



CITY OF MOOSE JAW

Parental Leave for Elected Members Bylaw, 2021

Bylaw No. 5649

Date of Passage July 12, 2021
(effective date July 12, 2021)

Disclaimer:

This information has been provided solely for research convenience. Official bylaws are available at the Office of the City Clerk and must be consulted for purposes of interpretation and application of the law.

BYLAW NO. 5649

PARENTAL LEAVE FOR ELECTED MEMBERS BYLAW, 2021

The Council of the City of Moose Jaw in the Province of Saskatchewan, enacts as follows:

Title

- 1 This Bylaw shall be referred to as the "Parental Leave for Elected Members Bylaw, 2021".

Purpose

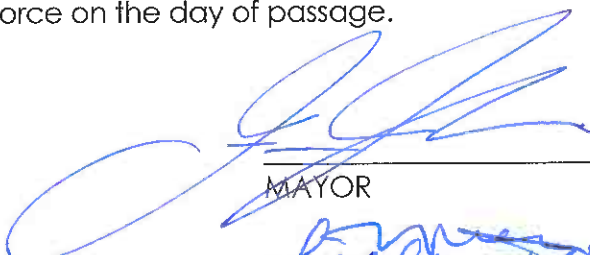
- 2 The purpose of this Bylaw is to establish a policy to ensure parental leave for Members of Council without the need for Council to pass a motion approving each absence in accordance to section 120(1)(c) of *The Cities Act*.

Parental Leave for Elected Members Policy


- 3 Members of Council and City Administration are responsible for adhering to the parameters of the Parental Leave for Elected Members Policy, attached as Schedule A, to this Bylaw.

Coming into Force

- 4 This Bylaw comes into force on the day of passage.



MAYOR



CITY CLERK

READ A FIRST TIME the 12th day of July 2021.

READ A SECOND TIME the 12th day of July 2021.

READ A THIRD TIME the 12th day of July 2021.



SCHEDULE A City of Moose Jaw POLICY

POLICY:	PARENTAL LEAVE FOR ELECTED MEMBERS	POLICY NO.:	CCL-001-2021 POY
POLICY Owner	City Clerk's Office	Approved on:	
Approved by:	City Council Resolution #2021-07-12-796 Bylaw No. 5649, Parental Leave for Elected Members Bylaw, 2021	Effective Date:	July 12, 2021
Last Reviewed:		Next Review:	January 3, 2024

1. Purpose

- 1.1 This Policy provides guidance on Pregnancy and/or Parental Leaves for Members of Council in a manner that respects a Member's statutory role as an elected representative.
- 1.2 The purpose of this Policy is to establish the procedure for declaring the leave and to identify the remuneration package and other administrative matters.

2. Application

- 2.1 This Policy applies to any Member of Council who is absent from meetings of Council for twenty (20) consecutive weeks or less as a result of the Member's pregnancy, the birth of the Member's child, the adoption of a child by the Member, or parental leave by the Member.

3. Definitions

- 3.1 "Act" means *The Cities Act* and amendments thereto.
- 3.2 "City" means the Corporation of the City of Moose Jaw.
- 3.3 "City Clerk" means the person duly appointed as City Clerk as per the City's Administration Bylaw, or the designate of the City Clerk.
- 3.4 "Mayor" means the chief elected official. If the Mayor takes Parental Leave, any references in this policy to the Mayor shall be deemed to refer to the Deputy Mayor.
- 3.5 "Member of Council" means an elected member duly elected pursuant to the provisions of *The Local Government Election Act, 2015* and includes the Mayor.
- 3.6 "Parental Leave" means a period of time during which an elected Member of Council may be absent from all Council and Council Committee meetings, and any other duties assigned to the Councillor by Council.
- 3.7 "Parental Leave Agreement" means a written commitment described in Section 7.

- 3.8 "Remuneration" means salaries, indemnities, honourariums, and allowances paid to a Member of Council.

