



ADMINISTRATION POLICY

Exempt Staff Policy

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Department/BU: Corporate Services / Human Resources (Labour Relations)

BACKGROUND

The Exempt Staff Policy is intended for the guidance of both the employer and exempt employees of The Corporation of The City of Calgary ("The City").

Any questions regarding the contents of the Exempt Staff Policy Statement may be directed to Human Resources.

PURPOSE

The purpose of this policy is to document specific policies applied by The City to its exempt employees (i.e. employees that are not encompassed within, or covered by, collective bargaining).

SCOPE/EXCEPTIONS

The Exempt Staff Policy Statement is intended for the guidance of both the employer and exempt employees of The City of Calgary. It documents specific policies applied by The City of Calgary to its exempt employees. Other applicable administration policies are listed under Supporting References and Resources, at the end of this document.

The City Manager of The City of Calgary has the authority, under Bylaw No. 42M2004, to determine salaries, working conditions, benefits, hours of employment and all circumstances of employment with all City personnel for whom a collective bargaining

agent has not been provided. In this policy, the Administrative Leadership Team (ALT) sets out a statement governing the employment of such exempt employees.

The ALT recognizes the executives or designated committees of The City of Calgary Society of Professional Engineers (CCSPE), The City of Calgary Administrative, Professional and Technical Employees Association (APTEA) and the Senior Executive Association as representatives of such exempt employees who are members of the foregoing Associations.

The ALT accepts this representation as a matter of mutual convenience, noting that this in no way precludes individual representation by exempt employees in regard to their own employment.

The ALT undertakes to consider revisions to this policy statement that may be proposed by representatives of the CCSPE, APTEA and the Senior Executive Association to consult with these bodies when revisions are proposed or contemplated by the ALT. Exempt employees are to be advised in writing whenever revisions are made to this policy statement.

DEFINITIONS

1. Business Unit – a sub-unit of a department; headed by a director who reports to a general manager.
2. Culpable behaviour or performance is deliberate or intentional behaviour which is under the employee's control. It occurs when the employee knows what is expected and is capable of following the expectations, but either refuses or does not perform up to the expected standard. This type of behaviour is considered misconduct and should be addressed through the progressive discipline process (see [Discipline 10.2](#)).
3. Department – a grouping of business units; headed by a general manager who reports to the City Manager.
4. DeptID owner – a position in the organization that has the responsibility to manage both people and budgets.
5. Division – a sub-unit of a business unit; headed by a manager who normally reports directly to a business unit director.
6. Employee – Throughout these provisions, where the term “employee” is used and where terms reflecting male and/or female gender are used, it shall be considered that either the feminine or masculine has been used where the context of the application so required.
7. Exempt – a position or employee that is not encompassed with, or covered by, collective bargaining.
8. Limited Term – see “Temporary”.
9. Manager – a division-level manager.

10. Non-culpable behaviour or performance that is a result of factors outside of the employee's control. In these types of circumstances the employee is not responsible and therefore is not deserving of blame nor of discipline.
11. Overtime – those hours an employee is assigned to work over and above their standard hours of work (See Section 6.02 – Hours of Work for Full-Time Employees).
12. Regular Position– refers to a position that has been authorized through the budget process as part of the ongoing complement of positions in a business unit.
13. Supervisor – a person who supervises other exempt and / or unionized positions and employees; in some cases, may also be the manager and / or DeptID owner.
14. Temporary – also known as “Limited Term”; refers to a position that has been set up, or is expected to exist, for a specified, and limited, period of time.

Table of Contents

ADMINISTRATION POLICY	1
Exempt Staff Policy	1
BACKGROUND	1
PURPOSE	1
Scope/exceptions	1
DEFINITIONS	2
1.0 MOVEMENT OF PERSONNEL	9
1.1 General	9
1.2 Employment Moves	9
1.2.1 Appointment to Exempt Positions	9
1.2.2 Appointment to Temporary Assignments	9
1.2.3 Functional Reporting Relationships.....	9
1.2.4 Reassignment of Duties.....	9
1.2.5 Workforce Reduction	10
1.3 Service	10
1.3.1 Calculation of Service	10
1.3.2 Service on Re-engagement	10
1.3.3 Non-Crediting Service.....	10
1.3.4 Service on Change in Jurisdiction.....	10
1.3.5 Inter-Departmental or Inter-Jurisdictional Movement.....	10
2.0 WORKING CONDITIONS	11
2.1 Hours of Work for Full-Time Employees	11
2.1.1 Standard Hours.....	11
2.1.2 Non-Standard Hours.....	11
2.1.3 Work Outside Regularly Scheduled Hours	11
2.1.4 Compressed Work Week.....	11
2.2 OVERTIME	11
2.2.1 Definitions.....	12
2.2.2 Approval of Overtime	12
2.2.3 Compensation for Approved Overtime	12
2.2.4 Payment of Overtime	13
2.3 Re-Arranged Work Week (RAWW)	13
2.3.1 Conditions.....	13
2.3.2 Three-week Cycles	13
2.3.3 Re-scheduling Days Off	13
2.3.4 Banking of Days Off	14
2.4 Part-Time Employees	14
2.4.1 Definition of Permanent Part-time Employee:	14
2.4.2 Permanent Part-time Employees	14
2.4.3 Temporary Part-time Employees	14
2.5 Business Continuity	14
2.6 Probationary Periods	15
2.6.1 Probationary Period.....	15
2.6.2 Less than Full-Time Hours.....	15
2.6.3 Extensions of Probationary Periods	15

2.7	Reversion to Union Positions	15
2.8	Working After Retirement.....	16
3.0	PERFORMANCE DEVELOPMENT	16
3.1	Responsibilities	16
3.1.1	Performance Plans	16
3.1.2	Performance Reviews.....	16
3.1.3	Career Development Discussions.....	16
3.2	Appeal of Performance Evaluation.....	16
4.0	LEARNING AND CAREER DEVELOPMENT	17
4.1	Learning and development Opportunities	17
4.1.1	Management's Responsibilities.....	17
4.1.2	Employee's Responsibilities.....	17
4.2	Conference Attendance	17
5.0	MEMBERSHIPS.....	17
5.1	Professional	17
5.2	Association.....	18
5.3	Training/Development to maintain professional designation	18
6.0	COMPENSATION	18
6.1	Policy and Principles.....	18
6.2	Exempt Salary Structure	19
6.2.1	Pay Bands	19
6.2.2	Salary Structure Adjustments.....	19
6.3	Out of schedule salary structures.....	19
6.4	Statutory and General Holidays	19
6.4.1	List of Holidays	19
6.4.2	Entitlement to Statutory Holidays	20
6.4.3	Banked Statutory Holidays.....	20
6.4.4	Premiums for Statutory Holidays.....	20
6.5	Annual Vacation.....	20
6.5.1	Eligibility for Vacation Entitlement – Common Vacation Base Date.....	20
6.5.2	Entitlement - Standard Hours.....	21
6.5.3	Entitlement - Non-Standard or Part-time Hours.....	21
6.5.4	Vacation Periods.....	21
6.5.5	Banking of Vacation.....	22
6.5.6	Vacation Payout.....	23
6.6	Benefits	23
6.7	Pension Programs	23
6.8	Flexible Spending Account Plan	23
6.8.1	Eligibility	24
6.8.2	Plan Provisions.....	24
6.9	SAFETY	24
6.10	Supplementation of Compensation	25
7.0	POSITION EVALUATION	25
7.1	Compensable Factors.....	25

Skills:	25
Responsibility:	25
Effort:	25
Working Conditions:	25
7.2 Job Evaluation Process	26
7.2.1 Job Evaluation Questionnaire	26
7.2.2 Initial Position Evaluation	26
7.2.3 Preliminary Rating	26
7.2.4 Rating Team	26
7.2.5 Notification of Rating	26
7.2.6 Decision Review	27
7.2.7 Criteria for Re-evaluation of Existing Positions	27
7.2.8 Process for Re-evaluation	27
7.3 Request to Review Job Evaluation Results	27
7.3.1 General	27
7.3.2 Documentation	27
7.3.3 Review Process	28
7.3.4 Final Decision	28
7.3.5 Position Verification (Audit)	28
7.3.6 Exceptions to the Job Evaluation Process	28
8.0 SALARY ADMINISTRATION	29
8.1 Rates on Entry into Exempt Positions	29
8.1.1 External Hires	29
8.1.2 Existing Employee	29
8.1.3 Rates Lower than Minimum	29
8.1.4 Rates Above First Third of Range	29
8.2 Salary Adjustments	29
8.2.1 Upward Position Reclassification	29
8.2.2 Downward Position Reclassification - Normal Protection	29
8.2.3 Application of Red-Circling	30
8.2.4 Special Salary Protection on Downward Reclassification	30
8.2.5 Promotion - Normal Salary Adjustment	30
8.2.6 Promotions - Exceptions	30
8.2.7 Underfill Promotion	30
8.2.8 Demotion - Normal Salary Adjustment	31
8.2.9 Demotion - Special Circumstances	31
8.2.10 Transfer - Normal Salary	31
8.2.11 Transfer - Special Circumstances	31
8.2.12 Compression Pay	31
8.3 Pay-for-Performance Increases	32
8.3.1 Purpose	32
8.3.2 Availability	32
8.3.3 Notification of Pay-for-performance Salary Adjustments	32
8.4 Relief PAY for Exempt Positions	32
8.4.1 General	32
8.4.2 Eligibility for Relief Pay	32
8.4.3 Calculating Relief Pay	33
8.4.4 Impact of Relief on Pension	33
8.4.5 Exceptions	33

