

CITY OF WHITEHORSE
REGULAR Council Meeting #2020-19

DATE: September 14, 2020

TIME: 5:30 p.m.

Mayor Dan Curtis
Deputy Mayor Jan Stick
Reserve Deputy Mayor Dan Boyd

AGENDA

CALL TO ORDER 5:30 p.m.

AGENDA Adoption

PROCLAMATIONS

MINUTES Regular Council Meeting #2020-18 dated August 10, 2020

DELEGATIONS

PUBLIC HEARING

STANDING COMMITTEE REPORTS

City Planning Committee – Councillors Stick and Hartland

Commercial and Industrial Land Study – For Information Only
Second Public Hearing Report – OCP Amendment (Tank Farm Phase 1)
Public Hearing Report – Zoning Amendment (39–14th Avenue)
Contract Award – Whistle Bend Town Square Consulting Services

City Operations Committee – Councillors Hartland and Cabott

Community Services Committee – Councillors Curteanu and Boyd

Public Health and Safety Committee – Councillors Roddick and Stick

Local Content Weighting – Fire Services Review
Local Content Weighting – Parking Meter Technology

Development Services Committee – Councillors Boyd and Curteanu

Corporate Services Committee – Councillors Cabott and Roddick

Management and Confidential Exclusion Employment Bylaw
Budget Amendment – Hillcrest Water Supply Project
City Manager Bylaw Amendment

NEW AND UNFINISHED BUSINESS

BYLAWS

2020-10 – OCP Amendment (Tank Farm Phase 1)	2 nd Reading
2020-25 – Zoning Amendment (Living Suite 14 th Avenue RR Zone)	2 nd & 3 rd Reading
2020-24 – Amend City Manager Bylaw	1 st & 2 nd Reading
2020-30 – Management and Confidential Exclusion Bylaw	1 st & 2 nd Reading

ADJOURNMENT

MINUTES of **REGULAR** Meeting #2020-18 of the council of the City of Whitehorse called for 5:30 p.m. on Monday, August 10, 2020, in Council Chambers, City Hall.

PRESENT: Mayor Dan Curtis
Councillors Dan Boyd – Electronic Participation
Laura Cabott
Jocelyn Curteanu
Samson Hartland
Stephen Roddick
Jan Stick

ALSO PRESENT: Acting City Manager Jeff O’Farrell
Director of Corporate Services Valerie Braga
Acting Director of Development Services Patrick Ross
Director of Infrastructure and Operations Peter O’Blenes
Acting Manager of Financial Services Gloria Kasigazi
Manager of Legislative Services Catherine Constable
Assistant City Clerk Norma Felker

Mayor Curtis called the meeting to order at 5:30 p.m.

CALL TO ORDER

Councillor Cabott declared an interest in the Food Bank, which is one of the organizations on the list to receive a Community Service Grant for 2020. The grant bylaw is on the agenda for third reading, and she advised that since her interest is non-pecuniary, she will be participating in the debate and will vote on the bylaw when it comes forward.

**INTEREST
DECLARED**

2020-18-01

It was duly moved and seconded
THAT the agenda be adopted as amended with the change being the addition of a proclamation for 100 Years of Yukon Aviation and the addition of delegate submissions with respect to the Procurement Policy and the Community Service Grants Bylaw.

AGENDA

Carried Unanimously

Mayor Curtis proclaimed August 16, 2020 to be **100 Years of Yukon Aviation Day** in the City of Whitehorse.

PROCLAMATION

2020-18-02

It was duly moved and seconded
THAT the minutes of the regular council meeting dated July 27, 2020 be adopted as presented.

MINUTES
July 27, 2020

Carried Unanimously

DELEGATE SUBMISSIONS

A delegate submission from the Board of Directors of the MacBride Museum was read into the record. It encouraged the City provide a 100% tax abatement for the museum in perpetuity. It was noted that the submission was supported by an additional eight letters from local businesses and individuals, as well as a petition encouraging the City to provide a 100% tax exemption for the MacBride Museum.

MACBRIDE MUSEUM

A delegate submission from the Board of the Whitehorse Chamber of Commerce was read into the record. The submission expressed appreciation for the work done by administration and council on the policy to date, and also for considering recommendations brought forward by the Chamber on behalf of its membership. However, the submission urged Council to make additional changes to the proposed Procurement Policy before it is adopted. The letter expressed appreciation

WHITEHORSE CHAMBER
OF COMMERCE

PUBLIC HEARING

Mayor Curtis called three times for anyone to appear to speak to Bylaw 2020-10, a bylaw to amend the Official Community Plan to allow for commercial-industrial development on a portion of the Upper Tank Farm property.

BYLAW 2020-10

O.C.P. AMENDMENT
Tank Farm Phase 1

25 written submissions were received – 11 in support, 11 opposed, two expressing concerns and one for information.

Submissions Received

Mayor Curtis declared the public hearing closed and advised that no further submissions on the issue will be considered by council except the report provided by administration.

Public Hearing Closed

Mayor Curtis called three times for anyone to appear to speak to Bylaw 2020-25, a bylaw to amend the zoning at 39 – 14th Avenue in Porter Creek to allow a living suite as a secondary use in a Restricted Residential zone.

BYLAW 2020-25

ZONING AMENDMENT
39 – 14th Avenue

Three written submissions were received, two in support of the bylaw and one opposed.

Submissions Received

Mayor Curtis declared the public hearing closed and advised that no further submissions on the issue will be considered by council except the report provided by administration.

Public Hearing Closed

COMMITTEE REPORTS

City Planning Committee

2020-18-03

It was duly moved and seconded THAT Bylaw 2020-26, a bylaw to amend the zoning of Lot 287 REM, Group 804 in the Whitehorse Copper area from IH-Heavy Industrial to IS-Service Industrial, and to amend the zoning of the road right-of-way located within the north-east corner of Lot 287 from PG-Greenbelt to IS-Service Industrial, be brought forward for second and third reading under the bylaw process.

BRING FORWARD
ZONING AMENDMENT

(Whitehorse Copper
Heavy Industrial Lot)

Carried Unanimously

2020-18-04

It was duly moved and seconded THAT a Housing Development Incentive Agreement with 650139 NB Inc. with respect to an eight-unit rental housing development at 1306 Centennial Street be approved.

HOUSING
DEVELOPMENT
INCENTIVE
1306 Centennial Street

Carried (6 – 1)

A council member expressed concern that only certain developers are benefitting from the incentive programs, and that the cost of the program is not affordable. Other members noted that rental housing is now available in the city, due in large part to these incentives. It was also stated that when the Housing Development Incentives Policy was adopted, Council weighed the cost versus providing incentives to meet a demonstrated need.

Discussion

Administration confirmed that the budget is adjusted annually to meet the costs of the incentive program. One member of council suggested that the current policy be brought forward this fall for a review and an assessment of performance.

IN FAVOUR Mayor Curtis, Councillors Boyd, Cabott, Curteanu,
Roddick and Stick
OPPOSED Councillor Hartland

Recorded Vote

2020-18-05

It was duly moved and seconded THAT a Housing Development Incentive Agreement with 45358 Yukon Inc. with respect to a 12-unit rental housing development at 51 Keewenaw Drive be approved.

HOUSING
DEVELOPMENT
INCENTIVE
51 Keewenaw Drive

Carried (6 – 1)

IN FAVOUR Mayor Curtis, Councillors Boyd, Cabott, Curteanu,
Roddick and Stick Recorded Vote
OPPOSED Councillor Hartland

2020-18-06

It was duly moved and seconded HOUSING
THAT a Housing Development Incentive Agreement with Ralph DEVELOPMENT
McBryan with respect a four-unit rental housing development at 24 INCENTIVE
Wann Road be approved. 24 Wann Road

Carried (6 – 1)

IN FAVOUR Mayor Curtis, Councillors Boyd, Cabott, Curteanu,
Roddick and Stick Recorded Vote
OPPOSED Councillor Hartland

City Operations Committee

Mellisa Murray submitted a written proposal to have the crosswalks at
Front and Main painted to reflect the Black Indigenous and People of
Colour flag and the Queer Trans Black Indigenous People of Colour
flag. Her submission stated that the proposal supports one of the
guiding principles of the Official Community Plan and a goal of the
Sustainability Plan. She proposed that the City’s Operations
department hold the responsibility of implementing this project,
including funding, painting and future maintenance. PROPOSAL FOR
PAINTING CROSSWALKS
AT FRONT AND MAIN
For Information Only

During discussion it was confirmed that City forces do not have the
capacity or materials to implement this project in a timely manner. If
timing is a key point, a temporary solution is possible, but as a
permanent installation it would go through the budget process and be
considered for installation in 2021

In response to a query regarding next steps, it was confirmed that it is
too late in the year to have an installation in place before winter, so the
matter is being passed to the budget process. If the delegate and her
supporters believe that the matter is urgent, they can consider working
to create their own short-term solution. Discussion

2020-18-07

It was duly moved and seconded CONTRACT AWARD
THAT Administration be authorized to award the contract for the Landfill LANDFILL PHASE 2 EAST
Phase 2 East project to Cobalt Construction Inc., for a net cost to the CONSTRUCTION
City of \$ 373,709.50 plus GST.

Carried Unanimously

2020-18-08

It was duly moved and seconded
THAT Administration be authorized to set the weighting for local content
at 15 points in the request for proposals for consulting services for the
City-Wide Transportation Study.

LOCAL CONTENT
WEIGHTING FOR
TRANSPORTATION
STUDY REQUEST FOR
PROPOSALS

Carried Unanimously

Community Services Committee

2020-18-09

It was duly moved and seconded
THAT the new Recreation Grant policy be adopted as presented.

ADOPT NEW
RECREATION GRANT
POLICY

Carried Unanimously

Public Health and Safety Committee

There was no report from the Public Health and Safety Committee.

No Report

Development Services Committee

The Street Eats Food Truck Event has been hosted in the Downtown
area since 2016. However, the usual location does not provide
enough space for the physical distancing measures required by the
Chief Medical Officer of Health, and the City is proposing that the 2020
event be moved to Shipyards Park.

Shipyards Park offers more space for adequate physical distancing for
vendors and customers, and will help disperse crowd sizes. This
location is being proposed for the 2020 event only. Future events will
return to Steele Street if it is safe to do so.

It is proposed that this year's event will run from August 24th to 28th,
except on Thursday, August 27th when the Fireweed Community is
held. The hours will be from 11:00 a.m. to 7:00 p.m.

STREET EATS
FOOD TRUCK EVENT
For Information Only

The site will be roped off to reinforce a single point of entry and exit,
and signage about physical distancing requirements will be posted. All
vendors will be required to adhere to public health and safety
requirements during the event.

In its messaging for the event, the City would encourage customers to
come for food, but not to stay and visit. For vendors who offer online
ordering, the City would encourage the use of this method of vending
to reduce the number of customers on the event site at a given time.

Generally, vendors have voiced support for the proposed format.

Corporate Services Committee

2020-18-10

It was duly moved and seconded
THAT the 2020-2023 Capital Expenditure Plan be amended by increasing the 2020 Puckett's Gulch Stairs Rehabilitation project in the amount of \$250,000, funded from the capital reserve to cover the additional costs until an amended Gas Tax Transfer Payment Agreement is received; and

BUDGET AMENDMENT
AND CONTRACT AWARD
PUCKETT'S GULCH
STAIRS PROJECT

THAT Administration be authorized to award the contract for the Puckett's Gulch Stairs Rehabilitation project to Wildstone Construction Group for a net cost to the City of \$597,228.00 plus GST.

Carried Unanimously

A council member noted that new Infrastructure Canada funding is now available and asked if this could be used to fund the additional costs.

Administration advised that the funding might be suitable for this project, but an application could not be completed in time for the project to proceed this year. It was confirmed that the City has sufficient funds in its Gas Tax allocation to cover the additional costs.

Discussion

The City's Purchasing and Sales Policy was adopted in 1998 and amended in 2011 to address sustainability. Changes over time in procurement law have necessitated a comprehensive review of the policy. Additional considerations include the provision of preference to local businesses as well as global trends towards sustainability, including environmental, social and economic factors.

The proposed policy is more comprehensive than the existing Purchasing and Sales Policy, and seeks to provide clarity to the public, Administration and Council regarding the procurement of goods, services and construction. It is intended to enhance fairness in the procurement process, and improve the confidence of vendors and tax payers in the City's procurement processes. It also aims to ensure a consistent, fair, transparent and publicly available process.

PROCUREMENT POLICY
For Information Only

Administration proposes to begin implementation of the policy as of January 01, 2021. Deferred implementation will allow a procedures manual to be developed as will also provide time for training for both the vendor community and City employees. In addition, a deferred implementation date will allow for finalisation of an asset disposal policy to replace the "sales" content of the existing policy.

.../continued

The Whitehorse Chamber of Commerce commented on the proposed policy in a written submission that requested clarification on a number of issues including how administration plans to track and report local spending. The Chamber submission also asked for information on how the proposed increase in the amount required for council approval will affect City procurements based on previous contracts.

*It was duly moved and seconded
THAT the meeting continue beyond three hours.*

Carried Unanimously

PROCUREMENT POLICY
For Information Only
(Continued)

Committee members asked questions about a number of provisions and definitions. A member also asked that council be provided with the answers to the Chamber’s questions before the policy comes forward for a vote.

Administration advised that some minor changes and corrections could be incorporated prior to the policy before it comes forward for a vote. Therefore, the Policy as revised will be included as an item of New and Unfinished Business at the next regular council meeting.

NEW AND UNFINISHED BUSINESS

2020-18-11

It was duly moved and seconded
THAT Administration be authorized to award the contract for the Alexander Street Landscaping project to Lane’s Yukon Yardworks Inc. for a net cost to the City of \$242,377.22 plus GST.

Carried Unanimously

A Council member noted that this project was rejected by residents of the area last year and many of the issues that caused that rejection continue to exist. Administration was asked how the project aligns with the Government of Yukon’s plans for the emergency shelter.

Discussion

Administration advised that the landscape design has been modified in response to concerns raised. The funding for the project is only valid for this year, and the general consensus of the neighbourhood is that the project should proceed so that residents and businesses in the area can benefit from the improvements.

IN FAVOUR Mayor Curtis, Councillors Boyd, Cabott, Curteanu,
 Roddick and Stick
OPPOSED Councillor Hartland

Recorded Vote

2020-18-12

It was duly moved and seconded
THAT the Procurement Policy be adopted as presented and the existing Purchasing and Sales Policy be repealed, effective January 01, 2021.

PROCUREMENT
POLICY

Some members of council commended the changes made to the policy and supported it as presented, noting that it can be amended in the future if the need arises. One member suggested that section 7.2.1 of the proposed policy should be amended as requested by the Chamber of Commerce and that the policy should be clear that appeals can be made to Council.

Discussion

2020-18-13

It was duly moved and seconded
THAT section 7.2.1 of the Procurement Policy be amended by deleting bullets one and three.

Amendment

A Council member suggested that the first bullet is an important piece of the policy and should remain, but that the third bullet as written is too broad.

Discussion

2020-18-14

It was duly moved and seconded
THAT section 7.2.1 of the Procurement Policy be amended by deleting the third bullet and amending the final statement to read, "A Supplier subject to such an exclusion may apply to the City Manager and/or Council for a review of the exclusion."

Amendment

It was suggested that a cautious approach means that this section of the policy should remain, including all three bullets. However, any appeals under this section should be to Council.

Discussion

2020-18-15

It was duly moved and seconded
THAT section 7.2.1 of the Procurement Policy be amended by deleting the final statement and substituting a new final statement that reads:
"A Supplier subject to such an exclusion may apply to City Council for a review of the exclusion."

Amendment

Carried Unanimously

2020-18-16

It was duly moved and seconded
THAT the meeting continue beyond three hours.

MOTION TO EXTEND
THE MEETING

Carried Unanimously

The Mayor called for a two-minute recess and then reconvened the meeting at 8:33 p.m.

BRIEF RECESS

A Council member commented that the policy as revised eliminates conflicts with procurement law, and the commencement process provides for Council oversight. The delayed implementation date will allow time for the development of a procedures manual.

Discussion

The main motion, being adoption of the Procurement Policy as amended and the repeal of the existing Purchasing and Sales Policy, effective January 1, 2021 was then voted on.

Vote on Main Motion

Carried Unanimously

BYLAWS

2020-18-17

It was duly moved and seconded
THAT Bylaw 2020-12, a bylaw to provide for community service grants and grants for property taxes and other municipal charges for the year 2020, having been read a first and second time, now be given third reading.

BYLAW 2020-12

COMMUNITY SERVICE
GRANTS BYLAW
THIRD READING

Carried Unanimously

2020-18-18

It was duly moved and seconded
THAT Bylaw 2020-17, a bylaw to authorize a ten-year lease agreement with the Tennis Yukon Association, having been read a first and second time, now be given third reading.

BYLAW 2020-17

LEASE AGREEMENT
Tennis Yukon Association
THIRD READING

Carried Unanimously

2020-18-19

It was duly moved and seconded
THAT Bylaw 2020-26, a bylaw to amend the zoning of Lot 287 Remainder, Group 804 in the Whitehorse Copper area from Heavy Industrial to Service Industrial, and to amend the zoning of the road right-of-way located within the north-east corner of Lot 287 from Greenbelt to Service Industrial, be given second reading.

BYLAW 2020-26

ZONING AMENDMENT
Whitehorse Copper IH Lot
SECOND READING

Carried Unanimously

A Council member noted that some traffic and safety issues remain a concern, particularly with respect to the intersection of the access road with the Alaska Highway. However, the jurisdiction regarding highway access resides with the Government of Yukon, and ongoing monitoring should be recommended.

Discussion

2020-18-20

It was duly moved and seconded THAT Bylaw 2020-26, a bylaw to amend the zoning of Lot 287 Remainder, Group 804 in the Whitehorse Copper area from Heavy Industrial to Service Industrial, and to amend the zoning of the road right-of-way located within the north-east corner of Lot 287 from Greenbelt to Service Industrial, having been read a first and second time, now be given third reading.

BYLAW 2020-26

ZONING AMENDMENT
Whitehorse Copper IH Lot
THIRD READING

Carried Unanimously

Mayor Curtis advised that Council will be in recess until September. The next meeting will be a Standing Committee meeting on Tuesday, September 8, 2020.

RECESS ANNOUNCED

There being no further business, the meeting adjourned at 8:50 p.m.

ADJOURNMENT



Minutes of the meeting of the City Planning Committee

Date	September 8, 2020	2020-19
Location	Council Chambers, City Hall	
Committee Members Present	Councillor Jan Stick – Chair Councillor Samson Hartland – Vice Chair Mayor Dan Curtis Councillor Dan Boyd Councillor Laura Cabott Councillor Jocelyn Curteanu Councillor Stephen Roddick	
Staff Present	Linda Rapp, City Manager Jeff O’Farrell, Director of Community and Recreation Services Jason Everett, Acting Director of Corporate Services Mike Gau, Director of Development Services Peter O’Blenes, Director of Infrastructure and Operations Lindsay Schneider, Acting Director of Human Resources Catherine Constable, Manager of Legislative Services Mélodie Simard, Manager of Planning and Sustainability Services Erica Beasley, Planner 2	

Your Worship, the City Planning Committee respectfully submits the following report:

1. Commercial and Industrial Land Study – For Information Only

In 2018, a consulting team was hired to prepare the Commercial and Industrial Land Study. The study is now complete and is available online. Having an adequate supply of commercial and industrial land available within Whitehorse is important for supporting the Whitehorse and Yukon economies. An initial step in the supply chain is for the City to designate a sufficient amount of commercial and industrial lands in the upcoming Official Community Plan. The study identifies a current shortage of these lands and forecasts a need for approximately 87 hectares over the next ten years and approximately 120 hectares over the next 20 years.

