

THE CORPORATION OF THE TOWN OF FORT SMITH

BY-LAW # 806

A BY-LAW OF THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH, IN THE NORTHWEST TERRITORIES, TO ESTABLISH THE CONDITIONS OF EMPLOYMENT FOR THE SENIOR ADMINISTRATIVE OFFICER, PASSED PURSUANT TO SECTION 48 OF THE *CITIES, TOWNS AND VILLAGES ACT*, S.N.W.T. 2003, c.C-22

WHEREAS, the Council of the Municipal Corporation of the Town of Fort Smith, in the Northwest Territories deems it necessary to establish the terms and conditions of employment for the Senior Administrative Officer;

NOW THEREFORE, the Council of the Municipal Corporation of the Town of Fort Smith, at a duly assembled meeting enacts as follows:

1. SHORT TITLE

That this By-law be cited as the "Senior Administrative Officer Employment By-law".

2. INTERPRETATION

In this By-law, unless the context otherwise requires:

- (a) "Act" means the *Cities, Towns, and Villages Act*, being Chapter C-22 of the Statutes of the Northwest Territories, 2003, as amended;
- (b) "Council" means the duly elected representative of the Town of Fort Smith;
- (c) "Day" means the working day between the hours of 08:30 and 17:00;
- (d) "Day of Rest" means a day on which the Employee is not ordinarily required to perform the duties of the position;
- (e) "Dismissal" means termination of employment for cause, without cause, or rejection on probation;
- (f) "Employee" means the person appointed as Senior Administrative Officer pursuant to the S.A.O. Establishment By-law;
- (g) "Employer" means the Town of Fort Smith;
- (h) "Half Day" means the A.M. or P.M. of a normal working day;
- (i) "Holiday" means the twenty-four hour period commencing at 12:01 a.m. of a day designated as a paid holiday in this By-law;
- (j) "Immediate Family" means the spouse, common-law spouse, father, mother, brother, sister, child, father-in-law, mother-in-law, grandparents, grandchild, son-in-law, sister-in-law, brother-in-law, step mother, step father and any relative permanently residing in the Employee's household or with whom the Employee permanently resides;
- (k) "Mayor" means the Mayor, acting pursuant to Section 38 of the Act;

- (l) "Probation" or "Probationary Period" means a period of six (6) months or longer from the day upon which the Senior Administrative Officer is appointed;
- (m) "Senior Administrative Officer" or "S.A.O" means the Senior Administrative Officer as described in the Act and the term "Senior Administrative Officer" or the designation "S.A.O." may be used interchangeably herein;
- (n) "Senior Administrative Officer Establishment By-law" or "S.A.O. Establishment By-law" means By-law #803 or its successor by-law, which establishes the position of Senior Administrative Officer and authorizes the Senior Administrative Officer to perform certain duties;
- (o) "Town" means the Municipal Corporation of the Town of Fort Smith, in the Northwest Territories.

3. RATES OF PAY

The Senior Administrative Officer's rate of pay is established in accordance with Appendix "A" attached to and forming part of this By-law. Rates of pay shall be reviewed by council on a three (3) year cycle with the appropriate yearly percentage increase calculated and Appendix "A" amended accordingly.

4. DISCRIMINATION

The Town and the Senior Administrative Officer agree that there shall be no discrimination, interference, restriction or coercion exercised or practised in respect to race, color, ancestry, nationality, ethnic origin, place of origin, creed, religion, age, disability, sex, sexual orientation, gender identity, marital status, family affiliation, political belief, political association, social condition, conviction for which a pardon has been granted or for exercising the rights under this By-law.

5. CONFLICT OF PROVISIONS

Where there is any conflict between the provisions of this By-law and any regulation, direction or other instrument dealing with the terms and conditions of employment issued by the Employer, except the S.A.O. Establishment By-law, the provisions of this By-law shall prevail.

