

Town of Creston

Bylaw No. 1965

A bylaw to establish a process for Council Leaves of Absences.

WHEREAS Elected Officials do not qualify for parental leave or other extended leaves of absence under the *Employment Standards Act*;

AND WHEREAS pursuant to section 125(5) of the *Community Charter*, Elected Officials are subject to disqualification from office if they are absent from a Council meeting for a period of 60 consecutive days, or, four consecutive regularly scheduled Council Meetings, unless the provisions of Section 125(7) are applied;

AND WHEREAS Section 125(7) of the *Community Charter* allows Council members to take a leave of absence with approval of Council;

AND WHEREAS diverse representation of elected officials with the Town of Creston's governance structure can be encouraged through the reduction of barriers to participate for individuals who are, or have partners who are giving birth or adopting;

NOW THEREFORE, the Council of the Town of Creston, in open meeting assembled, enacts as follows:

Part 1 Citation

1.1 This Bylaw may be cited as "Council Leave of Absence Bylaw No. 1965, 2022".

Part 2 Severability

2.1 If a portion of this Bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this Bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause, or phrase.

Part 3 Parental Leave

3.1 A Member of Council may take Parental Leave for a period of up to 26 weeks in accordance with this Bylaw. The Leave shall not extend beyond the Member's term of office.

3.2 A Member of Council is eligible to take parental leave if:

- a. they have given birth or are about to give birth;
- b. their spouse or partner has given birth or is about to give birth, and the member will be the primary caregiver; or,
- c. they have adopted a child and will be the primary caregiver.

- 3.3 Parental Leave may commence prior to or after the birth or adoption but must commence no earlier than 12 weeks prior to the estimated date of delivery, or adoption and no later than 12 weeks after the day the child is born or adopted.

Part 4: Salary and Benefits During a Leave of Absence

- 4.1 A Member of Council shall continue to receive their salary during an authorized leave of absence.
- 4.2 A Member of Council shall continue to receive their benefits during an authorized leave of absence.

Part 5: Implementing a Leave of Absence

Notice of Leave

- 5.1 Prior to taking an authorized leave of absence, unless urgent or unforeseen circumstances exist, a Member must give the Mayor and Chief Administrative Officer, or designate, at least four weeks written notice of their intention to take leave.
- 5.2 Prior to taking a leave of absence, the Mayor must give four weeks written notice to the Chief Administrative Officer.
- 5.3 The written notice must include:
- a. the start date of the leave; and,
 - b. the anticipated length of the leave.

Written Commitment

- 5.4 After providing written notice as required, and before commencing leave, a Member must submit a signed written commitment to the Mayor and Chief Administrative Officer, or designate, that includes:
- a. a written commitment setting out the details of the plan to cover the member's duties during the leave; and,
 - b. any Council duties that the Member will continue to perform during the leave.
- 5.5 If the Member's written commitment includes another Member providing coverage, the written commitment must also be signed by the Member providing coverage to confirm that Member's acceptance of responsibilities.
- 5.6 The Acting Mayor as assigned will be responsible for fulfilling the Mayor's duties in the event of an authorized leave of absence.

Absence from Council and Committee Meetings and Excusal from Councillor Duties

- 5.7 A member of Council who takes leave pursuant to this Bylaw is not required to participate in Council meetings and Council Committee meetings of other bodies to which they are appointed by Council.
- 5.8 In accordance with the *Community Charter*, a member of Council who takes leave pursuant to this Bylaw shall not be disqualified from Council by being absent from Council meetings during the leave.

Part 6 Other Leaves of Absence

- 6.1 Other extended leaves of absence will be considered on a case by case basis and made by Council Resolution, pursuant to the *Community Charter*.

Such leaves may include, but are not limited to:

- Medical Leave
- Compassionate Care Leave
- Critical Illness or Injury Leave

Part 7 Effective Date

- 7.0 This Bylaw shall come into full force and effect upon adoption.

READ A FIRST TIME by title and SECOND TIME by content this 23rd day of August, 2022.

READ A THIRD TIME by title this 23rd day of August, 2022.

ADOPTED this 6th day of September, 2022.

“Ron Toyota”
Mayor Ron Toyota

“Kirsten Dunbar”
Kirsten Dunbar, Corporate Officer