Several potential land supply strategies are explored in the study, with description provided of various advantages and disadvantages of each, and factors that would influence timing, costs, and lot yield. An aggressive infill strategy could meet much of the projected 2030 demand. Multiple strategies will need to be pursued to satisfy full demand over the longer term. The study’s analysis is high-level, and the City will need

to undertake further studies for site specific geo-technical assessment of potential development areas. Several recommendations are offered for updating and improving land supply processes that will require intergovernmental collaboration to implement.

Recommendations of the study will be used by Administration to draft policies and create new land designations in the upcoming first draft of the Whitehorse 2040 Official Community Plan.

Committee members expressed interest in steps that could be taken in the near term to respond the current shortage.

2. Second Public Hearing Report – OCP Amendment – Tank Farm Phase 1

The proposed bylaw to amend the Official Community Plan with respect to a portion of the Tank Farm site was amended on July 13, 2020 and a second public hearing on the proposed bylaw was held on August 10th. A total of 25 written submissions were received, 11 in support, 11 opposed, two expressing concerns, and one providing general input. Numerous issues were raised regarding public amenities, land use, site preparation and quarrying activities, remediation activities, and planning and sustainability processes.

If Council agrees that commercial/industrial type uses are acceptable in the designated portion of the Tank Farm site, the details of how this is achieved could be implemented through a Zoning Bylaw amendment, as well as a development agreement registered through subdivision approval. However, basic restrictions have also been added to the Official Community Plan through the amendment to this bylaw that was approved by Council prior to the second public hearing.

Administration recommends that any future zoning amendment or development agreement through subdivision should include regulations to mitigate concerns raised by the public. In response to questions raised, Administration provided clarifying information about the kinds of concerns that could be addressed in those subsequent processes.

The recommendation of the City Planning Committee is THAT Bylaw 2020-10, a bylaw to amend the Official Community Plan designation of a portion of the Tank Farm site from Residential–Urban to Mixed-Use–Industrial/ Commercial, be brought forward for second reading under the bylaw process.

3. Public Hearing Report – Zoning Amendment – 39 14th Avenue

The owners of the property located at 39 – 14th Avenue would like to build a living suite in their single detached home. A living suite is a separate, self-contained dwelling unit within a single detached house. And is not a permitted use under the existing Restricted Residential zoning. The applicant has requested a zoning amendment to allow a living suite as a secondary use. At the public hearing, three written submissions were received, two in support from the property owner and a neighbouring property owner,

and one opposed, signed by seven nearby residents. The issues raised included changes in the character of the neighbourhood, the rezoning process, improper use of a public utility lane adjacent to the property, contravention of City bylaws, and insufficient on-site parking.

A very limited range of uses is allowed under the current zoning of the property. In comparison, the single-family residential zoning of surrounding properties allows a wider range of uses and dwelling types. This demonstrates that a living suite would be consistent with the existing uses allowed for most properties in the neighbourhood and therefore if this amendment is approved it is unlikely that it will have a significant impact on the character of the area.

In response to questions raised, Administration provided information about the origins and use of the Restricted Residential zone in the City.

The recommendation of the City Planning Committee is THAT Bylaw 2020-25, a bylaw to amend the zoning of 39 – 14th Avenue to allow living suites as a secondary use, be brought forward for second and third reading under the bylaw process.

4. Contract Award – Consulting Services for Whistle Bend Town Square

In 2020, a conceptual design for the Whistle Bend Town Square was completed as part of a larger future planning exercise. The process included gathering input from community members and stakeholders. The conceptual design shows the town square as consisting of three distinct spaces: an upper plaza and a lower plaza area (both located south of Keno Way), and a pocket park located north of Keno Way. The future planning work increased the anticipated number of residents to 10,000.

The City is now seeking an engineering consultant to undertake the detailed design and construction administration for the Whistle Bend Town Square project. One compliant submission was received in response to the request for proposals issued. The contract will be awarded in two stages. Stage 1 is limited to design and will be awarded in 2020. Stage 2 is for construction administration and may be awarded at a later date, which would be subject to budget approvals both for construction and the construction administration.

The recommendation of the City Planning Committee is THAT Administration be authorized to award the consulting services contract for Stage 1, Detailed Design, for the Whistle Bend Town Square project to Associated Engineering Ltd. for a net cost to the City of \$122,546 plus GST.



Minutes of the meeting of the City Operations Committee

Date	September 8, 2020	2020-19
Location	Council Chambers, City Hall	
Committee Members Present	Councillor Samson Hartland – Chair Councillor Laura Cabott – Vice Chair Mayor Dan Curtis Councillor Dan Boyd Councillor Jocelyn Curteanu Councillor Stephen Roddick Councillor Jan Stick	
Staff Present	Linda Rapp, City Manager Jeff O’Farrell, Director of Community and Recreation Services Jason Everett, Acting Director of Corporate Services Mike Gau, Director of Development Services Peter O’Blenes, Director of Infrastructure and Operations Lindsay Schneider, Acting Director of Human Resources Catherine Constable, Manager of Legislative Services	

Your Worship, the City Operations Committee respectfully submits the following report:

1. COVID-19 Issues – For Information Only

A Committee member explained his reasons for wearing a face mask to the meeting, and noted that his experience in doing so has provided insight into the difficulties of wearing a mask on an on-going basis. He expressed support and gratitude for the efforts of essential workers during the COVID-19 pandemic.



Minutes of the meeting of the Community Services Committee

Date	September 8, 2020	2020-19
Location	Council Chambers, City Hall	
Committee Members Present	Councillor Jocelyn Curteanu – Chair Councillor Dan Boyd – Vice Chair Mayor Dan Curtis Councillor Laura Cabott Councillor Samson Hartland Councillor Stephen Roddick Councillor Jan Stick	
Staff Present	Linda Rapp, City Manager Jeff O'Farrell, Director of Community and Recreation Services Jason Everett, Acting Director of Corporate Services Mike Gau, Director of Development Services Peter O'Blenes, Director of Infrastructure and Operations Lindsay Schneider, Acting Director of Human Resources Catherine Constable, Manager of Legislative Services	

Your Worship, there is no report from the Community Services Committee



Minutes of the meeting of the Public Health and Safety Committee

Date	September 8, 2020	2020-19
Location	Council Chambers, City Hall	
Committee Members Present	Councillor Stephen Roddick – Chair Councillor Jan Stick – Vice Chair Mayor Dan Curtis Councillor Dan Boyd Councillor Laura Cabott Councillor Jocelyn Curteanu Councillor Samson Hartland	
Staff Present	Linda Rapp, City Manager Jeff O’Farrell, Director of Community and Recreation Services Jason Everett, Acting Director of Corporate Services Mike Gau, Director of Development Services Peter O’Blenes, Director of Infrastructure and Operations Lindsay Schneider, Acting Director of Human Resources Doug Spencer, Manager of Bylaw Services Catherine Constable, Manager of Legislative Services	

Your Worship, the Public Health and Safety Committee respectfully submits the following report:

1. Local Content Weighting – Fire Services Review

Fire Services is preparing to release a request for proposals for consultant services for a Fire Services Review. This project will include a detailed examination of the current level of service for the Whitehorse Fire Department and comparison to identified community risks that require operational efforts to mitigate or address. This detailed review will also consider factors and services currently established in Whitehorse and the surrounding area that can be readily deployed to support or mitigate an emergency situation.

Considerations will include current levels of training, policy and guidelines, equipment and apparatus, communications, staffing, organization, locations established, coverage effectiveness and response times, in accordance with established and accepted criteria and guidelines.

Fire Services proposes that the evaluation criteria for local content be set at zero points due to the fact that this field is highly specialized and appropriate consultants are unlikely to be found locally. Additionally, It is important to have an external provider perform this review from an unbiased and non-influenced perspective. It is highly unlikely that a local consultant would not in some way be connected to the Fire Service, either locally or through the Government of Yukon.

The recommendation of the Public Health and Safety Committee is THAT Administration be authorized to set the weighting for local content at zero points in the request for proposals for consulting services for the Fire Services Review.

2. Local Content Weighting – Parking Meter Technology

Bylaw Services is preparing to release a request for proposals to review, analyse and recommend an appropriate parking meter technology that provides the best value to the City of Whitehorse.

Both the 2019 Downtown Parking Management Plan and 2018 Bylaw Services Operational Review identified recommendations to improve and modernize the City's downtown business core parking system with the aim of improved user experience and convenience. Some of these recommendations related to the implementation of parking technologies and a downtown parking meter replacement initiative that would integrate with the selected mobile applications and an optional cashless payment system. Other benefits of a modernized parking system beyond customer service improvements include the potential ability to generate accurate and timely usage reports and the potential capability of future integrations with handheld ticketing technology.

Bylaw Services proposes that the evaluation criteria for local content be set at 15 points. It is believed that the research and analysis required can be conducted locally as local consultants have previously conducted parking and traffic-related studies.

The recommendation of the Public Health and Safety Committee is THAT Administration be authorized to set the weighting for local content at 15 points in the request for proposals for consulting services for the Parking Meter Technology project.



Minutes of the meeting of the Development Services Committee

Date	September 8, 2020	2020-19
Location	Council Chambers, City Hall	
Committee Members Present	Councillor Dan Boyd – Chair Councillor Jocelyn Curteanu – Vice Chair Mayor Dan Curtis Councillor Laura Cabott Councillor Samson Hartland Councillor Stephen Roddick Councillor Jan Stick	
Staff Present	Linda Rapp, City Manager Jeff O'Farrell, Director of Community and Recreation Services Jason Everett, Acting Director of Corporate Services Mike Gau, Director of Development Services Peter O'Blenes, Director of Infrastructure and Operations Lindsay Schneider, Acting Director of Human Resources Catherine Constable, Manager of Legislative Services	

Your Worship, there is no report from the Development Services Committee



Minutes of the meeting of the Corporate Services Committee

Date	September 8, 2020	2020-19
Location	Council Chambers, City Hall	
Committee Members Present	Councillor Laura Cabott – Chair Councillor Stephen Roddick – Vice-Chair Mayor Dan Curtis Councillor Dan Boyd Councillor Jocelyn Curteanu Councillor Samson Hartland Councillor Jan Stick	
Staff Present	Linda Rapp, City Manager Jeff O’Farrell, Director of Community and Recreation Services Jason Everett, Acting Director of Corporate Services Mike Gau, Director of Development Services Peter O’Blenes, Director of Infrastructure and Operations Lindsay Schneider, Acting Director of Human Resources Catherine Constable, Manager of Legislative Services Michael Abbott, Assistant City Engineer	

Your Worship, the Corporate Services Committee respectfully submits the following report:

1. Management and Confidential Exclusion Employment Bylaw

Management and Confidential Exclusion staff have been working without an employment bylaw in place since January 1, 2019. As part of the process of renewing the bylaw, various terms and conditions were reviewed and comparisons were made to local organizations and other municipalities. The major changes to the bylaw include alignment of conditions for employees hired both before and after 2016 to increase fairness, an increase to the health spending allowance and the employer contribution to the employees’ RRSP accounts. The proposed bylaw also increases the hours of work for management from 35 hours to 37.5 hours per week to better align with the hours that Yukon government managers are currently working. In addition, a market rate survey showed that many of the management positions were under-market, and the proposed bylaw creates adjusted salary ranges for each position in the management group.

Since 2019, City budgets have anticipated a cost increase in wages and benefits for this group. As these funds were not spent, they were transferred to a reserve for this

purpose. Therefore, there are sufficient funds within the 2020 budget in order to enact the changes proposed to date within this bylaw. Future budget years will address the balance.

The recommendation of the Corporate Services Committee is THAT Bylaw 2020-30, a bylaw to provide for the terms and conditions of employment for management and confidential exclusion employees for the period January 1, 2019 to December 31, 2022, be brought forward for consideration under the bylaw process.

2. Budget Amendment, Hillcrest Water Supply Project

The City allocated funds in the 2020-2023 Capital Expenditure Program to extend a water main across the Alaska Highway to provide another connection to the Hillcrest neighbourhood. The City and Government of Yukon (YG) have entered into an Infrastructure Agreement where the work was to be executed by YG as part of its Alaska Highway upgrade project in the area. The agreement expanded the scope of the water main replacement to align with the highway reconstruction limits.

The project was initially intended to extend over two years, but now the project is planned for completion in 2020. The scope of the project has also been expanded to include the full replacement of the portion of the water main fronting the businesses between Roundel Road and Burns Road.

The amount required to cover the construction costs, including construction contingency and engineering design fees, is estimated at an additional \$265,000, funded from Gas Tax. An amendment to the existing Gas Tax agreement will be made.

The recommendation of the Corporate Services Committee is THAT the 2020-2023 capital expenditure program be amended by increasing the 2020 Hillcrest Water Supply project in the amount of \$265,000, not including GST, funded from the capital reserve to cover the additional costs until an amended Gas Tax Transfer Payment Agreement is received.

3. Amendment to the City Manager Bylaw

The current City Manager Bylaw was adopted in 2018, but included no direction regarding how the city manager's performance reviews would be addressed. In 2020, Council met with a consultant who helped with the preparation of a performance review process. An amendment to the existing bylaw is required to incorporate the proposed process into the bylaw as Schedule B.

The recommendation of the Corporate Services Committee is THAT Bylaw 2020-24, a bylaw to amend the City Manager Bylaw with respect to the performance review process, be brought forward for consideration under the bylaw process.

■

CITY OF WHITEHORSE
BYLAW 2020-10

A bylaw to amend the Official Community Plan

WHEREAS section 289 of the *Municipal Act* provides that a municipality shall by bylaw adopt an official community plan in accordance with Part 7, Division 1 of the Act; and

WHEREAS section 285 of the *Municipal Act* provides for amendment of an official community plan; and

WHEREAS it is deemed desirable and expedient that the 2010 Official Community Plan be amended to allow for phase 1 of the redevelopment of the area known as the Tank Farm;

NOW THEREFORE the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Official Community Plan Bylaw 2010-10 is hereby amended by deleting existing policies 8.4.4 and 8.4.5.
2. Official Community Plan Bylaw 2010-10 is hereby amended by deleting existing policy 10.7.9 and substituting therefore a new policy 10.7.9 as follows:

“10.7.9 The White Pass Tank Farm near Valleyview is established as a Direct Control District, pursuant to section 291 of the *Municipal Act*. This will allow Council to directly control the use and development of the land and buildings within the area. As part of the development of this site the following development restrictions are applied to Lot 429, Group 804, Plan 26170 LTO, or any future lots subdivided from Lot 429:

- a) Granular material may be relocated from one area of the site to another, but no material may be removed from the site, unless authorized through a future amendment to the Zoning Bylaw and/or a Development Agreement;
- b) No processing of material, such as washing or crushing, shall be undertaken on-site, unless authorized through a future amendment to the Zoning Bylaw and a Development Agreement; and
- c) Detailed plans for material management and/or relocation of material within the Tank Farm property shall be authorized through a future amendment to the Zoning Bylaw and a Development Agreement.”

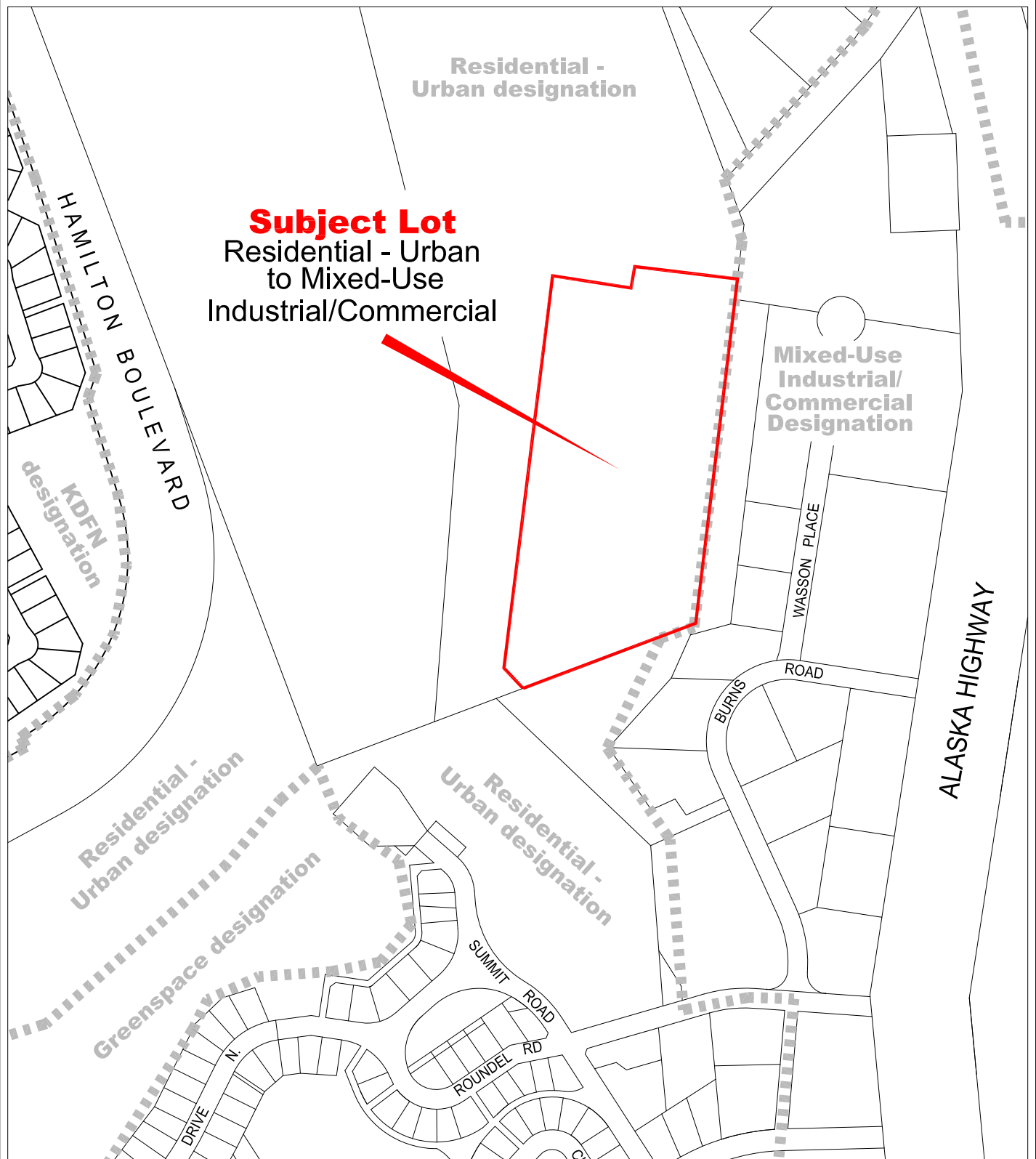
OCP Amending Bylaw 2020-10

3. Map 2 of Official Community Plan Bylaw 2010-01 is hereby amended by changing the designation of a portion of Lot 429, Group 804, Plan 26170 LTO, known as the Tank Farm Phase 1, from Residential–Urban to Mixed-Use–Industrial/Commercial, as indicated on the sketch attached hereto as Appendix “A” and forming part of this bylaw.
4. This bylaw shall come into force and effect upon the final passing thereof.

