



Haldimand-Norfolk Health Unit – Board of Health

July 6, 2021

2:00pm

Council Chambers

2nd Floor County Administration Building

50 Colborne Street South, Simcoe

1. **Ceremonial Activities**
2. **Approval of Agenda/Changes to the Agenda**
3. **Disclosure of Pecuniary Interest**
4. **Consent Items**
5. **Presentations**
 - A) Acting Medical Officer of Health
6. **Adoption/Correction of Board of Health Meeting Minutes**
7. **Communications**
 - A) Alexander Hukowich, Acting Medical Officer of Health MOH
Re: [Immunization Request](#) 3
8. **Staff Reports/Discussion Items**
 - A) Erin Anderson Director, Human Resources
Re: [HSS 21-13 HNHU COVID -19 Overtime Policy](#) 5
9. **Confirming By-Law**
 - A) [By-law 2021-17-BH](#) 17

Being a By-Law to Confirm the Proceedings of The Board of Health for the Haldimand-Norfolk Health Unit at this Board of Health Meeting held on the 15th of June 2021.
10. **Adjournment**

Contact Information

Teresa Olsen, County Clerk

Teresa.Olsen@norfolkcounty.ca



Meeting schedules available online at http://www.norfolkcounty.ca/council_meetings/

Haldimand-Norfolk Board of Health
County Administration Building
50 Colborne Street South
Simcoe, ON N3Y 4H3

June 29, 2021

The Right Honourable Justin Trudeau, P.C., M.P.
Prime Minister of Canada
Langevin Block
Ottawa, Ontario
K1A 0A2

The Honourable Patty Hajdu, P.C., M.P.
Minister of Health
House of Commons
Ottawa, Ontario
K1A 0A6

The Honourable Marie-Claude Bibeau, P.C., M.P.
Minister of Agriculture and Agri-Food
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Prime Minister, Minister Hajdu and Minister Bibeau,

I am writing on behalf of the Board of Health for the Haldimand Norfolk Health Unit (HNHU). The HNHU is one of the jurisdictions in Canada that has a considerable number of temporary foreign workers due to our significant agricultural industry.

As many sectors have experienced considerable stress during the Covid-19 pandemic, our farming community has also had to make many adjustments as they attempt to follow the numerous rules from all orders of government in order to protect their workers and the community at large. While temporary quarantine and testing have played a part in this response, if we are to truly manage the pandemic, it is imperative that all residents of Canada have the opportunity to be immunized. We appreciate the efforts that our Federal government has made to ensure sufficient supplies of approved Covid-19 vaccines. We are doing all we can to provide immunization to these arrivals as quickly as we can.

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Therefore, the HNHU Board of Health is respectfully requesting your support and assistance in enabling our temporary foreign workers to be prioritized to receive immunization prior to their departure from their home countries such as Mexico, Jamaica, and other areas of Central America. The Government of Canada has committed to providing vaccines to these countries, however, they will also require assistance with developing strategies for their immunization programs. This would benefit our country and particularly this municipality by having temporary workers vaccinated before coming to Canada.

Such steps would significantly benefit our agricultural community so that they are able to continue to provide our country with locally grown foods while also ensuring the protection of their workers and our community.

Sincerely,



Alexander Hukowich, M.D., D.P.H.
Medical Officer of Health
Haldimand-Norfolk Health and Social Services

Board of Health – July 06, 2021

Subject: Haldimand-Norfolk Health Unit COVID-19 Overtime Policy
Report Number: HSS 21-13
Division: CAO Services
Department: Financial Services
Purpose: For Decision

Executive Summary:

The Ministry of Health requires that a Board of Health have a Corporate Policy on non-contractual overtime payments for this to be included in the annual service plan funding application. Staff have previously issued reports including the most recent reports CS21-10 on February 2, 2021 and HSS 21-10 on June 8, 2021 for a determination of a special overtime compensation policy for Health Unit staff related to the COVID pandemic. The Board of Health at the June 8, 2021 meeting directed staff to provide additional information for determination in creating such policy.

