

## City of Chilliwack

### Bylaw No. 2988

#### **A bylaw to provide for the appointment and conditions of employment of the officers and management employees of the City of Chilliwack**

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Council of the City of Chilliwack in open meeting assembled, enacts as follows:

1. This bylaw may be cited as “**Municipal Officers and Employees Bylaw 2004, No. 2988**”.
2. “Municipal Officers and Employees Bylaw 2001, No. 2737” and amendments thereto, are hereby repealed.

#### **DEFINITIONS**

3. In this bylaw:

“Act” means the *Community Charter*, as amended;

“Council” means the elected Council of the City of Chilliwack;

“City” means the City of Chilliwack;

“Employee” means a person appointed by the Chief Administrative Officer to a non-management position specifically excluded from the bargaining unit pursuant to the *Labour Relations Code*

“Management Employee” means a person appointed by the Chief Administrative Officer to a management position specifically excluded from the bargaining unit pursuant to the *Labour Relations Code*

“Officer” means a person appointed by Council to a position deemed by the Act to be an Officer of a municipality and as follows:

- *Chief Administrative Officer*
- *Deputy Chief Administrative Officer*
- *Director of Corporate Services*
- *Director of Development and Regulatory Enforcement Services*
- *Director of Finance*
- *Director of Planning and Engineering*
- *Director of Parks, Recreation and Culture*
- *Director of Public Works*
- *Fire Chief*
- *Corporate Officer*
- *Director of Information Technology*
- *Director of Communications (AB#3963) (AB#4823)*

**DEFINITIONS** (continued)

“Probationary Period” means the first six months of employment of an Officer, Management Employee or Employee by the City or such time period as determined by Council pursuant to the provisions of this bylaw;

“Service” means a period of employment with the City as an Officer, Management Employee or Employee calculated from the first day of employment including the Probationary Period and, if a person became employed as an Officer, Management Employee or Employee immediately upon amalgamation of the former City of Chilliwack and the former Township of Chilliwack, includes the period of employment and positions with the former City or Township and the Civic Properties and Recreation Commission, comparable to a position defined as “Officer”, “Management Employee” or “Employee” in this bylaw.

“Trial Period” means the first six months of employment of an Officer, Management Employee or Employee following a promotion pursuant to the provisions of this bylaw.

**APPOINTMENTS**

4. Officers shall be appointed by resolution of Council, which resolution shall specify the starting pay grade and step therein. At the end of the Probationary Period, the appointment of Officers shall be confirmed by a resolution of Council.
5. Management Employees and Employees shall be appointed by the Chief Administrative Officer in accordance with the Delegation of Authority Bylaw, in force from time to time. Confirmation of the Management Employees and Employees appointment at the end of the Probationary Period or any extension to the probationary period will be at the discretion of the Chief Administrative Officer.
6. A person may be appointed to more than one position so as to be both an Officer and Management Employee and the appropriate sections of this bylaw shall apply with respect to each position. Appointment to more than one position does not garner entitlement to duplicate pay and/or benefits.
7. Every Officer, Management Employee and Employee, before commencing to perform the duties of their office or employment, shall swear or affirm the appropriate oath(s) of office and allegiance provided by the Act.

**PROBATIONARY PERIOD**

8. Every Officer, Management Employee and Employee shall serve a Probationary Period during which time their performance and suitability shall be evaluated.
  - (1) Council by resolution may extend or reduce the Probationary Period of an Officer.
  - (2) The Chief Administrative Officer, pursuant to the Delegation Authority Bylaw, in force from time to time, may extend or reduce the Probationary Period of a Management Employee or Employee.

## REGULAR EMPLOYMENT

9. Each Officer, Management Employee and Employee shall faithfully perform the duties of the position to which they have been assigned as well as any duties which are assigned to them by a statute or by a bylaw of the City.
10. Council has the authority to exercise all powers stipulated in the *Act* including, subject to a contract of employment, the termination of the appointment of an Officer as follows:  
(*AB#4823*)
  - (1) on reasonable notice, if the termination is approved by an affirmative vote of at least 2/3 of all Council members;
  - (2) without notice, for cause, if the termination is approved by a majority of the votes cast.
11. The Chief Administrative Officer may exercise all powers stipulated in the Delegation Authority Bylaw, in force from time to time, including:
  - (1) a Management Employee or Employee may be dismissed without notice at any time during the Probationary Period if unsuitable for the relevant position;
  - (2) after the successful completion of the Probationary Period, a Management Employee or Employee may be dismissed, without cause upon reasonable notice, or without notice, for cause, at any time.