8.5	Standby Duty	33
8.5.1	General.....	33
8.5.2	Standby Pay	33
8.6	Special Duties / Projects	33
8.6.1	General.....	33
8.6.2	Circumstances Requiring Consultation	34
8.7	Exceptional Circumstance Adjustments	34
	Approval Process	34
9.0	LEAVES OF ABSENCE.....	34
9.1	bereavement leave	34
9.1.1	Immediate Family	34
9.1.2	Bereavement Leave for Non-Immediate Family Member	35
9.1.3	Attending a Funeral Service	35
9.1.4	Additional Time	35
9.1.5	Interruption of Vacation.....	35
9.1.6	Bereavement Leave following pregnancy loss	35
10.0	COUNSELLING AND DISCIPLINE	36
10.1	Counselling and Expectations	36
10.2	Discipline	36
10.2.1	General.....	36
10.2.2	Documentation.....	36
10.2.3	Disciplinary Sanctions	37
10.2.4	Examples of Disciplinary Offences	37
10.2.5	Disciplinary Demotion	39
10.3	Appeals of Discipline and Dismissal	39
10.3.1	First Level - Probationary or Permanent Employee	39
10.3.2	Second Level – Permanent Employees Only	40
11.0	SUSPENSIONS PENDING INVESTIGATION.....	40
11.1	Definition	40
11.2	Consultation Required.....	40
11.3	Reasons for a suspension pending investigaton	41
11.4	Written Notification	41
12.0	TERMINATION OF EMPLOYMENT.....	41
12.1	Resignations.....	41
12.2	Notice of Termination and Dismissal	41
12.2.1	Notice on Termination	41
12.2.2	Notice on Dismissal	41
12.2.3	Appeals Against Dismissal.....	42
12.3	Desertion of Service	42
12.3.1	Circumstance & Duration	42
12.3.2	Action.....	42
12.3.3	Exceptions	42
12.4	Employment References	42
	SUPPORTING REFERENCES AND RESOURCES.....	43
	References to related corporate-wide procedures, forms and resources	43
	References to related Council policies, Bylaws and administration policies	43

Other references and resources	43
APPENDIX: SUPPLEMENTATION OF COMPENSATION	47

1.0 MOVEMENT OF PERSONNEL

1.1 GENERAL

The City of Calgary values its employees and therefore makes available employment opportunities and encourages internal employee movement.

The City endeavours to inform employees of available job vacancies in the civic service through the normal posting / advertising process and gives due consideration based on the merit principle to those employees applying.

1.2 EMPLOYMENT MOVES

1.2.1 Appointment to Exempt Positions

Each employee shall, upon appointment, be given a letter of offer by Human Resources. The offer letter shall specify status, initial salary, salary range, probationary arrangements and other matters pertaining to the appointment.

All new exempt employees will be provided with a copy of this Exempt Staff Policy Statement at the time of hire as well as an application to join CCSPE or APTEA, where applicable.

1.2.2 Appointment to Temporary Assignments

When an exempt employee accepts a temporary assignment, the employee will be notified of the base position decision. The base position Dept ID owner will confirm:

- that the base position will be held until a specified date, or
- that a similar position will be found for the employee at the end of the temporary assignment, or
- that the base position will not be held.

1.2.3 Functional Reporting Relationships

Normally, an employee reports to only one authority. In some cases, there may be more than one reporting relationship for an employee. The supervisory areas should identify the authority and accountability for administrative (e.g. work hours) and technical (e.g. functional) matters.

1.2.4 Reassignment of Duties

From time to time, The City may reassign employees to other positions and classifications in cases:

- of work shortages, work reductions / reorganizations, or similar situations; or
- where employees have become unable to perform their work satisfactorily due to health, injury, or other similar reason.

1.2.5 Workforce Reduction

In the event that it becomes necessary to reduce the workforce, The City shall make every effort to deploy / appoint exempt personnel affected by the staff reduction into existing vacant positions for which they qualify. This is applicable to those exempt employees who have achieved satisfactory performance as evident through The City's performance management system.

1.3 SERVICE

1.3.1 Calculation of Service

An employee's service shall be calculated from the most recent date of continuous employment with The City.

1.3.2 Service on Re-engagement

Where an employee resigns, is terminated, or dismissed from the civic service and is later re-engaged (i.e. re-hired), service shall date only from the date of re-engagement.

1.3.3 Non-Crediting Service

Employees of the School, Hospital, Library, ENMAX and other Boards and Authorities shall not, on appointment to the civic service, be credited for service purposes with time served in the employ of these Boards and Authorities.

1.3.4 Service on Change in Jurisdiction

The employee who has service in one or more bargaining unit(s) and accepts employment in an exempt position without a break in service will retain and accumulate City service.

An exempt employee who accepts employment in a bargaining unit position without a break in service will retain and accumulate City service.

1.3.5 Inter-Departmental or Inter-Jurisdictional Movement

Under no circumstances will any business unit require an employee to resign when moving between business units or when moving into an exempt position from a bargaining unit position, with the exception of:

- students hired under the Work Experience Opportunities for Students or Youths Letter of Understanding (the Student Letter/CUPE Local 38), whose employment is terminated at the end of their assignment.

2.0 WORKING CONDITIONS

Current working conditions of other employees in the private and public sectors (including other civic employees) will be taken into consideration when determining working conditions for exempt employees.

2.1 HOURS OF WORK FOR FULL-TIME EMPLOYEES

2.1.1 Standard Hours

The standard hours of work for full-time exempt employees are 7.5 hours per day for 14 days during each three-week period, for an average of 35 hours per week.

2.1.2 Non-Standard Hours

Management may designate specific positions as requiring other work hour arrangements, such as: longer daily hours and / or a shorter workweek, due to operational needs or the relationship of the exempt position to a union position. Such full-time positions shall be referred to as having non-standard hours of work.

Full-time exempt employees are compensated on an annual basis regardless of the scheduled standard weekly hours (i.e. the annual salary remains the same whether an exempt employee works 35, 38, 40 or 42 hours a week).

2.1.3 Work Outside Regularly Scheduled Hours

The nature of the demands of employment in an exempt position may be such that an employee performs work outside of regularly scheduled hours, (e.g. early arrival and late departure). These additional hours are not to be considered as compensable overtime.

However, when extra hours are worked on a regular and consistent basis, the supervisor may grant suitable time off to recognize the employee's extra hours that exceed those defined above.

2.1.4 Compressed Work Week

Compressed work week options are available upon request. Guidelines are provided in Employee Flexible Work Options.

2.2 OVERTIME

Management recognizes that where overtime is necessary, exempt employees must be compensated for it, but that it is not in the best interest of either the civic service or employee wellness that overtime be performed on a regular basis. Therefore, overtime must be actively managed.

Exception: An exempt employee in the position of City Manager, General Manager, or Director is not eligible for overtime payments.

2.2.1 Definitions

For full-time staff, overtime is defined as those hours an employee is assigned to work over and above their standard hours of work (see definition of Standard Hours of Work on page 8).

For staff working less than full-time hours, overtime is defined as those hours an employee is assigned to work over and above the regularly scheduled daily or weekly hours, whichever is greater, of the staff working full time hours in the immediate work group.

E.g., an employee's work unit works 7.5 hours / day, Monday - Friday (i.e. Re-arranged Work Week (RAWW) schedule), but the employee is part-time working:

Monday -	4 hours
Tuesday -	7.5 hours
Wednesday -	7.5 hours
Thursday -	7.5 hours
	<hr/>
	26.5 hours weekly

- If the employee is assigned to work 6 hours on Monday, no overtime is payable.
- If the employee is assigned to work 7.5 hours on Friday, no overtime is payable.
- If the employee is assigned to work 9.0 hours on Tuesday, 1.5 hours of overtime is payable.

2.2.2 Approval of Overtime

All overtime for exempt employees must be directed and pre-authorized by the DeptID owner. The following are options that may be considered before assigning overtime work to exempt employees:

- re-arrange the work week;
- restructure hours, e.g. shifts, weekends;
- re-prioritize assignments - eliminate low priority projects);
- hire additional staff;
- contract-out projects; and
- implement or remove a compressed work week.

2.2.3 Compensation for Approved Overtime

All directed and pre-authorized overtime in excess of standard hours shall be compensated at time and one-half. Compensation for overtime shall be on a lieu time basis or cash, subject to operational needs.

Banked overtime must be used by the end of the calendar year following that in which it was banked; otherwise, it will be paid out. The appropriate business unit director must approve any exception.

Overtime related to business continuity initiatives (e.g., overtime work assigned for labour actions, pandemic emergencies, emergency operations, etc.), shall be compensated at double-time rate. Only the Chair of the Labour Action Business Continuity (when union work stoppages occur), or the Director of CEMA (when the Municipal Emergency Plan is activated) can approve this double time rate. Such overtime is not eligible for banking. The double time rate will end:

- once the Labour Action ends; or,
- once the MEP is deactivated or the Emergency Operations Centre (EOC) closes, whichever comes first; or,
- when an alternate end date is approved by the City Manager.

When an employee works in excess of 50 hours of overtime in any calendar year, the name of that employee, a summary of hours worked and the reasons for it shall be forwarded to the appropriate manager for review.

2.2.4 Payment of Overtime

It is the employee's responsibility to complete and submit the appropriate overtime forms for approval and initiation of payment. Payment will be made as soon as possible after the overtime forms have been submitted.

2.3 RE-ARRANGED WORK WEEK (RAWW)

2.3.1 Conditions

Exempt employees whose standard hours of work are outlined in Section 2.01 – Hours of Work for Full -Time Employees are entitled to an average of one day off in every three-week cycle.

2.3.2 Three-week Cycles

A corporate schedule of three-week cycles is published annually by Human Resources and forms the basis for the calculation of earned days off.

Individual business units shall determine annual schedules of RAWW designated days off within each cycle for their employees.

2.3.3 Re-scheduling Days Off

Under extenuating circumstances, such as urgent work requirements, an employee may work on a scheduled day off and would then be encouraged to reschedule their day off to a mutually convenient time within the designated cycle.

2.3.4 Banking of Days Off

The banking of days off for a future date outside of the appropriate cycle is permitted and requires the approval of the DeptID owner.

Banked days off must be taken prior to the end of the calendar year in which they were earned, or they will be forfeited with the exception of the days banked in December.

Days banked in December can be carried over to the next calendar year.

