

	Policy No.	Officer Responsible	
	B.504	Board of Governors	
	Policy Name		
	Exempt Employees – Conditions of Employment		
Approved by	Replaces	Category	Next Review
Board	Policy 24	A	January 2020
Date Issued	Date Revised	Related Policies, Reference	
June 15, 2010	January 17, 2017	B.501, B.503, B.509	

1. PURPOSE AND RENEWAL

- 1.1 This Policy establishes the terms and conditions of employment for the staff of Capilano University who are excluded from membership in the staff union certification (“Exempt Employees”). This Policy constitutes part of the contractual agreement between Capilano University and its Exempt Employees and renders null and void any previous terms and conditions between the University and these employees.
- 1.2 Renewal: In October of each year the Associate VP, Human Resources will review the terms of this Policy with the Exempt Employees and will recommend changes, if any, to the Board.

2. SCOPE

- 2.1 This Policy shall be applicable to exempt positions which are appointed by the President according to Policy B.501. The current list of such positions and their classification will be maintained by the Human Resources Department of the University and made available on request.
- 2.2 Positions may be added to, or deleted from, this list at the discretion of the University.

3. APPOINTMENT AND EVALUATION

- 3.1 An Exempt Employee may be hired for a term specific or for a continuing term. At time of hire the Exempt Employee will be advised whether the appointment is for a term specific or a continuing term, the commencement date of the hire, the expected hours of work and the salary for the position.
- 3.2 An Exempt Employee shall complete a probationary period for each new appointment. That probationary period shall be for a period of not less than six months and not more than twelve months.
- 3.3 An Exempt Employee shall be evaluated by his/her immediate supervisor at least once during the probationary period and, thereafter, at least once every year. An Exempt Employee may request an evaluation at any time in which case such evaluation will be performed as soon as possible thereafter.
- 3.4 The classification level of an Exempt Employee will be established at time of hire. An Exempt Employee may request a reclassification if he/she feels that his/her classification is incorrect.

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Requests for reclassification will be made to the Manager, Human Resources, who will review the request in consultation with the Exempt Employee and the Exempt Employee's immediate supervisor and will recommend the appropriate classification level. An increase in salary resulting from a classification review shall be retroactive to the beginning of the pay period in which the date of change of job duties occurred, or, when no date can be established, retroactive to the beginning of the pay period in which the request for classification review was received by the Human Resources Department. On reclassification of an Exempt Employee's position, the Exempt Employee shall move to the same step in the new salary as s/he was in the former pay group. A decrease in salary resulting from a classification review shall mean that an Exempt Employee's salary will be maintained above the maximum of the salary range for her/his job until such maximum is raised to a level above her/his salary (red circled salary treatment).

If a position is to be phased out, or there is a material change of duties or responsibilities, the University will give to the Exempt Employee as much notice as possible of such phasing out or modification of position. The University will make every effort to relocate and, if necessary, retrain an adversely affected Exempt Employee within the University.

4. TERMINATION OF EXEMPT EMPLOYEES

- 4.1 The University may terminate the employment of an Exempt Employee for cause at any time. The University may terminate the employment of an Exempt Employee without cause upon one month's notice for each complete year of service, calculated from the commencement of the initial probationary period, up to a maximum notice period of six months.

5. HOURS OF WORK, SALARIES AND MODIFICATION

- 5.1 The hours of work of an Exempt Employee will be established at time of hire but will not exceed thirty-five hours a week, generally divided into five equal units of seven hours apiece. An Exempt Employee's hours of work may include a modified workweek. Subject to the hour limitation cited above, the hours of work of an Exempt Employee may be changed by the University upon fourteen days' notice to the employee.
- 5.2 Exempt Employees are entitled to one meal break of a minimum duration of thirty minutes as well as two fifteen minute rest periods during any seven continuous hours of work.
- 5.3 The Board shall establish an Exempt Employee's Salary Scale based on benchmarked data which includes provisions for an adequate range and spread of salary rates to reflect, until

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June 30, 2017, five steps and thereafter to reflect base, control and above standard rates. Changes, if any, to this Salary Scale shall be subject to consideration by the Board of regular reviews undertaken by the Post-Secondary Employers' Association (PSEA) or by such other review processes as the Board deems appropriate.

- 5.4 On probationary appointment, each Exempt Employee shall be placed within the salary range of the position concerned, as determined by the University.
- 5.5 Effective July 1, 2017, progression from the range base to the established control rate is based on job proficiency and performance. The established control rate is the rate paid for standard performance. Exempt Employees shall progress along the salary range based upon an annual performance evaluation, subject to budget plans and availability, until the control rate for the position has been reached.

