



AIDS COMMUNITY CARE MONTREAL • SIDA BÉNÉVOLES MONTRÉAL

PERSONNEL POLICY

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Preamble

This Personnel Policy has been developed by the Administration and Personnel Committee (ADPERCOM) of AIDS Community Care Montreal (ACCM) and approved by the Board of Directors of ACCM on January 20, 2003. It forms part of ACCM's Personnel Code¹.

Its purpose is to ensure that all employees are treated fairly and equitably, as well as to recognize the basic rights of all employees and the employer. ACCM recognizes the importance of ensuring the continued service to all persons who are covered by the intents of ACCM's Mission and Vision Statements. This policy is interpreted in conjunction with other policies forming part of the Personnel Code.

Section 1 – Employment Procedures

1.1 Qualifications

Opportunity for employment with ACCM shall be open to any person who, on the basis of his/her training, experience, general knowledge, and merit, can present satisfactory evidence of being adequately qualified to perform the responsibilities of the position to be filled. In all employment postings it will be indicated "PEOPLE LIVING WITH HIV/AIDS ARE ENCOURAGED TO APPLY FOR THIS POSITION".

1.2 Non-Discrimination

ACCM employment practices conform to the Canadian Charter of Rights and Freedoms and specifically prohibit discrimination based on grounds proscribed by federal or provincial human rights legislation. ACCM will practice positive discrimination as permitted by human rights legislation to the benefit of people living with HIV/AIDS.

1.3 Hiring Procedure

All employment opportunities will be addressed pursuant to the guidelines of the Hiring Policy, which form part of the Personnel Code.

1.4 Notice of Employment

Each newly hired staff member shall receive a Notice of Employment in writing from the Executive Director or his/her designate. In the case of the Executive Director, he/she will receive Notice of Employment from the President of the Board of Directors. Notice of Employment shall include a job description and information regarding remuneration, along with other specified conditions and information that relate to the employment of the individual. Any employment condition included in the Notice of Employment, which is an exception to the Personnel Policy is permissible provided the President and Chairperson of the Administration and Personnel Committee approve it.²

¹ ACCM's Personnel Code is comprised of the following policies: Personnel Policy, Hiring Policy, Salary Structure Policy and, Evaluation Policy. Future policies to be developed include: Expense Policy and Security in the Workplace,

² If the President and the Chairperson are the same person another member of ADPERCOM will be asked to participate in the approval.

In addition each new employee will receive a copy of the Personnel Code at the time of his/her hiring.

1.5 Probationary Work Period

Appointment to the permanent staff is conditional upon satisfactory performance based on the evaluation³ at the end of three (3) months. At the end of the probationary period, the employer will provide written confirmation of permanent status to the employee, or an extension of the probationary period and reasons for this extension. If the performance is not satisfactory during the probationary period the employer may terminate the employment.

1.6 Annual Evaluation

All employees are subject to evaluations according to the *ACCM Evaluation Policy*, which forms part of the Personnel Code.

Section 2 – Working Conditions

2.1 Hours of Work

The employee's schedule will be based on his/her availability but is subject to the following factors:

- hours of operation
- security of working environment
- arrangements with co-workers and location
- the needs of the department

All working arrangements must have the approval of the Executive Director and must show a general consistency.

2.2 Meal Breaks

Any employee working at least 5 hours in a workday is entitled to a one (1) hour lunch break with 30 minutes being paid by ACCM.

2.3 Overtime

Prior authorization of the employee's supervisor and/or the Executive Director is required for overtime hours. Certain latitude will be given for unforeseeable situations.

Overtime hours will not be paid, but time off will be given in a ratio of one to one for overtime hours worked. An accumulation of the equivalent to one week of an employees' regular workweek is permitted. Once this ceiling is reached, or should any accumulation be judged to require reducing, an agreement will be made with the employee's supervisor and/or the Executive Director in order to reduce or eliminate any accumulation. Time off should be arranged with reference to the factors outlined in article 2.1.

³ Refer to ACCM Evaluation Policy

2.4 Volunteer Hours

Any time spent working for the organization, which does not fall within the employment description and where attendance is not required, is considered voluntary.

Volunteerism by staff is appreciated, but not required by ACCM. Volunteer hours are not paid, and will be recorded as volunteer hours on individual time sheets. These hours will be reported to the person in charge of the activity.