2.4 PART-TIME EMPLOYEES

2.4.1 Definition of Permanent Part-time Employee:

A permanent part-time employee is either:

- An employee who has been in continuous City service for the equivalent of six months of full-time employment in a regular part-time position that has been authorized as part of the normal establishment with a minimum of 20 scheduled hours per week; or
- An employee, who, prior to moving into a regular part-time position with a minimum of 20 scheduled hours per week, had achieved permanency within the City's service. The employee class (formerly known as the employee's appointment status) would be trial.

2.4.2 Permanent Part-time Employees

Permanent part-time exempt employees will be entitled to the provisions contained in the Exempt Staff Policy Statement on a pro-rated basis.

2.4.3 Temporary Part-time Employees

Non-permanent part-time exempt employees will be entitled to the terms and conditions of employment as outlined in the Alberta Employment Standards Code.

2.5 BUSINESS CONTINUITY

Exempt employees play an important role in supporting business continuity. In the event of a legal or illegal work stoppage by any union local representing civic employees or a declared municipal emergency, exempt employees may be reassigned to assist in the maintenance of civic services. Examples of reassignment can include:

- work of a different type, for which training will be provided;
- work in another business unit; and / or
- a revised schedule of hours or days.

Such reassignment is directed by either Labour Action Business Continuity (when union work stoppages occur), or by the Director of CEMA (when the Municipal Emergency Plan is activated.)

2.6 PROBATIONARY PERIODS

2.6.1 Probationary Period

An employee who obtains a regular exempt position must complete a six month probationary period. Employees who have not completed a probationary period in a previous regular position (union or exempt), must successfully serve a full six month probationary period in their new exempt position. The supervisor will review the employee's suitability during the probationary period.

The City may terminate an employee for unsuitability at any time during the probationary period, without just cause, by giving the employee notice or payment in lieu of notice in accordance with the *Alberta Employment Standards Code*.

Note: A unionized temporary employee who has completed 24 months continuous service and is deemed permanent, does not have to complete a probationary period.

2.6.2 Less than Full-Time Hours

The probationary period for employees who work less than full-time hours shall continue until the employee has worked the equivalent of six months of full-time employment.

2.6.3 Extensions of Probationary Periods

At management's discretion, it may be deemed necessary to extend an exempt employee's probationary period. Reasons for extending a probationary period may include, but are not limited to, the following:

- absences from work during the probationary;
- inconclusive assessment of performance during the initial six-month period;
- changes to work assignments or supervision during the initial six-month period; or
- allowance of adequate time to properly assess positions with a yearly cycle.

A probationary period may be extended for an additional period of up to six months.

A probationary period will not be extended beyond a maximum period of twelve months of full-time employment, or the equivalent of twelve months of full-time employment in the case of part-time employees.

2.7 REVERSION TO UNION POSITIONS

Employees who have been promoted from bargaining unit positions to exempt positions may be eligible to revert, or be reverted, subject to the terms of the collective agreement for the bargaining unit from which they were promoted.

Note: Consult the appropriate collective agreement to determine if an option to revert exists and, if so, the time frames for exercising the reversion option.

2.8 WORKING AFTER RETIREMENT

The [Employment Policy \(Admin Policy HR-031\)](#) addresses the topic of working after retirement.

3.0 PERFORMANCE DEVELOPMENT

The City recognizes that people are our most important asset. Excellent people performance does not just happen -- it must be planned for, constantly developed, evaluated and recognized.

The City's Performance and Career Development process is intended to align individual employee performance with The City's strategies for success, encourage continuous feedback and coaching, establish plans for learning and career development and review and reward performance.

3.1 RESPONSIBILITIES

3.1.1 Performance Plans

It is intended that employees and their supervisors will establish performance plans that include expectations, objectives and results to which both parties agree and which are measurable and obtainable.

Note: The performance development process is described in more detail on the intranet under "[Exempt - Performance and Career Development Process Guide](#)".

3.1.2 Performance Reviews

The ALT requires a formal performance review be conducted at least once a year, for all exempt employees. This process is to be mutually beneficial, where both the supervisor as well as the employee benefit from the approach used.

3.1.3 Career Development Discussions

It is intended that supervisors work with employees to plan for development in current and future roles. ALT requires that the opportunity for a career dialogue be offered to all exempt employees by their supervisors at least once a year to support career development planning.

3.2 APPEAL OF PERFORMANCE EVALUATION

An employee, who believes that his / her performance has been assessed incorrectly by her / his immediate supervisor, may appeal as follows:

- An employee may appeal the matter in writing, within seven calendar days of being notified of their performance evaluation, to the next level of supervision above their immediate supervisor.

- The next level supervisor shall review the matter with the employee within 30 calendar days of receipt of the appeal and shall issue a final and binding decision on the appeal within 14 calendar days of the review.

4.0 LEARNING AND CAREER DEVELOPMENT

4.1 LEARNING AND DEVELOPMENT OPPORTUNITIES

The ALT supports and encourages participation in learning and development opportunities targeted to organizational and business needs by ensuring that the responsibilities defined below are carried out.

4.1.1 Management's Responsibilities

Business unit directors, managers and supervisors at The City shall have responsibility and accountability for the development of their employees. Maximum use of existing human resources will be fostered and plans will be developed to meet present and future requirements. To support this planning, supervisor of exempt employees will discuss learning and career development as part of the Performance and Career Development process (Section 3).

4.1.2 Employee's Responsibilities

All exempt employees have responsibility for their development, including availing themselves of opportunities which will enable them to maintain effective work performance in their present position and to prepare for advancement and / or other position changes. Learning and career development planning is a key component of the Performance and Career Development process (Section 3).

4.2 CONFERENCE ATTENDANCE

Attendance at conferences shall take into account the needs of the exempt employee's personal development and the value to The City resulting from such attendance. Attendance requires prior approval of the business unit director or supervisor.

5.0 MEMBERSHIPS

5.1 PROFESSIONAL

Where maintenance of membership in a professional organization is a requirement of holding a particular position, The City will reimburse the employee for 100% of the annual membership fees with the DeptID owner's approval.

5.2 ASSOCIATION

DeptID owners are responsible for approving payment of membership fees for employees in associations that, in their opinion, provide value to The City.

Employees are encouraged to actively participate through membership in associations that are directly related to their field of work.

Where employees are nominated for executive positions in associations, formal approval of the business unit director shall be obtained prior to standing for office and such requests shall indicate the approximate length of leave of absence and / or expense to The City.

5.3 TRAINING/DEVELOPMENT TO MAINTAIN PROFESSIONAL DESIGNATION

Subject to DeptID Owner approval, where maintenance of a professional designation is a requirement of holding a particular position, The City will support (e.g. time, costs) training/development to maintain a professional designation.

6.0 COMPENSATION

6.1 POLICY AND PRINCIPLES

The salary policies for the exempt group are set by the City Manager and the ALT, based on recommendations from Human Resources and in accordance with the following principles:

- The City of Calgary, an employer of choice for people who derive satisfaction from delivering high quality public service, provides its exempt employees with total rewards that are competitive with relevant markets.
- Salary is directly linked to performance that helps The City achieve its business goals.
- Salaries will be established in a manner which:
 - ◆ recognizes The City's responsibility as a public sector employer;
 - ◆ is consistent with The City's ability to pay;
 - ◆ recognizes the relative worth and value of jobs based on consideration of relevant and objective job-related factors; and
 - ◆ is responsive to public and private market conditions on a local, regional and national basis, where applicable, including the relationship to current collective agreements.

6.2 EXEMPT SALARY STRUCTURE

6.2.1 Pay Bands

The exempt salary structure consists of eight pay bands from A-H

Directors and General Managers are part of the exempt group and each have their own salary structures. The Director salary structure consists of two pay bands (Band 1 and 2). The General Manager salary structure consists of a single pay band.

Each pay band has a salary range with a minimum and a maximum salary. The specific salaries associated with each pay band are set out in a separate document available from Human Resources.

6.2.2 Salary Structure Adjustments

Human Resources will review the salary structures annually.

All recommended adjustments related to the exempt salary structure (A-H) will be made to the City Manager in a report to ALT.

All recommended adjustments related to the Director and General Manager salary structures will be made to Council from the City Manager.

6.3 OUT OF SCHEDULE SALARY STRUCTURES

When The City experiences difficulty in recruiting and/or retaining exempt employees for certain positions because of the rate of pay required in the market place, The City may establish an out of schedule salary structure for these positions.

Based on market conditions, should it be determined that the out of schedule salary structure is no longer required, employees receiving out of schedule pay rates will be given six months notice in writing of any reduction or cancellation of these rates. All employees to whom this section is applicable shall be returned to the evaluated rate of the classification.

6.4 STATUTORY AND GENERAL HOLIDAYS

6.4.1 List of Holidays

Exempt employees are entitled to statutory holidays as follows:

- New Year's Day;
- Family Day;
- Good Friday;
- Easter Sunday;
- Victoria Day;
- Canada Day;

- August Civic Holiday; (if proclaimed);
- Labour Day;
- Thanksgiving Day;
- Remembrance Day;
- the second half of their last scheduled work day before Christmas;
- Christmas Day;
- Boxing Day; and
- Any other holiday that is proclaimed or declared by The City of Calgary and / or the Province of Alberta and / or the Government of Canada, except when replacing the above-named holidays; in which case, the proclaimed statutory holiday only shall be recognized.

6.4.2 Entitlement to Statutory Holidays

Exempt employees are entitled to statutory holidays from the date of commencement of work for The City.

6.4.3 Banked Statutory Holidays

A banked statutory holiday must be used by the end of the calendar year following that in which it was banked; otherwise, it will be paid out.

6.4.4 Premiums for Statutory Holidays

All directed and pre-approved work on a statutory holiday that is normally a day off is considered to be overtime and shall be compensated at time and one-half (i.e. 1.5X) in addition to a regular day's pay. Compensation shall be on a lieu time basis or cash, subject to operational needs (as per Section 6.03 – Statutory and General Holidays).

If this overtime premium is banked (i.e. to be taken at a later date), it must be used by the end of the calendar year following that in which it was banked; otherwise, it will be paid out.

