



## Vacation Policy

Approved by the Board of Directors on November 18, 2016

### **Full-time Employees**

1. Employees shall receive ten (10) business days, not exceeding two weeks paid vacation during a 12-month term. Employers are required to schedule the vacation time earned each vacation entitlement year in a block of two weeks, or in two one-week blocks unless the employee makes a written request, and the employer agrees in writing to schedule the vacation in shorter periods. An employee who is on their three (3) probationary period is not entitled to their vacation days.
2. Each vacation entitlement year shall be calculated from May 1 to April 30 of the next year.
3. Employees must receive a minimum of four per cent of the gross "wages" (excluding vacation pay) they earned in the 12 months vacation entitlement year for which the vacation is being given.
4. If an employee leaves for any reason before the end of their contracted term, the vacation entitlement will be prorated for the time worked. Any vacation time taken in excess of the pro-rated amount will be deducted from the employee's final pay.
5. When employment ends, an employee is entitled to be paid the vacation pay that they have earned and that has not yet been paid out. Vacation pay is also payable on termination pay but not on severance pay. The unpaid vacation pay must be paid either within seven days of the employment ending or on what would have been the employee's next pay day.
6. The vacation time earned with respect to a completed vacation entitlement year must be taken within ten (10) months following the completion of the vacation entitlement year. The employer has the right to schedule vacation as well as an obligation to ensure the vacation time is scheduled and taken before the end of that ten-month period.

7. If an employee is unable to use all of their paid vacation time, they shall be paid for the number of unused days at the end of the vacation year.
8. It is the responsibility of the employer to record information concerning an employee's entitlement to vacation time and vacation pay in accordance with the Employment Standards Act, 2000. The employer is responsible for recording the following information: the amount of vacation time, if any, that the employee had earned since the start of the employment but had not taken before the start of the vacation entitlement year, the amount of vacation time that the employee earned during the vacation entitlement year, the amount of vacation time, if any, taken by the employee during the vacation entitlement year, the amount of vacation time, if any, that the employee had earned since the start of employment but had not taken as of the end of the vacation entitlement year, the amount of vacation pay paid to the employee during the vacation entitlement year, the amount of wages on which the vacation pay was calculated and the period of time to which those wages relate.
9. Vacation pay will be provided to an employee who is entitled to vacation, and will equal to at least 4 per cent of the wages, excluding vacation pay, that the employee earned during the period for which the vacation is given. Vacation pay will be paid in a lump sum before the employee commences his or her vacation. If the employee does not take vacation in complete weeks, they may be paid the vacation pay on, or before the pay day for the period in which the vacation falls or the employee can be paid for vacation pay at a time agreed by the employee.
10. Employees must secure the approval of the Executive Committee before taking vacation. Employees are expected to give the Executive Committee at least ten (10) business days notice to allow for adequate deliberation. If the minimum notice period is not met, the Executive Committee can reserve the right to deny the request providing a rationale.
11. Employees may request a carry forward of vacation days for the next year. A request must be made in writing to the Executive Committee. Such requests must be made by April 1 of the year in which the entitlement will expire.
12. The Vice-President Governance & Legal Affairs shall be the designate on behalf of the Executive Committee to notify the employee of the decision of their vacation request. If the Vice-President Governance & Legal Affairs is the one making a request, the Vice-President Finance shall be the designate to notify the Vice-President Governance & Legal Affairs on the decision of their request. In either case, the designate shall be responsible for notifying the Finance department if vacation is being used by an employee.

13. If an employee has scheduled a vacation, and subsequently a strike occurs or the employee is locked out during a time for which the vacation is scheduled, the vacation pay will be paid to the employee with respect to that vacation.
14. When an Ontario recognized statutory holiday occurs during the Executive member or Staff member's vacation time, they will receive the paid holiday instead of using a vacation day. An employee's public holiday pay for a given public holiday shall be equal to the total amount of regular wages earned and vacation pay payable to the employee in the four work weeks before the week in which the public holiday occurred, divided by 20; or if some other manner of calculations is prescribed, the amount determined using that manner of calculations. An employer who is required to pay premium pay to an employee shall pay the employee at least one and one half times his or her regular rate.
15. If a public holiday falls on a day that would ordinarily be a working day for an employee and the employee is not on vacation that day, the employer shall give the employee the day off work and pay the employee for the public holiday pay for that specific day. An employee and employer may agree that the employee will work on a public holiday that would ordinarily be a working day for that employee, and if they do, the above does not apply.
16. If the employee is required to work on a public holiday, the employer shall pay to the employee wages at his or her regular rate for the hours worked on the public holiday and substitute another day that would ordinarily be a working day for the employee to take off work and for which the employee shall be paid public holiday pay as if the substitute day were a public holiday, or pay the employee public holiday pay for the day plus premium pay for each hour worked on that day.
17. If an employee is seriously ill while on vacation, and has proper medical documentation of the illness, one half ( $\frac{1}{2}$ ) of the vacation time lost due to illness will be reinstated to the employee.
18. If an employee qualifies for other approved leave (i.e. bereavement, or special leave), and has proper documentation, the vacation time lost due to this leave may be reinstated by the Executive Committee. If an employee requires a leave, and there is no break in the employment relationship during a period of leave, the time on leave counts towards the completion of a vacation entitlement year. An employee who is on leave for all or only part of a vacation entitlement year would still earn a full two weeks of vacation time at the end of the vacation entitlement year. The vacation pay earned during the vacation entitlement year would be a minimum of 4 per cent of any wages actually earned during the year.
19. If a collective agreement between NUSU and the employee has been made, the provisions outlined in this policy would not be applicable. The terms for vacation

days in the collective agreement or contract of employment would be governed exclusively by such agreement or contract of employment.

20. An employee can give up some or all of their earned vacation time with the employer's written agreement and the approval of the Executive Committee. This approval does not affect an employer's obligation to pay the employee vacation pay; employees may give up vacation time, but not the right to vacation pay.

### **Part-time Employees**

1. Part-time employees are not entitled to paid vacation days; however, employees earn vacation pay as they earn wages. An employee is entitled to four (4) per cent of the hour's wages as vacation pay.
2. In accordance with "termination notice" with the Employment Standards Act, (although it's not terminating the employee, but the employment will be temporarily terminated because of the break), should the employment time be less than three (3) months there is no notice required, however should the employment be three months but less than one (1) year, 1 week notice is required, one (1) year but less than three (3) years requires two (2) weeks notice.