Progression beyond the established control rate is reserved for above standard performance and is considered performance based compensation and shall be limited for the few who truly exceed measurable performance standards. The maximum amount possible above standard will vary between 105% and 115% of the job rate depending on the nature of the role.

- 5.6 Exempt Employees are entitled to overtime compensation at the rate of double time for all hours worked in excess of their regularly scheduled hours. Exempt Employees who work on a paid holiday will receive compensation at the rate of double time for all hours worked and will also be entitled to an amount of time off, which is equivalent to that worked, at a time agreed to by the University.

6. PROFESSIONAL DEVELOPMENT

- 6.1 Exempt Employees may be granted leaves of absence with pay of up to two (2) weeks for professional development where, in the opinion of the University, it is of benefit to the University.

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7. BENEFITS

7.1 HOLIDAYS

Paid Holidays

The University shall grant as paid holidays:

New Year's Day	Victoria Day	Thanksgiving Day
Family Day	Canada Day	Remembrance Day
Good Friday	BC Day	Christmas Day
Easter Monday	Labour Day	Boxing Day

Any other day declared a holiday by the Federal, Provincial or Municipal Government in which municipality the employee regularly works and wherein the subject municipality has granted the same paid holiday to their own employees, except for days declared which have already been granted on another day pursuant to this Article.

In addition to the paid holidays specified herein, there shall be one (1) additional day of holiday granted by the University in each calendar year. The University reserves the right to schedule this holiday. All employees must take the holiday on the date so specified.

Holidays Falling on a Saturday or Sunday

When any paid holiday (outlined above) falls on a Saturday, the following Monday shall be observed. When any paid holiday falls on a Sunday, the following Monday (or Tuesday, where the preceding section already applies to the Monday) shall be observed.

When a paid holiday falls on an employee's day of rest other than on a Saturday or Sunday, the employee shall be given a day off with pay in lieu at a mutually agreeable time. If the day of rest on which the paid holiday falls is such by reason of an employee working a modified work week, the employee shall be given seven hours off with pay in lieu at a mutually agreeable time.

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Employees Required To Work on a Paid Holiday

An employee who works on a paid holiday shall receive either his/her regular day's pay or another day off, and shall receive additional compensation at the rate of double time, for all hours worked on that day.

Holidays Coinciding With a Day of Vacation

When a day of paid holiday falls during an employee's vacation time, the paid holiday shall not count as a day of vacation, nor as a day worked.

Payment for Holidays

Regular employees shall not have their pay reduced by virtue of holidays specified above.

Other employees, if they have worked their scheduled work days before and after a paid holiday, shall receive holiday pay based on their average daily hours in the time report period that the paid holiday falls within.

A paid holiday is equivalent to a maximum of seven (7) hours. Therefore, employees working modified work weeks shall be required to make up any time difference between the holiday and their modified workday when the latter is in excess of seven hours. Such time must be made up in one of the following time report periods:

- that preceding the holiday;
- that the holiday falls in;
- that following the holiday.

Payment for unused lieu days shall be made prior to an RPT employee's bridge period.

If a paid holiday falls on a day which a regular part time employee would not otherwise have worked, s/he shall be entitled to a lieu duration equal to the average of his/her scheduled weekly hours (e.g., weekly hours divided by the number of scheduled working days.)

Other Days

The following days or times therein are not paid holidays:

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- afternoon on the last working day prior to Christmas;
- afternoon on the last working day prior to New Year's Day;
- Easter Sunday.

Subject to operational requirements, the University will be closed at times listed above.

An employee shall be paid for the times listed above that which he/she would otherwise have received had it not been for this provision.

If an employee is officially requested to work during the times listed above, he/she shall be paid as if it were work on a paid holiday.

7.2 SICK LEAVE

Sick Leave Entitlement

Employees shall be granted sick leave with pay for a maximum of thirty (30) continuous calendar days.

The University may require proof of illness.

A pregnant employee who is not already on parental leave shall have access to sick leave for periods of incapacity caused by her pregnancy. The University may require proof of such incapacity.

Long-Term Illness

Should a single illness exceed thirty (30) calendar days in duration, the employee will suffer no loss of pay for the first thirty (30) day period as recognized in Sick Leave Entitlement above. After the thirty (30) days of a single continuous illness, benefits of the long-term disability plan in this agreement shall apply in accordance with the terms of that Plan.

