



MOHAWK COUNCIL OF KANESATAKE

WORK TIME, VACATION AND LEAVE OF ABSENCE POLICY

Approved by Council: June 11, 2024

Approved by Resolution # 019.2425.00069

(Replaces the previous Leave of Absence policy, approved by BCR #0051.1819.00069)

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1. EFFECTIVE DATE

This Work Time, Vacation and Leave of Absence Policy was approved by Council on June 11, 2024 and is effective as of June 11, 2024. It will be reviewed at least every five years.

In the event a new or amended version is not approved by June 11, 2029, this version will remain in force.

2. DEFINITIONS

<i>Administration</i>	The Administration Department of the Mohawk Council of Kanesatake.
<i>Anniversary year</i>	The yearly date on which an employee completes a full year of employment with MCK.
<i>Council</i>	The Elected members of the Mohawk Council of Kanesatake (MCK).
<i>Essential Services</i>	Refers to critical employment sectors that must continue operations without interruption, even during scheduled days off, public holidays, emergencies, or other circumstances that typically result in work suspension. This designation ensures the continuous provision of services vital for public welfare, safety, health, and infrastructure.
<i>Manager</i>	Director/Manager or other managerial position of a department falling under the administrative jurisdiction of the Mohawk Council of Kanesatake and under the direct supervision of MCK's Portfolio Chief(s).
<i>MCK</i>	Mohawk Council of Kanesatake.
<i>Mohawk Council of Kanesatake</i>	The legal governing body of Kanesatake and its territory.
<i>Permanent Employees Positions</i>	/ Full-time and part-time positions / employees working pursuant to a contract with no end date.
<i>Portfolio Chief</i>	The Chief responsible for supervising a department on behalf of the Mohawk Council of Kanesatake.
<i>Seniority</i>	The number of continuous years of service for MCK.
<i>Supervisor</i>	An employee who has an immediate supervisory role over other employees.
<i>Year of employment</i>	The 12-months period starting on anniversary date of employment.

3. PURPOSE

The purpose of this Policy is to set out guidelines which provides a framework for the administration of the Mohawk Council of Kanesatake. It is intended to provide descriptions and explanations to all Mohawk Council of Kanesatake employees, supervisors and managers regarding work time management, vacations and leave of absence.

4. SCOPE

This Work Time, Vacation and Leave of Absence Policy applies to all Mohawk Council of Kanesatake employees that are on a permanent, seasonal, term, full-time or part-time basis.

Words in the singular include the plural, and words in the plural include the singular.

Where a word is defined, other parts of speech and grammatical forms of the same word have corresponding meanings.

References made to another policy or legislation may be subject to amendments or replacement. In this event, all current versions of said documents will apply.

Where there is a conflict between an employment contract and this policy, the employment contract prevails.

Where there is a conflict between this policy and the terms of the Canada Labour Code, then the provision that is more favourable to the employee will apply.

5. RESPONSIBILITIES

The Council is responsible for:

- Approving this Policy;
- Supervising its fair and equitable application throughout the organization;
- Approving amendments to this Policy.

The Human Resources Manager is responsible for:

- Ensuring the application and enforcement of this Work Time, Vacation and Leave of Absence Policy throughout the organization;
- Approving Managers' vacation requests;
- Supporting Managers on the application of this Policy when necessary;
- Suggesting amendments to this Policy.

The Managers and Directors are responsible for:

- Being knowledgeable of this Policy and ensuring fair and equitable application throughout their team and/or department;
- Ensuring all employees under their direct or general supervision are knowledgeable and receive a copy of the Policy.

Employees are responsible for:

- Familiarizing themselves with and adhering to this Policy;
- Signing the *Acknowledgment of receipt* form.

6. WORKING HOURS

This section includes information in regards to the regular working hours, office hours, summer hours, Christmas Holidays and overtime management.

6.1 Work Hours

The standard work hours for employees is thirty-five (35) hours per week. The exact work schedule of each individual employee will be predetermined at time of hiring as agreed with their respective Director/Manager. Any modifications to an employee's work schedule must be approved by the Director/Manager.

All employees are entitled to an unpaid break of 30 minutes minimum after a maximum of 5 consecutive hours of work. If an employee is required to remain at work during this time, it will be considered paid work time.