Senior Management has reviewed this situation and due to a number of factors have decided to withdraw the request for a policy change for both public health staff and non-public health staff. The following are the key reasons for management's change of position:

- 1) Due to the delay in the recognition and the clear difficulty both the Board of Health and Council (for non-board of health employees) had with this issue, any decision now will not have the positive impacts to the organization that it was originally intended to have.
- 2) The response to COVID-19 was not just a matter for public health. The organization as a whole contributed to the efforts in the response. Unlike some other public health units in Ontario, the Haldimand Norfolk Health Unit is fully integrated into Norfolk County and as such, their success is contingent upon the support of a number of other departments. To have vastly different non-union compensation approaches would be detrimental to the morale of the organization.
- 3) Bringing in policies (such as the Chatham-Kent type of policy) now may generate or reward behaviours that was not the intent of management rewarding extraordinary efforts at key times of need.

Discussion:

Management staff in the Health Unit have seen an increase in the number hours that they have had to work due to the required COVID-19 response to support frontline staff in case and contact management and management of outbreaks. It should be noted that the Health Unit management team is not a particularly deep team and compounding this had a number of vacancies during the pandemic which added additional stress to the management team in the Health Unit as well as management support from the rest of the County.

The health district was impacted hard by the third wave of the pandemic. There has been an increased amount of reporting requirements for the Province during COVID-19 and increased Ministry meeting requirements, including meetings that were called outside of normal business hours, including weekends and stat holidays. The vaccination program has also added additional requirements to staff.

The above being said, due to decreasing case numbers and increasing vaccination there has been a noticeable reduction in total overtime hours in recent weeks.

As directed by the Board of Health, staff have reached out to Chatham-Kent Public Health for a copy of their Policy on Overtime and Lieu Time (see attached). The policy can be summarized as follows:

- Policy applies to all non-union employees of the Municipality of Chatham-Kent.
- Overtime and lieu will be authorized in advance.
- Management employees receive one (1) extra week lieu time per year.
- Employee must demonstrate they have worked in excess of 200 hours before additional compensation is considered.
- Overtime is reviewed corporately in June and November of each year for determination of additional compensation.
- Compensation is calculated as follows:
 - Total Overtime subtract 200 hours divided by 2 divided by 35 = additional weeks of Compensation
 - Example 458 hours – 200 hours = 258 divided by 2 = 129 divided by 35 = 3.7 weeks

In the example above the Employee may be entitled to up to an additional three (3) weeks of Compensation which is the maximum allowed.

- a) Employees approved for additional Compensation must use Lieu Time within the first six (6) months of the year following the one in which it was worked and approved.
- b) Final entitlement to Overtime payouts will be assessed annually in the month of November and if approved must be processed/paid out within the current year in which time was worked.

If the Board of Health implements a similar policy for the Management group at the Health Unit, the implications are as follows:

- Only one staff member is currently in excess of 200 hours and therefore policy would only apply to the one staff member at this time.
- Under current policies, management staff also have 1 week called “Management Compensation Days” where they can bank up to 35 hours in a bank and take off at another time.
- Management staff also have a flextime bank of up to 21 hours that is “refillable”.

Staff have provided previous suggestions on policy considerations for the Board of Health to consider. Staff recommend a policy in which the following characteristics are included:

- That payments will only be made if it is funded from the Ministry, there should be no impact on the tax levy.
- There be a reasonable allowance for usual unpaid overtime, management compensation is based upon the premise that some unpaid overtime is required from time to time.
- There is appropriate management oversight for the recording of overtime.
- A maximum amount of overtime is established.
- MCD and Flextime banks must be at their maximum before unpaid overtime can be banked.
- Additional (excessive) overtime that is calculated must be taken as time off and any request for payout must demonstrate extenuating circumstances and be approved by the CAO.

For increased accountability for overtime hours, the policy may also include:

- Clear requirements that NU employees are not to work more than five (5) additional hours per day.
- Any additional work, including work on weekends or holidays when an employee is not scheduled, must be pre-approved by the NU Supervisor and must be tracked on a spreadsheet which includes the number of hours and the reason for the OT.
- The GM will review all spreadsheets on a weekly basis and will follow up on any OT that seems excessive or where the rationale does not seem adequate.

Overall:

The original purpose of this request was to address a number of items including:

- Having a competitive non-union compensation policy during the pandemic as we were aggressively attempting to recruit against other health units. We had challenges in recruiting for key positions.
- Addressing issues with our lack of competitiveness in our overall compensation levels for non-union staff. This issue is not just limited to the Health Unit but is experienced in many departments in the County.