FIRST READING: March 30, 2020
PUBLIC NOTICE: April 3 and April 10, 2020
PUBLIC HEARING: April 27, 2020
AMENDMENT: July 13, 2020
SECOND PUBLIC NOTICE: July 17 and 24, 2020
SECOND PUBLIC HEARING: August 10, 2020
SECOND READING:
EXECUTIVE COUNCIL MEMBER APPROVAL:
THIRD READING and ADOPTION:

Mayor


Assistant City Clerk



BYLAW 2020-10

A bylaw to change the OCP designation of a portion of Lot Lot 429, Group 804, Plan 26170 LTO (Tank Farm) from Residential - Urban to Mixed-Use - Industrial/Commercial.

LEGEND

 SUBJECT AREA

CITY OF WHITEHORSE
BYLAW 2020-25

A bylaw to amend Zoning Bylaw 2012-20

WHEREAS section 289 of the *Municipal Act* provides that a zoning bylaw may prohibit, regulate and control the use and development of land and buildings in a municipality; and

WHEREAS section 294 of the *Municipal Act* provides for amendment of the Zoning Bylaw; and

WHEREAS it is deemed desirable that the City of Whitehorse Zoning Bylaw be amended to allow for the development of a living suite in a Restricted Residential zone on 14th Avenue in the Porter Creek neighbourhood;

NOW THEREFORE the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Section 9.14.6 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection b) as follows:

“9.14.6 b) Lot 1692, Plan 2011-0141 LTO, located at 39 – 14th Avenue in the Porter Creek neighbourhood, is designated RRx(b) with the special modification being that a living suite is allowed as a secondary use.”

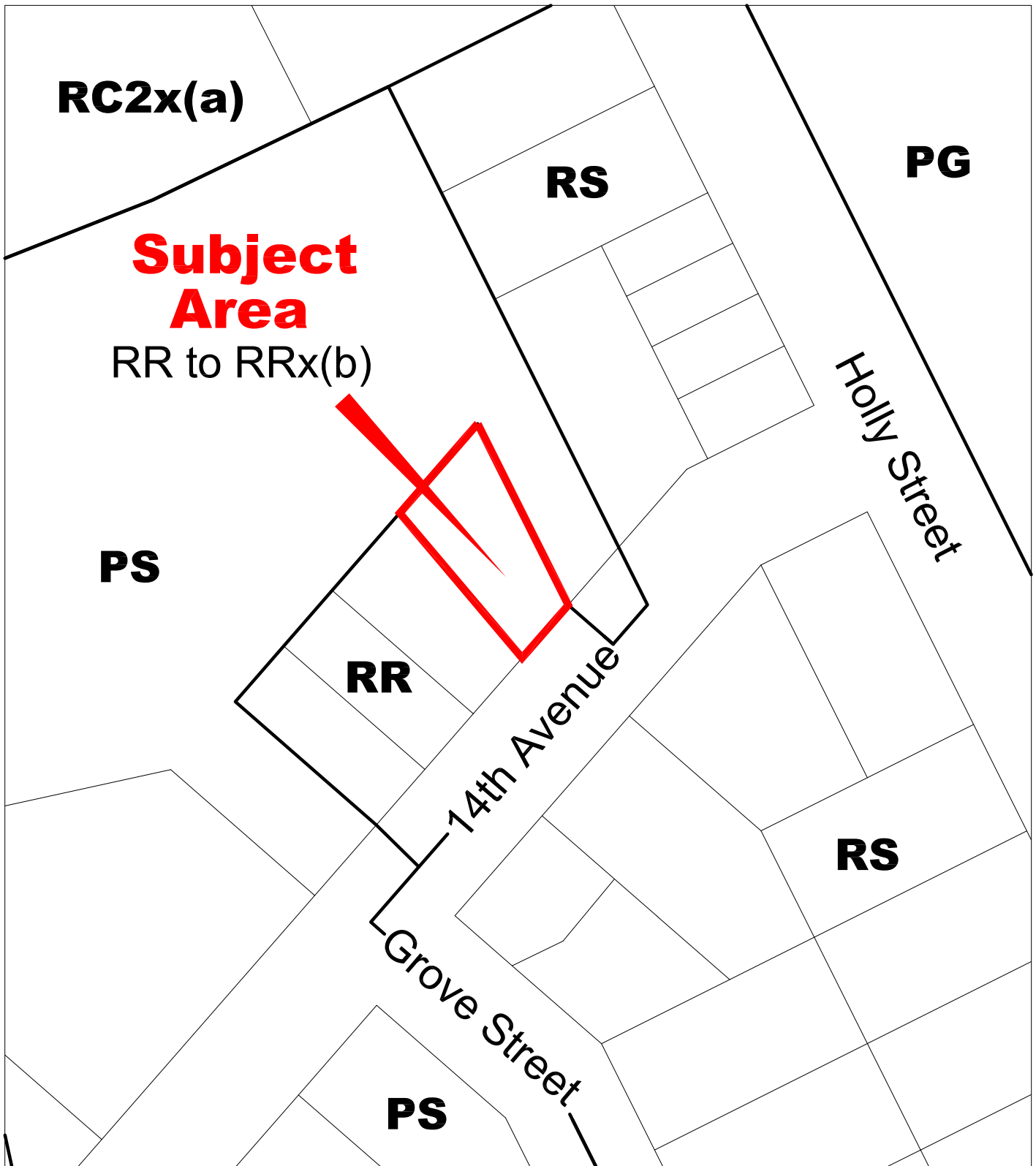
2. The zoning maps attached to and forming part of Zoning Bylaw 2012-20 are hereby amended by changing the zoning of Lot 1692, Plan 2011-0141 LTO, located at 39–14th Avenue in the Porter Creek neighbourhood, from RR–Restricted Residential Detached to RRx(b)–Restricted Residential Detached modified, as indicated on the sketch attached hereto as Appendix “A” and forming part of this bylaw.

3. This bylaw shall come into force and effect upon the final passing thereof.

FIRST READING: July 13, 2020
PUBLIC NOTICE: July 16 and 23, 2020
PUBLIC HEARING: August 10, 2020
SECOND READING:
THIRD READING and ADOPTION:

Mayor


Assistant City Clerk



Bylaw 2020-25

A bylaw to amend the zoning of 39-14th Avenue from RR-Restricted Residential to RRx(b)-Restricted Residential (modified) to allow for living suites as a secondary use.

LEGEND

 SUBJECT AREA

CITY OF WHITEHORSE
BYLAW 2020-24

A bylaw to amend the City Manager Bylaw

WHEREAS section 183 of the *Municipal Act* (R.S.Y. 2002) provides that the council of a municipality must establish by bylaw the position of chief administrative officer and appoint a person or persons to the position; and

WHEREAS section 220 of the *Municipal Act* provides for the amendment of a bylaw;

WHEREAS the Council of the City of Whitehorse deems it proper and expedient to amend the City Manager Bylaw to provide procedures for annual performance reviews;

NOW THEREFORE the Council of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. City Manager Bylaw 2018-17 is hereby amended by adding a new Schedule “B” attached hereto as Appendix “A” and forming part of this bylaw.
2. This bylaw shall come into full force and effect upon final passage thereof.

Mayor

Assistant City Clerk

Bylaw 2020-24 – Amending the City Manager Bylaw

APPENDIX “A”

Performance Review Timelines

The City Manager Performance Review is scheduled in September of each year. All components of the review, including any salary adjustment will be completed by September 30.

This means that:

- In an election year, the outgoing Mayor and Council evaluates the City Manager’s performance over the prior year before the new Council is elected.
- In an election year, the City Manager will already have performance goals/key objectives in place to share with a newly elected Mayor and Council in the first year of their term.
- The newly elected Mayor and Council may use the mid-point evaluation as a way to fine-tune the performance goals/key objectives of the City Manager. Alternately, Council’s quarterly strategic priorities review discussion could be used for this purpose.
- The first time the new Mayor and Council evaluates the City Manager is one year after it has been elected.

City Manager Review Process

Step 1: Objectives and Goal Setting

The purpose of this step is for the City Manager and Mayor and Council to jointly establish key performance objectives and decide on any personal development goals that are tied to the annual performance review feedback. These objectives should be established within the overall context of the Strategic Priorities for the City.

Goals are established based on annual performance review feedback, City priorities, initiatives and direction for the coming year.

Step 2: Mid–Year Check In

Mayor and Council and the City Manager meet to discuss progress on the achievement of key objectives and determine if there are any impediments to success or if objectives need to change as a result of a shift in strategic direction or priority. Mayor and Council could also complete a periodic review of the City Manager’s progress on key objectives through the quarterly strategic priorities discussions.

Step 3: Annual Performance Review (see detailed schedule)

City Manager

City Manager prepares a self-assessment of goals, key performance objectives and accomplishments for the year as well as gathers data from community surveys/feedback and employee surveys/feedback that reflect the satisfaction

Bylaw 2020-24 – Amending the City Manager Bylaw

and well-being of the community and the workforce and provides it to the Mayor.

Mayor/Council

Each Council member completes the City Manager Performance Review form individually and forwards it to the Mayor. The Mayor then collates all feedback into a summary document.

Director Responsible for Human Resources

The Director responsible for Human Resources (HR director) coordinates preparation and administration of any confidential surveys of the Total Management Group and any other members of the City's workforce identified for each annual performance review. If a 360-degree tool is to be used in the Performance Review, the HR director sources and organizes it. Results of these surveys and the 360-degree (if used) are provided to the Mayor.

Pre-Performance Review Meeting

The Mayor collates all information gathered from the City Manager, Council and the HR director and holds a formal meeting with Council to discuss the results of the review and the level of success in achieving the key objectives. Council feedback is documented for provision to the City Manager. Council also determines any salary adjustment (merit increase) based on overall performance.

Performance Review Meeting

The Mayor and a selected Councillor meet with the City Manager to provide formal, documented feedback gathered as outlined above, and to communicate Council's compensation adjustment decision.

The cycle repeats annually beginning with Step 1.

Supporting Documents

- Annual Goal Setting
- Mid-Year Check-In
- City Manager Self-Assessment Tool
- Annual Performance Review

Bylaw 2020-24 – Amending the City Manager Bylaw

Procedures

- 1 Council may use a facilitator to assist with the City Manager's performance evaluation process. A majority of Council may decide to engage a process facilitator or to conduct the process without a facilitator, using the HR director as the process support resource.
- 2 The process shall commence at a time of the choosing of Council but generally annually beginning in June and triggered by the HR director. The process should be completed by September 30 annually.
- 3 In June the HR director shall consult with Council with respect to the preferred process. Engagement of an external facilitator, if requested, will be completed by the end of July.
- 4 Council shall review the previous year's assessment criteria, process and instrument for the current year. The instrument may be adjusted to include assessment of special projects or assigned issues that may arise from time to time.
- 5 Council shall determine whether and how to include the use of 360-degree input or other tool into the process. Council shall determine the sources of input into the chosen instrument. All of the input shall be kept completely confidential. The facilitator may prepare a 360-degree assessment instrument to complement the main assessment instrument. Council will determine to what degree any feedback is used.
- 6 The information shall be consolidated and composite results shall be shared with Council in September. At this point the City Manager shall not receive any of the input.
- 7 An in-camera meeting shall be scheduled with Council to arrive at a consensus that will become the official evaluation.
- 8 The document shall be signed by all members of Council and presented to the City Manager by the middle of September.
- 9 Mayor and one Councillor will meet with the City Manager to discuss the feedback at an in-camera meeting to enable complete feedback.
- 10 To complete the process:
 - (1) The City Manager shall respond in writing to Council with respect to the feedback.
 - (2) The City Manager shall be requested to sign the evaluation and the original shall be kept on file by the HR director with copies to Council and the City Manager.
 - (3) Council shall subsequently determine any salary adjustments and performance bonus based on economic conditions, benchmark data, performance and any other factors.

Bylaw 2020-24 – Amending the City Manager Bylaw

Detailed Annual Performance Review Schedule

DELIVERABLE	WHO	DUE DATE
Send reminder of City Manager review timelines to Mayor	HR director	June 1
Meet with Mayor & Council to discuss components of evaluation, i.e., 360-degree feedback, survey of direct reports, etc.	HR director	June 15
Source external facilitator if requested	HR director	End of July
Develop and send out surveys for direct reports and/or others (if being used)	HR director	Mid-July
Source and implement a 360-degree process/tool for City Manager (if being used)	HR director	Mid-July
Advise City Manager to complete self-assessment	Mayor	August 1
Advise Council members to complete performance review document for City manager	Mayor	August 1
Complete performance review document for the City Manager, each Council member individually and submit to Mayor	Council Members	August 15
Complete self-assessment of goals, key performance objectives and accomplishments, plus gather data from employee or community surveys or feedback	City Manager	August 15
Collate and summarize Council feedback; collate all other information gathered and send to Council for review	Mayor	August 25
Meet to discuss City Manager review and provide overall feedback; decide on salary adjustment	Mayor and Council	September 1
Summarize all feedback from Council into City Manager performance review document	Mayor	September 10
Meet with City Manager to deliver feedback and advise of salary adjustment	Mayor + Councillor	September 15
Advise HR director to process salary adjustment for the City Manager.	Mayor	September 15
Process salary adjustment and performance bonus for City Manager, retroactive to January 1 of the current year	HR director	September 20
Develop key performance objectives for coming year	City Manager	September 20
Share and discuss key performance objectives for coming year with Council; finalize	City Manager, Mayor and Council	September 30
Mid-year check in on progress of key initiatives and determination of adjustments required due to emerging issues	City Manager, Mayor and Council	March 30

**CITY OF WHITEHORSE
BYLAW 2020-30
MANAGEMENT & CONFIDENTIAL EXCLUSION**



Management and Confidential Exclusion Bylaw 2020-30

Table of Contents

TITLE	1
APPLICATION	1
DEFINITIONS	1
INTERPRETATIONS.....	3
SECTION ONE MANAGEMENT.....	3
ATTENDANCE AND HOURS OF WORK	3
Performance Evaluation.....	4
Performance Reward	4
Acting Pay.....	4
Increment Date	5
Promotion	5
Reclassification.....	5
Retroactive Pay	5
ILLNESS	5
Wage Indemnity.....	5
Long Term Disability	6
MEDICAL AND GROUP INSURANCE.....	6
Basic Medical Insurance	6
Extended Health, Life and AD&D;.....	6
REGISTERED RETIREMENT SAVINGS PLAN	7
LEAVES	7
General Holidays	7
Vacation Leave	8
Non-Occupational Illness or Accident Leave	9
Special Leave	9
Injury on Duty Leave.....	10
Maternity Leave	11
Parental Leave.....	12
Compassionate Care Leave	13
Critical Illness Leave.....	13
Court Leave	14

Management and Confidential Exclusion Bylaw 2020-30

Leave Without Pay.....	14
Management Leave	14
ALLOWANCES	14
Health Spending Allowance	14
Long Service Bonus.....	15
Retirement Allowance	15
Resignation Allowance (non-culpable).....	15
Yukon Bonus	16
DISCIPLINE, SUSPENSION AND TERMINATION.....	16
GENERAL PROVISIONS	19
SCHEDULE "A"	20
SECTION TWO CONFIDENTIAL EXCLUSION	31
ATTENDANCE AND HOURS OF WORK	31
SALARIES, CLASSIFICATIONS.....	31
Overtime	32
Compensatory Leave.....	33
Performance Evaluation.....	33
Performance Reward	33
Acting Pay.....	33
Increment Date	33
Promotion	34
Reclassification.....	34
Retroactive Pay	34
ILLNESS	34
Wage Indemnity.....	34
Long Term Disability	35
MEDICAL AND GROUP INSURANCE.....	35
Basic Medical Insurance	35
Extended Health, Life and AD&D;.....	36
Dental Plan	36
REGISTERED RETIREMENT SAVINGS PLAN	36
LEAVES	36
General Holidays	37

Management and Confidential Exclusion Bylaw 2020-30

Vacation Leave	37
Non-Occupational Illness or Accident Leave	38
Special Leave	38
Injury on Duty Leave	40
Maternity Leave	40
Parental Leave.....	42
Compassionate Care Leave	42
Critical Illness Leave.....	42
Court Leave	43
Leave Without Pay.....	43
ALLOWANCES	43
Health Spending Allowance	43
Long Service Bonus.....	44
Retirement Allowance	44
Resignation Allowance (non-culpable).....	44
Yukon Bonus	45
DISCIPLINE, SUSPENSION AND TERMINATION.....	45
GENERAL PROVISIONS	48
BYLAW REPEAL	48
APPLICATION AND DURATION	48
SCHEDULE “B”	50
ATTACHMENT “A”	55
ATTACHMENT “B”	56

CITY OF WHITEHORSE
BYLAW 2016-22

A bylaw to provide for the terms and conditions of employment for Management and Confidential Exclusion employees of the City of Whitehorse

WHEREAS section 188 of the *Municipal Act* (R.S.Y. 2002) provides that Council shall by bylaw establish the terms and conditions of employment of the chief administrative officer, designated municipal officers, and other officers and employees, including remuneration, benefits, expenses, hours of work, and manner of appointment, promotion, discipline, dismissal and rules of conflict of interest; and

WHEREAS the employees covered in this bylaw are excluded from bargaining collectively under the *Canada Labour Code* due to the nature of their positions; and

WHEREAS the council of the City of Whitehorse deems it proper and expedient to set out the terms and conditions of employment for this excluded group of employees;

NOW THEREFORE, the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

TITLE

1. This bylaw may be cited as the “**Management and Confidential Exclusion Bylaw**”.

APPLICATION

2. This bylaw applies to Employees who occupy positions specified in Section One Schedule A and Section Two Schedule B attached hereto and forming part of this bylaw. Such Employees are appointed pursuant to this bylaw and shall hold office in accordance with the terms and conditions of employment stated in this bylaw and as may be contractually agreed to between the City and the Employees.