A flexible thirty-five (35) hour schedule may be implemented for administrative and support staff with a start time no earlier than 7:00a.m. and an ending time no later than 5:00p.m.

6.2 Service Delivery

Administrative and support staff must be present between 9:00a.m. to 3:00p.m. to ensure services are provided to the community, excluding their lunch break.

6.3 Summer Hours

Summer hours are effective every year from the Friday preceding Victoria Day to the Friday preceding Labour Day. During this period, the Mohawk Council Kanesatake will grant a maximum of three (3) hours of paid leave on Fridays due to office closure at Noon.

It is understood that during this period, employees who are using vacation time will not be entitled to other leave.

Depending on the nature of the position (e.g.: essential services, etc.), some employees may be required to work despite this Summer hours section.

6.4 Christmas Holidays

In addition to the Statutory Holidays during this period, all Mohawk Council of Kanesatake's offices shall be closed following the Rotiwennakehte and Ratihente school calendars.

Depending on the nature of the position (e.g.: essential services), some employees may be required to work during this period of closure.

6.5 Overtime

MCK's employees should not be working above their standard work hours. In exceptional circumstances, with the written authorization of the concerned Director/Manager, overtime will be authorized. For certain employment categories, overtime may be paid at 1.5 times regular wage.

Overtime between 35 to 40 hours per week will be compensated in equivalent time off. Overtime exceeding 40 hours per week will be banked or paid at a one and one-half (1.5) times the regular wage.

Any overtime hours banked must be used as soon as possible, within a maximum of three (3) months.

6.5.1 Approval of Overtime

Any overtime exceeding the standard work hours of an employee must be pre-approved by the immediate supervisor.

The approval of pre-authorized overtime must be reflected on the timesheets.

6.5.2 Refusal to Work Overtime

An Employee may not refuse to work overtime if the nature of the work being carried out by said Employee is urgent/important, and which if not completed would be detrimental to the operation of the MCK or one or more of its departments.

An employee has the right to refuse working overtime to carry out family responsibilities related to:

- the health or care of a family member, or
- the education of a family member who is less than 18 years of age.

Before refusing overtime, an employee must first take reasonable steps to deal with these family responsibilities in some other way. If despite these efforts, an employee is still required to meet those family responsibilities during the overtime period, only then can the employee refuse to work overtime.

An employee may also refuse to work overtime if no agreement is reached with their immediate supervisor in regards to banking or paying the overtime worked.

7. VACATION BENEFITS AND LEAVE

7.1 Eligibility to Vacation Benefits and Leave

An employee may use accumulated vacation time with pay only after one (1) year of continuous employment. Any Vacation Leave taken during the first year of permanent employment must have the prior written approval of the concerned immediate Supervisor and shall be without pay.

Entitlement for Vacation Leave with pay for employees is as follows:

Year of service	Vacations entitled	Vacation pay
One (1) year and over	2 weeks	4% of annual salary
Five (5) years and over	3 weeks	6% of annual salary
Ten (10) years and over	4 weeks	8% of annual salary
Fifteen (15) years and over	5 weeks	10% of annual salary
Twenty (20) years and over	6 weeks	12% of annual salary

7.2 Requesting Vacation Leave

An employee must submit a written request at least four (4) weeks prior to her/his intended use of vacation time of more than 2 weeks to the concerned Director/Manager, who will be responsible for authorizing or denying the request, in writing, at least two (2) weeks before the commencement of the vacation requested. Director/Manager vacation requests are approved by the Human Resources Manager, on behalf of the Portfolio Chiefs.

The concerned Director/Manager or Portfolio Chief will authorize vacation based on the seniority and the position of the employee, bearing in mind the need to ensure the provision of services in an efficient manner during an employee's absence.

7.3 Vacation benefits use

Vacation Leave entitlement must be used within the Anniversary year following that in which the vacation is earned. Employees are not allowed to carry over vacation time to the next year.

When an employee has vacation time left two (2) months prior to the anniversary date, the Director/Manager will confirm with the employee when the balance of vacations will be used. In the event an employee fails to provide use of vacation time, the Director/Manager will enforce the vacation leave prior to the anniversary date.

Employees with 20 years or more of service may request a one-week vacation cash out.