## RATES OF PAY

12. Salaries of Officers, Management Employees and Employees shall be reviewed annually by Council or more frequently as Council may decide.

## HOURS OF WORK

13. Officers and Management Employees are required to work those hours that are necessary to ensure the efficient and effective operation of their area of authority. In addition to their regular salary as determined pursuant to Sections 24 to 28 of this bylaw and in compensation for all hours worked, Officers and Management Employees are entitled to be compensated as follows:
  - (1) *Every Officer and Management Employee in Pay Group 46 and higher* shall be entitled to three weeks of bank time per calendar year of which at least one week must be used for a cash payment in lieu of time off. All other Management Employees shall be entitled to two weeks of bank time per calendar year.  
(*AB #3225*)

**HOURS OF WORK** (continued)

- (2) For all or part of the bank time as provided herein, an Officer or Management Employee may, at their option, elect to take time off in conjunction with their current annual vacation entitlement or take a cash payment in lieu of time off at their current rate of pay. This bank time compensation shall not be carried over past December 31 of any year.
- (3) The compensation that Officers and Management Employees are entitled to pursuant to this Bylaw is the total remuneration payable for all hours worked by Officers and Management Employees.

- 14. Employees will be compensated for hours worked and overtime in accordance with the *Employment Standards Act*.

**BENEFITS**

- 15. Group Life Insurance: The City shall make its best efforts to obtain group life insurance coverage with a face value and accidental death and dismemberment provision equal to twice the annual salary of the Officer, Management Employee or Employee, as the case may be, to a maximum of \$300,000.00. The cost of the premiums shall be paid by the City.
- 16. Long Term Disability: The City shall make its best efforts to obtain and maintain a Long Term Disability Plan for its Officers, Management Employees and Employees with the premium of the plan to be paid by the Officer, Management Employee or Employee. The Plan will cover an Officer, Management Employee or Employee at 67% of their monthly salary to a maximum of \$3,000.00 per month.
- 17. Medical, Dental and Extended Health Coverage: The City shall make its best efforts to provide medical, dental and extended health benefits to the Officers, Management Employees and Employees of the City, and all premiums shall be paid by the City.
- 18. Application for and any decisions respecting eligibility, coverage or payment of any benefits pursuant to the health and welfare plans provided under this bylaw shall be governed exclusively by the carrier of the health and welfare benefit in question pursuant to the terms of the relevant policy. The City has no obligation or liability in respect of any decisions by insurance providers to provide or deny coverage, or in respect of approving or denying payments of a claim for any benefits, or in respect of any other matter relating to the processing or adjudication of claims. The City is responsible only for the payments of premiums as set out in this Bylaw.

**BENEFITS** (continued)

19. *Sick Leave: Each Officer, Management Employee and Employee shall be entitled to one and one-half days sick leave for each month of service with the City of Chilliwack to a maximum of eighteen (18) days per year. Once a minimum of 525 hours of sick leave is accumulated in their sick bank, Officers, Management Employees and Employees shall be entitled to a sick leave gratuity in the last pay period of the calendar year of one-third (1/3) of the current year unused sick leave only. The balance of the current years entitlement will be carried forward from year to year. If the balance in the Officers, Management Employees and Employees sick bank drops below the minimum of 525 hours, no sick leave gratuity will be paid until the bank reaches the minimum hours. Officers, Management Employees and Employees shall not be paid out for any accumulated sick leave remaining at the time of separation from employment. (AB #3149)*
20. Vacation:
- (1) *Officers, Management Employees and Employees shall accrue one day vacation per month of service during the first year of employment, to a maximum of ten days. Twenty days vacation will be accrued during the second to ninth year of employment, twenty-five days vacation from the tenth to the nineteenth year of employment and thirty days from the twentieth year of employment and every year thereafter.*
- (2) *All Officers, Management Employees and Employees shall be granted five bonus days during each five-year period after five years of service up to and including the nineteenth year of service. The bonus days may be taken anytime during the five-year period or may be paid out at the Officer's/Management Employee's/Employee's option. The bonus days are not cumulative and cannot be carried beyond the five-year period in which they are earned. (AB #3149)*
- (3) All vacation in excess of fifteen days may be taken as payments at the Officer's/Management Employee's/Employee's current annual salary and must be taken during the year in which the vacation is owed.
21. Retirement Gratuity: On retirement, pursuant to the provisions of the British Columbia Municipal Employees Plan, all Officers, Management Employees and Employees shall be entitled to a retirement gratuity equal to 2<sup>1</sup>/<sub>2</sub> days for each year of service as an exempt employee and any portion of a year shall be calculated on a pro-rata basis. This gratuity may be taken as a cash payment, either in the form of a lump sum or salary continuance, or time off immediately preceding the Officer's/Management Employees/Employee's official retirement date or used as a payment under the Pension Corporation of British Columbia's Early Retirement Incentive Plan.