All direct and pre-approved work on a statutory holiday that is normally a work day for the employee shall be compensated at double time (i.e. 2X) in addition to a regular day's pay. This double time will be taken in pay.

6.5 ANNUAL VACATION

6.5.1 Eligibility for Vacation Entitlement – Common Vacation Base Date

Vacation for exempt employees is managed to a common date of January 01, year of hire/ rehire. The January 01 date established for each employee is used to allocate annual vacation entitlements and determine vacation entitlement increases as outlined in 6.5.2. Upon hire/rehire, the first vacation entitlement will be pro-rated based on the partial calendar year of work. Each year thereafter, subject to

continuous employment, the employee will receive full annual vacation entitlements on January 1st of each year. The employee is required to take their annual vacation entitlements prior to the end of the calendar year.

Employees who entered the Exempt jurisdiction prior to January 1, 2017 will be transitioned from Date of Hire Vacation base date to Common Vacation base date on January 1, 2018.

6.5.2 Entitlement - Standard Hours

Employees who work standard hours of work, as per Section 2.01 – Hours of Work for Full -Time Employees, are entitled to annual vacation as follows:

- 14 days after completion of 1 year of service (i.e. 105 hours);
- 19 days after completion of 8 years' service (i.e. 142.5 hours);
- 24 days after completion of 15 years' service (i.e. 180 hours); or
- 28 days after completion of 25 years' service (i.e. 210 hours).

Exceptions to the vacation entitlements (set out above) can be made at the time of hire or at the time of internal movement or promotion. These exceptions require the approval of the business unit director. Exceptions must remain within the maximum 28 days/210 hours noted above. Consultation with Human Resources should take place to ensure consistency.

6.5.3 Entitlement - Non-Standard or Part-time Hours

Exempt employees, who work non-standard or part-time hours, are entitled to vacation on a pro-rated basis to ensure receipt of vacation entitlement equivalent to employees who work standard hours.

To determine the pro-ration, employees will be credited with continuous service from the common vacation base date of January 1st in the year of hire/rehire. The pro-ration of their entitlement will then be based on hours worked in the previous calendar year.

6.5.4 Vacation Periods

It is recommended that exempt employees take all of their legislated vacation minimums in weekly blocks and, where possible, consecutively. Employment Standards requires a minimum of two weeks of annual vacation after one (1) year of employment, and three (3) weeks after the completion of five (5) years of employment.

Notwithstanding the above, and with the mutual agreement of the employee and the DeptID owner, and subject to operational needs, exempt employees may elect to take the balance of their vacation entitlement in periods of less than one (1) week

(in periods no less than one (1) hour) as long as the time is taken within the appropriate calendar year.

6.5.5 Banking of Vacation

Maximum Bankable Hours

- The overall maximum banked hours is 300 hours.

Non-Bankable Hours

- An employee must take the remainder of their vacation period as outlined in this section.

Maximum Bankable Hours by Employee Class

All exempt employees are required to take the minimum *Alberta Employment Standards* vacation time as follows:

- Two weeks after each of the first four years of employment; and,
- Three weeks after five consecutive years of employment.

Exempt employees may, at their option; bank vacation time as follows provided the minimum provincially legislated vacation time referenced above is taken:

Years of Service	Vacation Entitlement	Hours Available to Bank (to max 300 hrs)
0 – 4	105 hours	One week
5 - 7	105 hours	None
8 - 14	142.5 hours	One week
15 - 24	180 hours	Up to 2 weeks
25 – 29	210 hours	Up to 3 weeks

Note: A work week is defined as the regular schedule worked by the employee. For example: A week of vacation for an employee working standard hours is 37.5 hours. A week of vacation for an employee working non-standard hours is 38, 40 or 42 hours.

Request to Bank / Take

- An employee's request to bank annual vacation shall be officially recorded by the employing business unit in writing or on the appropriate form prior to the employee's current year vacation base date.

Banked vacation time may be taken subject to operational needs and with approval of the DeptID owner.

6.5.6 Vacation Payout

- Exempt employees who are entitled to five weeks or more vacation may request to receive the value of all or part of their fifth and subsequent weeks of vacation in cash, or to request the transfer of these funds for deposit to The City's group Registered Savings Plan (RSP).

Note: Provisions regarding this are detailed in Section 8.06 (Pay in Lieu of Vacation) of the Compensation Policy (Administration Policy HR-TR-004).

- Any unauthorized vacation balances not used within a grace period approved by the Administrative Leader Team (ALT) are considered non-compliant and will be subject to a mandatory payout. The grace period is additional time provided in excess of the legislated 12-month period in which to use vacation entitlements as time off.

6.6 BENEFITS

As part of the total rewards package, The City provides comprehensive employee benefits. Subject to eligibility requirements, exempt employees participate in the Municipal Employees Benefit Association of Calgary (MEBAC) benefit plan. Information regarding these benefits is provided upon employment; or, refer to the information on the internet/intranet about employee Pay and Benefits.

6.7 PENSION PROGRAMS

The City also offers defined benefit pension programs as part of its total rewards package. The City of Calgary is one of over 400 Local Authorities Pension Plan (LAPP) employers. Subject to eligibility requirements, all exempt employees participate in the LAPP. In addition, The City sponsors a Supplementary Pension Plan (SPP) that is optional for exempt employees who are Level F and above (according to base position) and an Overcap Pension Plan that is optional for exempt employees who are at Level G and above (according to base position).

Provisions of these plans are detailed in separate documents available on the City of Calgary internet/intranet. Information regarding City sponsored plans is provided to employees upon meeting eligibility requirements.

6.8 FLEXIBLE SPENDING ACCOUNT PLAN

Exempt employees who occupy positions evaluated at levels F, G or H are eligible for the Flexible Spending Account Plan (FSAP). Members of the FSAP are given cash-equivalent credits based on their position. These credits can be taken as reimbursement for non-taxable expenses, as cash or as a combination of the two. Prior to the beginning of each enrolment period, the eligible employee must make their selection and return the allocation form. This selection is irreversible until the next enrolment. If the allocation form is not received by the posted deadline, all credits are assigned to the non-taxable option.

6.8.1 Eligibility

Eligibility for the Flexible Spending Account Plan is determined on a monthly basis throughout the year. Any new hire or internal position changes – for example, a promotion that occurs and changes the amount of available credits – are reflected at the next monthly review.

- Employees hired or promoted between January 01 and June 30 to an established position that is eligible for the FSAP, will receive the full credit allocation for that year. If an employee becomes eligible for credits after June 30, the credit allocation is prorated for a half-year.
- Employees participating in the plan who receive a promotion between January 01 and June 30 to a position that is eligible for a greater credit allocation will receive the full difference between their current allocation and their new credit allocation. If an employee becomes eligible for higher credits after June 30, the difference between their current allocation and their new credit allocation is prorated for a half year.
- Employees hired or promoted to a limited term position that is eligible for the FSAP will receive credits after occupying the temporary position for six (6) consecutive months. The initial FSAP credits are pro-rated by the number of months occupied in the eligible position. Enrolment takes effect with the next enrolment date after the six months has been reached – either Jan 1 or July 1. Credit allocations then occur every six months after the initial enrolment until the limited term position ends.
- Employees who terminate or retire can use credits allocated to a non-taxable account for reimbursement of services completed prior to the date of termination or retirement. Claims must be made within 60 days of that date. Unused credits will be forfeited. A cash allocation will be retained by the employee.
- Employees who move to a position that is not eligible for the FSAP will retain their previously granted credit or cash allocation for the balance of that enrolment period. No new credit allocation will be made thereafter.

6.8.2 Plan Provisions

Detailed provisions of this plan are available on The City's intranet.

6.9 SAFETY

The City of Calgary is committed to providing a safe and healthy work environment. This is reflected through the implementation of The City's Occupational Health and Safety Management System.

Where The City requires an exempt employee to wear safety footwear in order to carry out the duties and responsibilities associated with their job, The City will pay up to \$140.00 towards the cost of approved safety footwear and any replacement, the timing of which is at the supervisor's discretion.

6.10 SUPPLEMENTATION OF COMPENSATION

If an exempt employee is killed or totally disabled as a result of an accident arising directly out of the course, and in the scope, of their employment with The City of Calgary, that employee, or surviving spouse or dependent children, shall be eligible for Supplementation of Compensation as set out in the Appendix of this document.

7.0 POSITION EVALUATION

7.1 COMPENSABLE FACTORS

Exempt positions are evaluated through a systematic process that determines the relative value of jobs across The City. The position level is determined according to 13 compensable factors within four categories, as follows:

Skills:

- Knowledge;
- Communication;
- Change Management; and
- Leadership.

Responsibility:

- Complexity;
- Independence;
- Impact of Decisions ;
- People Development;
- Project Team Involvement;
- Internal Interaction;
- External Interaction; and
- Health, Wellness and Safety.

Effort:

- Physical and Visual Effort and Manual Dexterity.

Working Conditions:

- Work Environment.

7.2 JOB EVALUATION PROCESS

7.2.1 Job Evaluation Questionnaire

Position evaluation will be based upon the duties and responsibilities described in the Exempt Job Evaluation Questionnaire (JEQ).

The incumbent (where one exists) and the immediate supervisor, with assistance from Human Resources, if required, should complete the JEQ.

The position manager must approve the JEQ prior to it being submitted to Human Resources for review.

Note: For further information on the JEQ and Job Evaluation Guide, contact Human Resources or refer to information on the intranet about Job Evaluation - Exempt.

7.2.2 Initial Position Evaluation

A position may be deemed identical to an already existing and evaluated position, if one exists. If not, the following process will be used to evaluate the position level.

7.2.3 Preliminary Rating

Human Resources, with input from the position's supervisor, will apply a preliminary rating to the position after reviewing the completed JEQ questionnaire, and seeking clarification and additional information where required.

7.2.4 Rating Team

The role of the rating team is to maintain consistency and accuracy of system application; team members are not advocates for any particular job.

Business unit management is invited to provide an overview and / or set the context for the position at the rating team's meeting.

Human Resources will present the position, along with the preliminary rating, to a rating team to reach a consensus on the final evaluation.