4. Scope

- 4.1 The City will support Pregnancy and/or Parental Leaves of Members of Council in accordance with the following principles and provisions:
- a. A Member of Council is elected to represent the interests and well-being of the municipality and their constituents.
 - b. A Member's Leave does require Council approval, acknowledging the Member's twenty (20) weeks of Leave; however, their office cannot be declared vacant as a result of the Leave.
 - c. A Member on Leave shall continue to receive all remuneration and continue to have expenses paid in accordance with any Council expense policy.
 - d. The Member is entitled to continue to receive communication from Council (Council packages, email, meeting invitations), as if the Member were not on Leave, in accordance with the wishes of the Member.
 - e. A Member on Leave reserves the right to participate as a Member at any time during their Leave.
 - f. Members of Council on Leave may participate in events, conferences, committee meetings, constituent meetings or respond to communications at the level they determine, utilizing an out of office email feature to identify they are on leave, the level of service offered and an alternate contact if required.
 - g. Legislative and administrative matters requiring action during a Member's Leave should be addressed in a manner that is consistent with the Member's wishes subject to normal practices and policies.
 - h. Council may make temporary appointments to fill any vacancies created by the Leave of the Member.
 - i. At any point during a Member's Leave, the Member will provide written notice to the City Clerk and Mayor if they wish to return to such appointments. Any temporary appointments will be revoked, effective the date of return of the Member, allowing the member to resume exercising their statutory role in this regard.
 - j. A Member on Leave has the right to exercise his or her delegated authority at any time during their Leave.
 - k. A Member of Council shall be entitled to two (2) twenty (20) consecutive weeks Leave per Term of Council.
 - l. If a Member of Council is absent from a meeting due to pregnancy and/or parental leave, the City Clerk will record the reason for the absence in the minutes of the meeting.

5. Length and Period of Leave

- 5.1 Parental Leave taken under this policy shall not exceed twenty (20) consecutive weeks.
- 5.2 Parental Leave may commence prior to or after the birth or adoption of the Council member's child, but must commence no earlier than six (6) weeks prior to the estimated date of delivery or adoption of the child, and no later than twelve (12) weeks after the day that the child is born or adopted by the Council member.
- 5.3 The request for an extended Leave is deemed outside the scope of this Policy. An extension to the approved Parental Leave may be granted with the support of the majority of Council by resolution.

6. Notice of Parental Leave

- 6.1 Unless exigent circumstances exist, a Member of Council must provide six (6) weeks' written notice to the City Clerk and Mayor advising that they intend to take Parental Leave.
- 6.2 The written notice required must include:
 - a. The start date of Parental Leave.
 - b. The anticipated length of Parental Leave, including date of return.
 - c. If the Council member was unable to provide six (6) weeks' written notice, the general nature of the exigent circumstances.

7. Terms of Parental Leave

- 7.1 After providing written notice required by Section 6, and before commencing Parental Leave, the Member of Council must submit a signed Parental Leave Agreement to the City Clerk and Mayor that includes:
 - a. The tasks and duties, if any, that the Member of Council intends to continue to perform during all or part of the Parental Leave as set out in Section 4.
 - b. Describe how tasks and duties that the Member of Council does not intend to continue to perform during Parental Leave will be performed during the Parental Leave, which may involve, without limiting the generality of the foregoing, certain tasks or duties being performed by another Council member.
 - c. Any workplace accommodations requested for the duration of the leave or following the leave.

- 7.2 A Member of Council may revise their Parental Leave Agreement during Parental Leave by submitting a revised Parental Leave Agreement to the City Clerk and Mayor.
- 7.3 A Member of Council shall comply with their Parental Leave Agreement.

8. Representation of the City

- 8.1 If a Member of Council taking Parental Leave is a Council appointed member of a committee, board or other body, and the Council Member's Parental Leave Agreement does not provide that the Council Member will continue to serve as a member of the committee, board, or other body during Parental Leave, Council shall, subject to any restrictions in the governing documents of the committee, board, or other body, appoint an alternate representative to the committee, board or other body during the Council Member's Parental Leave.

9. Remuneration and Benefits

- 9.1 During the first six (6) weeks of Parental Leave, a Member of Council shall receive the full remuneration that the Member would have otherwise received.
- 9.2 For the remaining time period of the Leave, a Member of Council shall receive a percentage of the remuneration that the Member would have otherwise received as follows:
- a. 0% if the Member does not perform any duties during Parental Leave.
 - b. 30% if the Member prepares for and attends, either in person or using a communication facility, all Council meetings.
 - c. 25% if the Member prepares for and attends, either in person or using a communication facility, all Standing Committees.
 - d. 25% if the Council member prepares for and attends, either in person or using another form of electronic communication, all committees, boards, or other body meetings that the Member has been appointed to represent Council.
 - e. 20% if the Member attends constituency events and regularly responds to constituency matters by telephone or electronic mail.
- 9.3 For the purposes of Section 9.2, a Council member may perform some or all of the duties described in subsections (a) through (e), and shall receive remuneration for each duty performed for each week the duties are performed.