In the event that an employee is granted a Leave of Absence, any Vacation Leave time that ordinarily would have accumulated for that period will be calculated on a prorated basis. In this situation, an employee may carry over their vacation if it does not exceed their entitlement at their anniversary year. Therefore, vacation pay can only be accrued for time worked or otherwise described by the *Canada Labour Code*.

7.4 Vacation benefits for teachers

Teachers' vacations differ from this Policy and are incorporated and stipulated in their employment contracts.

8. LEAVE OF ABSENCE

This section sets the guidelines and conditions for the numerous paid and unpaid leaves applicable for federally regulated employees, as per the *Canada Labour Code*.

Here is a list of the leaves accessible to MCK's employees:

- Medical and Personal leave (see details in section 8.1)
- Compassionate care leave
- Leave related to critical illness
- Maternity-related reassignment and leave
- Bereavement leave
- Maternity leave and parental leave
- Leave related to death or disappearance of a child
- Leave for victims of family violence
- Leave for traditional Aboriginal practices
- Leave for a court or jury duty
- Leave of absence for members of the reserve force
- Wedding Leave

Employees requesting unpaid leave of absence may be eligible to receive benefits under different programs (e.g.: Quebec Parental Insurance Plan, Employment Insurance, etc.).

8.1 Medical and Personal Leave

Employees are obliged to inform their supervisor when they are not coming into work within one hour of scheduled starting time.

Borrowing or advancement of Medical or Personal Leave entitlements from future years is not permitted.

Any overpayment of wages will be adjusted for Employees who exceed their Medical/Personal Leave entitlement.

8.1.1 Medical Leave

Full-time employees will be granted up to a maximum of ten (10) medical leave days with pay per year, accrued with respect to the *Canada Labour Code* requirements. Medical leave days will be advanced at the beginning of fiscal year. Part-time employees will be granted medical leave days prorated to their working hours.

For new employees, Medical Leave entitlement will be pro-rated from the start date of employment until the end of the fiscal year, with respect to the *Canada Labour Code* requirements.

Medical leave cannot be used as vacation, added to Vacation Leave or statutory holidays.

A maximum of 5 medical leave days with pay may be carried over to the next year but the total balance of medical leave days can't exceed 15 days at all times.

If an employee is required to take a medical leave longer than five working (5) days, the employee must provide a medical certificate.

In the event an employee exhausted their medical leave days with pay, they may use personal time, vacation time or apply for employment insurance.

8.1.2 Personal Leave

Full-time employees will be granted five (5) personal leave days per year, accrued with respect to *Canada Labour Code* requirements. Part-time employees will be granted personal leave days prorated to their working hours. Employees working less than 12 months per fiscal year will be receiving the first three (3) personal days with pay, the remaining two being without pay. Employees working 12 months a year will be receiving five (5) days with pay.

For new employees, Personal Leave entitlement will be pro-rated from the start date of employment until the end of the fiscal year, with respect to the *Canada Labour Code* requirements.

8.2 Compassionate Care Leave

An Employee is entitled to *Compassionate Care Leave without pay* in accordance with the provisions set out under the *Canada Labour Code*.

8.3 Leave related to critical illness

An Employee is entitled to *Leave related to critical illness* without pay in accordance with the provisions set out under the *Canada Labour Code*.

8.4 Maternity-related reassignment and leave

An Employee is entitled to *Maternity-related reassignment or leave without pay* in accordance with the provisions set out under the *Canada Labour Code*.

8.5 Bereavement Leave

8.5.1 Entitlement

According to Mohawk Traditional custom, all Employees shall be entitled to ten (10) Bereavement Leave days for the loss of an immediate family member. Such Bereavement Leave shall be with pay.

Bereavement leave may be taken in 1 or 2 periods starting the day on which the death occurs and ending six (6) weeks after the date of the funeral, burial or memorial service of the immediate family member.

8.5.2 Immediate Family Members

Immediate family members include the employee's spouse or common law partner; the employee's father and mother and the spouse or common-law partner of the father or mother; the employee's children and the children of the employee's spouse or common-law partner; the employee's grandchildren; the employee's brothers and sisters; the grandfather and grandmother of the employee; the father and mother of the spouse or common-law partner of the employee and the spouse or common-law partner of the father or mother; and any relative of the employee who resides permanently with the employee or with whom the employee permanently resides.

"Common-law partner" means a person who has been cohabitating with an individual in a conjugal relationship for at least one year, or who had been so cohabitating with the individual for at least one year immediately before the individual's death.