Employees and **business unit management** may be contacted, at the discretion of the rating team, to answer any questions the team may have during their review of the position.

7.2.5 Notification of Rating

Upon completion of the rating, Human Resources will notify the incumbent employee (if one exists) and the position manager of the rating decision.

7.2.6 Decision Review

The employee and / or **business unit management** have the right to request a review of the decision as outlined under Section 7.03 – Request to Review Job Evaluation Results.

7.2.7 Criteria for Re-evaluation of Existing Positions

Managers are responsible for ensuring that positions submitted for re-evaluation meet the guidelines for sufficient grounds for review. Grounds for review include the following:

- a significant change in assigned duties and responsibilities;
- a change / concern regarding internal relativity within the business unit and the Corporation as a whole; or
- verification of a vacant-rated position that has been filled by an incumbent for a reasonable period of time, allowing for the development of more informed and relevant examples.

In those cases where re-evaluation is not warranted, the manager will advise the incumbent employee.

7.2.8 Process for Re-evaluation

The incumbent (where one exists) and the supervisor will complete a JEQ.

The documentation will be forwarded to Human Resources for evaluation, as outlined in Section 7.02 – Job Evaluation Process.

The rating team will complete all requests for position re-evaluations as expeditiously as possible.

Notification in writing will occur as outlined previously.

7.3 REQUEST TO REVIEW JOB EVALUATION RESULTS

7.3.1 General

The incumbent and / or **business unit management** may request that a job evaluation decision be reviewed. Human Resources can provide relevant information to assist the parties in determining whether to proceed with a review.

7.3.2 Documentation

Requests for review are to be approved by the business unit director and submitted, in writing, to Human Resources within 21 calendar days of notification of the rating decision. Requests for review are to be submitted using the Exempt Job Evaluation Request for Review form. Refer to information on the intranet about Job Evaluation - Exempt.

The requester may approach Human Resources to obtain relevant information that would be of assistance in the preparation of the request.

7.3.3 Review Process

A review team will be convened to review the job evaluation decision as expeditiously as possible. Human Resources will present the request for review to the review team. **Business unit management** may attend in order to provide additional information or clarifying comments at the outset of the meeting.

Incumbents and **management** may be contacted by the review team to answer any questions the team may have.

The review team will reach a decision on the individual factors that have been appealed, as well as other factors that have an inter-relationship, and arrive at an overall job rating.

7.3.4 Final Decision

In order for the results of the original job evaluation decision to be overturned, a consensus decision of the review team will be required.

The review decision may result in a position rating going up, down or staying the same.

The incumbent and the business unit director will receive written notification of the decision of the review team from Human Resources.

The decision of the review team is final and binding on all parties.

7.3.5 Position Verification (Audit)

The relevant policy is available in Section 6 (Position Verification Policy) of the Compensation Policy (Administration Policy HR-TR-004).

7.3.6 Exceptions to the Job Evaluation Process

A general manager may authorize the removal of an exempt position from the job evaluation process in extraordinary circumstances (i.e. mitigation of significant retention risks or to address an exceptional recruitment challenge). In this circumstance, the position will be deemed to be “unrated” and a competitive rate of pay will be determined. Consultation with the assigned Human Resources Advisor is encouraged.

8.0 SALARY ADMINISTRATION

8.1 RATES ON ENTRY INTO EXEMPT POSITIONS

8.1.1 External Hires

Normally, an external applicant who meets the minimum position requirements would be placed within the first one third of the pay range.

8.1.2 Existing Employee

Promotion, demotion and transfer processes would usually be applied to an existing City employee who moves into an exempt position. See the appropriate sections of this Policy Statement.

8.1.3 Rates Lower than Minimum

Rates lower than the minimum may be approved for training programs lasting more than one year, or for employees who do not meet minimum job requirements (i.e. an underfill). See Section 8.02.07 – Salary Adjustments, Underfill Promotion.

8.1.4 Rates Above First Third of Range

For those new employees who substantially exceed the position's minimum qualifications, a starting salary beyond the first third of the range may be authorized by the employing business unit director. Consultation with the assigned Human Resources Advisor is encouraged.

In such cases, consideration would be given to the individual's qualifications and experience compared to what is required for the position, salaries of existing incumbents, market factors, ability to recognize performance growth in position, etc.

8.2 SALARY ADJUSTMENTS

8.2.1 Upward Position Reclassification

An employee whose position is reclassified upwards may be eligible for a salary adjustment in accordance with Section 8.02.5 - Promotion.

8.2.2 Downward Position Reclassification - Normal Protection

An employee, whose position is reclassified downward, due to either:

- a management reorganization where no demotion for cause is intended; or
- a re-evaluation of the position, which was initiated by the employee and results in a downward reclassification, would normally be entitled to red-circling protection as long as the employee remains in that position.

8.2.3 Application of Red-Circling

When an employee is red-circled, the employee's current rate of pay is fixed (or frozen) until the maximum of the new evaluated level for the position (i.e. the level after reclassification) equals or exceeds the rate actually being paid to the employee.

At that point the red-circling will be removed and the employee would then be eligible for performance increases, where the range permits.

8.2.4 Special Salary Protection on Downward Reclassification

While other types of salary protection may be afforded on downward reclassifications, each case would be considered on its own merit. Approval for special salary protection may be authorized by the applicable business unit director. Consultation with the assigned Human Resources Advisor is encouraged.

8.2.5 Promotion - Normal Salary Adjustment

Promotion to a position in a higher pay range than the employee's existing base position does not automatically result in an increase in pay.

The decision regarding pay on promotion is based on the employee's related qualifications and competencies as compared to both existing staff in similar positions and the minimum qualifications for the position.

Normally, the increase available on promotion is:

- 0 -10%; or
- the minimum of the new pay range.

8.2.6 Promotions - Exceptions

An increase greater than (a) or (b) above is considered exceptional and requires the prior approval of the business unit director. Consultation with the assigned Human Resources Advisor is encouraged.

8.2.7 Underfill Promotion

A promoted employee, who is within one year of meeting the minimum qualifications for the job (i.e. an underfill), may be placed at a rate 5% below the minimum of the appropriate pay range. When the employee meets the minimum requirements, the employee's salary should be adjusted to at least the minimum of the position's pay range.

If a promoted employee is already paid within the applicable pay range, the employee's salary may be red-circled until the employee meets the minimum requirements. Once the employee meets the minimum requirements, the employee's salary may be adjusted in accordance with the promotion policy noted above.

Note: In either case, the effective date of the salary adjustment would be the date the employee met the position requirements.

8.2.8 Demotion - Normal Salary Adjustment

Upon demotion, an employee should be placed within the lower pay range at their current pay rate, if possible.

If the employee's current rate exceeds the new range maximum, then the employee is placed at the maximum of the new pay range.

8.2.9 Demotion - Special Circumstances

Maintenance of an employee's salary rate above the range maximum would be considered in exceptional circumstances and requires the prior written agreement of the business unit director. Consultation with the assigned Human Resources Advisor is encouraged. Red-circling would then apply to the employee's new rate of pay.

8.2.10 Transfer - Normal Salary

Normally, upon transferring into a position within the same pay range, an employee maintains their existing rate of pay.

8.2.11 Transfer - Special Circumstances

Any increase in salary on transfer would usually be based on the employee's hours of work, relative qualifications, competencies or experience related to the new position and as compared to other existing staff in identical positions.

An increase in salary requires the prior written consent of the business unit director. Consultation with the assigned Human Resources Advisor is encouraged.

8.2.12 Compression Pay

Compression exists when the maximum of a supervisor's salary range is lower than the maximum of the best-paid union subordinate's pay range, including designated pay premiums.

In such situations, compression pay may be considered. A rate of up to five percent above the enhanced base rate of the highest paid union subordinate may be applied and will be reviewed on an annual basis.

Business unit management will resolve any concerns about compression on a case-by-case basis after a compression analysis has been completed by Compensation & Total Rewards. The analysis will include a review of rates of pay, hours of work, and designated premiums.

8.3 PAY-FOR-PERFORMANCE INCREASES

8.3.1 Purpose

Annual salary adjustments will be based on performance. Pay-for-performance increases are designed to move employees through their pay range in recognition of improved skills and knowledge and greater experience.

8.3.2 Availability

Pay-for-performance increases, based on corporate guidelines, are available annually until the maximum of the pay range has been reached and will normally be effective the first pay period in January.

8.3.3 Notification of Pay-for-performance Salary Adjustments

Notification of pay-for-performance increases will be given to affected employees, normally through the performance development and appraisal process (See Section 8.3 – Pay-for-performance Increases).

When performance does not meet expectations and a pay-for-performance adjustment will be withheld, the affected employee will also be notified.

The notification will be in advance of the pay date when adjustments are expected.

8.4 RELIEF PAY FOR EXEMPT POSITIONS

8.4.1 General

Relief pay provisions apply to any employee who relieves in an exempt position, except where specifically prohibited by collective agreement.

Relief is of mutual benefit to the employer and the relieving employee. The employer benefits from having necessary duties carried out while the employee receives a developmental opportunity.

To be considered to be in a relief situation, an employee shall be required to perform the principal duties for the higher level position; at the same time, the employee may also be required to perform some of the duties of their regular position.

8.4.2 Eligibility for Relief Pay

To be eligible for relief pay, relief duties are normally taken on for a minimum period of 4 and a maximum of 21, consecutive workdays.

On completion of the minimum four-day qualifying period in a relief assignment, an employee shall be eligible for relief pay for the total period of relief, including the qualifying period.

Exceptions to the 4 day minimum are subject to Director approval, and cannot be in increments of less than full days.

8.4.3 Calculating Relief Pay

Taking into consideration the scope of responsibilities to be assumed, the employee shall receive:

- up to five percent of current salary in addition to regular salary; or
- the minimum salary for the pay range of the higher level position.

The specific amount of relief compensation is to be determined by the supervisor.

8.4.4 Impact of Relief on Pension

Exempt relief duties are pensionable according to the terms of the LAPP.

