



**THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 1019**

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 representatives 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, daughter-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;



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- (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. 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.

4. 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.

5. OUTSIDE EMPLOYMENT

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

6. 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 Corporate Services Standing Committee within ten (10) calendar days of the interpretation or application or disciplinary action.
- (b) The Corporate Services Standing Committee, 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 Corporate Services Standing Committee shall be final.



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7. 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 Corporate Services Standing Committee and approved by Council motion. A Probationary Period may not be extended more than six (6) months and is limited to one extension.
- (c) Should the Senior Administrative Officer be dismissed without cause while on Probation, he/she shall be entitled to two weeks' salary in lieu of notice. Should the Senior Administrative Officer be dismissed with cause while on Probation, he/she shall not be entitled to any payment.
- (d) Internal Candidates will maintain seniority and years of service must be taken into consideration, however additional terms of employment may be addressed in letter of offer.

8. 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 Corporate Services Standing Committee 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) In addition, the Mayor shall complete yearly performance appraisals, on or around the anniversary of the Employee's date of hire, for review by the Corporate Services Standing Committee. The Corporate Services Standing Committee shall make the appropriate recommendation for Council approval.

9. DISCIPLINE

- (a) 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.

10. TERMINATION

- (a) The Council may, on the recommendation of the Mayor or the Corporate Services Standing Committee, dismiss the Senior Administrative Officer for unsatisfactory performance during the Probationary Period.
- (b) The Council may, on the recommendation of the Mayor or the Corporate Services Standing Committee, 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*.



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11. PAYMENT ON TERMINATION

- (a) After successful completion of the Probationary Period, the Senior Administrative Officer shall be paid, on resignation, an amount equal to two (2) week's salary for each completed year of employment or portion thereof to a maximum of sixteen (16) weeks' pay and any earned unused leave entitlements.
- (b) After successful completion of the Probationary Period, the Senior Administrative Officer shall be paid on dismissal, other than for cause, an amount equal to 6 months' salary at their rate of pay at the time of termination.
- (c) The Senior Administrative Officer who is dismissed for cause shall not be entitled to any payment other than earned unused leave entitlements.

12. REMUNERATION

The Senior Administrative Officer shall be paid:

- (a) At the level indicated in the SAO offer of employment.
- (b) An annual Northern Allowance of \$7,715.00;
- (c) Upon receipt of a satisfactory yearly performance appraisal, other than those conducted during the Probationary Period, the Corporate Services Standing Committee shall recommend, for Council approval, a salary increment increase as per the pay grid detailed in the SAO offer of employment.

13. 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 business 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 three (3) years of continuous employment.



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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. A Senior Administrative Officer recruited directly from a position with the federal government, territorial government, provincial government or municipal government, and who has directly related experience, may be granted credit for those years of service for the purpose of calculating vacation leave.
4. The Senior Administrative Officer may, on the approval of the Mayor, carry over any unused leave not exceeding one (1) year of entitlement. Annual leave carried over which exceeds the one (1) year entitlement shall be liquidated in cash at the end of the vacation year.
5. 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.
6. Applications for annual leave shall be approved on the basis of leave credits earned.
7. Two (2) additional days of leave will be granted provided that said leave is taken during the period of October 1 to April 30 and provided a minimum of five (5) days leave is liquidated for each additional day. The leave used in this calculation may consist of annual, lieu or designated holidays.

(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 Mayor may approve sick leave, for the Senior Administrative Officer, of up to three (3) working days without a medical certificate. Sick leave in excess of three (3) working days may be approved upon the submission of a medical certificate.
4. 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.



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(d) Special and Other Leave

Special and Other Leave may be granted by the Mayor upon consultation with the Corporate Services Standing Committee. 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. 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.

3. Pregnancy/Parental Leave

As per collective agreement.

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 fifteen (15) days of paid leave in lieu of overtime.

7. Compassionate Leave

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

8. Wellness Leave

Employees shall be entitled to one (1) day of sick leave or special leave per calendar year, at the employee's request, to promote wellness and maintain a good physical and mental health. Such leave may not be combined with any other type of leave.

9. Medical Travel Leave

An Employee who is proceeding to a medical centre or accompanying a dependant who is proceeding to a medical centre shall be granted leave with pay for the lesser of three (3) days to the actual time taken to travel from Fort Smith to the medical centre and return. The employee shall provide proof of an appointment in the form required by the Employer.

10. Domestic Violence Leave

The Employer shall grant leave with pay, up to a maximum of three (3) days per calendar year, to an employee who is experiencing domestic violence. This leave may be taken as consecutive or single days or as a fraction of a day, without prior approval, to attend to necessary activities to support the employee's health, safety and security.

(e) Insurance Plan



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

(f) Pension Plan

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

14. MODIFICATIONS TO TERMS AND CONDITIONS

- (a) The Corporate Services Standing Committee 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.
- (c) Bylaw 1019 must be reviewed regularly and when appointing a new Senior Administrative Officer.

15. 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 in the performance of their employment;
- (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 Corporate Services Standing Committee, 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 in the performance of their employment.

Upon the Senior Administrative Officer notifying the Mayor in accordance with section 15(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.



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16. PROFESSIONAL DEVELOPMENT

(a) Professional Memberships

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 directly to the organization.

(b) Education Leave

The Senior Administrative Officer may, on the recommendation of the Corporate Services Standing Committee and approved by Council, be granted paid educational leave to attend a course, seminar, meeting or lecture relevant to the position of Senior Administrative Officer. If the request is approved, tuition will be paid directly to the organization. The Senior Administrative Officer will be required to (i) submit proof of successful completion of the education leave or (ii) repay the full amount of the education leave.

17. DURATION

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

18. REPEAL

Bylaw 947 is hereby repealed.

19. EFFECT

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

READ A FIRST TIME THIS 17th DAY OF August, 2021 A.D.

READ A SECOND TIME THIS 17th DAY OF August, 2021 A.D.

READ A THIRD TIME THIS 21st DAY OF September, 2021 A.D.


MAYOR


SENIOR ADMINISTRATIVE OFFICER

I hereby certify that this bylaw has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the bylaws of the Municipal Corporation of the Town of Fort Smith.


SENIOR ADMINISTRATIVE OFFICER