

MEMORANDUM

March 1, 1984

Memo To: CELA Board of Directors
From: Grace Patterson
Re: Proposed personnel policy guidelines.

The Clinic Funding Committee has provided us with proposed personnel policy guidelines. Management Committee has preliminarily reviewed these guidelines and suggests that the Board, before April 30, 1984 write to the Committee stating that although personnel guidelines are useful to the internal functioning of the clinic, these matters should be determined by each individual Board without undue interference in the form of a standardized procedure by the Legal Aid Plan.

An interesting requirement set out in the letter from the Clinic Funding Committee is that we will have to specify, by April 1, 1984, compliance or non-compliance with the draft standard personnel policy on an item by item basis. We have not had in place some of their suggested procedures.

It seems that even if we do not have the personnel policy imposed on us, we will be required to have a more formalized personnel policy, which might include the following (some of these we already have in place):

- ✓ - hours of work
- ✓ - overtime
- ✓ - benefits
- ✓ - vacation
- ✓ - holidays
- ✓ - paternity leave
- ✓ - bereavement leave
- ✓ - sick benefits
- ~~clinic director's responsibilities~~
- ✓ - ~~personnel (management) committee responsibilities~~
- ✓ - grievances
- ✓ - unpaid leaves of absence
- ✓ - temporary staff
- ✓ - part-time
- ✓ - job evaluations
- courses
- job descriptions
- hiring policy
- salary negotiations
- probation period
- layoffs
- staff owned cars
- confidentiality



Grace Patterson



THE LAW SOCIETY OF UPPER CANADA

CLINIC FUNDING COMMITTEE
THE ONTARIO LEGAL AID PLAN

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January 30, 1984

To: The Chairperson of the Board of
Directors/Dean of the Faculty of Law

Re: Proposed Personnel Policy Guidelines

As you are aware, the Clinic Funding Committee is considering the need to adopt standards for personnel policies in community legal clinics funded by the Ontario Legal Aid Plan. The Committee has reviewed various opinions submitted by clinics and has concluded that this matter should be addressed by the Committee in order to ensure that the Committee meets its responsibility to account for the allocation of public funds to clinics.

The Clinic Funding Committee has also reviewed the information submitted by most community legal clinics regarding the personnel policies now in place, and further information in summary form submitted by the Ontario Association of Legal Clinics on behalf of some clinics. The Committee also conducted a review of policies adopted in other publicly-funded organizations.

I am enclosing a draft of the standard personnel policy adopted by the Clinic Funding Committee. The Committee has directed the clinic funding staff to discuss the contents of this policy with your Board of Directors at the upcoming funding meetings.

The Committee will consider written submissions from community legal clinics regarding the substance of the standard personnel policy prior to the adoption of a final policy.

Please be advised that the Clinic Funding Committee may in future require compliance with the final standard personnel policy approved by the Committee by all community legal clinics funded by the Ontario Legal Aid Plan; and please be advised that such compliance may be required effective April 1, 1985. The Committee will make a decision with respect to the above matters following its review of any written submissions from community legal clinics.

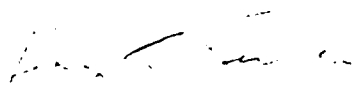
The Clinic Funding Committee has also decided to include a term and condition of funding in the 1984/85 clinic certificate requiring all clinics to specify, no later than April 1, 1984, compliance or non-compliance with the draft standard personnel policy, on an item-by-item basis. The Committee is also requesting that your Board of Directors

provide an explanation to the Committee with respect to any items of non-compliance at that date.

I want to emphasize that the specific provisions which may be included in the final standard personnel policy approved by the Committee will not be determined until community legal clinics have had an opportunity to express their views on the present draft which is enclosed. The Committee looks forward to receiving the opinions of your Board of Directors regarding these matters. I am requesting that any such submissions be received by the Manager no later than April 30, 1984. If any clarification of the Committee's decision is required, please contact the Clinic Funding Manager, at your convenience.

Thank you very much for your anticipated cooperation in this matter.

Yours truly,


Hugh Guthrie,
Chairman,
Clinic Funding Committee.

HG:vs
Enc.

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DRAFT PERSONNEL POLICY

COMMUNITY LEGAL CLINICS

1. Hours of Work

Clinic staff shall be ~~required to work not less than~~ 7 hours/day and 35 hours/week.

2. Overtime

Overtime for non-professional staff is defined as time worked in excess of the required work week.

Paid Overtime

a. ^{legal} Professional staff

Professional staff shall not be eligible for paid overtime.

b. ^{legal} Non-professional staff

Non-professional staff may be paid for pre-authorized time worked, at a rate not exceeding 1-1/2 times the regular rate of pay.

4. Compensatory Time Off

a. Professional staff

Professional staff shall not be eligible for compensatory time off, ~~but a Board of Directors~~, in its discretion, may approve special leave, not to exceed 5 days in a year, for professional staff working exceptional amounts of excess hours.

✓ b. Non-professional staff

Non-professional staff may be granted compensatory time off ~~in lieu of overtime~~, at a rate not exceeding one hour off for each hour of overtime worked; but compensatory time off shall be approved by the ~~Board of Directors~~ subject to the overall workload of the clinic.