8.5.3 Extended Family and Close Friends

For the loss of a relative other than an immediate family member such as the employee's aunt, uncle, cousin, niece, nephew, brother in-law and sister in-law, the employee shall be entitled to three (3) Bereavement Leave days.

Bereavement leave may be taken in 1 or 2 periods starting the day on which the death occurs and ending six (6) weeks after the date of the funeral, burial or memorial service of the immediate family member.

For the loss of other relatives or a close friend, Employees are entitled to one-day Leave with pay. The immediate Supervisor may require a paper from the funeral home, or a copy of the announcement in the newspaper for out-of-town services.

8.5.4 Funeral in the Community

The Mohawk Council of Kanesatake may decide from time-to-time to close all the MCK offices for a part of the day or a whole day, to enable its Employees to attend the funeral of a member of the Community.

Under exceptional circumstances, some employees may be required to work due to the nature of the position. In this case, time work is considered regular work time.

8.6 Maternity and Parental Leave

8.6.1 Maternity leave

An Employee is entitled to *Maternity leave* in accordance with the provisions set out under the *Canada Labour Code*.

8.6.2 Parental leave

An Employee is entitled to *Parental leave* in accordance with the provisions set out under the *Canada Labour Code*.

8.6.3 Combining Maternity and Parental Leave

An employee may combine *Maternity and Parental leaves* in accordance with the provisions set out under the *Canada Labour Code*.

8.7 Leave related to the death or disappearance of a child

An Employee is entitled to *Leave related to the death or disappearance of a child* in accordance with the provisions set out under the *Canada Labour Code*.

8.8 Leave for victims of family violence

An Employee is entitled to *Leave for victims of family violence* in accordance with the provisions set out under the *Canada Labour Code*.

8.9 Leave for traditional Aboriginal practices

An Employee is entitled to *Leave for traditional Aboriginal practices* in accordance with the provisions set out under the *Canada Labour Code*.

8.10 Leave for a court or jury duty

Employees shall be entitled to Court Leave if they receive a subpoena to testify in court or if they must attend jury duty. A photocopy of the subpoena must be attached to the timesheet that is submitted to the concerned immediate Supervisor.

Court Leave, under the *Canada Labour Code*, is considered without pay. However, to minimize the impact on employees', MCK will pay up to a maximum of five (5) working days.

The immediate Supervisor will acknowledge having seen the subpoena by initialling next to the reported “other Leaves” on the time sheet. The copy of the subpoena will be kept in the Human Resources Manager’s personnel files.

Court Leave will not be granted when an employee is obliged to appear in court on his own behalf due to the summons. An employee must use a personal day, banked hours, vacation or unpaid Leave of Absence for any personal Court Leave.

8.11 Leave of absence for members of the reserve force

An Employee is entitled to *Leave of absence for members of the reserve force* in accordance with the provisions set out under the *Canada Labour Code*.

8.12 Wedding Leave

An employee is granted Leave with pay for up to one (1) day for the purposes of their marriage.

9. STATUTORY HOLIDAYS

The Mohawk Council Offices will be closed for the following fifteen (15) statutory and traditional holidays:

1. New Year's Day
2. Family Day
3. Good Friday
4. Easter Monday
5. Victoria Day
6. National Indigenous Peoples Day
7. The Battle of Beaver Dam Day
8. Treaty Day
9. July 11
10. Labour Day
11. National Day for Truth & Reconciliation
12. Thanksgiving
13. Remembrance Day
14. Christmas Day
15. Boxing Day

Employees will be entitled to statutory holidays with pay in accordance with the provisions set out under the *Canada Labour Code*.

Under exceptional circumstances, an employee may have to work on a statutory holiday and will be paid according to the *Canada Labour Code* provisions.



MOHAWK COUNCIL OF KANESATAKE

Work Time, Vacation and Leave of Absence Policy

Acknowledgement of Receipt

I, _____ acknowledge having received the amended Work Time, Vacation and Leave of Absence policy, approved by the Mohawk Council of Kanesatake June 11, 2024. As an employee of the Mohawk Council of Kanesatake it is my duty to read, understand and respect provisions included in the policy.

Date

Employee Signature

Program Manager

Once this form is signed by the employee, the Program Manager is responsible to forward it to the Human Resources Department.