6. OUTSIDE EMPLOYMENT

The Senior Administrative Officer shall not undertake any business or any other employment outside the employment with the Town.

7. PROFESSIONAL ASSOCIATIONS

The Town will support the involvement or membership of the Senior Administrative Officer in a professional association, where benefit will be derived to both the Town and the Senior Administrative Officer. The Town, subject to the approval of Council, will pay the annual membership to such association.

8. GRIEVANCE PROCEDURE

- (a) The Senior Administrative Officer may file a grievance in writing, with respect to an interpretation or application of any term and condition of this By-law or disciplinary action taken, to the Standing

Committee on Personnel within ten (10) calendar days of the interpretation or application or disciplinary action.

- (b) The Standing Committee on Personnel, upon receipt of the written grievance, shall investigate and conduct a hearing if necessary. A decision shall be rendered within twenty (20) calendar days following the investigation or hearing. The decision of the Standing Committee on Personnel shall be final.

9. PROBATION

- (a) The Senior Administrative Officer, on initial appointment, shall be subject to a six (6) month Probationary Period.
- (b) The term of the Probationary Period may be extended for an additional six (6) months on the recommendation of the Mayor or the Standing Committee on Personnel and approved by Council motion. A Probationary Period may not be extended more than six (6) months and is limited to one extension.
- (c) The Senior Administrative Officer, who is dismissed while on Probation, shall not be entitled to any payment.

10. PERFORMANCE REVIEW AND APPROVAL

- (a) A performance appraisal shall be completed on the Senior Administrative Officer by the Mayor at least one (1) month prior to the completion of the initial Probationary Period.
- (b) The Mayor shall review the performance appraisal with the Standing Committee on Personnel who shall recommend, for Council approval, the end of the Probationary Period, to extend the Probationary Period for an additional six (6) months or to dismiss the Employee while on Probation.
- (c) The Mayor shall, following the successful completion of the Probationary Period by the Senior Administrative Officer, complete yearly performance appraisals for review by the Standing Committee on Personnel. The Standing Committee on Personnel shall make the appropriate recommendation for Council approval.

11. DISCIPLINE

- (a) Where the Senior Administrative Officer is required to attend a meeting where a disciplinary decision concerning him or her is to be taken by the Mayor or Standing Committee on Personnel, the Senior Administrative Officer shall be given twenty-four (24) hours notice of the disciplinary meeting.
- (b) Where the Senior Administrative Officer is being suspended or dismissed, the Mayor shall notify the Senior Administrative Officer in writing of the reason for such suspension or dismissal.
- (c) The Senior Administrative Officer shall not be dismissed without first being given notice in writing together with the reasons therefore, in sufficient detail that the Senior Administrative Officer may defend him or herself.

12. TERMINATION

- (a) The Council may, on the recommendation of the Mayor or the Standing Committee on Personnel, dismiss the Senior Administrative Officer for unsatisfactory performance during the Probationary Period.
- (b) The Council may, on the recommendation of the Mayor or the Standing Committee on Personnel, dismiss the Senior Administrative Officer for the failure to exercise the duties and responsibilities assigned through the S.A.O. Establishment By-law or the failure to carry out the responsibilities imposed on the Senior Administrative Officer by the *Cities, Towns and Villages Act*.

13. PAYMENT ON TERMINATION

- (a) The Senior Administrative Officer shall be paid, on resignation, an amount equal to one and one-half (1.5) week's salary for each completed year of employment or portion thereof to a maximum of 12 weeks pay and any earned unused leave entitlements.
- (b) The Senior Administrative Officer shall be paid on dismissal, other than for cause, an amount equal to six (6) months pay.
- (c) The Senior Administrative Officer who is dismissed for cause shall not be entitled to any payment other than earned unused leave entitlements.

