

BYLAW 1449/19
MATERNITY AND PARENTAL LEAVE FOR ELECTED OFFICIALS
STURGEON COUNTY, MORINVILLE, ALBERTA

A BYLAW OF STURGEON COUNTY IN THE PROVINCE OF ALBERTA, TO PERMIT MEMBERS OF COUNCIL TO TAKE LEAVE PRIOR TO OR AFTER THE BIRTH OR ADOPTION OF A CHILD.

WHEREAS, section 144.1(1) of the *Municipal Government Act*, RSA 2000, c. M-26 (MGA) states that a council of a municipality may, by bylaw, having regard to the need to balance councillors' roles as parents with their responsibilities as representatives of residents, establish whether councillors are entitled to take leave prior to or after the birth or adoption of their child;

AND WHEREAS, section 144.1(2) of the MGA states that a bylaw established under section 144.1(1) must contain provisions respecting the length of the leave, other terms and conditions of the leave entitlement, and how the municipality will continue to be represented during periods of leave;

AND WHEREAS, the Council of Sturgeon County deems it appropriate to establish a bylaw to prescribe maternity and parental leave for elected officials;

NOW THEREFORE, the Council of Sturgeon County, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. Name of Bylaw

- 1.1. This Bylaw may be cited as the "Maternity and Parental Leave for Elected Officials Bylaw".

2. Definitions

- 2.1. In this Bylaw:

- i. "Bylaw" means this Maternity and Parental Leave for Elected Officials Bylaw;
- ii. "County" means the Municipality of Sturgeon County;
- iii. "County Commissioner" means the person appointed as the Chief Administrative Officer of Sturgeon County;
- iv. "Member of Council" or "Member" means an elected member of Council, including the Mayor;
- v. "Municipal Government Act" means the *Municipal Government Act*, RSA 2000, c. M-26.

3. Eligibility for Maternity Leave or Parental Leave

- 3.1. A Member of Council is eligible to take maternity leave or parental leave in accordance with this Bylaw.

4. Maternity Leave

- 4.1. A Member of Council who has given birth, or who is about to give birth, may take maternity leave for a period of up to 15 weeks.

4.2. During the first week of maternity leave, the Member is entitled to 100% of her base salary.

4.3. During the subsequent 14 weeks of maternity leave, the Member is entitled to 95% of her base salary.

5. Parental Leave

5.1. A Member of Council:

- a) whose spouse or partner has given birth, or
- b) who has adopted a child,

may take parental leave for a period of up to 26 weeks within the first year of the birth or adoption.

5.2. A Member who has taken maternity leave pursuant to section 4 may take parental leave for a period of up to 11 weeks. The combined maternity leave and parental leave shall not exceed 26 weeks.

5.3. During the parental leave, the Member shall be paid an amount equal to the current Employment Insurance maximum benefit entitlement.

6. Benefits

6.1. A Member of Council who takes maternity leave or parental leave pursuant to this Bylaw is entitled to continue to receive benefits upon paying premiums bi-weekly in a manner determined by the County Commissioner.

7. Notice of Leave

7.1. Unless exigent circumstances exist, a Member must provide at least 6 weeks' written notice to the Mayor and County Commissioner that the Member intends to take maternity leave or parental leave.

7.2. If the Mayor intends to take maternity leave or parental leave, the written notice under section 7.1 must be provided to the Deputy Mayor and County Commissioner.

7.3. The written notice must include:

- a) the start date of the maternity leave or parental leave;
- b) the anticipated length of the maternity leave or parental leave; and
- c) if the Member was unable to provide 6 weeks' written notice, the general nature of the exigent circumstances.

8. Terms of Leave and Written Commitment

- 8.1. After providing written notice as required by section 7, and before commencing maternity leave or parental leave, a Member must submit a signed written commitment to the Mayor and County Commissioner that includes:
- a) the processes that will be implemented to ensure the Member of Council's constituents are represented during the maternity leave or parental leave, which may include another Member providing coverage or any other process that the Member taking maternity leave or parental leave determines appropriate;
 - b) the duties the Member intends to continue to perform during all or part of the maternity leave or parental leave; and
 - c) any workplace accommodations requested by the Member to balance their role as a parent with their responsibilities as a Member of Council during or following maternity leave or parental leave.
- 8.2. If the Mayor intends to take maternity leave or parental leave, the written commitment under section 8.1 must be provided to the Deputy Mayor and County Commissioner.
- 8.3. If the Member's written commitment includes another Member providing coverage during maternity leave or parental leave, the written commitment must also be signed by the Member providing coverage to confirm that Member's acceptance of responsibilities on behalf of the Member taking maternity leave or parental leave.
- 8.4. If the Member's written commitment includes workplace accommodations, the written commitment must also be signed by the County Commissioner to confirm that the County is able to provide such accommodations.
- 8.5. A Member may revise their written commitment during maternity leave or parental leave by submitting a revised written commitment, including signatures of another Member or the County Commissioner, if required, to the Mayor and County Commissioner, or to the Deputy Mayor and County Commissioner if it is the Mayor taking the maternity leave or parental leave.
- 8.6. At any time after a written commitment is given to the Mayor and County Commissioner until the end of a maternity leave or parental leave, any person may request to view the written commitment during regular business hours in the presence of the County Commissioner.

9. Absence from Council and Committee Meetings and Excusal from Councillor Duties

- 9.1. A Member who takes maternity leave or parental leave pursuant to this Bylaw is not required, during the leave, to:
- a) participate in Council meetings, Council Committee meetings, and meetings of other bodies to which they are appointed by Council; or
 - b) perform any other duties imposed on the Member by the *Municipal Government Act*, by any other enactment, by bylaw, or by Council.

- 9.2. In accordance with section 174(2)(b) of the *Municipal Government Act*, a Member who takes leave pursuant to this Bylaw shall not be disqualified from Council by being absent from Council meetings during the leave.

10. County Commissioner's Role

- 10.1. The County Commissioner may delegate any power, duty or function under this Bylaw.
- 10.2. On request, the County Commissioner will provide assistance to a Member to prepare the written commitment required by section 8 of this Bylaw.

11. Effective Date

- 11.1. This Bylaw shall come into force on January 1, 2020.

Read for the first time this ____ day of _____ 2019.

Read for the second time this ____ day of _____ 2019.

Read for the third and final time this ____ day of _____ 2019.

MAYOR

COUNTY COMMISSIONER

DATE SIGNED

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