DEFINITIONS

3. In this bylaw,
"CASUAL EMPLOYEE" means an Employee hired on an irregular and/or unscheduled basis with no guarantee of hours or duration or work.
When available work can be projected for a period longer than three months the work assignment will be awarded as a Temporary position and the benefits of Temporary Employees shall apply, as described in Attachment “A” attached hereto and forming part of this bylaw;
“CITY” means the City of Whitehorse and may also be referred to as the Employer;
"CITY MANAGER" means the person appointed as Chief Administrative Officer of the municipality pursuant to section 183 of the *Municipal Act* and who exercises the authority to manage Employees identified in this bylaw;

Management and Confidential Exclusion Bylaw 2020-30

“CONFIDENTIAL EXCLUSION EMPLOYEE” means an Employee holding a position identified in Section Two, Schedule “B” of this Bylaw;

"CONTINUOUS SERVICE" means uninterrupted employment with the City;

“CONTINUOUS SERVICE DATE” means the date an individual is hired as a permanent Employee of the city OR where an Employee has prior service in either a term, casual or temporary capacity, the date that reflects continuous work with no break in employment greater than four consecutive work weeks immediately prior to becoming a permanent Employee;

"COUNCIL" means the Council of the City of Whitehorse;

"EMPLOYEE" means a person employed by the City as specified by Schedules “A” and “B” of this bylaw;

“EMPLOYER” means the City of Whitehorse;

“FULL TIME EMPLOYEE” means an Employee scheduled to work the standard hours of any position included in Schedule “A” or “B”;

“IMMEDIATE FAMILY” defined in applicable sections;

“INCREMENT DATE” means the anniversary date of the commencement of Continuous Service except that, where an Employee has been promoted or reclassified with a resulting salary increase, the increment date shall become the anniversary of the promotion;

“MANAGEMENT EMPLOYEE” means an Employee holding a position identified in Section One, Schedule “A”;

"PART TIME EMPLOYEE" means a permanent Employee who works less than the standard daily or weekly hours of work on a continuing, scheduled basis;

"PERMANENT EMPLOYEE" means an Employee other than a temporary or casual Employee;

“STANDARD WORK WEEK:” for Management means 37.5 hours per week as of passing of this Bylaw; for Confidential Exclusion means 35 hours per week

“TASKS” are those work activities which, when combined, comprise the duties to be performed by an Employee as described in a position description.

“TEMPORARY EMPLOYEE” means an Employee hired for a specific task or a period not exceeding one calendar year. The term of employment will terminate at the end of the temporary period or task unless terminated earlier as stated in this bylaw or the contract of employment with the Employee.

“TERM EMPLOYEE” means an employee who is hired for a specific task, project or position (to backfill due to a leave of absence or term or acting appointment of a permanent employee or to occupy a non-recurring term-specific position) for a term not to exceed two years or 24 months. At the end of the term the employment relationship is terminated unless the Parties agree otherwise. Term employees receive the same terms and conditions as permanent employees.

Management and Confidential Exclusion Bylaw 2020-30

INTERPRETATIONS

4. In this bylaw,
 - (1) “may” will be regarded as permissive.
 - (2) “shall” will be regarded as imperative.
5. Whenever the singular, masculine or feminine is used in this bylaw it shall be interpreted as if the plural, feminine or masculine has been used where the context of the parties hereto so requires.

SECTION ONE MANAGEMENT

ATTENDANCE AND HOURS OF WORK

6. Salary ranges for Employee’s covered by Section One of this bylaw are set out in Schedule “A”.
7. Each standard work day will include a one-hour unpaid meal break (scheduled as close to the mid-point of the work day as possible) and two 15-minute rest breaks (scheduled approximately mid-way through each half day).
8. When determined to be an operational necessity, the City Manager may require Employees to work non-standard days and hours. It is a condition of employment that all Employees covered under this bylaw will be available for unscheduled work duties.
9. The salary and other remuneration and benefits for management Employees, including the management leave entitlement, compensates management Employees for all hours worked. Management Employees will be required to work in excess of 37.5 hours per week as needed to fulfil the duties of their positions. Management Employees will not be entitled to additional or overtime pay of any kind for any hours in excess of 37.5 hours per week that are necessary to fulfil the requirements of their position.
10. Employees and the Employer by mutual agreement may introduce daily flexible work hours so long as such arrangements do not result in additional costs/premiums, and without interrupting the delivery of City services or otherwise reducing the resources necessary to meet operational requirements.
11. Employees who have the approval of their direct manager and who are required to attend conferences or any training/ professional development courses required to maintain the certifications specified in the Position Description during non-standard work hours will be paid at straight time for the actual time spent at the conference or attending training/professional development courses.

SALARIES, CLASSIFICATIONS

12. Employees covered by this bylaw will be paid in accordance with the classifications and salary ranges set out in Section One Schedules “A” which form part of this bylaw. No qualified Employee shall receive less than the minimum rate specified for the position.

Management and Confidential Exclusion Bylaw 2020-30

13. Where an existing classification or position is modified or a new classification or position is created by the City to address operational needs, budgetary constraints or to fulfil human resources objectives, the classification for the position will be determined through the City's job evaluation committee, salary range is determined by market.
14. If market realities demonstrate a significant deviation from the City's pay rates as detailed in this bylaw then a temporary market adjustment can be established for the position that will be reviewed and amended each time this bylaw is renewed.
15. In extraordinary circumstances and for bone fide emergencies, Employees may be paid in excess of the established pay rate at the discretion of the City Manager.
16. Prior to receiving any pay, all Employees covered under this bylaw will take and subscribe the oath or affirmation set out in Attachment "B".
17. Pay for Employees covered under this bylaw will be direct deposited every second Wednesday. Employees will receive a statement indicating total pay and deductions for each pay period.

Overtime

18. Management Employees are not entitled to overtime pay.

Performance Evaluation

19. A performance review and evaluation of each Employee will be conducted annually.

Performance Reward

20. The Employer may grant Employees a performance award as defined in the relevant administrative directive.

Acting Pay

21. Employees who are temporarily assigned to a higher paying position/ classification shall receive an additional 5% of their salary or the minimum salary range for the new classification (whichever is higher), for all hours worked in the position. Acting pay will continue for all days worked during the full period of the assignment (including statutory holidays). Employees on an approved absence during an acting assignment will be paid at their regular rate of pay as defined in the Acting Assignment Administrative Directive.
22. Employees requested to assume the duties of a director or City Manager, or whose job descriptions outline this responsibility, will be paid at the appropriate salary range for all hours worked in the position. The Employee will receive either an increase of 10% or Step 1 of the salary range for the higher classification, whichever is greater and subject to the approval of the City Manager. Under no circumstances will the Employee receive more than the maximum for the range.

Management and Confidential Exclusion Bylaw 2020-30

Increment Date

23. Managers not at the top of the pay range will have their annual salary reviewed at the end of each calendar year. Merit increases will be applied on January 1st of the following year.

Promotion

24. Upon promotion to a higher classified position, an Employee will either receive the minimum salary rate of the applicable range for the new position or a salary increase of 10%.

Reclassification

25. When an Employee's position is reclassified to a higher salary range, a market analysis may be completed to determine a new salary range for that position.
26. Employees will not have a salary reduction if their position is reclassified downward. However, the Employee will not be eligible for further wage increases until such time as their salary is less than the maximum of the reclassified range.
27. When an Employee's position is reclassified but remains in the existing salary range, the Employee's salary will remain unchanged.

Retroactive Pay

28. Employees who die or retire during a period covered by a retroactive pay adjustment will receive, or their estate shall receive, any salary benefit accruing.

ILLNESS

Wage Indemnity

29. Employees claiming non-occupational illness or accident for more than six consecutive days must apply for Wage Indemnity. The City's benefit carrier will determine whether the Wage Indemnity Policy entitlement conditions are met. Questions as to whether an Employee has met the Wage Indemnity Policy entitlement conditions shall be a matter between the Employee and the claims adjudicator.
30. If the Wage Indemnity claim is approved, Employees are entitled to time off with pay for a maximum of 17 weeks from the first day of hospitalization, accident or approved illness in accordance with the following schedule:

Wage Indemnity Entitlements for Approved Claims	
Completed Continuous Employment	Maximum Benefits
First 90 days	No provision
90 days to 1 year less 1 day	4 weeks at full pay, 13 weeks at 2/3 pay
1 year to 2 years less 1 day	7 weeks at full pay, 10 weeks at 2/3 pay

Management and Confidential Exclusion Bylaw 2020-30

2 years to 3 years less 1 day	10 weeks at full pay, 7 weeks at 2/3 pay
3 years to 4 years less 1 day	13 weeks at full pay, 4 weeks at 2/3 pay
Over 4 years	17 weeks at full pay

31. Successive periods of disability separated by less than 30 days of continuous employment will be considered one period of disability at the discretion of the claims adjudicator.

Long Term Disability

32. Employees who are continuously disabled due to a non-occupational illness or accident for a period in excess of 17 weeks may be eligible to receive Long Term Disability payments. The claims adjudicator will determine whether an Employee is eligible to receive long-term disability payments under the provisions of the long-term disability plan. Any questions regarding an Employee's eligibility for long-term disability benefits shall be a matter between the Employee and the claims adjudicator. Such matters must be pursued under the terms of the long-term disability plan.
33. Long Term Disability payments shall continue until the Employee is able to return to full time employment, reaches age 65, or ceases to meet the entitlement conditions of the insurer, whichever is earlier.
34. 100% of the Long Term Disability premium will be paid by the Employee.
35. For Schedule "A" Employees, payments will be based upon 65% of the first \$4,500.00 monthly earnings and 55% of the remaining monthly earnings to a maximum benefit of \$5,000.00 per month.

MEDICAL AND GROUP INSURANCE

Basic Medical Insurance

36. All Employees, whether full time, part time, or casual, shall participate in the Yukon Health Care Insurance Plan unless otherwise exempted.

Extended Health, Life and AD&D:

37. On the first of the month following 60 days of continuous employment, permanent Employees eligible for Group Benefit Coverage will be enrolled in the following benefits:
- Extended Health Care Plan
 - Group Life Insurance \$25,000 or one times the employee's annual salary, whichever is greater.
 - Accidental Death and Dismemberment Insurance \$100,000.00.

The premiums shall be cost shared on the basis of 90% by the Employer and 10% by the employee.

Management and Confidential Exclusion Bylaw 2020-30

Dental Plan

38. On the first of the month following 60 days of continuous employment, eligible permanent Employees shall be enrolled in a dental plan which shall include orthodontic procedures coverage.

The premiums shall be cost shared on the basis of 90% by the Employer and 10% by the employee.

REGISTERED RETIREMENT SAVINGS PLAN

39. Upon the commencement date of hire, Permanent Employees shall enrol in the Employer's Group Registered Retirement Savings Plan.

- (1) All moneys remitted on behalf of the Employee shall be immediately vested with the Employee.
- (2) Employees cannot withdraw from the Group Registered Retirement Savings Plan until termination or retirement from their employment with the City of Whitehorse, with the exception of withdrawals for home ownership, Lifetime Learning Plan, and/or settlement from marriage break-ups.

Schedule "A" Employees

40. All permanent employees shall enrol in the Employer's Group Registered Retirement Savings Plan (RRSP) which is subject to the specific provisions of federal legislation. The minimum contribution is 14% of which the employer contributes 9% over salary and the employee contributes 5%.

LEAVES

41. Employees have access to a number of paid leaves within this bylaw. If the Employee exhausts the number of paid days available in this bylaw to cover a leave for a purpose that is substantially similar to a leave identified within the *Yukon Employment Standards Act*, time off without pay shall be provided up to the amount of days contained in such Act.

General Holidays

42. Employees will receive 13 designated general holidays with pay annually. For each such holiday, Employees will be paid their regular earnings. Employees will receive holiday pay even if the holiday falls on a Saturday, Sunday, or on an Employee's day of rest, the next working day shall serve as the general holiday. The designated general holidays shall be:

New Year's Day	Discovery Day
Sourdough Rendezvous Friday	Labour Day
Good Friday	Thanksgiving Day
Easter Monday	Remembrance Day
Victoria Day	Christmas Day
National Indigenous Peoples' Day	Boxing Day
Canada Day	

Management and Confidential Exclusion Bylaw 2020-30

And any other day declared or proclaimed a holiday by the Canadian or Yukon governments or the City of Whitehorse.

43. General Holiday pay provisions will prevail where an Employee, employed for a period of six months, is off work due to any circumstances for which compensation under the *Worker's Compensation Act* is receivable.
44. When a general holiday falls within an Employee's scheduled vacation, the Employee will receive one additional day of vacation leave in lieu of each such general holiday.

Vacation Leave

45. Employees with a continuous service date before October 1, 2016 and who receive pay for at least ten days in a calendar month are entitled to vacation leave in accordance with the following schedule:

For Employees with a Continuous Service Date before October 1, 2016	
Years of Service	Monthly Accrual
1 year and less than 2 years	11.66 hours
2 years and less than 5 years	14.58 hours
5 years and less than 10 years	17.50 hours
10 years and less than 20 years	20.42 hours
20 years and over	23.33 hours

46. Employees hired on October 1, 2016 or later and who receive pay for at least ten days in a calendar month are entitled to vacation leave in accordance with the following schedule:

For Employees with a Continuous Service Date of October 1, 2016 or later	
Years of Service	Monthly Accrual
1 year and less than 3 years	11.66 hours
3 years and less than 10 years	14.58 hours
10 years and less than 20 years	17.50 hours
20 years and over	20.42 hours

47. Employees are encouraged to use their accrued paid vacation time for rest, relaxation, and personal pursuits.
48. Employees may carry vacation leave credits forward for a maximum of two years. In the second pay in January of each year the Employer will pay Employees all unused accumulated vacation leave credits in excess of the number of days that were accumulated during the two-year period.
49. Vacation leave may not be taken until it has been earned, with the exception that an Employee who has completed at least one year of continuous service may be granted up to one week of vacation leave in advance.
50. The Employer shall make a reasonable effort to grant an Employee the period of vacation leave requested.

Management and Confidential Exclusion Bylaw 2020-30

51. Upon termination, permanent and probationary Employees shall be paid for all unused accumulated vacation leave, such payment to be calculated by multiplying the daily rate (based on the Employee's current salary) by the number of hours leave outstanding.

Non-Occupational Illness or Accident Leave

52. Upon completion of 90 days of continuous service all permanent employees shall be granted sick leave when the employee must be absent from work by reason of bona fide non-occupational illness or accident, medical, dental or health professional appointment.
53. In order to qualify for paid time off due to illness, Employees unable to report for scheduled shifts shall notify their immediate supervisor prior to the starting time of the working day or as soon after the beginning of the working day as possible.
54. On January 1 each year, Employees will be granted 10 Illness or Accident Leave days to be used for non-occupational illnesses less than six consecutive business days. The wage indemnity provisions of this bylaw shall govern absences in excess of six consecutive working shifts for all Employees when qualified.
55. Employees are required to use other accrued leaves pending a decision of qualification for Wage Indemnity. If the claim is approved, accrued leaves for the approved period will be reversed back to the Employee.
56. The Employer may require an Employee to undergo an independent medical examination or produce additional medical evidence (acceptable to the Employer) to substantiate any period of absence claimed to be illness.
57. Unused illness or accident leave at the end of the calendar year will not be carried over or paid out.

Special Leave

58. The City of Whitehorse recognises that there may be occasions when employees need to take time off work for reasons that do not necessarily fall under normal leave provisions.
59. Any special leave granted is always on the provision that it is subject to the operational needs of the work area of the particular employee and requires prior permission. The City Manager may delegate authority for the operation of this policy to a nominated individual, e.g. manager or director in accordance with local reporting procedures.
60. The aim of the Special Leave Policy is to provide a framework that enables employees to request a reasonable period of paid leave when personal circumstances occur.
61. It is recognised that it is not possible to cover all circumstances where special leave may be appropriate, therefore for specific examples please refer to the Special Leave Admin Directive or for exceptional circumstances, please contact the HR department.

Management and Confidential Exclusion Bylaw 2020-30

62. Employees are expected to use special leave with a view toward responsibly balancing their work and personal requirements.
63. Each month, Employees will be credited with 0.75 additional special leave days for each completed calendar month in which the Employee has received pay for at least an equivalent of 2 standard workweeks in the calendar month.
64. Special leave use is subject to the approval of the Employee's supervisor/ manager who may ask the nature of the leave and the length of the leave required. The supervisor/manager may also ask for proof of the need for the leave.

Restrictions

65. An Employee is not entitled to take special leave while the Employee is on:
 - (1) Pre-retirement vacation leave (this is the period of vacation leave often taken prior to retirement);
 - (2) Leave of absence without pay;
 - (3) Suspension; or
 - (4) Long-term disability benefits.
66. Special leave cannot be used to supplement/increase weekly indemnity, vacation, maternity, paternity, adoption, or parental leave.
67. Special leave days have no accrued value other than for authorized paid time off. There is no entitlement to have unused special leave days paid out at any time, including upon termination of employment for any reason. The maximum number of days within the Employee's special leave reserve is limited to 25 days at any given time, and special leave days will not accrue above 25 days at any given time.
68. Definition of family for special leave purposes:
 - spouse or common-law partner resident with the employee;
 - children (including foster children or children of spouse or common-law partner), stepchildren, son-in-law, daughter-in-law and grandchildren,
 - parents (including step-parents and foster-parents), father-in-law, mother-in-law, step-in-laws and grandparents;
 - brothers and sisters, brothers-in-law and sisters-in-law;
 - any relative residing in the employee's household or with whom the employee permanently resides

Injury on Duty Leave

69. Permanent Employees who are injured on the job and have their claim approved by the Yukon Workers' Health and Compensation Board (YWH&CB) shall be granted Injury on Duty Leave with pay for such reasonable period as may be determined by the YWH&CB.
70. Where such leave is granted, permanent Employees shall assign to the Employer all payment received from the Workers' Health and Compensation Board covering the

Management and Confidential Exclusion Bylaw 2020-30

period of Injury on Duty Leave. Non-permanent Employees on leave due to an approved YWH&CB claim will receive compensation directly from YWH&CB.

Maternity Leave

71. An Employee qualifying under the *Yukon Employment Standards Act* shall be entitled to request maternity leave in accordance with the provisions of the *Yukon Employment Standards Act*. The following provisions shall apply only to permanent employees:
- (1) After completion of one year of continuous employment, an employee who:
 - (a) Agrees to return to work for a period of at least six months after the expiry of maternity leave, and
 - (b) Provides the Employer with proof that she has applied for, is entitled to and in receipt of unemployment insurance benefits pursuant to the *Employment Insurance Act*, shall be paid a maternity leave allowance in accordance with the Supplementary Employment Insurance Benefit (SEIB) Plan.
 - (2) An employee under paragraph (1)(a) above shall sign an agreement with the Employer, providing that:
 - (a) She will return to work after the expiry of her maternity leave, unless this date is modified with the Employer's consent; and
 - (b) She will work for a period of at least six months after her return to work; and
 - (c) should the employee fail to return to work as per the provisions of subparagraphs (2)(a) and (b) above for reasons other than death, lay-off or disability, the employee agrees that she is indebted to the Employer for the full amount received as maternity leave allowance.
 - (3) In respect of the period of maternity leave, maternity leave allowance payments made according to the Supplementary Employment Insurance Benefit plan will consist of the following:
 - (a) Where the employee is subject to a waiting period of one week before receiving employment insurance maternity benefits, an allowance of ninety-three percent (93%) of her weekly rate of pay for each week of the waiting period, less any other monies earned during this period; and
 - (b) For up to a maximum of fifteen (15) weeks, payments equivalent to the difference between the Employment Insurance benefits that the employee received at the actual time of the maternity leave and ninety-three percent (93%) of her weekly rate of pay, less any other monies earned during this period.
 - (c) The duration of the allowance will be reduced by any time spent on short-term disability.