- To address wage compression issues between union and non-union staff. Due to additional government payment programs and union contractual overtime pay requirements several management staff were being surpassed in earnings by the staff they supervised.
- To provide recognition for significant additional efforts of staff.
- This would have been a “first step” in addressing broader compensation issues in the Health Unit and the County.
- To do this in a manner in which the local taxpayer was not encumbered.

It was also the intent of senior management that all extra efforts related to COVID-19 be recognized and not have only the efforts of one department be recognized as there were significant efforts in many other departments.

Due to the delays in this matter and the potential for a further increasing gap of compensation recognition between departments management is now recommending to maintain our original overtime compensation policy and return any funds to the Province for non-union additional compensation and to no longer submit for non-union additional compensation.

Management will also be making the same recommendation for non-public health staff.

Management is withdrawing its earlier recommendations due to the difficulty of this decision and the broader implications to County staff. Management will note to the Board the following:

- There will be negative impacts to morale both inside the Health Unit and in other departments. However, management notes that due to the delay there has already been damage.
- Attracting and Retaining Talent is a critical issue and as noted previously by staff a “People Plan” needs to be prioritized in 2022. Substantive and quantifiable action needs to be undertaken to address competitiveness.

Financial Services Comments:

Any payment was to be funded by Provincial funding as such there was no implication to the taxpayer.

Interdepartmental Implications:

There are potential implications to other departments. Payments to management employees in other parts of the corporation (for example the Long Term Care Home, Paramedic Services, Corporate Services) would be subject to a separate report to Council.

Consultation(s):

General Manager, Health & Social Services

Director, Human Resources

Strategic Plan Linkage:

This report aligns with the 2019-2022 Council Strategic Priority "Build Solid Foundations".

Explanation:

The funding for the COVID-19 pandemic is linked to Norfolk County's initiative for financial sustainability and strong teams

Conclusion:

That the Board of Health not set a special policy for non-union overtime compensation related to the COVID-19 pandemic.

Recommendation(s):

THAT this report be received for information by the Board of Health.

AND THAT Board of Health maintain the existing policy for non-union overtime compensation.

Attachment(s):

Attachment 1 – Chatham-Kent Overtime and Lieu time policy

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Purpose

The purpose of this policy is to define overtime compensation for non-union employees who have been approved to work in excess of their regular work week.

Scope

This policy applies to all non-union employees of the Municipality of Chatham-Kent (Municipality) whether employed in a permanent, temporary, or contract capacity, including full-time, part-time, casual call-in, students, seasonal, temporary, and government sponsored programs.

Definitions

For the purpose of this policy, the following definitions apply.

Compensation

Compensation is monetary pay, Lieu Time or a combination of both for approved Overtime worked.

Excessive Overtime

Excessive Overtime is work that is done outside an employee's normal hours of work and may be attributed to:

- the completion of time sensitive projects,
- work load issues/demands,
- complexity of issue requiring specific expertise,
- operational issues that can't wait until the next business day, and/or
- during an emergency as declared under the Emergency Management and Civil Protections Act (e.g. pandemic, flooding, etc.).

Hours Banked

Hours Banked means Overtime hours that have not yet been compensated.

Fiscal Year

Fiscal Year, or financial year, refers to the completion of a one-year or twelve (12) month accounting period and is used for budget purposes. The Fiscal Year for the Municipality of Chatham-Kent is January 1st through to December 31st.

Full-year Cycle

Full-year Cycle is an interval of time between January 1st and December 31st.

Lieu Time

Lieu Time is an Overtime compensation method whereby the employee is entitled to time away from work, rather than monetary payment.

Overtime

Overtime is additional hours worked in excess of a Regular Work Week of thirty-five (35) or forty (40) hours depending on the work environment.

Paid Time

Paid Time is all hours for which an employee receives compensation. This includes vacation, sick time and Lieu Time.

Regular Work Week

Regular Work Week is the normal days of the week an employee is scheduled to work and may include Saturday, Sunday and evenings at some work sites. The days that make up the Regular Work Week will be established departmentally based the nature of work and business requirements.

Regularly Scheduled Shift

Regularly Scheduled Shift is an established work period during a day.