14. REMUNERATION

The Senior Administrative Officer shall be paid:

- (a) Upon initial appointment an amount approved by Council motion indicating the Salary Level pursuant to Appendix "A";
- (b) An annual Northern Allowance of \$7,200.00;
- (c) Upon receipt of a satisfactory performance appraisal, the Standing Committee on Personnel shall recommend, for Council approval, a salary increment pursuant to Appendix "A"

15. BENEFITS

(a) Designated Holidays

1. The following days shall be designated paid holidays:

- (i) New Year's Day
- (ii) Good Friday
- (iii) Easter Monday
- (iv) The day fixed by the Governor General for observance of the birthday of the reigning sovereign
- (v) National Aboriginal Day
- (vi) Canada Day
- (vii) The first Monday in August
- (viii) Labour Day
- (ix) Thanksgiving Day
- (x) Remembrance Day
- (xi) Christmas Day
- (xii) Boxing Day and
- (xiii) Any day or half-day declared a Civic Holiday by the Town.

2. Where a day that is a designated paid holiday falls within a period of leave with pay, the designated paid holiday shall not count as a day of leave.
3. When a paid statutory holiday occurs on a Saturday or Sunday, the holiday shall be observed on the first day following the Saturday or Sunday.

(b) Annual Leave

1. The Senior Administrative Officer shall earn two and one-half (2.5) days of annual leave for each calendar month of employment in the first two (2) years of continuous employment.
2. The Senior Administrative Officer shall earn three (3) days of annual leave for each calendar month of employment for each year of continuous employment thereafter.
3. The Senior Administrative Officer may, on the approval of the Mayor, carry over any unused leave not exceeding two (2) years of entitlement. Annual leave carried over which exceeds the two (2) year entitlement shall be liquidated in cash at the end of the subsequent vacation year.
4. Prior to taking annual leave, the Senior Administrative Officer must obtain approval from the Mayor. The Mayor may approve annual leave for the Senior Administrative Officer depending on operational requirements.
5. Applications for annual leave shall be approved on the basis of leave credits earned.

(c) Sick Leave

1. The Senior Administrative Officer shall earn sick leave credits at the rate of one and one-half (1.5) days per month for each continuous year of employment.
2. Sick leave earned but not used by the Senior Administrative Officer shall accumulate from year to year, to a maximum of one hundred and twenty (120) days.
3. The Senior Administrative Officer, upon resignation, shall be paid out any unused sick leave to a maximum of thirty (30) days.
4. The Mayor may approve sick leave, for the Senior Administrative Officer, of up to five (5) working days without a medical certificate. Sick leave in excess of five (5) working days may be approved upon the submission of a medical certificate.
5. The Mayor may grant up to fifteen (15) days of unearned sick leave to the Senior Administrative Officer which shall be considered a debt owing to the town and shall be recovered, if still outstanding, at the termination of employment.

(d) Special and Other Leave

Special and Other Leave may be granted by the Mayor upon consultation with the Standing Committee on Personnel. Special and Other Leave shall not be carried over.

1. Bereavement Leave

The Senior Administrative Officer may be granted up to five (5) days of paid bereavement leave on the death of an immediate family member.

2. Personal Absence Leave

The Senior Administrative Officer may be granted up to five (5) days of paid personal leave to attend to personal business.

3. Birth or Adoption of his or her Child

The Senior Administrative Officer may be granted up to three (3) days of paid leave on the birth or adoption of his or her child.

4. Marriage Leave

The Senior Administrative Officer, following completion of one year of continuous employment, may be granted up to five (5) days of paid leave for the purpose of getting married.

5. Court Leave

The Senior Administrative Officer shall be granted leave with pay if serving as a juror or witness in a court action, providing such court action is not occasioned by the Senior Administrative Officer's private affairs.

6. General Leave

The Senior Administrative Officer shall earn an additional ten (10) days of paid leave in lieu of overtime.

7. Compassionate Leave

The Senior Administrative Officer may be granted up to eight (8) weeks of unpaid compassionate leave to provide care for a critically ill family member, in accordance with the provisions of the *Employment Standards Act* of the Northwest Territories.

