

THE CORPORATION OF THE TOWNSHIP OF MCGARRY

By-law No. 96-5

being a by-law to establish a plan of sick leave credit gratuities for employees and to rescind By-law 348, 411 & 76-13.

WHEREAS the Municipal Act, Chapter M45, Section 207, S.S. 47, clauses a and b, R.S.O. 1990 provides that municipalities may pass by-laws for the establishment of sick leave credit gratuities for employees.

THEREFORE the Council of the Corporation of the Township of McGarry hereby enacts as follows:

1. In this By-Law -
  - a) "Employee" means any salaried officer, or any other person in the employ of the municipality for a period of at least one full month.
  - b) "Month" shall mean a calendar month.
  - c) "Regular Attendance" means for any month the attendance of an employee at his duties on the days and during the hours for which his attendance is required during that month, according to the terms of his employment, subject to the provision that no credit shall be given to an employee in any month who, in that month was absent from duty without leave for any reason other than vacation leave of absence.
  - d) "Sick Leave Absence" means absence from regular attendance by sickness or other physical incapacity.
  - e) "Sick leave Credit" means an allowance as provided by this By-Law for sick leave absence with pay.
  - f) "Council" means the Council of the Corporation of the Township of McGarry in the District of Temiskaming.
  - g) The masculine pronoun wherever used includes female employees, unless the context indicates otherwise.
2. a) A plan of sick leave credit gratuities is hereby established for every employee and subject to the control of Council, the conduct and management of the plan shall be vested in the Clerk-Treasurer.

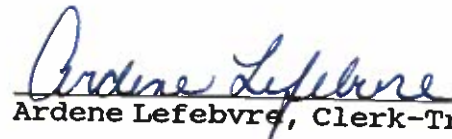
- b) The Clerk-Treasurer shall perform all things necessary or incidental to the due carrying on of the sick leave credit gratuities plan including the power to allow or disallow any sick leave credit or sick leave absence for any employee; provided, however, that the disallowance by the Clerk-Treasurer of any sick leave credit or sick leave absence shall be subject to appeal as hereinafter set forth.
  - c) The Clerk-Treasurer shall provide and keep a register in which all sick leave credits and sick leave absences for every employee shall be recorded so that the register will show the net sick leave credit of every employee which remains after all his sick leave absences have been deducted from his accumulated sick leave credit.
- 3.
- a) Each employee shall be entitled for every month of regular attendance to a sick leave credit at the rate of  $1\frac{1}{2}$  days per month and the sick leave credit of an employee shall not exceed a maximum of 260 days.
  - b) Where an employee has been employed for more than one year, Council may allow him sick leave absences for not more than thirty (30) days at one time in excess of his accumulated sick leave credit as recorded in the register, provided that such excess allowance shall be chargeable to and debited in the register against future sick leave credits to which the employee may become entitled.
  - c) Where an employee is absent due to an accident and is in the receipt of worker's compensation and requests the municipality to make up the difference between the amount of worker's compensation being paid and his total salary, then such difference shall be charged against his sick leave credit.
- 4.
- a) An employee shall report his illness during the first day on which such employee is absent from his work.
  - b) A doctor's certificate may be required by Council where the absence has been in excess of three days at one time.

5. a) Whenever, in the opinion of an employee, the Clerk-Treasurer does not make an entry in regard to his sick leave credit in accordance with the terms of this By-Law such employee, within 7 days of the date of mailing or delivery to him or notice of the action of the Clerk-Treasurer, may file with the Council a written notice of appeal.
- b) The decision of the Council in respect to any appeal shall be transmitted through the Clerk-Treasurer to the employee.
6. a) The Clerk-Treasurer shall report all sick leave absences to Council on request.
- b) At the close of each year, a statement showing absences during the previous year and the balance in reserve shall be given to each employee.
7. When an employee having more that five years service with the Township of McGarry ceases to be employed by the municipality, there shall be paid to him or to his personal representative, or, failing a personal representative, to such other person as the council may determine, and in the event of death to the estate of the deceased, an amount computed on the basis of his regular pay at the date of leaving the employ of the municipality for a period equal to fifty per cent of the value of his credits or fraction thereof, but the amount shall not exceed six months pay.
8. An employee shall not be entitled to sick leave credits until the commencement of the first full month of employment. Temporary employees and seasonal employees shall not be credited with sick leave for past periods of temporary employment.
9. Any employee discharged by Council for cause shall lose or forfeit all benefits under this By-Law.
10. Compassionate leave with pay may be granted in special circumstances, such as the serious illness of a family member or the need for medical treatment out of town (spouse or child or employee), to a maximum of 5 working days, at the discretion of council. Compassionate days will be deducted from the employee's sick leave.

11. This By-Law shall come into force on the 1st day of April, 1996.

READ a first and second time this 17th day of June, 1996.

  
Clermont Lapointe, Reeve

  
Ardenne Lefebvre, Clerk-Treasurer

READ a third and final time this 17th day of June, 1996.

  
Clermont Lapointe, Reeve

  
Ardenne Lefebvre, Clerk-Treasurer