacted recommendation according to sub-paragraph c) must include:
 - i) the position for which the employee would be hired;
 - ii) the recommended salary;
 - iii) any other advantages to benefits recommended.
- e) After receiving the recommendation from the selection committee, the Commission will decide on the recommendation of the committee.
- f) The motion to hire the employee is adopted by the Commission and must include a reference clause to the Municipalities Act or the Regional Service Delivery Act that enables the Commission to hire the person.
- g) If the Commission adopts the recommendation of the selection committee, the Executive Director will inform the employee in writing.
- h) Regardless of any other articles mentioned in the policy, article 20(6) does not apply to staff other than management.

20(7) Neutrality and Fairness

- a) At no time, can one be on a selection committee when that person has a family tie with one of the candidates for a position.
- b) When it is judged that it would be an advantage for the good of the selection process, or when a candidate has been retained for an interview and that has a family tie with the Executive Director, a management employee of the KRSC can be delegated to act on the selection committee.

- c) The content of the candidacies, the name of the candidates that were not retained, the resumes and the cover letters, the references, the deliberations of the selection committee and the negotiations between the KRSC and the employee that is hired, are all confidential and cannot be communicated by the members of the selection committee, the members of the Commission, the Executive Director, and the staff of the KRSC other than those directly involved in the process. Any breach to this sub-paragraph constitutes, in the case of an employee, a violation according to the sub-paragraph 18(2) a) iii) or, in the case of a member of the Commission, a breach of confidentiality that has to be brought to the Chair's attention in the quickest delays.
- d) Every employee or member of the Commission that has responsibilities in the hiring process, must at all time abide by this present policy and according to paragraph 3 (1) of the Human Rights Code, cannot make any discrimination because of race, skin colour, religious beliefs, the origin, the age, the physical incapacities, mental incapacities, the marital status, the sexual orientation or the gender of the candidate.

20(8) Budgetary impacts

When hiring an employee requires a modification to the budget or an important change to the distribution of funds, the Executive Director must submit the hiring project to the Commission.

20(9) Assuming the position

- a) When the newly hired employee begins his functions, his superior must submit a copy of this policy and explain his obligations and responsibilities deriving from it.
- b) For every new management employee, the Executive Director will organise a training session of at least two days on the administration and the functioning of the KRSC, the budgetary controls, the policies, the regulations and the pertinent bylaws and any other matters necessary for his integration in the workplace.
- c) When the newly hired employee begins his functions, the finance department is responsible to explain to him the modalities regarding the group insurance and the pension plan and communicate to him his options if needed.
- d) During the first six months, day for day, after he has begun his functions, the newly hired employee is in a probation period and does not benefit of permanence.
- e) At the end of the probation period as described in sub-paragraph f), the Executive Director must evaluate the employee according to article 19.
- f) According to sub-paragraph g), the Executive Director can:

- i)* when he believes that the employee has reasonably completed all his duties that were conferred to him and doesn't need rigorous supervision to execute its functions at an equivalent or superior level for that type of work, recommend the termination of the probationary period and the beginning of the permanence of the employee;
 - vi)* when he believes that the employee doesn't complete his duties at an equivalent or superior level for that type of work but will probably attain the expected level of work in a reasonable time period, will recommend the prolongation of the probationary period for the next six months;
 - vii)* when he believes that the employee doesn't complete his duties at an equivalent or superior level and that it is not reasonably predictable that the employee will attain this level of productivity in a short term, will recommend the termination of employment with the employee.
- g)* The termination of the employment because of low productivity level at the end of the probationary period does not constitute a disciplinary measure.
- h)* When the Executive Director makes a recommendation according to the sub paragraph *h) i)* the Commission can with a resolution:
 - i)* Grant the permanence to the employee;
 - ii)* demand for a new probationary period for another six months;
 - iii)* if the recommendation is done according to paragraph *h) iii)* terminate the employment with the employee.
- i)* The Executive Director must communicate in a written manner the decision of the Commission according to paragraph *j)* and this in a delay of ten business days after the Commission has held its meeting.