

# Terms and Conditions of Employment for Excluded Employees/Appointees

## Part 08 – Vacation

Last updated: April 12, 2016

### 43. Annual Vacation Entitlement

#### 43.1 Auxiliary employees under 1,827 hours

1. An auxiliary employee will be entitled to receive vacation pay at six percent of their regular earnings.
2. An auxiliary employee shall receive their earned vacation pay bi-weekly.
3. After six months from date of hire, an auxiliary employee may elect to take a leave of absence without pay for up to 15 workdays (maximum of 105 hours) in any calendar year. The granting and scheduling of this leave of absence without pay is subject to operational requirements and the vacation schedules of other employees and must not result in any increased costs to the employer.

#### 43.2 Statutory term

At the termination of their appointment, a statutory term individual shall receive vacation pay equal to four percent of total salary earned during the period worked.

#### 43.3 All employees / appointees except auxiliary under 1,827 hours, statutory term and OIC category D

1. A regular full-time employee/appointee who has received at least 10 days' pay for each calendar month shall have an annual vacation entitlement as follows:

Vacation Year	Working Days
1 <sup>st</sup> to 7 <sup>th</sup> vacation year	20 working days
8 <sup>th</sup> vacation year	22 working days
9 <sup>th</sup> vacation year	23 working days
10 <sup>th</sup> to 11 <sup>th</sup> vacation year	25 working days
12 <sup>th</sup> vacation year	26 working days
13 <sup>th</sup> to 15 <sup>th</sup> vacation year	27 working days

<b>Vacation Year</b>	<b>Working Days</b>
16 <sup>th</sup> to 18 <sup>th</sup> vacation year	28 working days
19 <sup>th</sup> vacation year	29 working days
20 <sup>th</sup> vacation year	31 working days
21 <sup>st</sup> vacation year	32 working days
22 <sup>nd</sup> vacation year	33 working days
23 <sup>rd</sup> to 24 <sup>th</sup> vacation year	34 working days
25 <sup>th</sup> vacation year and thereafter	35 working days

2. During the first six months of employment, a regular employee/appointee may be granted annual vacation to the extent of earned vacation credits.
3. Upon qualifying for vacation leave, an auxiliary employee will earn vacation in accordance with subsection (1).
4. Payment for vacation is at an employee/appointee's basic rate of pay. However, if an employee/appointee has been working in a higher paid position other than their regular position for a majority of their regularly scheduled hours during the 60 work days immediately preceding the vacation, they will receive the higher rate of pay for that vacation period.
5. An employee engaged on a part-time basis shall be entitled to annual vacation on a pro rata basis as above.

#### **43.4 Added vacation for deputy ministers and associate deputy ministers**

Persons appointed or designated as deputy ministers or associate deputy ministers shall also be entitled to an additional special vacation leave of five days per calendar year, pro-rated for a partial year of service.

#### **44. Vacation year: credits for all re-employed employees / appointees except auxiliary under 1,827 hours, statutory term and OIC category D**

1. The vacation year is the calendar year commencing January 1 and ending December 31. An employee/appointee's first vacation year is the calendar year in which their first anniversary falls.
2. Commencing January 1, 2009, regular employees who have been or are subsequently reemployed after breaks in service from their employment / appointment due to resignation, retirement, or layoff after one year, shall have

vacation years accumulated during their previous employment/appointments (including time accumulated as an auxiliary with 1,827 hours) included in the determination of their current vacation year.

**45. Earning vacation entitlement: all employees / appointees except auxiliary under 1,827 hours, statutory term and OIC category D**

1. An employee/appointee earns 1/12 of the annual vacation entitlement for each month in which they receive 10 days' basic pay.
2. In addition to regular working days, any paid leave of absence excluding periods during which the employee/appointee is in receipt of Short Term Injury or Illness Plan benefits is included when computing paid days for the purpose of calculating the vacation leave entitlement under subsection (1).
3. Service with an agency listed in [Schedule 9](#) may be included in the calculation of vacation leave entitlement provided no break in service occurred between employment with that agency and the employee's appointment to the public service.