Long-Term Replacements

Where it is necessary to hire a Regular status replacement in a position normally held by another employee who is either on Long Term Disability or who has been sick in excess of thirty (30) continuous calendar days, and where the sick employee returns to his/her position, the following shall apply to the replacement employee:

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S/he shall be given three (3) months’ notice of the termination of his/her employment;

On termination, s/he shall have a priority right to the first vacant position or hire for which he/she has the necessary qualifications and abilities. If the placement herein arising is not permanent, this right shall continue to exist until permanency is achieved. An employee shall be paid at the rate of the position.

7.3 SPECIAL AND OTHER LEAVE

Bereavement Leave

In the event of critical illness or death in an Exempt Employee’s immediate family, the Exempt Employee not on leave of absence without pay shall be entitled to paid leave of absences as follows:

- Up to and including seven (7) consecutive calendar days for critical illness;
- Up to and including seven (7) consecutive calendar days for death; or

Up to and including fourteen (14) consecutive calendar days for combined critical illness and death.

Leave granted for critical illness will terminate in the event of death of the immediate family member and the Exempt Employee will then be entitled to bereavement leave. Leaves must be taken during or in relation to the time of the actual occurrence of the critical illness or death. Any additional leave shall be without pay, or as a charge to earned time off or vacation time. If an Exempt Employee is on vacation at the time of bereavement, the Exempt Employee shall be granted bereavement leave and shall have the number of days of bereavement leave added to his/her vacation entitlement.

Immediate family is defined as an employee's spouse, a parent, child, brother, sister, grandparent or grandchild of either the employee or the employee's spouse; or any other person permanently residing in the employee's household. Should the deceased have been an intimate, in the sense of a close personal relationship, such leave shall be requested in writing to the Manager, Human Resources. The word “spouse” shall be deemed to include a common law spouse.

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In the event the sudden bereavement prevents the application for leave to be made in writing, the employee shall make every effort to personally advise the University, or shall have the University advised, of the reasons for such emergency absence.

Compassionate Care Leave

An employee will be granted a compassionate care leave of absence without pay for up to eight (8) weeks to care for a gravely ill family member. In order to be eligible for this leave, the employee must provide a medical certificate as proof that the ill family member needs care or support and is at risk of dying within 26 weeks.

An employee who is granted a compassionate care leave of absence to care for a gravely ill family member shall be entitled to the benefits as follows:

The employee's benefit coverage will continue for the duration of the compassionate care leave up to a maximum of eight (8) weeks, and the premium payment shall be on the same basis as if the employee were not on leave.

Where an employee elects to buy back pensionable service for part of all of the duration of the compassionate care leave, to a maximum of eight (8) weeks, the Employer will pay the Employer's portion of the pension contributions in accordance with the Pension Plan regulations.

An employee who returns to work following a leave granted under this provision shall be placed in the position the employee held prior to the leave.

7.4 SPECIAL LEAVE

Any employee not on leave of absence without pay shall be entitled to special leave at his/her regular rate of pay for the following:

Attend his/her formal hearing to become a Canadian citizen - one day.

Upon request to the Manager, Human Resources, reasonable leave to attend a funeral as a mourner.

Upon request to the Manager, Human Resources, up to four (4) days per year to meet responsibilities related to the care, health or education of an Exempt Employee's family.

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Such time off work may be taken at one time or in increments of one or more hours to a total of twenty-eight hours.

7.5 LEAVE FOR COURT APPEARANCES

The University shall grant leave with pay to employees who must serve as jurors or Crown witnesses in a court action.

In cases where an employee's private affairs (other than those specified above) have occasioned a court appearance, a leave of absence without pay shall be granted for a period of time reasonably required by such court appearance.

An employee in receipt of his/her regular earnings while serving at court shall remit to the University all monies paid to him/her by the Court, except travelling and meal allowances not reimbursed by the University.

In the event an employee is jailed pending a court appearance; such leave of absence shall be without pay.

7.6 PERSONAL LEAVE WITH PAY

Employees may request Personal Leave with Pay in circumstances where existing entitlements as set out in this Agreement prove insufficient. Such requests for leave shall be in writing stating the reason for the request to the Manager, Human Resources.

7.7 PARENTAL LEAVE

Application

All provisions of this provision apply equally to male and female employees.

Entitlement

Prior to the Date of Birth

A pregnant employee, unless she requests such be deferred, shall commence her parental leave without pay nine (9) weeks before the expected period of confinement.

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After the Date of Birth or Adoption

An employee shall be entitled to parental leave without pay for a period of twelve (12) months following the date of birth or adoption of her child.

Extension to the Leave

On written request, an employee shall be granted an extension of up to one (1) year to the fifty-two (52) weeks of basic maternity or thirty-seven (37) weeks of adoption leave, provided the request is for medical reasons related to the infant and is supported by a medical certificate provided by the employee’s physician. Any further extensions will be at the sole discretion of the University. There will be no annual vacation accrual during the extension period.