Section 3: Salary and Benefits

- 3.1 Initial salaries will be determined by the Executive Director in consultation with the Board of Directors and within the limitation of the annual budget and the *Salary Structure Policy*.
- 3.2 During the 3-month probation period an employee will receive a probationary salary. Upon successful completion of the probation period the regular salary will take effect. If the evaluation is delayed, the salary rate increase will be applied retroactively to the time the evaluation should have been completed.
- 3.3 Annual salary increases will be determined by the application of the *Salary Structure Policy* adopted by the Board. In addition, the basic salary levels will be reviewed by the Board on an annual basis and an adjustment may be made as determined by the annual budget.
- 3.4 All department directors will have the same base salary. All department employees will have the same base salary.
- 3.5 Pay periods will be bi-weekly. When employees are going to be absent from the office on a payday for annual vacation or business travel, they can be paid the last working day before they leave, provided ample notice is given to the accounting department.
- 3.6 The salary and benefit package of the Executive Director will be determined by the Executive Committee of the Board and is subject to Board approval.
- 3.7 Employee benefits include mandatory employer contributions for the Quebec Pension Plan, the Quebec Parental Assistance Plan, Employment Insurance, Contributions aux Fonds des Services de Santé (employers' health tax) and workers' compensation.
- 3.8 Employees are required to complete a time sheet for each pay period and to submit it to the Executive Director in a timely manner, allowing for review before the payroll is prepared. Changes made to an employee's time sheet will be drawn to his/her attention and explained prior to the next pay period.
- 3.9 A pay stub detailing hours paid, rate of pay and all deductions shall accompany each pay cheque. This stub will also show accumulated overtime hours, volunteer hours, and the availability and use of vacation, personal and sick days.

Section 4: Leave, Holidays and Time Off

All expressions of time in this section are to be pro-rated according to the number of hours worked. Please refer to the appendix for an explanation of pro-rating. Numbers expressed are based on a 5-day, 37.5-hour workweek.

4.1 Personal Days

Permanent staff will be permitted four (4) paid days per year for personal reasons, i.e. stress, moving, personal obligations. No explanation is required. These days are non-cumulative. Contractual employees are not eligible for personal days.

4.2 Statutory Holidays

ACCM observes the fixed holidays as generally promulgated by the federal, provincial or municipal governments. These holidays are as follows:

New Year's Day
January 2nd
Good Friday
Easter Monday
Victoria Day / Journée des Patriotes
St. Jean Baptiste / Fête nationale
Canada Day
Labour Day
Thanksgiving Day
Christmas Day
Boxing Day

The indemnity paid to staff for statutory holidays shall be equal to one-twentieth (1/20) of their previous four weeks' wages, whether or not the statutory holiday falls on a day on which the employee would usually work.

The period from December 25th to January 2nd inclusively will be paid as if the employee had worked his or her regular schedule (includes 3 statutory holidays). The actual time off may vary, depending on which day of the week Christmas Day falls.

4.3 Vacation

The following regulations govern annual leave:

- a) The vacation year is to coincide with the fiscal year (April 1 to March 31). April 1 is the date from which annual vacation is calculated.
- b) An employee who, as of March 31 has served less than one (1) year shall be entitled to that portion of annual leave which has been earned. No paid vacation leave may be taken during the probationary period. The number of days for which an employee is eligible is based on 1.25 days per month of their working week.

- c) An employee with one (1) full year of service is entitled to three (3) weeks of vacation.
- d) An employee with two (2) years of service is entitled to four (4) weeks of vacation.
- e) An employee with five (5) years of service is entitled to five (5) weeks of vacation.
- f) An employee who leaves ACCM during or at the end of the probationary period is entitled to the legal minimum vacation indemnity, that is 4% of gross salary earned.
- g) Vacation time must be used before the end of the fiscal year following that in which it is earned.
- h) If any accumulation is to be transferred beyond the year outlined in (f) above, it must be agreed upon in writing with the Executive Director.
- i) No more than two (2) weeks consecutively can be taken for vacation at a time unless there is agreement with the Executive Director and any affected employees.

4.4 Sick Days

Provision for sick days is as set out below:

- a) Employees are entitled to paid sick leave of ten (10) days per year (pro-rated). This leave is to be used in case of illness or medical appointments. Unused sick days are not payable.
- b) Sick days taken are to be indicated by the employee on his/her time sheet.
- c) If the absence is for more than three (3) consecutive days, a doctor's certificate may be required.
- d) The Executive Director or his/her designate will be advised of an employee using excessive sick leave.
- e) Sick leave benefits will apply during the three (3) month probationary period.
- f) An employee who is severed from ACCM voluntarily, by death, discharge or retirement shall not be entitled to be paid for unused sick pay at the time of severance. If more sick leave than that to which an employee is entitled has been taken when an employee leaves, the employee must repay it.
- g) Sick days can be carried over to the next year, up to a maximum of 20 days
- h) Attendance at medical or dental appointments is a permissible use of sick leave. Sick leave should be charged in full or half days.