Management and Confidential Exclusion Bylaw 2020-30

- (d) Where an employee has received the full fifteen (15) weeks of maternity benefit under Employment Insurance and thereafter remains on maternity leave without pay, she is eligible to receive a further maternity allowance for a period of one week, equivalent to ninety-three per cent (93%) of her weekly rate of pay, less any other monies earned during this period.
- (4) The weekly rate of pay referred to in paragraph (3)(d) above shall be:
 - (a) for a full-time employee, the weekly rate of pay for the classification prescribed in her certificate of appointment to her position to which she is entitled on the day immediately preceding the commencement of her maternity leave;
 - (b) for a part-time employee, the weekly rate of pay for the classification prescribed in her certificate of appointment to her position to which she is entitled on the day immediately preceding the commencement of her maternity leave, multiplied by the fraction obtained by dividing the part-time employee's assigned regular weekly hours of work averaged over the preceding six (6) month period of continuous employment by the regularly scheduled full-time weekly hours of work for the employee's classification;
 - (c) where an employee becomes eligible for a pay increase or an economic adjustment during the SEIB Plan period set out in paragraph (3)(c) above, the employee's weekly rate of pay in sub-paragraphs (a) and (b) above shall be adjusted accordingly.
 - (5) A regular employee who is on lay-off status shall not be entitled to receive any allowance payment under the SEIB Plan pursuant to paragraph (3)(c) above.
 - (6) For the purpose of payments received under the Supplemental Employment Benefit Plan, the Plan shall provide that the employees have no vested right to payment under the plan except to payments during a period of unemployment specified in the plan.
 - (7) An employee's continuous service date will not be advanced by the amount of the maternity leave taken.
72. There shall be no duplication or overlap with the parental leave provisions of this bylaw.

Parental Leave

73. An Employee qualifying under the *Yukon Employment Standards Act* shall be entitled to request parental leave without pay in accordance with the provisions of the *Yukon Employment Standards Act*. There shall be no duplication or overlap with the maternity and adoption leave allowance provisions of this bylaw.

Management and Confidential Exclusion Bylaw 2020-30

74. In respect of the period of parental leave, parental leave allowance payments made according to the Supplementary Employment Insurance Benefit plan will consist of the following:
- (1) where the employee is subject to a waiting period of one week before receiving employment insurance parental benefits, an allowance of ninety-three percent (93%) of the employee's weekly rate of pay for the waiting period, less any other monies earned during this period. (An employee's continuous service date will not be advanced by the amount of the parental leave taken.

Compassionate Care Leave

75. An employee requesting a leave of absence for compassionate reasons in accordance with the *Employment Insurance Act* will be given special consideration, and may be required to substantiate the reason before beginning the leave, and where not possible, before returning to work.
76. Where the employee is subject to a waiting period of one week before receiving Employment Insurance compassionate care leave benefits, the Employer will provide an allowance according to the Supplementary Employment Insurance Benefit Plan of ninety-three percent (93%) of his/her weekly rate of pay for the waiting period, less any other monies earned during this period.
77. No employee shall lose seniority, nor will an employee's continuous service date be advanced.

Critical Illness Leave

78. An employee requesting a leave of absence for critical illness reasons of family in accordance with the *Employment Insurance Act* will be given special consideration, and may be required to substantiate the reason before beginning the leave, and where not possible, before returning to work.
79. Definition of 'family member' as defined in the Employment Insurance Regulations (Canada) – includes immediate family and other relatives, as well as other individuals considered to be like family, regardless of marriage, common-law partnership, or legal parent-child relationships.
80. Where the employee is subject to a waiting period of one week before receiving Employment Insurance Critical Illness leave benefits, the Employer will provide an allowance according to the Supplementary Employment Insurance Benefit Plan of ninety-three percent (93%) of his/her weekly rate of pay for the waiting period, less any other monies earned during this period.
81. No employee shall lose seniority, nor will an employee's continuous service date be advanced

Management and Confidential Exclusion Bylaw 2020-30

Court Leave

82. Employees summoned to jury duty, subpoenaed as a witness, or attending court proceedings and providing proof shall be granted leave with pay. It is understood that any compensation received in connection with these activities shall be remitted to the Employer.

Leave Without Pay

83. Following guidelines in the Administrative Directive and under special circumstances where operational efficiency will not be adversely affected, leave without pay may be granted to an Employee. All applications for leave without pay in excess of ten working days are subject to the City Manager's approval.
84. Except where provided otherwise by statute, an Employee who has been granted leave without pay which results in that Employee receiving less than the equivalent of two standard work weeks of pay in any calendar month may be required to prepay the full cost of medical and group insurance plan premiums in order to maintain benefit coverage for the period of leave as outlined in the Administrative Directive.
85. Except where provided otherwise by statute, Employees who have for any reason been granted leave without pay in excess of thirty (30) calendar days will have their increment date and Continuous Service date to be advanced by the total amount of leave taken.
86. Applications for leave without pay should be submitted at least 31 calendar days in advance of the intended commencement date of the leave if at all possible. The Employee shall receive written notification of the decision within 14 calendar days of the date of application.

Management Leave

87. In lieu of overtime, managers will receive two additional standard work weeks of management leave each year, credited on the first day of January in each year. Any Manager hired after January 1 will receive a pro-rated number of hours of management leave, based on the number of months remaining in the fiscal year. Any manager who leaves the employ of the City will have this time pro-rated for the remaining months in the year that will not be served and any used leave in advance will be repaid to the City.
88. Unused management leave credits will be converted to vacation credits as of December 31.

ALLOWANCES

Health Spending Allowance

89. As of January 1, 2020 all permanent Employees will be eligible to receive a health spending allowance each year to a maximum of \$1,500.00.
90. Submissions must be made by December 31st of each year to be eligible.

Management and Confidential Exclusion Bylaw 2020-30

91. The health spending allowance will be paid to the total amount of submitted receipts for health related spending for the Employee or any member of the Employee's immediate family, subject to approval by the City and any applicable policies or administrative directives.
92. Definition of Immediate Family for the purpose of the health spending allowance:
- spouse or common-law partner resident with the employee;
 - dependent children (including foster children or children of spouse or common-law partner).

Long Service Bonus

93. Permanent Employees with a continuous service date prior to October 1, 2016 are entitled to the following yearly long service bonus:

5 years and less than 10 years	2% of base salary
10 years and less than 15 years	3% of base salary
15 and more years of service	4% of base salary

94. The long service bonus shall become payable in the pay period containing the Employee's continuous service date.
95. Employees who are entitled to a long service bonus and who terminate prior to completion of a further full year of continuous service shall be entitled to a long service bonus on a pro rata basis proportional to the completed months of service since their last long service bonus entitlement date.
96. Employees with a continuous service date on or after October 1, 2016, at the completion of each five-year interval (e.g., five years, 10, 15 etc.), are entitled to one week of long service leave on the anniversary date, to be used over the next five years. Unused long service leave will be paid out at the end of five years.

Retirement Allowance

97. An Employee who retires from employment at the city in accordance with the relevant Administrative Directive will receive a retirement allowance in the amount of two weeks' pay for the first completed year of service and one week's pay for each succeeding complete year of employment to a maximum of 28 weeks, less any period in respect of which severance, retirement or resignation allowance was previously granted.

Resignation Allowance (non-culpable)

98. An Employee with a continuous service date before October 1, 2016 who has five or more years of continuous service shall on resignation receive a resignation allowance in the amount of two weeks' pay for the first completed year of service and one week's pay for each succeeding complete year of employment to a maximum of 28 weeks, less any period in which the Employee was previously granted severance, retirement or resignation allowance.

Management and Confidential Exclusion Bylaw 2020-30

99. Employees with a continuous service date on or after October 1, 2016 shall not be eligible for a resignation allowance.

Yukon Bonus

100. Permanent Full-time Employees with one or more years of continuous service will receive an annual Yukon Bonus travel benefit in the amount of \$2,900.00. Terminating Employees are entitled to a payment on a pro-rated basis proportional to the number of completed months of service since their last eligibility date.
101. Unless the employee provides written direction otherwise to the Employer, the Yukon Bonus travel benefit shall be paid out as a taxed benefit. Such benefit shall be automatically paid out in the pay period immediately following the entitlement date and prior to December 31st of each year.

DISCIPLINE, SUSPENSION AND TERMINATION

102. Termination of employment for the purposes of this bylaw is also deemed to be the revocation of the appointment of the Employee (as applicable). Subject to the terms of this bylaw or any applicable legislation, the discipline, suspension and termination of employment of an Employee shall be governed by the terms of this bylaw.
103. The City may discipline an Employee for any material breach of this bylaw or any other City bylaw or resolution, any material breach of any of the City's policies, procedures, administrative directives and practices, and any other conduct deemed by the City to be inappropriate for an Employee.
104. When imposing discipline on an Employee, the City shall attempt to correct behaviour through the application of progressive discipline. However, it is within the sole discretion of the City to determine the level of discipline appropriate under each circumstance including verbal warnings, written warnings, demotions, suspensions with or without pay and termination of employment.
105. Pursuant to section 189 of the *Municipal Act*, an Employee may appeal in writing to council within five working days of a disciplinary suspension with cause under this section pursuant to section 184 of the *Municipal Act*.
- (1) After hearing the Employee and others as council deems necessary, council shall extend, reduce, or confirm the suspension, or overturn the suspension and/or reinstate the Employee.
 - (2) The City's internal procedural obligations pursuant to this provision shall be fully discharged, and the rights of the Employee fully and fairly satisfied if the Employee has been provided written notice summarizing the reasons for the suspension and the opportunity to provide written submissions to council prior to a decision being made.
 - (3) The City may invoke non-disciplinary leaves with or without pay pending investigation and such non-disciplinary leaves do not constitute discipline, a suspension or termination/dismissal for the purposes of this section of the Bylaw until a decision to impose discipline or termination is made and communicated

Management and Confidential Exclusion Bylaw 2020-30

to the employee. For greater clarity, there is no entitlement to appeal to Council for non-disciplinary leaves invoked by the City.

106. The employment relationship between the City and the Employee may be terminated in any of the following manners:
 - (1) By written agreement between the City and the Employee.
 - (2) By the Employee, upon providing one month's written notice of resignation to the City. The City may waive such notice in whole or in part and if it does so then the Employee shall be entitled to payment of salary in lieu of any of the remaining one month's notice.
 - (3) By the Employee retiring pursuant to the retirement allowance provision in this bylaw.
 - (4) By the City, at any time without any notice or pay in lieu of notice, for Cause. "Cause" shall include, but not be limited to:
 - (a) conduct by the Employee that brings or has the potential to bring the City or its representatives into public disrepute or ridicule;
 - (b) unauthorized disclosure of confidential information or documents received or obtained by Employee in the course of employment without the written consent of council;
 - (c) use of such confidential information or documentation for the Employee's benefit or gain;
 - (d) significant or repetitive breaches of the City's bylaws, resolutions, policies, procedures, administrative directives, or practices; and
 - (e) any conduct that would constitute just cause for termination pursuant to the common law governing employment contracts.
107. The Employee may appeal in writing to council within five working days of a termination for cause.
 - (1) The City's internal procedural obligations pursuant to this provision shall be fully discharged and the rights of the Employee fully and fairly satisfied if the Employee has been provided with a written notice summarizing the reasons for the cause and the opportunity to provide written submissions to Council.
 - (2) Council shall confirm the termination for cause, substitute the termination for cause with a termination without cause, reinstate the employee with no discipline, reinstate the employee with a warning or period of suspension, and may impose any conditions deemed appropriate.
108. For Employees other than casual and temporary Employees, the employment relationship may be terminated by the City for any reason at its sole discretion, on a without cause basis, by providing the Employee three months of notice during the first two years of employment plus one additional month of notice for each completed year of employment commencing upon completion of two years of employment, up to a maximum total notice of twelve months.

Management and Confidential Exclusion Bylaw 2020-30

- (1) The City may at its sole discretion provide notice as written working notice, payment of base salary in lieu of notice, or any equivalent combination of written notice and base salary in lieu of notice.
 - (2) The City may at its sole discretion provide the payment of base salary in lieu of notice through salary continuance instalments and make such payments conditional on the Employee taking reasonable steps to search for new employment.
 - (a) The City may at its sole discretion cease salary continuance payments upon the Employee obtaining new employment or income.
 - (3) The provision to the Employee of any payment of salary in lieu of notice greater than the minimum notice required by the *Employment Standards Act* is conditional on the Employee providing a signed release from any legal claims against the City and confidentiality agreement about the affairs of the City in a form satisfactory to the City.
109. The employment of Temporary Employees will terminate at the end of the fixed term established by the City for the Temporary Employee unless terminated earlier by the City providing the minimum notice or pay in lieu of notice required by the *Employment Standards Act* (if any).
 110. Unless otherwise agreed to in writing by the City, there is no obligation to provide any amount of work to Casual Employees, continue their employment for any period of time or provide any notice of termination of employment or pay in lieu of notice, unless otherwise required by the *Employment Standards Act* and then only the minimum entitlement will be provided.
 111. Where notice is required pursuant to this bylaw and any applicable laws, all of the City's obligations related to the employment of an Employee and this bylaw are fully discharged and the rights of the Employee fully and fairly satisfied upon the City providing the greater of the notice or pay in lieu of notice pursuant to this section and the minimum entitlement pursuant to the *Employment Standards Act*. All notice pursuant to this section is inclusive of the entitlements pursuant to the *Employment Standards Act*.
 112. It is within the sole discretion of the City to elect to continue all or any part of the remuneration and benefits of an Employee during a period of suspension pursuant to this bylaw including any suspension that is under appeal.
 113. If the employment relationship is terminated in accordance with this section then all remuneration and benefits shall cease immediately upon the effective date of termination unless expressly stated otherwise in this bylaw, agreed to in writing by the City or required by the *Employment Standards Act*, and the Employee shall have no further legal claim of any kind against the City arising out of the termination of employment or arising out of this bylaw.
 114. There are no procedural or appeal rights other than as expressly stated in this section of this bylaw.

Management and Confidential Exclusion Bylaw 2020-30

GENERAL PROVISIONS

115. Employees required by the Employer to complete a driver's examination during their regular work schedule will be paid for their time at the applicable rate of pay.
116. If, in the opinion of the Employer, a medical examination of an Employee is required, the Employee will be paid for the time spent with the doctor and the cost of the examination shall be borne by the City.
117. Any Employee suffering injury while on the job must report immediately, or as soon as practicable, to the Supervisor, his replacement or the nearest medical officer.
118. Conflict of interest rules as set out in Council's Employee Code of Conduct Policy will apply to all Employees.
119. The City Manager may choose to grant to an Employee additional discretionary benefits over and above those described by this bylaw, if he or she, further to consultation with Human Resources, is satisfied that special circumstances warrant such a decision.
120. To encourage use of public transit and the Canada Games Centre, the Employer shall reimburse 50% of the cost of a pass on the city operated public transit system and fifty percent (50%) of the cost for an Employee to purchase a membership pass (single or family) for the Canada Games Centre. For the purposes of this section, family means an Employee's spouse and children living in the Employee's residence.

Management and Confidential Exclusion Bylaw 2020-30

SCHEDULE "A"

Management Employees	Job Code	Salary Range
Director Community and Recreation Services	168	19
Director Corporate Services	033	19
Director Development Services	171	19
Director Infrastructure & Operations	034	19
Associate Manager, Engineering Services	186	17
Deputy Fire Chief	167	17
Fire Chief	049	18
Manager Business and Technology Systems	078	17
Manager Bylaw Services	071	17
Manager Engineering Services	072	18
Manager Financial Services	077	18
Manager Human Resources	073	17
Manager Land and Building Services	246	18
Manager Legislative Services	220	17
Manager Operations	179	18
Manager Parks and Community Development	206	17
Manager Planning and Sustainability Services	249	18
Manager Recreation and Facility Services	175	18
Manager Strategic Communications	149	16
Manager Transit Services	130	17
Manager Water and Waste Services	208	18

Management and Confidential Exclusion Bylaw 2020-30

Schedule "A" – Management Employees			
Effective January 1, 2019 to December 31, 2019			
2.6% Increase		35 Hours per Week	
		Minimum	Maximum
Director Community and Recreation Services	Hourly	\$72.99	\$89.84
	Annual	\$133,291.42	\$164,062.21
Director Corporate Services	Hourly	\$72.99	\$89.84
	Annual	\$133,291.42	\$164,062.21
Director Development Services	Hourly	\$72.99	\$89.84
	Annual	\$133,291.42	\$164,062.21
Director Infrastructure and Operations	Hourly	\$72.99	\$89.84
	Annual	\$133,291.42	\$164,062.21
Associate Manager, Engineering Services	Hourly	\$61.13	\$68.85
	Annual	\$111,633.16	\$125,731.12
Deputy Fire Chief	Hourly	\$61.13	\$68.85
	Annual	\$111,633.16	\$125,731.12
Fire Chief	Hourly	\$66.79	\$75.25
	Annual	\$121,987.49	\$137,418.54
Manager Business and Technology Systems	Hourly	\$61.13	\$68.85
	Annual	\$111,633.16	\$125,749.38
Manager Bylaw Services	Hourly	\$61.13	\$68.85
	Annual	\$111,633.16	\$125,749.38
Manager Engineering Services	Hourly	\$66.79	\$75.25
	Annual	\$121,987.49	\$137,418.54
Manager Financial Services	Hourly	\$66.79	\$75.25
	Annual	\$121,987.49	\$137,418.54
Manager Human Resources	Hourly	\$61.13	\$68.85
	Annual	\$111,633.16	\$125,749.38
Manager Land and Building Services	Hourly	\$66.79	\$75.25
	Annual	\$121,987.49	\$137,418.54

Management and Confidential Exclusion Bylaw 2020-30

Schedule "A" – Management Employees			
Effective January 1, 2019 to December 31, 2019			
2.6% Increase		35 Hours per Week	
		Minimum	Maximum
Manager Legislative Services	Hourly	\$61.13	\$68.85
	Annual	\$111,633.16	\$125,749.38
Manager Operations	Hourly	\$66.79	\$75.25
	Annual	\$121,987.49	\$137,418.54
Manager Parks and Community Development	Hourly	\$61.13	\$68.85
	Annual	\$111,633.16	\$125,749.38
Manager Planning and Sustainability Services	Hourly	\$66.79	\$75.25
	Annual	\$121,987.49	\$137,418.54
Manager Recreation and Facility Services	Hourly	\$66.79	\$75.25
	Annual	\$121,987.49	\$137,418.54
Manager Strategic Communications	Hourly	\$55.96	\$63.05
	Annual	\$102,191.91	\$115,139.39
Manager Transit Services	Hourly	\$61.13	\$68.85
	Annual	\$111,633.16	\$125,749.38
Manager Water and Waste Services	Hourly	\$66.79	\$75.25
	Annual	\$121,987.49	\$137,418.54