(e) Educational Leave

The Senior Administrative Officer may be, on the recommendation of the Standing Committee on Personnel and approved by Council, granted up to four (4) weeks of paid educational leave to attend a course, seminar, meeting or lecture relevant to the position of Senior Administrative Officer.

(f) Insurance Plan

The Senior Administrative Officer shall participate in the Group Health Insurance Plan as provided to the staff of the Municipal Corporation.

(g) Pension Plan

The Senior Administrative Officer shall enrol in a Pension Plan provided through the Northern Employee Benefits Services.

16. MODIFICATIONS TO TERMS AND CONDITIONS

- (a) The Standing Committee on Personnel may, on review of the existing terms and conditions or on the request of the Senior Administrative Officer review the terms and conditions, recommend amendments to this By-law to Council.
- (b) Amendments to the terms and conditions of the employment of the Senior Administrative Officer must be made by amendment to this By-law or by separate by-law.

17. CIVIL LIABILITY

If an action or proceeding is brought against the Senior Administrative Officer for an alleged wrong doing committed by the Senior Administrative Officer in the performance of his or her duties:

- (a) the Senior Administrative Officer, upon being served with any legal process, or upon receipt of any action or proceeding as hereinbefore referred to be commenced against him or her shall advise the Mayor of any such notification or legal process;
- (b) the Town shall pay any damages or costs awarded against the Senior Administrative Officer in any action or proceedings and all legal fees, provided the conduct of the Senior Administrative Officer, which gave rise to the action, did not constitute gross misconduct or neglect of duty;
- (c) the Town shall pay any sum required to be paid by the Senior Administrative Officer in connection with the settlement of any claim made against the Senior Administrative Officer if such settlement is recommended to Council, by the Standing Committee on Personnel, before the settlement is finalized; provided the conduct of the Senior Administrative Officer, which gave rise to the action, did not constitute gross misconduct or neglect of duty.

Upon the Senior Administrative Officer notifying the Mayor in accordance with section 17(a), the Town shall appoint legal counsel. The Town accepts full responsibility for the conduct of the legal action and the Senior Administrative Officer agrees to co-operate fully with the appointed legal counsel.

18. PROFESSIONAL DEVELOPMENT

- (a) The Town, at its discretion, may provide an annual budget of \$10,000 to a Professional Development Fund for the purpose of providing the Senior Administrative Officer the opportunity to participate in educational programs related to the position. Contributions to the Professional Development Fund shall not cause the balance of this fund to exceed \$20,000.
- (b) The Standing Committee on Personnel shall review any request for professional development, based on the established policy, and make the appropriate recommendation to Council.

19. DURATION

The provisions of this By-law shall remain in force and effect until such time it is amended or repealed.

20. EFFECT

This By-law shall come into force and effect upon third reading thereof.

READ A FIRST TIME THIS 15 DAY OF June, 2009 A.D.

READ A SECOND TIME THIS 30 DAY OF June, 2009 A.D.

READ A THIRD TIME THIS 30 DAY OF June, 2009 A.D.

P. Martsho
MAYOR

[Signature]
SENIOR ADMINISTRATIVE OFFICER

TOWN OF FORT SMITH
TO BY-LAW # 806

APPENDIX "A"

SALARY GRID
SENIOR ADMINISTRATIVE OFFICER

Salary Grid Effective January 1, 2009

Level	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
1	117622	120495	124733	129098	133616	138293
2	120495	124733	129098	133616	138293	143132
3	124733	129098	133616	138293	143132	148141

Salary Grid Effective January 1, 2010

Level	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
1	119602	123674	127913	132278	136796	141473
2	123674	127913	132278	136796	141473	146312
3	127913	132278	136796	141473	146312	151932

Salary Grid Effective January 1, 2011

Level	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
1	122662	126734	130973	135338	139856	144533
2	126734	130973	135338	139856	144533	149372
3	130973	135338	139856	144533	149392	154381