

CITY OF ST. ALBERT

BYLAW 39/2018

PARENTAL LEAVE FOR COUNCILLORS BYLAW

A Bylaw to provide for parental leave for members of Council

WHEREAS, pursuant to the *Municipal Government Act*, R.S.A, 2000, c.M-26, and amendments thereto, a municipality may, by bylaw, establish whether Councillors are entitled to take leave prior to or after the birth or adoption of their child;

AND WHEREAS, pursuant to the *Municipal Government Act*, R.S.A, 2000, c.M-26, and amendments thereto, the bylaw must contain provisions respecting the length of leave and other terms and conditions of the leave entitlement, and address how the municipality will continue to be represented during the periods of leave;

AND WHEREAS, Council recognizes that municipal government is enhanced when a diverse range of individuals pursue positions as Councillors;

AND WHEREAS, establishing Parental Leave for Councillors reduces barriers to entry for Council candidates who may become parents during their term of office;

AND WHEREAS, the City is not divided into wards and all Councillors act as Councillors for the City at-large;

NOW THEREFORE, the Council of the City of St. Albert, duly assembled, hereby ENACTS AS FOLLOWS:

TITLE

1. This bylaw may be referred to as the “Parental Leave for Councillors Bylaw”.

DEFINITIONS

2. In this bylaw:
 - a. “Act” means the *Municipal Government Act*;
 - b. “Chief Administrative Officer” or “CAO” means the individual appointed by Council to the position of Chief Administrative Officer under section 205 of the *Municipal Government Act*;

- c. “City” means the municipal corporation of the City of St. Albert;
- d. “Council” means the municipal Council of the City;
- e. “Councillor” means a member of Council who is duly elected and continues to hold office, and includes the Mayor;
- f. “Deputy Mayor” means the Councillor appointed as deputy chief elected official pursuant to the Act;
- g. “Health-Related Portion” means the period of Parental Leave following the birth of a child during which the biological mother is not medically ready to perform her duties based on certification provided by a qualified medical practitioner in a form required by the City. It is generally six (6) weeks but not more than sixteen (16) weeks following birth;
- h. “Mayor” means the chief elected official of the City; and
- i. “Parental Leave” means a period of time prior to or after the birth or adoption of a child during which a Councillor may be absent from Council and Council Committee meetings, and any other duties assigned to the Councillor by Council.

MAYOR’S PARENTAL LEAVE

- 3. If the Mayor takes Parental Leave, any references in this bylaw to the Mayor shall be deemed to refer to the Deputy Mayor.

ENTITLEMENT TO PARENTAL LEAVE

- 4. A Councillor is entitled to take Parental Leave prior to or after the birth or adoption of their child.
- 5. During Parental Leave, a Councillor is not required to:
 - a. Participate in Council meetings, Council committee meetings and meetings of other bodies to which they are appointed by Council; and
 - b. Perform any other duties imposed on the Councillor by the Act, by any other enactment or bylaw or by Council.

6. In accordance with the Act, a Councillor who takes Parental Leave shall not be disqualified from Council due to being absent from Council meetings during the Parental Leave.

LENGTH OF PARENTAL LEAVE

7. Parental Leave under this bylaw shall not exceed twenty-six (26) consecutive weeks.
8. Parental Leave shall commence no earlier than twelve (12) weeks prior to the estimated date of delivery or adoption of the child, and no later than twelve (12) weeks after the day that child is born or adopted by the Councillor.

NOTICE OF PARENTAL LEAVE

9. Unless exigent circumstances exist, a Councillor shall provide at least six (6) weeks' written notice to the Mayor and CAO that the Councillor intends to take Parental Leave.
10. The written notice shall include:
 - a. The start date of Parental Leave;
 - b. The anticipated length of Parental Leave; and
 - c. If, due to exigent circumstances, the Councillor was unable to provide six (6) weeks' written notice in accordance with section 9, the general nature of the exigent circumstances.

WRITTEN COMMITMENT

11. After providing written notice and before commencing Parental Leave, a Councillor must submit a signed written commitment to the Mayor and the CAO that, at a minimum:
 - a. Identifies the tasks and duties, if any, that the Councillor intends to continue to perform during all or part of the Parental Leave; and
 - b. Describes how tasks and duties that the Councillor does not intend to continue to perform during the 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 Councillor.

12. If a Councillor's written commitment contemplates another Councillor performing certain tasks and duties during the Parental Leave, the written commitment must also be signed by the other Councillor to confirm the other Councillor's acceptance of the tasks and duties in question.
13. A Councillor may revise their written commitment during the Parental Leave by submitting a revised written commitment, with the signatures of another Councillor, if required, to the Mayor and CAO.
14. At any time after the written commitment is submitted to the Mayor and CAO, until the end of the Parental Leave, any person may request to view the written commitment during business hours.
15. The CAO may publish the written commitment on the City's website.

REPRESENTATION DURING PARENTAL LEAVE

16. During a period of Parental Leave, the Councillors not taking Parental Leave shall continue to represent the City at-large in their capacity as Councillors.
17. If a Councillor taking Parental Leave is a Council appointed member of a board, committee or other body, and the Councillor's written commitment does not provide that the Councillor will continue to serve as a member of the board, committee, or other body during the Parental Leave, Council shall, subject to any restrictions in the governing documents of the board, committee, or other body, ensure that a representative is appointed to the committee, board or other body during the Councillor's Parental Leave.

REMUNERATION

18. During Parental Leave, a Councillor shall be entitled to an amount equal to the current employment insurance maximum benefit entitlement of their remuneration.
19. During the Health-Related Portion, a Councillor shall be entitled to 95% of their remuneration.

BENEFITS

20. During Parental Leave, a Councillor has the same entitlement to receive or participate in any benefits program or package that the Councillor would otherwise be entitled to receive or participate in.

21. A Councillor may choose to opt out of the benefit program or package if they so desire.

22. A Councillor choosing to remain on the benefit program or package, shall:

- a. During the Health-Related Portion, pre-pay the Councillor's portion of the benefit premiums or provide monthly post-dated cheques; and
- b. During Parental Leave, pre-pay both the Councillor's and the City's portion of the benefit premiums or provide monthly post-dated cheques.

SEVERABILITY

23. Should any provision of this bylaw be invalid, then the invalid provision shall be severed, and the remainder of this bylaw shall be maintained.

EFFECTIVE DATE

24. This bylaw shall come into effect when it is passed.

READ a First time this ____ day of _____ 20____.

READ a Second time this ____ day of _____ 20____.

READ a Third time this ____ day of _____ 20____.

SIGNED AND PASSED this ____ day of _____ 20____.

MAYOR

CHIEF LEGISLATIVE OFFICER