Management and Confidential Exclusion Bylaw 2020-30

Schedule "A" – Management Employees			
Effective January 1, 2020 to date of bylaw passing			
Increase for 2020 is the greater of 1.25% or CPI			
		35 Hours per Week	
		Minimum	Maximum
Director Community and Recreation Services	Hourly	\$74.89	\$92.17
	Annual	\$136,761.12	\$168,335.43
Director Corporate Services	Hourly	\$74.89	\$92.17
	Annual	\$136,761.12	\$168,335.43
Director Development Services	Hourly	\$74.89	\$92.17
	Annual	\$136,761.12	\$168,335.43
Director Infrastructure and Operations	Hourly	\$74.89	\$92.17
	Annual	\$136,761.12	\$168,335.43
Associate Manager, Engineering Services	Hourly	\$62.72	\$70.65
	Annual	\$114,536.76	\$129,018.20
Deputy Fire Chief	Hourly	\$62.72	\$70.65
	Annual	\$114,536.76	\$129,018.20
Fire Chief	Hourly	\$68.53	\$77.20
	Annual	\$125,146.74	\$140,997.81
Manager Business and Technology Systems	Hourly	\$62.72	\$70.65
	Annual	\$114,536.76	\$129,018.20
Manager Bylaw Services	Hourly	\$62.72	\$70.65
	Annual	\$114,536.76	\$129,018.20
Manager Engineering Services	Hourly	\$68.53	\$77.20
	Annual	\$125,146.74	\$140,997.81
Manager Financial Services	Hourly	\$68.53	\$77.20
	Annual	\$125,146.74	\$140,997.81
Manager Human Resources	Hourly	\$62.72	\$70.65
	Annual	\$114,536.76	\$129,018.20
Manager Land and Building Services	Hourly	\$68.53	\$77.20
	Annual	\$125,146.74	\$140,997.81

Management and Confidential Exclusion Bylaw 2020-30

Schedule "A" – Management Employees			
Effective January 1, 2020 to date of bylaw passing			
Increase for 2020 is the greater of 1.25% or CPI			
		35 Hours per Week	
		Minimum	Maximum
Manager Legislative Services	Hourly	\$62.72	\$70.65
	Annual	\$114,536.76	\$129,018.20
Manager Operations	Hourly	\$68.53	\$77.20
	Annual	\$125,146.74	\$140,997.81
Manager Parks and Community Development	Hourly	\$62.72	\$70.65
	Annual	\$114,536.76	\$129,018.20
Manager Planning and Sustainability Services	Hourly	\$68.53	\$77.20
	Annual	\$125,146.74	\$140,997.81
Manager Recreation and Facility Services	Hourly	\$68.53	\$77.20
	Annual	\$125,146.74	\$140,997.81
Manager Strategic Communications	Hourly	\$57.41	\$64.69
	Annual	\$104,858.11	\$118,134.29
Manager Transit Services	Hourly	\$62.72	\$70.65
	Annual	\$114,536.76	\$129,018.20
Manager Water and Waste Services	Hourly	\$68.53	\$77.20
	Annual	\$125,146.74	\$140,997.81

Management and Confidential Exclusion Bylaw 2020-30

Schedule "A" – Management Employees			
Effective date of bylaw passing to December 31, 2020			
Increase for 2020 is market rate plus the greater of 1.25% or CPI			
Market Rate	37.5 Hours per Week		
	Minimum	Maximum	
Director Community and Recreation Services	Hourly	\$81.01	\$99.95
	Annual	\$158,504.17	\$195,562.17
Director Corporate Services	Hourly	\$81.01	\$99.95
	Annual	\$158,504.17	\$195,562.17
Director Development Services	Hourly	\$81.01	\$99.95
	Annual	\$158,504.17	\$195,562.17
Director Infrastructure and Operations	Hourly	\$81.01	\$99.95
	Annual	\$158,504.17	\$195,562.17
Associate Manager, Engineering Services	Hourly	\$55.56	\$72.62
	Annual	\$108,708.70	\$142,088.29
Deputy Fire Chief	Hourly	\$55.95	\$68.16
	Annual	\$109,471.77	\$133,361.86
Fire Chief	Hourly	\$62.70	\$80.37
	Annual	\$122,678.82	\$157,251.94
Manager Business and Technology Systems	Hourly	\$61.11	\$76.39
	Annual	\$119,567.83	\$149,464.67
Manager Bylaw Services	Hourly	\$59.34	\$74.79
	Annual	\$116,104.64	\$146,334.11
Manager Engineering Services	Hourly	\$66.99	\$84.29
	Annual	\$131,072.63	\$164,921.81
Manager Financial Services	Hourly	\$67.79	\$84.68
	Annual	\$132,637.91	\$165,684.89
Manager Human Resources	Hourly	\$64.68	\$84.09
	Annual	\$126,552.89	\$164,530.49
Manager Land and Building Services	Hourly	\$60.52	\$75.39
	Annual	\$118,413.43	\$147,508.07

Management and Confidential Exclusion Bylaw 2020-30

Schedule "A" – Management Employees			
Effective date of bylaw passing to December 31, 2020			
Increase for 2020 is market rate plus the greater of 1.25% or CPI			
Market Rate	37.5 Hours per Week		
	Minimum	Maximum	
Manager Legislative Services	Hourly	\$55.46	\$68.92
	Annual	\$108,513.04	\$134,848.87
Manager Operations	Hourly	\$62.20	\$77.98
	Annual	\$121,700.52	\$152,575.67
Manager Parks and Community Development	Hourly	\$56.91	\$71.36
	Annual	\$111,350.11	\$139,622.98
Manager Planning and Sustainability Services	Hourly	\$60.52	\$75.39
	Annual	\$118,413.43	\$147,508.07
Manager Recreation and Facility Services	Hourly	\$57.01	\$71.41
	Annual	\$111,545.77	\$139,720.81
Manager Strategic Communications	Hourly	\$70.69	\$84.16
	Annual	\$138,312.05	\$164,667.46
Manager Transit Services	Hourly	\$56.44	\$75.49
	Annual	\$110,430.50	\$147,703.73
Manager Water and Waste Services	Hourly	\$61.93	\$78.29
	Annual	\$121,172.24	\$153,182.21

Management and Confidential Exclusion Bylaw 2020-30

Schedule "A" – Management Employees			
Effective January 1, 2021 to December 31, 2021			
Increase for 2021 is 1.25% or CPI			
New schedules will be issued annually for CPI			
1.25% Increase	37.5 Hours per Week		
		Minimum	Maximum
Director Community and Recreation Services	Hourly	\$82.02	\$101.20
	Annual	\$160,499.90	\$198,007.92
Director Corporate Services	Hourly	\$82.02	\$101.20
	Annual	\$160,499.90	\$198,007.92
Director Development Services	Hourly	\$82.02	\$101.20
	Annual	\$160,499.90	\$198,007.92
Director Infrastructure and Operations	Hourly	\$82.02	\$101.20
	Annual	\$160,499.90	\$198,007.92
Associate Manager, Engineering Services	Hourly	\$56.25	\$73.53
	Annual	\$110,078.32	\$143,868.80
Deputy Fire Chief	Hourly	\$56.65	\$69.01
	Annual	\$110,841.39	\$135,044.53
Fire Chief	Hourly	\$63.48	\$81.37
	Annual	\$124,224.53	\$159,228.11
Manager Business and Technology Systems	Hourly	\$61.87	\$77.34
	Annual	\$121,074.41	\$151,343.01
Manager Bylaw Services	Hourly	\$60.08	\$75.72
	Annual	\$117,572.09	\$148,173.32
Manager Engineering Services	Hourly	\$67.83	\$85.34
	Annual	\$132,716.18	\$166,995.81
Manager Financial Services	Hourly	\$68.64	\$85.74
	Annual	\$134,301.02	\$167,758.88
Manager Human Resources	Hourly	\$65.49	\$85.14
	Annual	\$128,137.73	\$166,604.49
Manager Land and Building Services	Hourly	\$61.28	\$76.33
	Annual	\$119,900.45	\$149,366.84

Management and Confidential Exclusion Bylaw 2020-30

Schedule "A" – Management Employees			
Effective January 1, 2021 to December 31, 2021			
Increase for 2021 is 1.25% or CPI			
New schedules will be issued annually for CPI			
1.25% Increase	37.5 Hours per Week		
		Minimum	Maximum
Manager Legislative Services	Hourly	\$56.15	\$69.78
	Annual	\$109,882.66	\$136,551.11
Manager Operations	Hourly	\$62.98	\$78.95
	Annual	\$123,226.67	\$154,493.14
Manager Parks and Community Development	Hourly	\$57.62	\$72.25
	Annual	\$112,758.86	\$141,383.92
Manager Planning and Sustainability Services	Hourly	\$61.28	\$76.33
	Annual	\$119,900.45	\$149,366.84
Manager Recreation and Facility Services	Hourly	\$57.72	\$72.30
	Annual	\$112,954.52	\$141,481.75
Manager Strategic Communications	Hourly	\$71.57	\$85.21
	Annual	\$140,053.43	\$166,741.45
Manager Transit Services	Hourly	\$57.15	\$76.43
	Annual	\$111,819.69	\$149,562.50
Manager Water and Waste Services	Hourly	\$62.70	\$79.27
	Annual	\$122,698.39	\$155,099.68

Management and Confidential Exclusion Bylaw 2020-30

Schedule "A" – Management Employees			
Effective January 1, 2022 to December 31, 2022			
Increase for 2022 is 1.25% or CPI			
New schedules will be issued annually for CPI			
1.25% Increase	37.5 Hours per Week		
		Minimum	Maximum
Director Community and Recreation Services	Hourly	\$83.05	\$102.46
	Annual	\$162,495.63	\$200,492.80
Director Corporate Services	Hourly	\$83.05	\$102.46
	Annual	\$162,495.63	\$200,492.80
Director Development Services	Hourly	\$83.05	\$102.46
	Annual	\$162,495.63	\$200,492.80
Director Infrastructure and Operations	Hourly	\$83.05	\$102.46
	Annual	\$162,495.63	\$200,492.80
Associate Manager, Engineering Services	Hourly	\$56.96	\$74.45
	Annual	\$111,447.94	\$145,668.87
Deputy Fire Chief	Hourly	\$57.36	\$69.87
	Annual	\$112,230.58	\$136,727.21
Fire Chief	Hourly	\$64.28	\$82.39
	Annual	\$125,770.25	\$161,223.84
Manager Business and Technology Systems	Hourly	\$62.65	\$78.31
	Annual	\$122,580.99	\$153,240.91
Manager Bylaw Services	Hourly	\$60.83	\$76.67
	Annual	\$119,039.54	\$150,032.09
Manager Engineering Services	Hourly	\$68.68	\$86.41
	Annual	\$134,379.29	\$169,089.37
Manager Financial Services	Hourly	\$69.50	\$86.81
	Annual	\$135,983.70	\$169,872.01
Manager Human Resources	Hourly	\$66.31	\$86.21
	Annual	\$129,742.15	\$168,678.49
Manager Land and Building Services	Hourly	\$62.04	\$77.29
	Annual	\$121,407.03	\$151,225.61

Management and Confidential Exclusion Bylaw 2020-30

Schedule "A" – Management Employees			
Effective January 1, 2022 to December 31, 2022			
Increase for 2022 is 1.25% or CPI			
New schedules will be issued annually for CPI			
1.25% Increase		37.5 Hours per Week	
		Minimum	Maximum
Manager Legislative Services	Hourly	\$56.86	\$70.65
	Annual	\$111,252.28	\$138,253.36
Manager Operations	Hourly	\$63.76	\$79.94
	Annual	\$124,772.38	\$156,430.17
Manager Parks and Community Development	Hourly	\$58.34	\$73.16
	Annual	\$114,167.61	\$143,144.86
Manager Planning and Sustainability Services	Hourly	\$62.04	\$77.29
	Annual	\$121,407.03	\$151,225.61
Manager Recreation and Facility Services	Hourly	\$58.44	\$73.21
	Annual	\$114,363.27	\$143,242.69
Manager Strategic Communications	Hourly	\$72.47	\$86.28
	Annual	\$141,794.80	\$168,815.45
Manager Transit Services	Hourly	\$57.86	\$77.39
	Annual	\$113,208.88	\$151,421.27
Manager Water and Waste Services	Hourly	\$63.49	\$80.26
	Annual	\$124,224.53	\$157,036.72

SECTION TWO CONFIDENTIAL EXCLUSION

ATTENDANCE AND HOURS OF WORK

121. Salary ranges for Employee's covered by Section Two of this bylaw are set out in Schedule B".
122. Each standard work day will include a one-hour unpaid meal break (scheduled as close to the mid-point of the work day as possible) and two 15-minute rest breaks (scheduled approximately mid-way through each half day).
123. When determined to be an operational necessity, the City Manager may require Employees to work non-standard days and hours. It is a condition of employment that all Employees covered under this bylaw will be available for unscheduled work duties.
124. Employees and the Employer by mutual agreement may introduce daily flexible work hours so long as such arrangements do not result in additional costs/premiums, and without interrupting the delivery of City services or otherwise reducing the resources necessary to meet operational requirements.
125. Confidential Exclusion Employees who are required to work outside of their standard hours of work will be paid at the prevailing rate of pay for the actual time spent at work.
126. Employees who have the approval of their direct manager and who are required to attend conferences or any training/ professional development courses required to maintain the certifications specified in the Position Description during non-standard work hours will be paid at straight time for the actual time spent at the conference or attending training/professional development courses.

SALARIES, CLASSIFICATIONS

127. Employees covered by this bylaw will be paid in accordance with the classifications and salary ranges set out in Section Two Schedule "B" which forms part of this bylaw. No qualified Employee shall receive less than the minimum rate specified for the position.
128. Where an existing classification or position is modified or a new classification or position is created by the City to address operational needs, budgetary constraints or to fulfil human resources objectives, the classification for the position will be determined through the City's job evaluation committee, salary range is determined by market.
129. If market realities demonstrate a significant deviation from the City's pay rates as detailed in this bylaw then a temporary market adjustment can be established for the position that will be reviewed and amended each time this bylaw is renewed.
130. In extraordinary circumstances and for bone fide emergencies, Employees may be paid in excess of the established pay rate at the discretion of the City Manager.

Management and Confidential Exclusion Bylaw 2020-30

131. Prior to receiving any pay, all Employees covered under this bylaw will take and subscribe the oath or affirmation set out in Attachment "B".
132. Pay for Employees covered under this bylaw will be direct deposited every second Wednesday. Employees will receive a statement indicating total pay and deductions for each pay period.

Overtime

133. Confidential Exclusion employees are eligible for overtime accruals and pay according to this section.
134. Approved hours of overtime will be paid or accrued as compensatory time at the following rates:
 - (1) Time and one-half for the first two hours outside the regular shift and double time thereafter.
 - (2) Time and one-half for the first seven hours, as applicable, worked on an Employee's first day of rest, and double time thereafter.
 - (3) Double time for all hours worked on an Employee's second day of rest or any general holiday or day observed as such under the terms of this bylaw, or if instructed by the Employer to return to work while on annual vacation.
 - (4) Double time pay for working on a general holiday (or day observed as such) is in addition to any general holiday pay that an Employee may be entitled to under other provisions of this bylaw.
135. Confidential Exclusion Employees required to work:
 - (1) through the regular established lunch period shall be paid the applicable overtime rate for the time of the lunch period and also be given ½ hour to consume the meal before or after the regular lunch period at the regular rate of pay;
 - (2) overtime which is arranged prior to the completion of their regular shift, and scheduled to be worked prior to the commencement of their next regular shift (excluding days of rest and general holidays), shall be paid according to this section;
 - (3) on their scheduled day of rest, or on a general holiday or day observed as such, shall receive a minimum of four hours pay at the prevailing overtime rate.
136. Confidential Exclusion Employees called-out to work outside their regular shift shall be paid for a minimum of four hours at the prevailing overtime rate, except when called-out immediately prior to their regular starting time shall be paid at time and one-half for a minimum of two hours.

Management and Confidential Exclusion Bylaw 2020-30

Compensatory Leave

137. Overtime hours earned by an employee may at the employee's option be accrued as compensatory leave at the applicable overtime provision. In any calendar year, employees may only use a maximum equivalent of three standard work weeks of compensatory leave for leave requests.
138. Any remaining compensatory leave shall be paid out at a time convenient to the employee subject to the following restrictions;
 - (1) Compensatory leave credits, which remain unused at the end of the calendar year, may be carried over into the following year.
 - (2) Carried over credits which remain unused at August 31 of the current year shall be paid by the employer.
139. Compensatory leave shall be approved for leave requests of a minimum of one hour or greater subject to the operating requirements of the Employer.

Performance Evaluation

140. A performance review and evaluation of each Employee will be conducted annually.

Performance Reward

141. The Employer may grant Employees a performance award as defined in the relevant administrative directive.

Acting Pay

142. Employees who are temporarily assigned to a higher paying position/ classification shall receive an additional 5% of their salary or the minimum salary range for the new classification (whichever is higher), for all hours worked in the position. Acting pay will continue for all days worked during the full period of the assignment (including statutory holidays). Employees on an approved absence during an acting assignment will be paid at their regular rate of pay as defined in the Acting Assignment Administrative Directive.
143. Employees requested to assume the duties of a manager, director or City Manager, or whose job descriptions outline this responsibility, will be paid at the appropriate salary range for all hours worked in the position. The Employee will receive either an increase of 10% or Step 1 of the salary range for the higher classification, whichever is greater and subject to the approval of the City Manager. Under no circumstances will the Employee receive more than the maximum for the range.

Increment Date

144. Confidential Exclusion employees not at the top of the pay range will have their annual salary reviewed on their increment date. Satisfactory performance will result in the Employee moving up to the next Step up to the maximum for that Range.

Management and Confidential Exclusion Bylaw 2020-30

145. The increment date of an employee shall be the anniversary of the date of commencement of continuous service except that where an employee has been reclassified with a resulting salary increase or promotion, the increment date shall become the anniversary of the date of reclassification or promotion.

Promotion

146. Upon promotion to a higher classified position, an Employee will either receive the minimum salary rate of the applicable range for the new position or a salary increase of 10%.

Reclassification

147. When an Employee's position is reclassified to a higher salary range, the Employee will be granted a 5% salary increase, not to exceed the maximum of the new range. Where the minimum of the new salary range is more than 5% above the Employee's previous salary, the Employee will receive the minimum of the new range as outlined in the Job Evaluation Plan.
148. Employees will not have a salary reduction if their position is reclassified downward. However, the Employee will not be eligible for further wage increases until such time as their salary is less than the maximum of the reclassified range.
149. When an Employee's position is reclassified but remains in the existing salary range, the Employee's salary will remain unchanged.

Retroactive Pay

150. Employees who die or retire during a period covered by a retroactive pay adjustment will receive, or their estate shall receive, any salary benefit accruing.

ILLNESS

Wage Indemnity

151. Employees claiming non-occupational illness or accident for more than six consecutive days must apply for Wage Indemnity. The City's benefit carrier will determine whether the Wage Indemnity Policy entitlement conditions are met. Questions as to whether an Employee has met the Wage Indemnity Policy entitlement conditions shall be a matter between the Employee and the claims adjudicator.