8.4.5 Exceptions

In the case of formal relief / acting lists for employees moving from unionized to exempt positions , the applicable business unit director must approve exceptions to the preceding relief policy.

8.5 STANDBY DUTY

8.5.1 General

Standby duty is neither optional nor transferable to another employee and requires an ability to report or respond immediately.

Standby duty occurs on those occasions where:

- an employee is directed and scheduled to be personally available or accessible to an operation during “off hours”; and
- the employee’s activities away from the job are limited or restricted (this requirement, by its very nature, places significant restrictions on the types, and location, of activities that the employee can do during “off duty hours”).

Standby duty demands that an employee be personally available (i.e. the standby responsibility is neither optional nor transferable to another employee) and requires an ability to report or respond immediately.

8.5.2 Standby Pay

Exempt employees required to be on standby will receive a premium of \$25 per day.

8.6 SPECIAL DUTIES / PROJECTS

8.6.1 General

An employee who is requested to assume significant special duties that are:

- in addition to their normal work; or

- related to a special project of a limited time frame, which is beyond the scope of work normally encompassed within the salary range,

may be paid a supplementary amount of up to five percent.

Approval for special duties pay must be obtained at the commencement of the assignment from the responsible business unit director.

8.6.2 Circumstances Requiring Consultation

Approval for payment of the special duties premium must be made by the applicable business unit director for the following:

- any adjustment which will take the employee over the maximum of the pay range; or
- any extension beyond the initial limited time frame.

Consultation with the assigned Human Resources Advisor is encouraged.

8.7 EXCEPTIONAL CIRCUMSTANCE ADJUSTMENTS

Approval Process

Unusual circumstances may exist where a one-time pay adjustment is desired for exempt employees, outside the pay-for-performance cycle.

In such cases, the business unit Director must approve such an adjustment.

9.0 LEAVES OF ABSENCE

The City recognizes that it may be necessary or desirable for an exempt employee to periodically take a leave of absence from the work place.

Note: Detailed information about the Leaves of Absence and the conditions for such leaves can be found in the [Leave of Absence Policy](#) (Administration Policy HR-LR-003).

9.1 BEREAVEMENT LEAVE

9.1.1 Immediate Family

A leave of absence with pay will be permitted by the immediate exempt supervisor for seven (7) consecutive calendar days. The employee will be paid for their normal working days during the leave period granted.

For this purpose, **an immediate family member** is defined as current spouse (including common-law or same gender spouse), parent, step-parent; guardian; brother or step-brother; sister or step-sister; child, step-child, foster child or ward; grandparents or step-

grandparents of the employee; grandchild or step-grandchild; or related dependents living in the household of the employee.

9.1.2 Bereavement Leave for Non-Immediate Family Member

Subject to operational requirements, a leave of absence with pay of up to seven (7) consecutive calendar days may be permitted at the discretion of the immediate exempt supervisor to address the demise of the employee's parent-in-law or step-parent-in-law, brother-in-law or step-brother-in-law, sister-in-law or step-sister-in-law, grandparent-in-law or step-grandparent-in-law.

9.1.3 Attending a Funeral Service

Leave of absence with pay to attend funeral services only of persons related more distantly than those listed in 9.1.1 or 9.1.2 may be granted at the discretion of the immediate Exempt supervisor.

9.1.4 Additional Time

In addition to the above-specified days, additional leave without pay may be granted upon request, subject to operational requirements.

9.1.5 Interruption of Vacation

An exempt employee, who is absent from work on vacation at the time of the death of a relative (as defined under 9.1.1 or 9.1.2), shall not be disentitled to bereavement leave if they are required to interrupt their vacation to attend the funeral or assume responsibilities arising from the death.

That portion of their vacation, which may be subsequently approved as bereavement leave, will be rescheduled at the employee's request to a mutually convenient time.

9.1.6 Bereavement Leave following Pregnancy Loss

As a result of pregnancy loss, a leave of absence with pay of seven (7) consecutive calendar days will be permitted. The employee will be paid for their normal working days during the leave period granted. Those eligible for the leave are:

- the person who was pregnant;
- the spouse (including common law or same gender spouse) of the person who was pregnant;
- any other person who would have been a parent of a child born as a result of the pregnancy (including adoptive or surrogate parents).

"Pregnancy loss" is defined as any situation where a pregnancy ends other than in a live birth.

10.0 COUNSELLING AND DISCIPLINE

The City adheres to the philosophy of using counselling and progressive discipline with the objective of correcting problems in the area of job performance or employee behaviour.

10.1 COUNSELLING AND EXPECTATIONS

When an employee is experiencing difficulty in meeting work standards or in conforming to City policies or procedures and the matter is non-culpable or of a relatively minor culpable nature (and there is no active discipline on file), the employee may be counselled.

A letter of counselling or expectations should be completed by the supervisor and provided to the employee. The need to document the issue(s) is determined by the seriousness of the incident. When a letter of counselling or expectations is issued it must be copied to the Manager Labour Relations and to the Corporate HR Records Centre Employee file. Contact your HR BAS Business Partner or Labour Relations for assistance in determining whether discipline is appropriate in the circumstance and if so, the level of discipline.

Counselling is non-disciplinary in nature and is intended to outline the nature of a perceived problem, and shall outline in clear terms the work performance or conduct expected of the employee, as well as:

- the method of achieving acceptable work standards; and
- the time frame within which those standards are to be met.

10.2 DISCIPLINE

10.2.1 General

In an effort to maintain consistency across the civic service in matters related to exempt discipline, the Manager, Labour Relations should be consulted before initiating any action.

Prior to effecting discipline, investigation of the grounds is required.

Disciplinary action is imposed where there is just cause: the employee is culpable.

10.2.2 Documentation

The City recognizes the necessity of objective and impartial disciplinary action and therefore:

- Disciplinary action must be assessed individually on the merits of each case and employee; and
- All documentation related to the disciplinary action must be complete and accurate.

Copies of the disciplinary document are to be provided to the employee, the Manager, Labour Relations, and the Corporate HR Record Centre employee file. In cases where the discipline includes a suspension, a copy must also be provided to the Manager, HR Support Services.

Where a disciplinary document does not cite a specific expiry date, it may be removed at the employee's request from their personnel file after one year only by the employee's business unit director following consultation with the Manager, Labour Relations.

10.2.3 Disciplinary Sanctions

Where discipline is appropriate, the disciplinary action to be taken shall be determined by the nature and gravity of each incident or set of circumstances.

Disciplinary sanctions may include, but are not limited to the following:

- written warning(s);
- final written warning(s);
- suspension; and/or
- dismissal.

Depending on the nature and gravity of the offence, disciplinary sanctions may be bypassed or repeated (repetition is only for prior discipline that was at the last step before termination).

Consult with your HR BAS Business Partner or Labour Relations

10.2.4 Examples of Disciplinary Offences

Offences which may constitute cause for disciplinary action or dismissal include, but are not limited to, the following:

Abuse or Loss of Civic Property

- Abuse or unreasonable wear-and-tear or loss of civic equipment or material, which they use or is entrusted to their care.

Criminal Conduct

- Conviction of a criminal offence committed during the course of employment or while off-duty, when the nature of the conviction prejudices The City's or other employees' legitimate interests

Culpable Absenteeism

- Culpable absenteeism, such as absence from work on one or more occasions without permission or notice, or without sufficient reason supported by documentary evidence.

Failure to Adhere to The City of Calgary's Corporate Vision, Mission, Values, Ethics, or Policies

- Including but not limited to those policies outlined the Code of Conduct

Failure to follow Direction or Insubordination

- Refusal to obey a legitimate instruction from their supervisor

Note: Discipline may not be imposed in situations where the employee's refusal to carry out instructions is justified. These are limited to situations in which:

- the employee's or other employees' health and safety may be endangered,
- the employee is required to perform an illegal act.

Falsification of Official Documents

- Including but not limited to: employment applications and/or records, medical documents, production records, time sheets, invoices, etc.

Fraud Related to Benefits

- Should a City employee be found to have defrauded or deceived a City of Calgary benefit plan or allowance, appropriate disciplinary action will be taken. The extent of such disciplinary action will depend upon the nature and extent of the act and the degree to which the act negatively impacts on the ability of the employee to carry out his employment duties in a trustworthy manner.

Invalid License or Permit

- Failure to maintain a valid City Operator's permit or provincial operator license when the employee's job requires operation of City equipment; and/or
- Operation of City equipment with an invalid (e.g. expired, suspended, etc.) provincial operator license or with an invalid City Operator's permit.

Intoxicant Possession and / or Use

- Employees who possess and/or consume intoxicants (e.g., alcohol or drugs) on City premises or report for work under the influence of these, or other, intoxicants.

Note: See the Substance Use Policy ([Administration Policy HR-TR-005](#)) and the related [substance use guidelines](#).

Malfeasance

Malfeasance, which is generally grounds for dismissal, includes:

- the wrongful or unauthorized acquisition, use, appropriation, or disposal of City assets including monies, information, data, materials, labour or equipment;
- the violation of public trust or duty;
- the misuse of position for personal gain.

Off-Duty Behaviour

Off-duty behaviour that:

- harms The City's reputation or product; or
- renders the employee unable to perform duties satisfactorily; or
- leads to refusal, reluctance or inability of other employees to work with them; or
- results in making it difficult for The City to properly carry out its function of efficiently managing its operations and to efficiently direct its working forces; or
- results in a breach for trust.

Tardiness

- Late arrival for work without reasons acceptable to the supervisor

Workplace Violence

- the issuing of threats to, or a violent action upon, a supervisor, fellow employee, or citizen may be grounds for suspension or dismissal.

Note: See Workplace Violence Policy ([Administration Policy GN-40](#)).

10.2.5 Disciplinary Demotion

Demotion can be used in certain circumstances as a disciplinary response. The circumstances which may warrant consideration of this response include:

- recurrent negligence;
- poor work attitude;
- unsatisfactory work performance; and
- disregard for safety regulations.