**46. Vacation scheduling: All employees / appointees except auxiliary under 1827 hours, statutory term and OIC category D**

1. Vacation leave shall be scheduled and taken on a calendar year basis and may not be borrowed from future years.
2. Each employee/appointee's wishes, in concert with operational requirements, will be considered when scheduling vacation.
3. Each employee/appointee should have the opportunity to schedule at least 15 days of vacation leave in one uninterrupted period within each calendar year.
4. A minimum of 105 hours of current vacation entitlement, pro-rated for part-time employees and employees who have not earned a full year's leave entitlement, shall be scheduled and taken each vacation year unless:
  1. the deputy minister has directed the employee/appointee, in writing, to cancel scheduled vacation leave due to extreme pressures of work or other extenuating circumstances; or
  2. the employee/appointee was on extended paid sick or other paid leave during the time the vacation was scheduled and was therefore unable to use this minimum vacation entitlement; or
  3. the employee/appointee is in the first partial vacation year.
5. Any balance of unused vacation leave earned in a year will be paid out or carried over in accordance with the applicable provisions of sections 47 and 52.

6. An unbroken vacation period commencing in December of one year and carrying over to January of the next shall be considered vacation time for the year in which it commenced. The portion of vacation taken in January shall not be considered as vacation carry-over or as a choice for the new vacation year.
7. If an employee/appointee has taken more vacation time than he or she is entitled to, the unearned portion shall be charged against future earned credits or recovered upon termination, whichever occurs first.
8. Any displaced vacation shall be taken at a mutually agreeable time.

**47. Vacation carryover: all employees / appointees except auxiliary under 1,827 hours, statutory term and OIC category D**

1. At the completion of a vacation year, employees/appointees can opt to have:
  1. Any remaining balance of vacation leave earned in that year paid out, or
  2. Any remaining balance of vacation leave earned in that year carried over (subject to the time bank limitations described below) and used as vacation leave in the vacation year immediately following, or
  3. A combination of (1) and (2).
2. Time bank limitations:
  1. If an employee has time banks (accrued prior to January 1, 2003), the total of this banked time and any carryover of current year vacation cannot exceed 1,750 hours (250 days) at any time.
  2. Any amount in excess of the 1,750 hours will be paid out at the completion of the current vacation year.
3. All carryover must be fully exhausted by the end of the year immediately following the year it was earned, either as leave, payout, or a combination of the two.

**48. Callback from vacation: All employees / appointees except auxiliary under 1827 hours, statutory term and OIC category D**

1. If a ministry calls an employee/appointee back from vacation, the ministry will:
  1. Pay all expenses incurred by the employee/appointee and their family in returning to their place of duty, and the time spent in returning will not be considered part of the vacation; or
  2. Pay all expenses incurred by the employee/appointee in proceeding to their place of duty and in returning to the place from which they were recalled upon resumption of vacation (except for meals), and the time necessary for travel in proceeding to the place of duty and returning to the place from

which they were recalled shall not be counted against their vacation entitlement, or

3. Where the employee so elects, grant an additional five days of vacation in lieu of reimbursement.

#### **49. Vacation displaced by leave with pay: regular management, regular Schedule A, OIC categories A, B and C**

There shall be no deduction from the vacation credits when an employee/appointee is in receipt of the Short Term Illness and Injury Plan benefits or on any other approved leave of absence with pay during the vacation period.

#### **50. Special vacation subsidy and adjustments:**

##### **50.1 Severely isolated locations: Regular employees, OIC categories A, B and C**

Employees/appointees at a severely isolated location, as determined by the Public Service Agency, shall receive a special subsidy to assist with transportation expenses for themselves and dependant(s) in accordance with [Schedule 4](#). The subsidy is only payable when an employee/appointee takes vacation and travels to a location that removes them from the severely isolated conditions that qualified them for the subsidy. This requires that the employee/appointee travel to a location that provides more accessible travel methods other than by water or extended travel over unpaved roads.

##### **50.2 Remote locations: regular employees, OIC categories A, B and C**

Employees who work in remote locations specified in [Schedule 4](#) will be provided an extra vacation day (7 hours) beginning with the 2010 vacation year. The extra vacation day will be pro-rated for part-time employees.

#### **51. Vacation at time of retirement: all employees / appointees except auxiliary under 1,827 hours, statutory term and OIC category D**

An employee/appointee scheduled to retire and to receive an immediate monthly pension benefit under the Public Service Pension Plan shall be granted full vacation entitlement for the final calendar year of service.

**52. Vacation / banked leave payout: All employees / appointees except OIC category D**

1. Annual vacation will be paid out in cash where an employee/appointee resigns, retires, has their employment terminated or dies while in service. In the event of death in service, payment will be made to the employee/appointee's dependant(s) or where there is no dependant, to the employee/appointee's estate.
2. Upon request by an employee/appointee, any of the employee/appointee's carryover or time bank credits will be paid out according to the policy governing the rates of payout.