Management and Confidential Exclusion Bylaw 2020-30

153. If the Wage Indemnity claim is approved, Employees are entitled to time off with pay for a maximum of 17 weeks from the first day of hospitalization, accident or approved illness in accordance with the following schedule:

Wage Indemnity Entitlements for Approved Claims	
Completed Continuous Employment	Maximum Benefits
First 90 days	No provision
90 days to 1 year less 1 day	4 weeks at full pay, 13 weeks at 2/3 pay
1 year to 2 years less 1 day	7 weeks at full pay, 10 weeks at 2/3 pay
2 years to 3 years less 1 day	10 weeks at full pay, 7 weeks at 2/3 pay
3 years to 4 years less 1 day	13 weeks at full pay, 4 weeks at 2/3 pay
Over 4 years	17 weeks at full pay

154. Successive periods of disability separated by less than 30 days of continuous employment will be considered one period of disability at the discretion of the claims adjudicator.

Long Term Disability

155. Employees who are continuously disabled due to a non-occupational illness or accident for a period in excess of 17 weeks may be eligible to receive Long Term Disability payments. The claims adjudicator will determine whether an Employee is eligible to receive long-term disability payments under the provisions of the long-term disability plan. Any questions regarding an Employee's eligibility for long-term disability benefits shall be a matter between the Employee and the claims adjudicator. Such matters must be pursued under the terms of the long-term disability plan.
156. Long Term Disability payments shall continue until the Employee is able to return to full time employment, reaches age 65, or ceases to meet the entitlement conditions of the insurer, whichever is earlier.
157. 100% of the Long Term Disability premium will be paid by the Employee.

Schedule "B" Employees

158. Payments will be based upon 60% of the monthly earnings to a maximum benefit of \$4,000.00 per month.

MEDICAL AND GROUP INSURANCE

Basic Medical Insurance

159. All Employees, whether full time, part time, or casual, shall participate in the Yukon Health Care Insurance Plan unless otherwise exempted.

Management and Confidential Exclusion Bylaw 2020-30

Extended Health, Life and AD&D;

160. On the first of the month following 60 days of continuous employment, permanent Employees eligible for Group Benefit Coverage will be enrolled in the following benefits:

- Extended Health Care Plan;
- Group Life Insurance \$25,000 or one times the employee's annual salary, whichever is greater;
- Accidental Death and Dismemberment Insurance \$100,000.00.

The premiums shall be cost shared on the basis of 90% by the Employer and 10% by the employee.

Dental Plan

161. On the first of the month following 60 days of continuous employment, eligible permanent Employees shall be enrolled in a dental plan which shall include orthodontic procedures coverage.

The premiums shall be cost shared on the basis of 90% by the Employer and 10% by the employee.

REGISTERED RETIREMENT SAVINGS PLAN

162. Upon the commencement date of hire, Permanent Employees shall enrol in the Employer's Group Registered Retirement Savings Plan.

- (1) All moneys remitted on behalf of the Employee shall be immediately vested with the Employee.
- (2) Employees cannot withdraw from the Group Registered Retirement Savings Plan until termination or retirement from their employment with the City of Whitehorse, with the exception of withdrawals for home ownership, Lifetime Learning Plan, and/or settlement from marriage break-ups.

163. All permanent Schedule "B" employees shall enrol in the Employer's Group Registered Retirement Savings Plan (RRSP) which is subject to the specific provisions of federal legislation. The minimum contribution is 12.5% of which the employer contributes 8% over salary and the employee contributes 4.5%.

LEAVES

164. Employees have access to a number of paid leaves within this bylaw. If the Employee exhausts the number of paid days available in this bylaw to cover a leave for a purpose that is substantially similar to a leave identified within the *Yukon Employment Standards Act*, time off without pay shall be provided up to the amount of days contained in such Act.

Management and Confidential Exclusion Bylaw 2020-30

General Holidays

165. Employees will receive 13 designated general holidays with pay annually. For each such holiday, Employees will be paid their regular earnings. Employees will receive holiday pay even if the holiday falls on a Saturday, Sunday, or on an Employee's day of rest, the next working day shall serve as the general holiday. The designated general holidays shall be:

New Year's Day	Discovery Day
Sourdough Rendezvous Friday	Labour Day
Good Friday	Thanksgiving Day
Easter Monday	Remembrance Day
Victoria Day	Christmas Day
National Indigenous Peoples' Day	Boxing Day
Canada Day	

and any other day declared or proclaimed a holiday by the Canadian or Yukon governments or the City of Whitehorse.

166. General Holiday pay provisions will prevail where an Employee, employed for a period of six months, is off work due to any circumstances for which compensation under the *Worker's Compensation Act* is receivable.

167. When a general holiday falls within an Employee's scheduled vacation, the Employee will receive one additional day of vacation leave in lieu of each such general holiday.

Vacation Leave

168. Employees with a continuous service date before October 1, 2016 and who receive pay for at least ten days in a calendar month are entitled to vacation leave in accordance with the following schedule:

For Employees with a Continuous Service Date before October 1, 2016	
Years of Service	Monthly Accrual
1 year and less than 2 years	11.66 hours
2 years and less than 5 years	14.58 hours
5 years and less than 10 years	17.50 hours
10 years and less than 20 years	20.42 hours
20 years and over	23.33 hours

169. Employees hired on October 1, 2016 or later and who receive pay for at least ten days in a calendar month are entitled to vacation leave in accordance with the following schedule:

For Employees with a Continuous Service Date of October 1, 2016 or later	
Years of Service	Monthly Accrual
1 year and less than 3 years	11.66 hours
3 years and less than 10 years	14.58 hours
10 years and less than 20 years	17.50 hours
20 years and over	20.42 hours

Management and Confidential Exclusion Bylaw 2020-30

170. Employees are encouraged to use their accrued paid vacation time for rest, relaxation, and personal pursuits.
171. Employees may carry vacation leave credits forward for a maximum of two years. At December 31st of each year the Employer will pay Employees all unused accumulated vacation leave credits in excess of the number of days that were accumulated during the two-year period.
172. Vacation leave may not be taken until it has been earned, with the exception that an Employee who has completed at least one year of continuous service may be granted up to one week of vacation leave in advance.
173. The Employer shall make a reasonable effort to grant an Employee the period of vacation leave requested.
174. Upon termination, permanent and probationary Employees shall be paid for all unused accumulated vacation leave, such payment to be calculated by multiplying the daily rate (based on the Employee's current salary) by the number of hours leave outstanding.

Non-Occupational Illness or Accident Leave

175. Upon completion of 90 days of continuous service all permanent employees shall be granted sick leave when the employee must be absent from work by reason of bona fide non-occupational illness or accident, medical, dental or health professional appointment.
176. In order to qualify for paid time off due to illness, Employees unable to report for scheduled shifts shall notify their immediate supervisor prior to the starting time of the working day or as soon after the beginning of the working day as possible.
177. On January 1 each year, Employees will be granted ten Illness or Accident Leave days to be used for non-occupational illnesses less than six consecutive business days. The wage indemnity provisions of this bylaw shall govern absences in excess of six consecutive working shifts for all Employees when qualified.
178. Employees are required to use other accrued leaves pending a decision of qualification for Wage Indemnity. If the claim is approved, accrued leaves for the approved period will be reversed back to the Employee.
179. The Employer may require an Employee to undergo an independent medical examination or produce additional medical evidence (acceptable to the Employer) to substantiate any period of absence claimed to be illness.
180. Unused illness or accident leave at the end of the calendar year will not be carried over or paid out.

Special Leave

181. The City of Whitehorse recognises that there may be occasions when employees need to take time off work for reasons that do not necessarily fall under normal leave provisions.

Management and Confidential Exclusion Bylaw 2020-30

182. Any special leave granted is always on the provision that it is subject to the operational needs of the work area of the particular employee and requires prior permission. The City Manager may delegate authority for the operation of this policy to a nominated individual, e.g. manager or director in accordance with local reporting procedures.
183. The aim of the Special Leave provisions is to provide a framework that enables employees to request a reasonable period of paid leave when personal circumstances occur.
184. It is recognised that it is not possible to cover all circumstances where special leave may be appropriate. For specific examples please refer to the Special Leave Administrative Directive or for exceptional circumstances, please contact the Human Resources department.
185. Employees are expected to use special leave with a view toward responsibly balancing their work and personal requirements.
186. Each month, Employees will be credited with .75 additional special leave days for each completed calendar month in which the Employee has received pay for at least an equivalent of two standard work weeks in the calendar month.
187. Special leave use is subject to the approval of the Employee's supervisor/ manager who may ask the nature of the leave and the length of the leave required. The supervisor/manager may also ask for proof of the need for the leave.

Restrictions

188. An Employee is not entitled to take special leave while the Employee is on:
 - (1) Pre-retirement vacation leave (this is the period of vacation leave often taken prior to retirement);
 - (2) Leave of absence without pay;
 - (3) Suspension; or
 - (4) Long-term disability benefits.
189. Special leave cannot be used to supplement/increase weekly indemnity, vacation, maternity, paternity, adoption, or parental leave.
190. Special leave days have no accrued value other than for authorized paid time off. There is no entitlement to have unused special leave days paid out at any time, including upon termination of employment for any reason. The maximum number of days within the Employee's special leave reserve is limited to 25 days at any given time, and special leave days will not accrue above 25 days at any given time.
191. Definition of family for the purposes of special leave:
 - spouse or common-law partner resident with the employee;
 - children (including foster children or children of spouse or common-law partner), stepchildren, son-in-law, daughter-in-law and grandchildren,

Management and Confidential Exclusion Bylaw 2020-30

- parents (including step-parents and foster-parents), father-in-law, mother-in-law, step-in-laws and grandparents;
- brothers and sisters, brothers-in-law and sisters-in-law;
- any relative residing in the employee's household or with whom the employee permanently resides

Injury on Duty Leave

192. Permanent Employees who are injured on the job and have their claim approved by the Yukon Workers' Health and Compensation Board (YWH&CB) shall be granted Injury on Duty Leave with pay for such reasonable period as may be determined by the YWH&CB.
193. Where such leave is granted, permanent Employees shall assign to the Employer all payment received from the Workers' Health and Compensation Board covering the period of Injury on Duty Leave. Non-permanent Employees on leave due to an approved YWH&CB claim will receive compensation directly from YWH&CB.

Maternity Leave

194. An Employee qualifying under the *Yukon Employment Standards Act* shall be entitled to request maternity leave in accordance with the provisions of the *Yukon Employment Standards Act*. The following provisions shall apply only to permanent employees:
- (1) After completion of one year continuous employment, an employee who:
 - (a) Agrees to return to work for a period of at least six months after the expiry of maternity leave, and
 - (b) Provides the Employer with proof that she has applied for, is entitled to and in receipt of unemployment insurance benefits pursuant to the Employment Insurance Act, shall be paid a maternity leave allowance in accordance with the Supplementary Employment Insurance Benefit (SEIB) Plan.
 - (2) An employee under paragraph (1)(a) above shall sign an agreement with the Employer, providing that:
 - (a) she will return to work after the expiry of her maternity leave, unless this date is modified with the Employer's consent; and
 - (b) she will work for a period of at least six months after her return to work; and
 - (3) Should the employee fail to return to work as per the provisions of subparagraphs (2)(a) and (b) above for reasons other than death, lay-off or disability, the employee agrees that she is indebted to the Employer for the full amount received as maternity leave allowance.

Management and Confidential Exclusion Bylaw 2020-30

- (4) In respect of the period of maternity leave, maternity leave allowance payments made according to the Supplementary Employment Insurance Benefit plan will consist of the following:
 - (a) where the employee is subject to a waiting period of one week before receiving employment insurance maternity benefits, an allowance of ninety-three percent (93%) of her weekly rate of pay for each week of the waiting period, less any other monies earned during this period; and
 - (b) for up to a maximum of fifteen weeks, payments equivalent to the difference between the Employment Insurance benefits that the employee received at the actual time of the maternity leave and ninety-three percent (93%) of her weekly rate of pay, less any other monies earned during this period.
 - (c) The duration of the allowance will be reduced by any time spent on short-term disability.
 - (d) Where an employee has received the full fifteen weeks of maternity benefit under Employment Insurance and thereafter remains on maternity leave without pay, she is eligible to receive a further maternity allowance for a period of one week, equivalent to ninety-three per cent (93%) of her weekly rate of pay, less any other monies earned during this period.
- (5) The weekly rate of pay referred to in paragraph (4)(d) above shall be:
 - (a) for a full-time employee, the weekly rate of pay for the classification prescribed in her certificate of appointment to her position to which she is entitled on the day immediately preceding the commencement of her maternity leave;
 - (b) for a part-time employee, the weekly rate of pay for the classification prescribed in her certificate of appointment to her position to which she is entitled on the day immediately preceding the commencement of her maternity leave, multiplied by the fraction obtained by dividing the part-time employee's assigned regular weekly hours of work averaged over the preceding six month period of continuous employment by the regularly scheduled full-time weekly hours of work for the employee's classification;
 - (c) where an employee becomes eligible for a pay increase or an economic adjustment during the SEIB Plan period set out in paragraphs (4)(a) to (d), the employee's weekly rate of pay in subparagraphs (5)(a) and (b) above shall be adjusted accordingly.
- (6) A regular employee who is on lay-off status shall not be entitled to receive any allowance payment under the SEIB Plan pursuant to paragraph (4) above.

Management and Confidential Exclusion Bylaw 2020-30

- (7) For the purpose of payments received under the Supplemental Employment Benefit Plan, the Plan shall provide that the employees have no vested right to payment under the plan except to payments during a period of unemployment specified in the plan.
 - (8) An employee's continuous service date will not be advanced by the amount of the maternity leave taken.
195. There shall be no duplication or overlap with the parental leave provisions of this bylaw.

Parental Leave

196. An Employee qualifying under the *Yukon Employment Standards Act* shall be entitled to request parental leave without pay in accordance with the provisions of the *Yukon Employment Standards Act*. There shall be no duplication or overlap with the maternity and adoption leave allowance provisions of this bylaw.
197. In respect of the period of parental leave, parental leave allowance payments made according to the Supplementary Employment Insurance Benefit plan will consist of the following:
- (1) where the employee is subject to a waiting period of one week before receiving employment insurance parental benefits, an allowance of ninety-three percent (93%) of the employee's weekly rate of pay for the waiting period, less any other monies earned during this period. (An employee's continuous service date will not be advanced by the amount of the parental leave taken.

Compassionate Care Leave

198. An employee requesting leave of absence for compassionate reasons in accordance with the *Employment Insurance Act* will be given special consideration, and may be required to substantiate the reason before beginning the leave, and where not possible, before returning to work.
199. Where the employee is subject to a waiting period of one week before receiving Employment Insurance compassionate care leave benefits, the Employer will provide an allowance according to the Supplementary Employment Insurance Benefit Plan of ninety-three percent (93%) of his/her weekly rate of pay for the waiting period, less any other monies earned during this period.
200. No employee shall lose seniority, nor will an employee's continuous service date be advanced by the amount of compassionate leave taken.

Critical Illness Leave

201. An employee requesting leave of absence for critical illness reasons of family in accordance with the *Employment Insurance Act* will be given special consideration, and may be required to substantiate the reason before beginning the leave, and where not possible, before returning to work.

Management and Confidential Exclusion Bylaw 2020-30

202. Definition of 'family member' as defined in the Employment Insurance Regulations (Canada) includes immediate family and other relatives, as well as other individuals considered to be like family regardless of marriage, common-law partnership, or legal parent-child relationships.
203. Where the employee is subject to a waiting period of one week before receiving Employment Insurance Critical Illness leave benefits, the Employer will provide an allowance according to the Supplementary Employment Insurance Benefit Plan of ninety-three percent (93%) of his/her weekly rate of pay for the waiting period, less any other monies earned during this period.
204. No employee shall lose seniority, nor will an employee's continuous service date be advanced by the amount of critical illness leave taken.

Court Leave

205. Employees summoned to jury duty, subpoenaed as a witness, or attending court proceedings and providing proof shall be granted leave with pay. It is understood that any compensation received in connection with these activities shall be remitted to the Employer.

Leave Without Pay

206. Following guidelines in the Administrative Directive and under special circumstances where operational efficiency will not be adversely affected, leave without pay may be granted to an Employee. All applications for leave without pay in excess of ten working days are subject to the City Manager's approval.
207. Except where provided otherwise by statute, an Employee who has been granted leave without pay which results in that Employee receiving less than the equivalent of two standard work weeks of pay in any calendar month may be required to prepay the full cost of medical and group insurance plan premiums in order to maintain benefit coverage for the period of leave.
208. Except where provided otherwise by statute, Employees who have for any reason been granted leave without pay in excess of thirty calendar days will have their increment date and Continuous Service date advanced by the total amount of leave taken.
209. Applications for leave without pay should be submitted at least 31 calendar days in advance of the intended commencement date of the leave if at all possible. The Employee shall receive written notification of the decision within 14 calendar days of the date of application.

ALLOWANCES

Health Spending Allowance

210. As of January 1, 2020 all permanent Employees will be eligible to receive a health spending allowance each year to a maximum of \$1,500.00.
211. Submissions must be made by December 31st of each year to be eligible.

Management and Confidential Exclusion Bylaw 2020-30

212. The health spending allowance will be paid to the total amount of submitted receipts for health related spending, for the Employee or any member of the Employee's immediate family subject to approval by the City and any applicable policies or administrative directives.
213. Definition of Immediate Family for the purpose of health spending allowance:
- spouse or common-law partner resident with the employee;
 - dependent children (including foster children or children of spouse or common-law partner).

Long Service Bonus

214. Permanent Employees with a continuous service date prior to October 1, 2016 are entitled to the following yearly long service bonus:

5 years and less than 10 years	2% of base salary
10 years and less than 15 years	3% of base salary
15 and more years of service	4% of base salary

215. The long service bonus shall become payable in the pay period containing the Employee's continuous service date.
216. Employees who are entitled to a long service bonus and who terminate prior to completion of a further full year of continuous service shall be entitled to a long service bonus on a pro rata basis proportional to the completed months of service since their last long service bonus entitlement date.
217. Employees with a continuous service date on or after October 1, 2016 at the completion of each 5-year interval (e.g. 5 years, 10, 15 etc.) are entitled to one week of long service leave on the anniversary date, to be used over the next five years. Unused long service leave will be paid out at the end of five years.

Retirement Allowance

218. An Employee who retires from employment at the city in accordance with the relevant Administrative Directive will receive a retirement allowance in the amount of two weeks' pay for the first completed year of service and one week's pay for each succeeding complete year of employment to a maximum of 28 weeks, less any period in respect of which severance, retirement or resignation allowance was previously granted.

Resignation Allowance (non-culpable)

219. An Employee with a continuous service date before October 1, 2016 who has five or more years of continuous service shall on resignation receive resignation allowance in the amount of two weeks' pay for the first completed year of service and one week's pay for each succeeding complete year of employment to a maximum of 28 weeks, less any period in which the Employee was previously granted severance, retirement or resignation allowance.

Management and Confidential Exclusion Bylaw 2020-30

220. Employees with a continuous service date on or after October 1, 2016 shall not be eligible for a resignation allowance.