The terms under which a demotion is imposed must include:

- a clear written statement of the reasons for demotion;
- a concise written summary of the work performance or conduct expected of the employee;
- an appropriate time frame within which to accomplish the stated objectives; and
- a review process by which the supervisor may reasonably assess the employee's progress.

10.3 APPEALS OF DISCIPLINE AND DISMISSAL

Exempt probationary employees released because of unsuitability, or exempt employees who have been disciplined or dismissed for cause may appeal against this action, in accordance with the procedures outlined below:

10.3.1 First Level - Probationary or Permanent Employee

A probationary employee deemed unsuitable or a permanent exempt employee who has been disciplined or dismissed for cause, may appeal against this action within 30 calendar days of notification of the notice of the discipline or dismissal.

The employee shall submit an appeal in writing to their business unit director, who shall conduct a hearing into the matter within 30 calendar days of the receipt of the appeal.

At the appellant's request, a member of the Executive of The City of Calgary Society of Professional Engineers (CCSPE) or The City of Calgary Administrative, Professional and Technical Employees Association (APTEA) may attend the hearing.

The business unit director shall issue a decision on the appeal within 14 calendar days of the date of the appeal hearing.

Employees who report to a business unit director will undertake the foregoing to the general manager level.

The decision at this level shall be final and binding for probationary employees.

10.3.2 Second Level – Permanent Employees Only

In the case of permanent exempt employees, if the first-level appeal decision does not give satisfaction to either party, a second-level hearing shall take place before the general manager.

The employee must submit the request for appeal within 14 days of receipt of the first level appeal decision.

At the appellant's request, a member of the Executive of CCSPE or APTEA may attend the hearing.

11.0 SUSPENSIONS PENDING INVESTIGATION

11.1 DEFINITION

A Suspension Pending Investigation (SPI):

- is with compensation;
- may be initiated when an employee is alleged to have committed an employment-related offence of a serious nature, where further data gathering or fact finding is required; and
- is non-disciplinary in nature.

11.2 CONSULTATION REQUIRED

The Labour Relations Division must be consulted prior to affecting any SPI.

Where prior notification is not possible, Human Resources should be notified as soon as possible when a SPI has been imposed.

11.3 REASONS FOR A SUSPENSION PENDING INVESTIGATION

A Suspension Pending Investigation is justified if the employee's presence at work could jeopardize The City's legitimate interests regarding:

- the ability of the employee to effectively perform his/her work (e.g., disregard for City safety regulations, insubordination, reporting for work under the influence of an intoxicant),
- safety of other workers (e.g., negligence or physical violence against a supervisor or fellow employee),
- The City's reputation or credibility or ability to effectively provide service, and/or
- culpable behaviour under investigation, which could result in dismissal.

11.4 WRITTEN NOTIFICATION

Written notification of a SPI should be made to the employee with the following parties copied:

- BAS HR Business Partner
- HR Records Centre Employee File
- Manager, HR Support Services (Pay & Benefits); and
- Manager, Labour Relations.

12.0 TERMINATION OF EMPLOYMENT

12.1 RESIGNATIONS

Exempt employees shall provide The City with a minimum of two weeks' notice in writing of their resignation.

12.2 NOTICE OF TERMINATION AND DISMISSAL

12.2.1 Notice on Termination

Where The City terminates an exempt employee for non-culpable reasons, the employee shall be given reasonable notice of termination or pay in lieu of notice, but in no case less shall the notice or pay in lieu of notice be less than that provided for in the Alberta Employment Standards Code.

12.2.2 Notice on Dismissal

Where an exempt employee is dismissed for cause, no notice shall be provided.

12.2.3 Appeals Against Dismissal

An exempt employee desiring to appeal against a dismissal for cause or an exempt probationary employee released because of unsuitability shall do so under the appropriate procedure outlined in Section 10.03 – Appeals of Discipline and Dismissal.

12.3 DESERTION OF SERVICE

12.3.1 Circumstance & Duration

An exempt employee who is on an unauthorized absence from work in excess of seven calendar days

- shall be deemed to have deserted their employment with The City, and
- such dismissal shall be recorded as “dismissed for cause,” and
- the employee’s record will reflect a Do Not Rehire (DNR) designation.

12.3.2 Action

The supervisor shall send the employee a registered / couriered letter to the last known address. The letter shall indicate that the employee is considered to have deserted the civic service as of the last day worked, due to the unauthorized absence.

The letter will also state that the employee’s termination will be recorded as “dismissed for cause” and the employee’s rehire status will be Do Not Rehire (DNR).

12.3.3 Exceptions

Where an employee is able to provide documentary evidence that it was impossible to obtain authorization for his / her absence from work, management may reconsider whether the terminated employee has deserted his / her job.

Note: Always contact Labour Relations prior to termination in situations where the employee was on an approved benefits claim (SA, WCB, or LTD) and then was absent without permission, as termination may not be the appropriate response.

12.4 EMPLOYMENT REFERENCES

Reference checks must be undertaken on all candidates prior to their selection for employment by The City or for the successful internal candidate, prior to offering another City position. Please refer to the Employment Policy Section 6.7.1 Reference Checks (Administrative Policy HR-031).

The City will provide employment references for either existing or previous City employees. Please refer to the Employment Policy Section 6.7.2 Providing Reference Checks (Administrative Policy HR-031).

SUPPORTING REFERENCES AND RESOURCES

Please note that some of the items listed below may not be publicly available.

References to related corporate-wide procedures, forms and resources

- [My HR](#) intranet website
- [Code of Conduct](#)
- [Corporate Vision, Mission, Values, Code of Conduct](#) intranet website
- [Evaluating Candidates](#)
- Exempt Performance and Career Development Guide available on the [Performance and Career Development Process](#) intranet website
- [Flexible Spending Account Plan \(FSAP\)](#) intranet website – detailed provisions about the FSAP
- [Flexible Work Options](#)
- [HR Governance Statement](#)
- [Job Evaluation – Exempt](#)
- [Pay & Benefits](#)
- Rehirement Contract on the [Rehirement of Retirees](#) intranet website
- [Self-Funded Leave of Absence Plan](#)
- [Workplace Violence Procedures](#)

References to related [Council policies](#), [Bylaws](#) and [administration policies](#)

- Bylaw No. 42M2004
- [Code of Conduct Policy \(Administration Policy HR-LR-005\)](#)
- [Compensation Policy \(Administration Policy HR-TR-004\)](#)
- [Duty to Accommodate in Employment Policy \(Administration Policy HR-EMP-001\)](#)
- [Employment Policy \(Administration Policy HR-031\)](#)
- [Leave of Absence Policy \(HR-LR-003\)](#)
- [Respectful Workplace Policy \(Administration Policy HR-LR-001\)](#)
- [Workplace Violence Policy \(Administration Policy GN-040\)](#)

Other references and resources

Provincial Legislation

- [Alberta – Employment Standards](#)
- [Alberta Labour Relations Code](#)
- [Alberta Freedom of Information and Protection of Privacy Act](#) (FOIP)
- [Alberta Human Rights Act](#)

External Websites

- [Local Authorities Pension Plan](#)

- [Municipal Employees Benefit Association of Calgary \(MEBAC\)](#)

REVISION HISTORY

Review Date	Description
2023 April 04	Added new section to 9.1 – Bereavement Leave; new section - 9.1.6 Bereavement Leave following Pregnancy Loss – effective date 2023 April 04
2017 January	2.6.1 – Probationary Period 6.5 – Annual Vacation (6.5.1, 6.5.2, 6.5.3, 6.5.4, 6.5.5, 6.5.6) 9.1 Bereavement Leave 10 - Counselling 10.1 –Counselling 10.2.3 Disciplinary Sanctions 10.2.4 Examples of Disciplinary Offences 12.2.1 – Notice on Termination 12.2.3 – Appeals against Dismissal
2016 January	Adjusted numbering to reflect policy standards (bracketed numbers reflect revised numbering) Added links, updated position titles, minor wording changes Amended the following sections to reflect amalgamation of employment related subjects: 2.08 – deleted details and reference the Employment Policy HR-031 13.04 – deleted details and referenced the Employment Policy HR-031 Merged sections 9 & 10, changed title to Leaves of Absence, and replaced with a link to the Leave of Absence Policy (HR-LR-003) Amended the following sections: Definitions (Established; Supervisor; Probation) 1.02 3 Reporting Relationships (1.2.3) 1.03 5 Interdepartmental or Jurisdictional Changes (1.3 5)

	<p>2.02 3 Compensation for Approved Overtime (2.2.3)</p> <p>2.05 Business Continuity (2.5)</p> <p>2.06 1 Probationary Periods (2.6.1)</p> <p>6.05 1 Entitlement Standard Hours (6.5.1)</p> <p>6.05 4 Short Vacation Periods (6.5.4 Vacation Periods)</p> <p>6.05 5 Banking of Vacation (6.5.5)</p> <p>6.6 Benefit</p> <p>6.7 Pension Programs</p> <p>8.2 12 Compression Pay (8.2.12)</p> <p>8.4 2 Eligibility for Relief Pay (8.4.2)</p> <p>11.01 Counselling (10.1)</p> <p>11.02 Discipline (10.2)</p> <p>11.02 4 Examples of Disciplinary Offences (10.2.4)</p> <p>11.03 Appeals of Discipline (10.3.2)</p> <p>13.03 Abandonment of Employment (12.3 Desertion of Service)</p> <p>Updated Supporting References and Resources</p>
2014 12 17	<p>1.02 Employment Moves</p> <p>1.03 Inter-departmental or Inter-jurisdictional Movement</p> <p>2.03 Desertion of Service</p> <p>2.08 Working After Retirement</p> <p>6.05.05 Banking of Vacation</p> <p>9 Leaves of Absence</p> <p>10 Paid leaves of Absence deleted/merged with Section 9</p> <p>10.01 Counselling & Expectations</p> <p>10.02 Discipline</p> <p>10.03 Appeals of Discipline</p> <p>11 Suspensions Pending Investigation</p> <p>12.04 Employment References</p>
2014 02 04	<p>The following sections were amended as directed by ALT on February 4, 2014:</p> <p>1.02 Employment Moves</p> <p>2.06 Probationary and Trial Periods</p>

	3 Performance Development 4 Staff Development 5 Memberships 6.03 Out of Schedule Salary Structures 6.09 Safety 8.07 Exceptional Circumstance Adjustment 9.08 Self-Funded Leave
2014 04 22	2.02 Amended to reflect that the City Manager, General Managers and Director are not eligible for overtime payments and that overtime per employee in excess of 50 hours annually will be forwarded to the applicable manager for review as directed by ALT on April 22, 2014.
2013 12 03	6.02 Amended to reflect that Director and General Manager salary structure adjustments are under the authority of Council as directed by ALT on December 3, 2013.
2012 04 09	8.04. Amended to reflect that relief pay is pensionable as per approval from Administration and passed through Council on February 14, 2012.
2010 09 30	6.07. Flexible Spending Account Plan Edited clause
2009 06 30	7.02 - 8. Process for Re-evaluation Corrected reference to Section 7.02 – Job Evaluation Process
2008 03 30	Various amendments
2005 01 30	New Policy
1982 03 30	Chapter 30: Management Exempt Policy (in the hard-copy-based editions of the Administration Manual)

APPENDIX: SUPPLEMENTATION OF COMPENSATION

Note: Throughout these provisions, where the term "employee" is used and where terms reflecting male and / or female gender are used, it shall be considered that either the feminine or masculine has been used where the context of the application so requires.