10. City Clerk's Role

- 10.1 The City Clerk may delegate any power, duty or function under this Policy.
- 10.2 On request, the City Clerk will provide assistance to a Member of Council to prepare a Parental Leave Agreement required under Section 7 and as attached to this Policy.
- 10.3 For the limited purpose of confirming that the Member of Council is performing duties in order to receive partial remuneration during all or part of the Parental Leave, the City Clerk may make reasonable inquiries of the Council member during Parental Leave.
- 10.4 The City Clerk's Office shall publish a written description of the Parental Leave Agreement on the City's website.

11. Data Protection

- 11.1 When managing a Member's maternity, paternity, shared parental or adoption leave request, the Council Member's personal data collected in accordance with the *Local Authority and Freedom of Information and Protection of Privacy Act (LA FOIP)* [Section 23] from the point the request is received is held securely and accessed by, and disclosed to individuals only for the purposes of managing the request. Inappropriate access or disclosure shall constitute a data breach and will be reported immediately to the Member of Council on Leave and the Office of the Saskatchewan Information and Privacy Commissioner. It may also constitute a disciplinary offence which will be dealt with under the City's Code of Conduct policies.

12. Review

- 12.1 This Policy shall be brought forward for review at the beginning of January in the year that a municipal election is being held, when relevant legislation is amended, and at any other time that Council considers appropriate to ensure that it remains current and continues to accurately reflect the standards of Council.
- 12.2 The Administrative Review Officer may investigate complaints against Members related to this Policy.

13. Severability

- 13.1 If any portion of this Policy is declared invalid by a court of competent jurisdiction, then the valid portion must be severed and the remainder of the Policy is deemed valid.

14. Effective Date

- 14.1 This Policy shall come into force and effect when it receives final approval by City Council.

APPROVED
City Manager's Signature: 

MEMBER OF COUNCIL REQUEST FOR LEAVE OF ABSENCE

While completing this form, please refer to Parental Leave for Elected Members Policy CCL-001-2021 POY if the request for a leave is as a result of the member's pregnancy, the birth of the member's child or the adoption of a child by the member.

1. PREGNANCY OR PATERNITY LEAVE UP TO 20 WEEKS

Complete this section of the Leave of Absence if the Leave is for less than 20 consecutive weeks.

Member of Council Name: _____

Leave Begin Date: _____

Expected Date of Return: _____

2. EXTENDED LEAVE OF ABSENCE

Complete this section if the Leave of Absence will be for more than 20 consecutive weeks. Please note, a leave request of more than 20 weeks will be brought to Council for consideration in a staff report prepared by the City Clerk.

Member of Council Name: _____

Leave Begin Date: _____

Expected Date of Return: _____

3. LEAVE ADMINISTRATION

a. Please indicate the tasks and duties, if any, you are intending to continue to perform during all or part of the Parental Leave.

- Attend City Council meetings in-person or by video conferencing.
- Attend Standing Committee meetings in-person or by video conferencing.
- Attend all committee, boards or other body meetings as appointed to as Council's representative.
- Attend some committee, boards or other body meetings as appointed to as Council's representative. Please indicate which committees, boards or other body meetings intending to continue to represent during the Leave.

- Attend constituency events as available.
- I will not be attending any of the above.

b. Would you like to continue to receive all Council, Standing Committee and Advisory Committee agendas while on leave?

- Yes No

c. Will you initiate an out of office message during the leave? If yes, indicate Member of Council or staff person to be identified as alternate contact for out of office message.

- Yes No Alternate Contact: _____

d. Do you wish to continue to receive mail and event invitations during the leave? If yes, all mail and invitations will be scanned and sent electronically to the preferred email address.

Yes No Preferred Email Address: _____

e. Will you require workplace accommodations during or following the Parental Leave?

Yes No

If Yes, please indicate the workplace accommodations that will be required.

I, the undersigned, have read and understand the terms of the **Parental Leave for Elected Members Policy CCL-001-2021 POY** and agree to abide by those terms. I also agree that the City Clerk's Office may publish a written description of the Parental Leave Agreement on the City's website, subject to the exemptions applied under Section 23 of the *Local Authority and Freedom of Information and Protection of Privacy Act (LA FOIP)*.

Member of Council

Date

Mayor

City Clerk