On the Date of Birth or Adoption

An employee not exercising any other entitlement under this provision shall be granted a one (1) day leave with pay on, or immediately prior to, or after the date of birth or adoption of her child.

Cessation

Parental leave shall cease when the employee:

Resigns during the period of leave; elects not to return to her position at expiry of the leave, or fails to do so within the prescribed time limit.

Benefit coverage

If an employee maintains coverage for medical, extended health, dental and group life insurance while on parental leave, the University agrees to continue to pay its share of premiums.

Supplemental Employment Benefit for Maternity and Parental Leave

When on maternity or parental leave, a regular employee will receive a supplemental payment added to Employment Insurance benefits as follows:

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For up to fifty-two (52) weeks of combined maternity/parental leave, an employee who is the birth mother shall receive an amount equal to the difference between the Employment Insurance benefits and seventy-five percent (75%) of her salary calculated on her average base salary.

For up to a maximum of thirty-seven (37) weeks of parental leave, the spouse, biological father, the common-law partner or adoptive parent shall receive an amount equal to the difference between the Employment Insurance benefits and seventy-five percent (75%) of the employee's salary calculated on her average base salary.

The average base salary for the purpose of Clauses 7.7 (a)(i) and 7.7 (a)(ii) is the employee's average base salary for the twenty-six (26) weeks preceding the maternity or parental leave. If the employee has been on unpaid leave for part of the preceding twenty-six (26) weeks, then up to four (4) weeks of that unpaid leave will be subtracted from the twenty-six (26) weeks for the purpose of calculating the average base salary.

An employee is not entitled to receive Supplemental Employment Benefits and disability benefits concurrently.

To receive Supplemental Employment Benefits, the employee shall provide the Employer with proof of application for and receipt of Employment Insurance benefits. An employee disentitled or disqualified from receiving Employment Insurance maternity or parental benefits is not eligible for the Supplemental Employment Benefits.

To be entitled to the above noted benefits, an employee must sign an agreement that they will return to work and remain in the University's employ for a period of at least six months or equivalent to the leave taken, whichever is longer, after their return to work.

Should the employee fail to return to work and remain in the employ of the University for the return to work period, the employee shall reimburse the University for the benefits above on a pro-rata basis.

7.8 VACATION ENTITLEMENT

The basic vacation entitlement for Exempt Employees shall be twenty (20) days per calendar year. Upon completion of four calendar years of service with the University Exempt Employees will be entitled to twenty-five (25) days per calendar year. Thereafter, they will

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accumulate one additional day for each calendar year of service to a maximum entitlement of thirty (30) days per calendar year.

7.8.1 It is expected that vacation entitlement will be used in the year in which it is earned. Where this is not possible the following will be allowed:

Up to ten (10) vacation days may be carried forward for use in the immediately following employment year. Any additional days carried forward must have the express approval of the President.

Upon approval of the President, any vacation days which are not used during the immediately following employment year for which the unused vacation is attributable, may be paid out. (For example, vacation earned in 2004 that was not used in 2004/2005, could be paid out in 2006)

The above does not apply to an employee's vacation bank accumulated before December 31, 2002.

In addition to the current year's vacation entitlement, an employee may draw down 15 extra days of banked vacation time in any year. With the prior approval of the President, additional days may be drawn down.

7.8.2 The vacation year shall commence on January 1st of each calendar year.

7.9 BENEFIT PLANS

Exempt Employees are covered under the basic medical plan, the extended health care plan, the dental plan, the group life insurance plan, the short term disability, the long-term disability plan and the accidental death and dismemberment plan under the same terms and conditions as employees whose terms and conditions are contained in Board Policy B.503.

8. AMENDMENT

8.1 This Policy may be changed by the University after consultation with the Exempt Employees and upon notice of fourteen days.

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Job Class.	Step 1	Step 2	Step 3	Step 4	Step 5
A1	2,751	2,833	2,920	3,007	3,097
A	2,920	3,007	3,097	3,191	3,287
B	3,097	3,191	3,287	3,384	3,486
C	3,287	3,384	3,486	3,591	3,698
D	3,486	3,591	3,698	3,810	3,925
E	3,698	3,810	3,925	4,040	4,162
F	3,925	4,040	4,162	4,288	4,416
G	4,162	4,288	4,416	4,548	4,685
H	4,416	4,548	4,685	4,826	4,969
I	4,685	4,826	4,969	5,119	5,273
J	4,969	5,119	5,273	5,432	5,593
A8	4,846	5,048	5,258	5,477	5,705