4.5 Special Paid Leave

a) Court Leave

Leave with pay shall be given for absences required for jury duty or to serve as a witness by reason of being served with a subpoena or being otherwise compelled to appear by a duly authorized body.

Any indemnity paid to the employee resulting from the above will be deducted from salary.

b) Bereavement

In the case of bereavement the employee is entitled to the benefits outlined in the Labour Standards Act⁴. Additional unpaid time can be taken with agreement with the Executive Director.

c) Marriage / Civil Union

In the case of marriage or civil union the employee is entitled to the benefits outlined in the Labour Standards Act³.

4.6 Other Leave

a) Birth or Adoption

In the case of birth or adoption the employee is entitled to the benefits outlined in the Labour Standards Act³.

b) Maternity

In the case of maternity the employee is entitled to the benefits outlined in the Labour Standards Act³.

c) Parental Leave (Male and Female)

In the case of parental leave the employee is entitled to the benefits outlined in the Labour Standards Act³.

⁴ A copy of the Labour Standards Act is available in the office, as well as on the Quebec government website.

³ A copy of the Labour Standards Act is available in the office, as well as on the Quebec government website.

d) Leave of Absence

At the discretion of the Employer an employee can be allowed an unpaid leave of absence up to a maximum of one (1) year. A leave of absence should be given only after the best interests of the organization have been considered, and must have the approval of the Administration and Personnel Committee.

Accumulation of entitlement to increased vacation time and salary level is suspended during the leave of absence.

e) Religious Holidays

Employees may take other time off for the observance of religious holidays but these days will not be paid. Employees may use available vacation or personal days or accumulated overtime hours to cover these occasions.

Section 5: Management and Work Organization

Administrative changes that would result in a change of status, change of work hours, reduction of salary or abolition of positions are subject to Board approval in consultation with staff.

All employees must ensure that records pertaining to their work be properly maintained in order to ensure continuity of the position. All employees must respect ACCM policies and practices regarding confidentiality.

Any Personnel and Administrative issues should be resolved by following the ACCM *Grievance Resolution Procedure*.

Section 6: Discipline, Dismissal and Retirement

6.1 Discipline

Discipline should be administered in a progressive manner, i.e. verbal and/or written warnings which can lead to suspension without pay and/or dismissal.

The employee must acknowledge written warnings and a copy is to be kept in their employee file. In the instance where the employee does not agree with the discipline imposed he/she may use the *Grievance Resolution Procedure*. If a complaint is filed with any outside authority with jurisdiction to hear it before the grievance has gone through the steps outlined in the *Grievance Resolution Policy*, the internal grievance resolution procedure shall be considered terminated and the matter shall be dealt with through the outside authority.

If the actions of the employee are of a serious enough nature, suspension without pay and/or dismissal can be used immediately without following the warning steps previously indicated.

This provision does not apply during the probationary period.

6.2 Notice of Termination

Written notice of termination of service of an employee should be provided no less than two (2) weeks in advance. Payment may be made in lieu of notice. Likewise, it is hoped that an employee would provide two (2) weeks notice prior to leaving. Exceptions to the above minimum may be arranged through mutual agreement with the Executive Director or the President.

6.3 Dismissal

An employee may be dismissed from the employ of ACCM due to unsatisfactory employment performance or for an act detrimental to the organization. The situation will be discussed with the employee and the summary of the discussion, including a definition of a reasonable time for resolution of the problem will be provided in written form to the employee.

Should the problem or problems not be resolved within the specified time period, the employee shall be given written notice of dismissal, stating the reason or reasons, and the date of termination. The employer shall provide this notice not less than two (2) weeks before termination takes place.⁵

In the case of dismissal for an act detrimental to the organization (e.g. theft, violence, harassment, etc.) the employee can be dismissed immediately without any prior notice.

Payment of equivalent salary may be provided in lieu of notice of dismissal.

6.4 Retirement

A retirement pension is not provided by ACCM. An employee who wishes to continue working while collecting retirement benefits from another source must inform the Executive Director of this change in status so that the appropriate adjustments to payroll deductions can be made.