Yukon Bonus

221. Permanent Full-time Employees with one or more years of continuous service will receive an annual Yukon Bonus travel benefit in the amount of \$2,900.00. Terminating Employees are entitled to a payment on a pro-rated basis proportional to the number of completed months of service since their last eligibility date.
222. Part time employees who have completed one or more years of continuous service shall be entitled to receive a Yukon Bonus travel benefit on a pro rata basis and be entitled to the Yukon Bonus each subsequent year of continuous service thereafter.
223. Unless the employee provides written direction otherwise to the Employer, the Yukon Bonus travel benefit shall be paid out as a taxed benefit. Such benefit shall be automatically paid out in the pay period immediately following the entitlement date and prior to December 31st of each year.

DISCIPLINE, SUSPENSION AND TERMINATION

224. Termination of employment for the purposes of this bylaw is also deemed to be the revocation of the appointment of the Employee (as applicable). Subject to the terms of this bylaw or any applicable legislation, the discipline, suspension and termination of employment of an Employee shall be governed by the terms of this bylaw.
225. The City may discipline an Employee for any material breach of this bylaw or any other City bylaw or resolution, any material breach of any of the City's policies, procedures, administrative directives and practices, and any other conduct deemed by the City to be inappropriate for an Employee.
226. When imposing discipline on an Employee, the City shall attempt to correct behaviour through the application of progressive discipline. However, it is within the sole discretion of the City to determine the level of discipline appropriate under each circumstance including verbal warnings, written warnings, demotions, suspensions with or without pay and termination of employment.
227. Pursuant to section 189 of the *Municipal Act*, an Employee may appeal in writing to council within five working days of a disciplinary suspension with cause under this section pursuant to section 184 of the *Municipal Act*.
- (1) After hearing the Employee and others as council deems necessary, council shall extend, reduce, or confirm the suspension, or overturn the suspension and/or reinstate the Employee.
 - (2) The City's internal procedural obligations pursuant to this provision shall be fully discharged, and the rights of the Employee fully and fairly satisfied if the Employee has been provided written notice summarizing the reasons for the suspension and the opportunity to provide written submissions to council prior to a decision being made.

Management and Confidential Exclusion Bylaw 2020-30

- (3) The City may invoke non-disciplinary leaves with or without pay pending investigation and such non-disciplinary leaves do not constitute discipline, a suspension or termination/dismissal for the purposes of this section of the Bylaw until a decision to impose discipline or termination is made and communicated to the employee. For greater clarity, there is no entitlement to appeal to Council for non-disciplinary leaves invoked by the City.
228. The employment relationship between the City and the Employee may be terminated in any of the following manners:
 - (1) By written agreement between the City and the Employee.
 - (2) By the Employee, upon providing one month's written notice of resignation to the City. The City may waive such notice in whole or in part and if it does so then the Employee shall be entitled to payment of salary in lieu of any of the remaining one month's notice.
 - (3) By the Employee retiring pursuant to the retirement allowance provision in this bylaw.
 - (4) By the City, at any time without any notice or pay in lieu of notice, for Cause. "Cause" shall include, but not be limited to:
 - (a) conduct by the Employee that brings or has the potential to bring the City or its representatives into public disrepute or ridicule;
 - (b) unauthorized disclosure of confidential information or documents received or obtained by Employee in the course of employment without the written consent of council;
 - (c) use of such confidential information or documentation for the Employee's benefit or gain;
 - (d) significant or repetitive breaches of the City's bylaws, resolutions, policies, procedures, administrative directives, or practices; and
 - (e) any conduct that would constitute just cause for termination pursuant to the common law governing employment contracts.
229. The Employee may appeal in writing to council within five working days of a termination for cause.
 - (1) The City's internal procedural obligations pursuant to this provision shall be fully discharged and the rights of the Employee fully and fairly satisfied if the Employee has been provided with a written notice summarizing the reasons for the cause and the opportunity to provide written submissions to Council.
 - (2) Council shall confirm the termination for cause, substitute the termination for cause with a termination without cause, reinstate the employee with no discipline, reinstate the employee with a warning or period of suspension, and may impose any conditions deemed appropriate.
230. For Employees other than casual and temporary Employees, the employment relationship may be terminated by the City for any reason at its sole discretion, on a

Management and Confidential Exclusion Bylaw 2020-30

without cause basis, by providing the Employee three months of notice during the first two years of employment plus one additional month of notice for each completed year of employment commencing upon completion of two years of employment, up to a maximum total notice of twelve months.

- (1) The City may at its sole discretion provide notice as written working notice, payment of base salary in lieu of notice, or any equivalent combination of written notice and base salary in lieu of notice.
 - (2) The City may at its sole discretion provide the payment of base salary in lieu of notice through salary continuance instalments and make such payments conditional on the Employee taking reasonable steps to search for new employment.
 - (a) The City may at its sole discretion cease salary continuance payments upon the Employee obtaining new employment or income.
 - (3) The provision to the Employee of any payment of salary in lieu of notice greater than the minimum notice required by the *Employment Standards Act* is conditional on the Employee providing a signed release from any legal claims against the City and confidentiality agreement about the affairs of the City in a form satisfactory to the City.
231. The employment of Temporary Employees will terminate at the end of the fixed term established by the City for the Temporary Employee unless terminated earlier by the City providing the minimum notice or pay in lieu of notice required by the *Employment Standards Act* (if any).
232. Unless otherwise agreed to in writing by the City, there is no obligation to provide any amount of work to Casual Employees, continue their employment for any period of time or provide any notice of termination of employment or pay in lieu of notice, unless otherwise required by the *Employment Standards Act* and then only the minimum entitlement will be provided.
233. Where notice is required pursuant to this bylaw and any applicable laws, all of the City's obligations related to the employment of an Employee and this bylaw are fully discharged and the rights of the Employee fully and fairly satisfied upon the City providing the greater of the notice or pay in lieu of notice pursuant to this section and the minimum entitlement pursuant to the *Employment Standards Act*. All notice pursuant to this section is inclusive of the entitlements pursuant to the *Employment Standards Act*.
234. It is within the sole discretion of the City to elect to continue all or any part of the remuneration and benefits of an Employee during a period of suspension pursuant to this bylaw including any suspension that is under appeal.
235. If the employment relationship is terminated in accordance with this section then all remuneration and benefits shall cease immediately upon the effective date of termination unless expressly stated otherwise in this bylaw, agreed to in writing by the City or required by the *Employment Standards Act*, and the Employee shall have no further legal claim of any kind against the City arising out of the termination of employment or arising out of this bylaw.

Management and Confidential Exclusion Bylaw 2020-30

236. There are no procedural or appeal rights other than as expressly stated in this section of this bylaw.

GENERAL PROVISIONS

237. Employees required by the Employer to complete a driver's examination during their regular work schedule will be paid for their time at the applicable rate of pay.
238. If, in the opinion of the Employer, a medical examination of an Employee is required, the Employee will be paid for the time spent with the doctor and the cost of the examination shall be borne by the City.
239. Any Employee suffering injury while on the job must report immediately, or as soon as practicable, to the Supervisor, his replacement or the nearest medical officer.
240. Conflict of interest rules as set out in Council's Employee Code of Conduct Policy will apply to all Employees.
241. The City Manager may choose to grant to an Employee additional discretionary benefits over and above those described by this bylaw, if he or she, further to consultation with Human Resources, is satisfied that special circumstances warrant such a decision.
242. To encourage use of public transit and the Canada Games Centre, the Employer shall reimburse 50% of the cost of a pass on the city operated public transit system and fifty percent (50%) of the cost for an Employee to purchase a membership pass (single or family) for the Canada Games Centre. For the purposes of this section, family means an Employee's spouse and children living in the Employee's residence.

BYLAW REPEAL

243. Bylaw 2016-22, including all amendments thereto, is hereby repealed.

APPLICATION AND DURATION

244. This bylaw shall be deemed to have been in full force and effect on and from January 1, 2019.
245. This bylaw is subject to amendment by Council from time to time.
246. It is intended that this bylaw will be brought forward for amendment prior to December 31, 2023.
247. The following economic increases for Management employees shall be effective as indicated in the salary schedules included hereto as Schedule "A" and forming part of this bylaw:

<u>Increase Effective Date</u>	<u>Percentage</u>
January 1, 2019	2.6%
January 1, 2020	Salary market adjustment plus greater of 1.25 % or annual CPI Whitehorse All Items, non-seasonally adjusted as published by Statistics Canada

Management and Confidential Exclusion Bylaw 2020-30

January 1, 2021	Greater of 1.25 % or annual CPI Whitehorse All Items, non-seasonally adjusted as published by Statistics Canada
January 1, 2022	Greater of 1.25 % or annual CPI Whitehorse All Items, non-seasonally adjusted as published by Statistics Canada

248. The following economic increases for Confidential Exclusion employees shall be effective as indicated in the salary schedules attached hereto as Schedule "B" and forming part of this bylaw:

<u>Increase Effective Date</u>	<u>Percentage</u>
January 1, 2019	2.6%
January 1, 2020	Greater of 1.25 % or annual CPI Whitehorse All Items, non-seasonally adjusted as published by Statistics Canada
January 1, 2021	Greater of 1.25 % or annual CPI Whitehorse All Items, non-seasonally adjusted as published by Statistics Canada
January 1, 2022	Greater of 1.25 % or annual CPI Whitehorse All Items, non-seasonally adjusted as published by Statistics Canada

FIRST and SECOND READING:

THIRD READING and ADOPTION:

Mayor

Assistant City Clerk

Management and Confidential Exclusion Bylaw 2020-30

SCHEDULE "B"

Confidential Exclusion Employees	Job Code	Salary Range
Administrative Assistant, Human Resources	247	9
Assistant City Clerk	005	12
Communications Coordinator	245	11
Communications Specialist	181	12
Executive Assistant Corporate Services	232	10
Executive Assistant, Corporate Services	232	10
Executive Assistant, Mayor and City Manager	080	11
Human Resources Coordinator	059	10
Human Resources Generalist	240	13
Human Resources Specialist	060	14
Occupational Health and Safety Specialist	107	14

Management and Confidential Exclusion Bylaw 2020-30

Schedule B – Confidential Exclusion					
Effective January 1, 2019 to December 31, 2019					
2.6% Increase			35 Hours per Week		
	Range	Step 1	Step 2	Step 3	Step 4
Hourly	7	\$27.86	\$29.50	\$31.14	\$32.76
Annual		\$ 50,876.82	\$ 53,871.72	\$56,866.62	\$59,843.26
Hourly	8	\$29.16	\$30.87	\$32.61	\$34.32
Annual		\$53,250.83	\$56,391.82	\$59,551.08	\$62,673.81
Hourly	9	\$30.53	\$32.32	\$34.11	\$35.92
Annual		\$55,770.93	\$59,021.49	\$62,308.58	\$65,613.93
Hourly	10	\$32.08	\$33.97	\$35.86	\$37.74
Annual		\$58,601.47	\$62,052.92	\$65,486.10	\$68,919.28
Hourly	11	\$33.90	\$35.88	\$37.87	\$39.87
Annual		\$61,906.82	\$65,522.62	\$69,156.68	\$72,827.26
Hourly	12	\$35.90	\$38.01	\$40.12	\$42.23
Annual		\$65,559.14	\$69,430.60	\$73,265.54	\$77,137.00
Hourly	13	\$38.06	\$40.30	\$42.54	\$44.77
Annual		\$69,521.91	\$73,612.51	\$77,684.85	\$81,775.44
Hourly	14	\$40.52	\$42.89	\$45.29	\$47.67
Annual		\$73,996.00	\$78,324.00	\$82,706.79	\$87,053.05
Hourly	15	\$43.29	\$45.82	\$48.37	\$50.91
Annual		\$79,054.47	\$83,692.91	\$88,331.36	\$92,988.07

Management and Confidential Exclusion Bylaw 2020-30

Schedule B – Confidential Exclusion					
Effective January 1, 2020 to December 31, 2020					
Increase for 2020 is the greater of 1.25% or CPI					
1.25% Increase			35 Hours per Week		
	Range	Step 1	Step 2	Step 3	Step 4
Hourly	7	\$28.58	\$30.26	\$31.95	\$33.61
Annual		\$52,209.91	\$55,277.86	\$58,345.81	\$61,395.50
Hourly	8	\$29.92	\$31.68	\$33.45	\$35.21
Annual		\$54,638.71	\$57,852.75	\$61,103.31	\$64,317.36
Hourly	9	\$31.33	\$33.16	\$35.00	\$36.85
Annual		\$57,213.59	\$60,555.47	\$63,933.86	\$67,312.26
Hourly	10	\$32.92	\$34.85	\$36.79	\$38.72
Annual		\$60,117.19	\$63,659.94	\$67,202.69	\$70,708.92
Hourly	11	\$34.78	\$36.81	\$38.85	\$40.91
Annual		\$63,532.11	\$67,239.21	\$70,964.58	\$74,708.21
Hourly	12	\$36.83	\$39.00	\$41.16	\$43.33
Annual		\$67,275.73	\$71,238.50	\$75,164.75	\$79,127.51
Hourly	13	\$39.05	\$41.35	\$43.64	\$45.94
Annual		\$71,329.81	\$75,511.72	\$79,711.88	\$83,893.79
Hourly	14	\$41.57	\$44.00	\$46.47	\$48.91
Annual		\$75,931.73	\$80,369.30	\$84,861.66	\$89,317.49
Hourly	15	\$44.41	\$47.01	\$49.62	\$52.23
Annual		\$81,118.03	\$85,866.04	\$90,632.32	\$95,398.60

Management and Confidential Exclusion Bylaw 2020-30

Schedule B – Confidential Exclusion					
Effective January 1, 2021 to December 31, 2021					
Increase for 2020 is the greater of 1.25% or CPI					
New schedules will be issued annually for CPI					
1.25% Increase			35 Hours per Week		
	Range	Step 1	Step 2	Step 3	Step 4
Hourly	7	\$28.94	\$30.64	\$32.35	\$34.03
Annual		\$52,849.07	\$55,971.80	\$59,076.28	\$62,162.49
Hourly	8	\$30.29	\$32.07	\$33.87	\$35.65
Annual		\$55,332.65	\$58,583.21	\$61,870.30	\$65,120.87
Hourly	9	\$31.72	\$33.57	\$35.44	\$37.31
Annual		\$57,925.80	\$61,322.45	\$64,719.11	\$68,152.29
Hourly	10	\$33.33	\$35.29	\$37.25	\$39.20
Annual		\$60,865.91	\$64,445.19	\$68,042.72	\$71,603.73
Hourly	11	\$35.22	\$37.27	\$39.34	\$41.42
Annual		\$64,317.36	\$68,079.24	\$71,841.13	\$75,639.55
Hourly	12	\$37.29	\$39.49	\$41.67	\$43.87
Annual		\$68,115.77	\$72,115.06	\$76,114.35	\$80,113.64
Hourly	13	\$39.54	\$41.87	\$44.19	\$46.51
Annual		\$72,224.63	\$76,461.32	\$80,698.01	\$84,952.96
Hourly	14	\$42.09	\$44.55	\$47.05	\$49.5
Annual		\$76,863.07	\$81,373.69	\$85,920.83	\$90,431.44
Hourly	15	\$44.97	\$47.60	\$50.24	\$52.89
Annual		\$82,122.42	\$86,943.48	\$91,764.54	\$96,585.60

Management and Confidential Exclusion Bylaw 2020-30

Schedule B – Confidential Exclusion					
Effective January 1, 2022 to December 31, 2022					
Increase for 2022 is the greater of 1.25% or CPI					
New schedules will be issued annually for CPI					
1.25% Increase			35 Hours per Week		
	Range	Step 1	Step 2	Step 3	Step 4
Hourly	7	\$29.30	\$31.03	\$32.75	\$34.46
Annual		\$53,324.40	\$56,466.91	\$59,609.42	\$62,712.64
Hourly	8	\$30.67	\$32.47	\$34.30	\$36.10
Annual		\$55,818.77	\$59,098.76	\$62,418.03	\$65,698.02
Hourly	9	\$32.12	\$33.99	\$35.88	\$37.78
Annual		\$58,450.62	\$61,868.09	\$65,305.21	\$68,761.97
Hourly	10	\$33.75	\$35.73	\$37.72	\$39.69
Annual		\$61,416.36	\$65,030.24	\$68,644.12	\$72,238.36
Hourly	11	\$35.66	\$37.74	\$39.83	\$41.94
Annual		\$64,892.75	\$68,683.40	\$72,493.69	\$76,323.62
Hourly	12	\$37.76	\$39.98	\$42.20	\$44.42
Annual		\$68,722.68	\$72,768.66	\$76,795.00	\$80,840.97
Hourly	13	\$40.04	\$42.39	\$44.74	\$47.09
Annual		\$72,866.86	\$77,148.53	\$81,430.19	\$85,711.86
Hourly	14	\$42.62	\$45.11	\$47.63	\$50.14
Annual		\$77,560.98	\$82,097.98	\$86,693.89	\$91,250.53
Hourly	15	\$45.53	\$48.20	\$50.87	\$53.55
Annual		\$82,863.96	\$87,715.21	\$92,586.09	\$97,456.98

Management and Confidential Exclusion Bylaw 2020-30

ATTACHMENT “A”

CASUAL, PART-TIME, AND TEMPORARY EMPLOYEES

Casual Employees

Casual Employees are excluded from all provisions of this bylaw, except as specifically provided for as follows:

General Holidays

A Casual Employee will receive general holiday pay as set out in this bylaw provided they have worked five shifts prior to the general holiday and subject to the calculations of *Yukon Employment Standards Act*.

Annual Vacation

A Casual Employee will receive vacation pay at the rate of 4% of gross earnings at each pay period consistent with the terms and conditions within the *Yukon Employment Standards Act*.

Part Time Employees

Part time Employees will be pro-rated on full-time equivalency.

Overtime

Part-time employees are not eligible for overtime until their extra hours of work bring their total work hours to 35 hours for the week or their daily work hours exceed seven hours.

General Holidays

Part-time employees shall be compensated for general holidays by establishing the average regular hours worked and number of paid leave hours taken by the employee in the previous 10 days of work prior to the general holiday

Temporary Employees

Temporary Employees are excluded from all provisions of this bylaw, except as specifically provided for as follows:

General Holidays

A Temporary Employee will receive general holiday pay as set out in this bylaw provided they have worked a minimum of five shifts prior to the general holiday.

Pay in Lieu of Benefits

A Temporary Employee will receive 12% of pay in lieu of benefits including 4% vacation pay each pay period effective upon the date of passage of this bylaw.

Management and Confidential Exclusion Bylaw 2020-30

ATTACHMENT "B"

OATH OF OFFICE AND SECRECY

I, _____, solemnly and sincerely swear or affirm that I will faithfully and honestly fulfil the duties that devolve upon me by reason of my employment in the public service of the City of Whitehorse and that I will not, without due authority in that behalf, disclose or make known any matter that comes to my knowledge by reason of such employment.

Signature

Sworn or affirmed before me at the City of Whitehorse,
in the Yukon Territory, this _____ day
of _____, 20____.

A Notary Public or Commissioner for Oaths
in and for the Yukon Territory