



Policy Manual

Section:	Human Resources
Subject:	Non-Union Lieu Policy
Policy Number:	HR-05-03
Policy Implementation Date:	September 7, 2022
Approved By:	Council (R22-09-546)
Prepared By:	Brandi Sieben, Manager, Human Resources

1.00 Overview

The Town of Essex recognizes that while striving to deliver high quality services and programs, an employee may be required to work outside of their regular working hours. The Town encourages work life balance for all employees and effort will be made to minimize work outside of regular business hours.

Under the Employment Standards Act of Ontario (2000), employees in a Managerial or Supervisory role are exempt from the overtime eligibility; however, to assist in achieving work-life balance, the Town provides banked lieu time to employees that are required to work beyond their regular hours.

The lieu time afforded to employees pursuant to this Policy meet or exceed the requirements of the Employment Standards Act, 2000. Should the minimum standards mandated by that Act be amended, this Policy will be reviewed in order to ensure its continued compliance with the Act.

2.00 Purpose

To establish a policy for the Town of Essex which outlines the processes for earning, recording and utilizing lieu time.

3.00 Scope

This policy applies to all full-time, non-union employees. For unionized positions, please refer to the collective agreement.

4.00 Definitions

For the purpose of this policy,

“Employment Standards Act, 2000 (ESA)” is an Act that regulates employment in the province of Ontario, including wages, maximum work hours, overtime, vacation, and leaves of absence.

“Lieu Time” is paid leave provided as compensation for overtime worked.

“Lunch Break” means a 1-hour uninterrupted period of unpaid time in which an employee is free from work duties for the intention of eating a meal. Per ESA, employees must receive at minimum a 30-minute break within the first 5 hours of work.

“Morning/Afternoon Break” means a short period of time, typically 15 minutes or less, during the work period when an employee is released from their obligations to the employer (or is not under the control of the employer). Note that morning and afternoon breaks are not a requirement under the Employment Standards Act, 2000 (ESA).

“Public Holiday” is a holiday that is legislated provincially by the government of Ontario. Most workers, public and private, are entitled to take the day off with regular pay.

5.00 Guidelines

5.1 Earning and Recording of Lieu Time

- Employees are able to bank time in lieu of overtime for approved overtime hours worked, up to a maximum of 35 hours for the first 35 overtime hours worked and to bank one hour in lieu of overtime for every approved hour of overtime worked in excess of 70 overtime hours worked up to a maximum of an additional 35 hours in lieu of overtime.

First 35 Hours of Overtime	Overtime Hours 36-70	Overtime Hours 70-105	Overtime Hours above 105
• Bank 1 hour of lieu time for every	• No bankable lieu time	• Bank 1 hour of lieu time for every	• No bankable lieu time

<p>approved hour of overtime worked</p> <ul style="list-style-type: none"> Hours are recorded and approved through online attendance tracking system 	<ul style="list-style-type: none"> Hours continue to be recorded and approved through online attendance tracking system 	<p>approved hour of overtime worked</p> <ul style="list-style-type: none"> Hours are recorded and approved through online attendance tracking system 	<ul style="list-style-type: none"> Hours continue to be recorded and approved through online attendance tracking system
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- Lieu time cannot be claimed for any increment less than 15 minutes
- Employees that are called-in or on-call and are required to perform work on a non-regular workday will receive bankable lieu time only for actual time spent working. For clarity, there is no legal minimum hours that an organization is required to pay for overtime, and only time worked (rounded to the nearest 15-minute increment) is eligible for lieu time. Example, an employee is contacted by phone on a non-regular workday and as a result of the phone call, the employee is required to perform 30 minutes of work, the employee would be eligible for 30 minutes of lieu time.
- To ensure that a substitute day or hours are provided, and as per the Employment Standards Act requirements, hours worked on a Public holiday, should not be recorded as lieu time in the online attendance tracking system. Substitute time for hours worked on a holiday must be arranged with the employee’s manager.
- Should an employee be called in or required to work on a scheduled vacation day, the employee is to rescind the vacation time and adjust their timecard to reflect hours worked and actual vacation time taken. Example: An employee has booked 7 hours of vacation time, during their vacation time they receive a call that there is a critical task that needs to be completed. The employee agrees to complete the tasks, which takes 1 hour and 30 minutes. The employee would cancel their original request for 7 hours and resubmit a vacation request for 5.5 hours and update their timecard to 1.5 hours of regular time.
- All time in lieu of overtime hours must be recorded on the employee’s timecard within the Town’s online attendance tracking system with a written rationale for incurred lieu time. Manager’s must approve the banked lieu time hours submitted via the employee’s weekly timecard.

5.2 Exclusions

- Time absent from work due to any of the reasons listed below will not be included in the calculation of lieu time:
 - Sick leave, including time used to attend a medical appointment

- Approved absences other than vacation and bereavement, for example an unpaid leave of absence
- Time spent attending a Council meeting (in-person or virtually) in which they are not required to present or have not been requested to attend by their manager.
- Employees may not bank lieu for time spent to attend training or a conference, or travel time to a training event or conference for which the employee could have commuted during regular work hours.
- Employees may not bank lieu for time spent to attend a Town hosted event that coincides with the employee's regular lunch period such as an employee lunch and learn.
- Working through a 15-minute or less morning or afternoon break period.
- Working through a 1-hour lunch break. Per the Employment Standards Act, an employee is required to take at minimum a 30-minute lunch break. Under special circumstances, an employee may request from their manager 30 minutes of lieu time if they were required to reduce their lunch break to 30 minutes to accommodate an operational requirement. A rationale for the reduced lunch period must be entered into the employee's electronic timecard.
- If hours worked, in addition to regular work hours, is of a duration of less than 15 minutes in any one day.

5.3 Requesting Time Off

- All approved lieu time hours will be recorded and shown available for scheduling in the Town's online attendance tracker.
- Banked lieu time can be used as full days or hour increments.
- Employees must submit their request for lieu time to their manager using the online attendance tracking system.

6.00 Responsibilities

Council has the authority and responsibility to:

- Approve the Non-Union Lieu Time Policy

The CAO has the authority and responsibility to:

- Ensure compliance with the Non-Union Lieu Time Policy

Directors have the authority and responsibility to:

- Ensure compliance with the Non-Union Lieu Time Policy

Manager of Human Resources has the authority and responsibility to:

- Administer and recommend changes to the Non-Union Lieu Time Policy

Managers have the authority and responsibility to:

- Monitor overtime and lieu time
- Review and approve banked lieu time via the employee’s weekly timecard

Employees have the responsibility to:

- Request and Record their lieu time in compliance with the Non-Union Lieu Time Policy
- Request to use lieu time banked in compliance with the Non-Union Lieu Time Policy
- Adhere to and abide by the Non-Union Lieu Time Policy

7.00 References and Related Documents

- Vacation Carry Forward, Banking and Payout Policy

8.00 Acknowledgement and Sign Off

I, _____, acknowledge that I have read and understand the “Non-Union Lieu Time Policy”

Name: _____

Signature: _____

Date: _____

CHANGE RECORD LOG

Revision Level	Revision Date	Prepared By: (Position Title)	Approved By: (Position Title)	Description of Change
A	07.16.2022	B. Sieben Manager, HR	D. Sweet CAO	<ul style="list-style-type: none">• Creation of new policy