Section 7: Career Development and Training

ACCM recognizes the importance of training and career development. The organization maintains a goal of 1% of employee salaries and employer costs per annum to be dedicated to training and career development. This should include seminars, workshops etc. on relevant subjects; financial assistance with training or formal courses in technical administration and professional areas and language courses.

⁵ The dismissal guidelines do not apply to an employee still in the initial period of probationary employment.

7.1 Professional Membership Fees

The employer shall pay professional or licence fees for functions required by the employee's employment description.

Employees are encouraged to obtain membership in appropriate organizations that provide the opportunity to enhance skills or provide helpful contacts. Unless required as a part of the employee's job description, fees and any resulting tax benefits are proper to the employee (i.e. borne or enjoyed by the employee).

Section 8: Expense Policy

The Board is committed to developing an "*Expense Policy*".

ACCM will compensate expenses incurred by an employee while carrying out his/her responsibilities. This will include travelling expenses (transportation, meals, and accommodation) and must be negotiated between the employee and the Executive Director prior to being incurred.

Section 9: Health and Safety

ACCM is committed to providing a safe and healthy working environment. The Board is committed to developing a "*Security in the Workplace Policy*" as part of the Personnel Code.

ACCM will provide access to vaccinations where necessary and where the budget allows.

Section 10: Exceptions to the Personnel Policy

This policy does not apply to casual labourers. Articles 1.6, 4.1, 4.3, 4.4(g), 4.6(d), and 6.4 do not apply to contractual employees. Any other exceptions are referred to in the specific areas concerned (e.g. salary). Any other exceptions are permitted but must be approved by the Administration and Personnel Committee. In the case of any exceptions pertaining to the Executive Director, the Board must approve these changes.

Section 11: Misunderstandings

If there is any misunderstanding or disagreement regarding the interpretation or the application of the Personnel Policy, the matter should be addressed under the *Grievance Resolution Policy*.

Section 12: Access to Employee Files

Employee files are confidential. An employee may have access to his or her own file through the Executive Director.

Employee files should include:

- Notice of Employment
- Employment Description
- Employment Application
- Record of any Changes in the Employees salary and employment responsibilities
- Any disciplinary notices
- Evaluations
- Emergency Contact number
- Employment Contract

*Adopted 20 January 2003
Amended 20 February 2007*

Appendix to the Personnel Policy: Pro-Rating

Pro-rating as applied in the ACCM Personnel Policy is the proportional distribution of benefits according to time worked, as compared to a standard 5 day, 37.5 hour week.

The calculation of entitlement to Personal Days, Sick Leave and Vacation Leave is done by dividing the number of hours worked per week by 37.5 and multiplying by the number of days leave specified in the Personnel Policy. The results are rounded up to the next half or whole number. Examples of these calculations follow:

Personal Days

| | |
|-----------------|--|
| 37.5 hours/week | $37.5 \div 37.5 = 1 \times 4 = 4$ |
| 32.5 hours/week | $32.5 \div 37.5 = .87 \times 4 = 3.5 (3.48)$ |
| 30 hours/week | $30 \div 37.5 = .8 \times 4 = 3.5 (3.2)$ |
| 22.5 hours/week | $22.5 \div 37.5 = .6 \times 4 = 2.5 (2.4)$ |
| 15 hours/week | $15 \div 37.5 = .4 \times 4 = 2 (1.6)$ |

Sick Leave

| | |
|-----------------|--|
| 37.5 hours/week | $37.5 \div 37.5 = 1 \times 10 = 10$ |
| 32.5 hours/week | $32.5 \div 37.5 = .87 \times 10 = 9 (8.7)$ |
| 30 hours/week | $30 \div 37.5 = .8 \times 10 = 8$ |
| 22.5 hours/week | $22.5 \div 37.5 = .6 \times 10 = 6$ |
| 15 hours/week | $15 \div 37.5 = .4 \times 10 = 4$ |

Vacation Leave (example is for lowest level of vacation time)

| | |
|-----------------|---|
| 37.5 hours/week | $37.5 \div 37.5 = 1 \times 15 = 15$ |
| 32.5 hours/week | $32.5 \div 37.5 = .87 \times 15 = 13.5 (13.05)$ |
| 30 hours/week | $30 \div 37.5 = .8 \times 15 = 12$ |
| 22.5 hours/week | $22.5 \div 37.5 = .6 \times 15 = 9$ |
| 15 hours/week | $15 \div 37.5 = .4 \times 15 = 6$ |

This leave time is redeemed at the rate of 7.5 hours per day on the employee time sheet as it is taken.