Definitions, in Sections A1 to A13 inclusive:

Child - the natural child, whether born before or after the employee's death, or legally adopted child of an employee, and includes any person to whom the employee and spouse stood *in loco parentis*.

Dependent child - an unmarried child, who at the time the employee died, was being supported by the employee and

- is less than eighteen (18) years of age; or
- is eighteen (18) years of age or over, and not more than twenty-one (21) years of age, and is in attendance full time at an accredited school or university, having been in such attendance substantially without interruption since he reached eighteen (18) years of age;
- is eighteen (18) or more years of age and not more than twenty-one (21) years of age and is disabled having been supported due to such disability without interruption since the time he reached eighteen (18) years of age.

Disabled - suffering from a severe and prolonged mental or physical disability and for these purposes:

- a disability is severe only if by reason thereof an employee is incapable regularly of pursuing any substantially gainful occupations, and
- a disability is prolonged only if it is determined that such disability is likely to be long, continued and of indefinite duration, or is likely to result in death.

Full pay - the monthly basic salary that the employee was entitled to receive at the time he was disabled or killed. This salary is based on:

- the confirmed position and classification occupied by the employee at that time;
- the regular monthly hours of work applicable to that classification or position; and
- applying thereto any economic salary changes awarded from time to time to the Exempt Group and deducting there from an amount equivalent to all normal deductions provided however that the full pay will never be less than that which the employee was receiving at the time of death or disability.

Note: Any salary protection will cease at the dates it would have ceased had the employee not been killed or disabled as the case may be.

Normal deductions - those items which would have been deducted from the monthly basic salary of the employee, in the normal course of events had he not been disabled or killed. Without limiting the generality of the foregoing, normal deductions shall include:

- any and all deductions for the federal or provincial income tax according to the employee's exemption at the time he was disabled or killed; or, in the case of an employee who has been killed, according to the exemptions of his widow and children;
- contributions to any City Pension Plan and Canada Pension Plan;
- Group Life Insurance Commission premiums;
- Employment Insurance Commission premiums;
- Alberta Blue Cross and Alberta Health Care Insurance Commission premiums; and
- or any of their equivalents that might have been payable by the employee from time to time.

Widow - a woman has survived an employee to whom she was lawfully married and who was being wholly or partially supported by him at the time of his death, and includes a common-law spouse where there is no lawful wife at the time of death of the employee.

Widower - a man who has survived an employee to whom he was lawfully married and who she was wholly or partially supporting at the time of her death, and includes a common-law spouse where there is no lawful husband at the time of death of the employee.

Common-law spouse - any man or woman, who, although not legally married to an employee, lives and cohabits with an employee as the spouse of that employee and

- has maintained such relationship for a continuous period of five (5) years or more; or
- has maintained such relationship for a continuous period of two (2) years or more and has borne the child or children of such employee.
- In either instance, the person is generally known as the employee's spouse in the community in which they lived at the time of death of the employee.

A1. Circumstances Resulting in Compensation

Where an employee is disabled or killed as a result of an accident arising directly out of the course and in the scope of his employment with The City of Calgary, The City shall pay to either:

- the employee, if disabled, or
- to the employee's widow and dependent children, if killed,
- the employee's full pay under the terms and conditions hereinafter set out provided the accident is not proven to be an intentional act to cause injury or death.

A2. Compensation to Widow

In the event an employee is killed leaving a widow surviving him under the circumstances set out in Section A1 – Circumstances Resulting in Compensation, The City shall pay to the widow monthly, subject to the deductions set out in Section A6 – Deductions from Compensation, the full pay that the employee would have received from The City had he not been killed, the said sum to be payable from the date of death of the employee until such time as:

- the widow remarries or dies, or
- the date the employee would have reached the age of sixty-five (65) years, or
- the date the employee would have been eligible for pension under the '85 factor',
- whichever is earliest.

A3. Alternative Compensation to Widow

The City and the widow, provided there are no dependent children, may mutually agree to a lump sum payment of three (3) times the employee's annual salary in lieu of the provisions of Section A2 – Compensation to Widow.

A4. Compensation to Dependent Child(ren)

a. In the event an employee is killed under circumstances set out in Section A1 - Circumstances Resulting in Compensation, leaving no widow, but leaving a dependent child or children surviving him, The City shall, subject to the deductions set out in Section A6 – Deductions from Compensation, pay to each dependent child (up to a maximum of four (4)), on a monthly basis, a sum equal to twenty percent (20%) of the full pay that the employee would have received from The City had he not been killed. The said sum is to be payable from the date of death of the employee until such time as:

- the child ceases to be a dependent child, or

- the date the employee would have reached the age of sixty-five (65) years, or
- the date the employee would have been eligible for pension under the '85 factor',
- whichever is the earliest.

b. More than Four Dependent Children

Where the employee leaves surviving him more than four (4) dependent children, the total sum payable by The City pursuant to Section A4 – Compensation to Dependent Children shall be paid to such dependent children in equal shares.

c. Period of Compensation

A sum payable by The City pursuant to this Section shall be paid by The City as long as any child of the employee remains a dependent child.

A5. Compensation if Widow Dies

In the event the widow dies subsequent to an employee having been killed without having remarried, the provisions of Section A4 – Compensation to Dependent Children shall apply to any dependent child surviving the employee and his widow.

A6. Deductions from Compensation

In determining the amount to be paid to a widow or dependent child by The City, the following shall, upon being awarded to the widow or any dependent child, be deducted from the full pay: any benefits payable to the widow or any dependent child by reason of the death of the employee under:

- any Workers' Compensation (except any payment for funeral expenses);
- Canada Pension Plan (except any payment for funeral expenses);
- LAPP, City of Calgary Pension Plan, any other pension plan or annuity or any of their equivalents that have not been personally contracted for by the employee, the widow or any of the employee's family; or
- any damages awarded to the widow or any dependent child by reason of the death of the employee.

A7. Legal Guardian

Any sums of money payable by The City to any dependent child under the age of eighteen (18) years may properly be paid by The City to the legal guardian of such dependent child whose receipt shall be sufficient discharge to The City.

A8. Benefit Coverage

The City shall continue to ensure that the widow or any dependent child will be covered by the appropriate Alberta Blue Cross Plan and the Alberta Hospitals Act or any replacement, extension or substitution thereof in Alberta, provided the widow or any dependent child at all times remains eligible for such coverage.

A9. Pension

On the date that the employee would have reached the age of sixty-five (65) years had he not been killed, or the date the employee would have been eligible for pension under the '85 factor', had he not been killed, whichever is earliest, The City shall pay to the widow, if alive and if she has not remarried, each month, an amount equal to the monthly pension to which she would have been entitled as a widow had the employee died subsequent to his retirement date. This amount will be subject to the same deductions set out in Section A6 – Deductions from Compensation. .

Such amount shall be paid in the same manner and under the same conditions as may be provided in any City Pension Plan or its equivalent in existence at the date that the employee would have reached the age of sixty-five (65) years or the date the employee would have been eligible for pension under the '85 factor', whichever is the earliest.

A10. Compensation to Disabled Employee

In the event an employee is disabled under circumstances set out in Section A1 – Circumstances Resulting in Compensation, The City shall pay to the employee, on a monthly basis and, subject to the deductions set out in Section A6 – Deductions from Compensation, the full pay that he would have received from The City had he not been disabled until such time as:

- the employee dies or
- the date that the employee reaches the age of sixty-five (65) years or
- the date the employee would have been eligible for pension under the '85 factor'
- whichever is earliest provided that if the employee recovers and is capable of being employed by The City at a salary which is equal to or in excess of the employee's full pay, then The City's obligation herein shall cease.

A11. Re-employment of Disabled Employee

Where a disabled employee partially recovers and The City finds alternative employment, which the employee is capable of performing, for the employee within The City or any of its Associated Boards, Commissions, Authorities, or Agencies, the full pay which the employee is entitled to receive shall be reduced by the monthly salary received from such employment.

A12. Outside Earnings Limit

A disabled employee may earn from employment, other than employment with The City or any of its Associated Boards, Commissions, Authorities or Agencies, up to twenty percent (20%) of his annual full pay without any reduction in the employee's full pay; but any monies earned by the employee from such employment in excess thereof shall be deducted from the employee's full pay.

A13. Administration

The Pay Services division of Human Resources of The City of Calgary shall administer these provisions.

A14. Annual Affidavits

Affidavits in a form and containing such information as may be prescribed by The City shall be filed annually with and, on a date to be specified by, Finance - Supply of The City, by the following persons:

- widow / widowers;
- guardians of the dependent children under the age of eighteen (18) years;
- dependent children over eighteen (18) years of age;
- disabled employees.