5. Vacations

a. Ordinarily, new employees should complete 6 months' continuous service before taking vacation time but, in any case, shall not be entitled to take vacation time unless and until it has been earned.

b. Employees may earn up to 1.25 days/month paid vacation leave in the first 5 years of employment. Employees may earn up to 1.67 days/month paid vacation leave in the 6th and subsequent years of employment.

- c. A Board of Directors may, in its discretion, approve an additional 5 days/year paid vacation leave to professional staff.
- d. Employees shall be required to take vacation time within 6 months of the end of the vacation year in which it was earned.

6. Statutory Holidays

Clinic employees shall be entitled to all statutory holidays as may be proclaimed such from time to time by the Lieutenant Governor of Ontario or the Governor General. When a statutory holiday falls on a weekend, the preceding or succeeding working day may be taken as the statutory holiday. Statutory holidays are:

New Year's Day
Good Friday
Victoria Day

Canada Day
Civic Holiday
Labour Day

Thanksgiving Day
Christmas Day
Boxing Day

*Easter Monday
Opening day
Hobnob Day*

7. Maternity Leave

a. Entitlement

A female employee is entitled to apply for maternity leave after having completed 12 months of continuous employment with the clinic.

b. Length of leave

A Board shall grant a minimum of 17 weeks maternity leave and may grant a maximum of 12 months maternity leave, during which leave an employee shall not lose seniority; an employee on maternity leave may be paid for part of such leave as follows.

c. Paid maternity leave

A Board may agree to pay an employee on maternity leave a salary supplement pursuant to a supplemental unemployment benefits plan during the 17-week period during which the employee is receiving UIC benefits. In the event that the employee is not entitled to receive UIC maternity benefits, the Board shall not pay a salary or part thereof to the employee.

d. Benefits during maternity leave

A Board may, in its discretion, provide benefits coverage to an employee on maternity leave during the period which the employee is receiving UIC maternity benefits. An employee on maternity leave may otherwise maintain benefits coverage during the period of her leave at her own expense.

8. Sick Leave

a. Entitlement

Employees shall accumulate sick leave at a rate of up to 1-1/4 days/month to a maximum of 15 days.

An employee entitled to Long Term Disability Benefits under the Clinic Funding Committee's employee benefits plan, or such other benefits plan in which the employee is enrolled, shall be entitled to paid sick leave during the waiting period before which Long Term Disability Benefits are paid, calculated as: a maximum of 1-1/4 days/month of clinic employment LESS paid sick days previously taken.

b. Unused sick leave

A Board may not pay compensation to staff either during or on termination of employment for sick leave which has not been taken.

9. Other Paid Leaves of Absence

A Board may grant other paid leaves of absence to staff, provided that:

- a. the leave does not interfere unduly with the work of the clinic; and
- b. the length and purpose of the leave complies with generally accepted standards.

10. Unpaid Leave of Absence

A Board may in its discretion grant an employee an unpaid leave of absence to a maximum of 12 months in duration.

11. Leave for the Purpose of Standing for Elected Office

- a. A Board shall grant a leave of absence without pay to an employee for the purpose of standing for elected public office. Where such leave is granted, it shall commence no later than the day on which the writ for the election is issued, and shall terminate not before the day after which the votes are tabulated.
- b. An employee elected to public office shall be granted an unpaid leave of absence up to a maximum of 5 years.

12. Administration of Personnel Policies

The Board of Directors shall receive and review reports on the implementation of its personnel policies. The following administrative structures shall be implemented by all Boards of Directors:

- ✓ 1. A Board of Directors may delegate direct responsibility for the administration of personnel policies to a committee of the Board.
- ✓ 2. The senior member of the staff, preferably the Director of the clinic, shall be designated to be responsible for the administration of personnel policies on a day-to-day basis.
- ✓ 3. Attendance records must be maintained for all members of staff.
- ✓ 4. Attendance records must register:
 - (i) attendance;
 - (ii) sick leave;
 - (iii) accrued vacation time;
 - (iv) any other leaves taken by employees during the month.
5. Such records should be filed with each employee's employment record.
6. At the end of each month, the Director of the clinic should initial each record and prepare a summary of attendance records for presentation to the next regular meeting of the Personnel Committee (or other committee designated by the Board).
- correct ✓ 7. Compensatory time and overtime records shall be maintained and filed on a monthly basis by the Director with the Personnel Committee.
8. Where an employee has earned compensatory time off in excess of one day a month, the Director of the clinic should bring the matter to the attention of the ~~Personnel Committee~~ ^{negot}. Compensatory time off in excess of one day per month shall not be taken without the authorization of the ~~Personnel~~ ^{negot} Committee, and shall be scheduled, taking into account the overall workload of the clinic.

109. 9. Paid overtime must be pre-authorized by the clinic Director, or other staff member authorized by the Board, and shall be reported to the Personnel Committee on a monthly basis.

10. ~~The Personnel Committee should present a report on staff attendance to the full Board on at least a quarterly basis.~~