**BENEFITS (continued)**

22. Retirement Bank: For any bank time or vacation time not otherwise used subject to the rules described herein, Officers, Management Employees or Employees may accumulate this time in the Retirement Bank. This time may then be taken as paid time off after submitting notice of retirement and immediately prior to the commencement of retirement. The maximum balance of any Officer's, Management Employee's or Employee's retirement bank shall not exceed 75 days. An Officer, Management Employee or Employee who elects to accumulate time in the Retirement Bank shall not be entitled to the cash payment in lieu of time off unless they or the City terminates their employment. If the employment of an Officer, Management Employee or Employee is terminated, then the cash payment shall be at the rate of pay they were receiving at the time it was contributed to the retirement bank.
23. Membership and Professional Dues: Subject to approval by the Chief Administrative Officer, the City shall pay the membership or professional dues for each Officer, Management Employee or Employee in provincial, national or international associations of the Officer's, Management Employee's or Employee's choice, subject to such memberships/dues relating to the Officer's, Management Employees or Employee's terms of employment and position.

**SALARY INCREMENTS**

24. An Officer, Management Employee or Employee will commence employment at Step 1 of the pay grade appropriate for the job class, unless otherwise provided for by the authority of the Chief Administrative Officer or in the case of an Officer, by resolution of Council.
25. At the end of the Probationary Period, the remuneration of an Officer, Management Employee or Employee will increase to the next Step of the pay grade appropriate for the job class, and, subject to satisfactory performance, shall reach the maximum Step no later than eighteen months after the commencement of their employment with the City.
26. An Officer, Management Employee or Employee who is promoted to a higher rated position will serve a six month Trial Period in the new position during which time their performance and suitability will be evaluated. During the Trial Period the Officer, Management Employee or Employee will be paid at the Step of the new position that ensures continuous increased pay over their previous position's incremental status.
27. If the Officer, Management Employee or Employee remains in the new position after the Trial Period, their rate of pay will be adjusted to the next highest step for the new position unless already at the maximum step.

**SALARY INCREMENTS** (continued)

28. If an Officer, Management Employee or Employee leaves or is removed from the new position before the end of the Trial Period, the Officer, Management Employee or Employee shall be returned to their previous position or given the opportunity of alternate employment with the City, subject to the discretion of the Chief Administrative Officer or in the case of an Officer, subject to the discretion of Council.
29. Special Allowance: Subject to approval by the Chief Administrative Officer, and pursuant to Policy Directive “Educational/Training Allowances”, in force from time to time, the City shall reimburse an Officer, Management Employee or Employee for reasonable expenses such as tuition and books for educational courses in which they enrol in relation to their employment.

**MANAGEMENT**

30. An Officer or Management Employee, as appropriate, shall be involved in the hiring process of those employees who come under their sphere of supervision, and in addition, they shall have the authority to take disciplinary action against those employees up to suspension and inclusive of recommendation to the Chief Administrative Officer for the dismissal of those employees.

“Municipal Officers and Employees Bylaw Amendment Bylaw 2005, No. 3149” adopted on the 16<sup>th</sup> day of February, 2004.

Amendment Bylaw No. 3149 adopted on the 20<sup>th</sup> day of June, 2005.

Amendment Bylaw No. 3225 adopted on the 3<sup>rd</sup> day of April, 2006.

Amendment Bylaw No. 3478 adopted on the 3<sup>rd</sup> day of December, 2007.

Amendment Bylaw No. 3669 adopted on the 1<sup>st</sup> day of February, 2010.

Amendment Bylaw No. 3963 adopted on the 5<sup>th</sup> day of November, 2013.

Amendment Bylaw No. 4823 adopted on the 4<sup>th</sup> day of August, 2020.

“Clint Hames”

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Mayor

“Robert L. Carnegie”

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Clerk