Straight Time

Straight Time is a compensation rate for Overtime hours worked in excess of the Regular Work Week up to forty (40) hours per week.

Unpaid Time

Unpaid Time is all hours for which an employee does not receive Compensation. This includes unpaid leaves of absences or unpaid sick time when a full-time employee has exhausted their sick time bank.

Procedures

- 1.0 Overtime shall be kept to a minimum and should not form part of the Regular Work Week. Where, when and how Overtime is completed is up to the discretion and approval of the employee's immediate supervisor. Overtime and Lieu Time will be authorized in advance, logged and distributed as fairly as possible among those employees regularly performing the work. Such a request shall take into consideration any prior personal commitments.
- 2.0 For the purpose of calculating entitlement to Overtime all Paid Time (e.g. approved vacation) is included in the employee's hours of work. Unpaid Time is excluded.
- 3.0 Employees who know in advance that they will be required to work outside their Regularly Scheduled Shift are encouraged to flex their day when possible to avoid the accrual of Overtime.
- 4.0 Overtime payouts must be managed within existing departmental budgets. If there is an expectation that this cannot be achieved consultation with the Chief Administrative Officer (CAO) and Chief Human Resource Officer (CHRO) for approval is required in advance of a payout.
- 5.0 All employees must accurately track all Overtime worked per Full-year Cycle in order to be eligible for Overtime compensation.

Employees in Grades 2 – 9

- 6.0 For the purpose of starting or commencing overtime pay, the period will start on the first day of the employee's Regular Work Week.

Overtime shall accrue on the following basis:

- a) Overtime hours worked in excess of the Regular Work Week up to forty (40) hours shall be accrued as Straight Time unless authorized time worked is on a holiday or after midnight.
- b) Overtime hours worked in excess of forty (40) hours a week shall be accrued at one and one half (1.5) times the regular rate of pay unless authorized time worked is on a holiday or after midnight.

- c) Travel time to and from training sessions, seminars, or conferences outside of a Regularly Scheduled Shift does not qualify for Overtime with the following exceptions:
 - i. If an employee is the trainer or delivering a service, travel hours will be accrued at Straight Time.
 - ii. If an employee is, productively working while in transition, travel hours will be accrued at Straight Time.
 - iii. Where travel results in extenuating circumstances, exceptions may be made in consultation with the employee's supervisor/manager, General Manager and Chief Human Resource Officer (CHRO).
- d) Attending training, seminar, and conference events (e.g. breakfasts, dinners, networking socials, hospitality suites, etc.) outside of a Regularly Scheduled Shift does not qualify for Overtime.
- e) An employee who works through break periods will not be allowed to accumulate such time as Overtime/Lieu Time.
- f) An employee will not be compensated for Overtime/Lieu-time worked that is less than fifteen (15) minutes in any one day with the exception of call-outs as outlined in Procedures 7.0 and 8.0.
- g) Lieu Time hours will not normally be carried over from one year to the next. All Hours Banked, if unused, shall be paid to the employee on the last pay period of the calendar year, except when:
 - i. a plan is approved by the supervisor, Lieu Time may be carried over and used by the end of the next Full-year Cycle

Overtime for Call-outs

7.0 When an employee is called into work, except those positions deemed ineligible for call-out pay per the On-call / Standby and Call-out policy, by their supervisor for Overtime hours outside of their Regularly Scheduled Shift, they shall be compensated with a minimum of one (1) hour of pay, or actual time worked, whichever is greater, at the applicable Overtime rate if entitled, with the following exceptions:

- a) There shall be no minimum payment for Overtime worked as an extension of an employee's Regularly Scheduled Shift.
- b) There shall be no minimum payment for Overtime worked one (1) hour or less before an employee's Regularly Scheduled Shift.

- 8.0** When an employee is called by their supervisor and is able to resolve an issue remotely (e.g. from their home, by phone, electronically) shall be compensated with a minimum of one (1) hour of pay, or actual time worked, whichever is greater, at the applicable Overtime rate if entitled.

Overtime Worked on Statutory and Non-statutory Holidays

- 9.0** Permanent Full-time Employees – All authorized hours worked on a statutory or non-statutory holiday shall be accrued at two (2) times the regular rate of pay.
- 10.0** Contract or Other Employees Compensated off the Full-time Salary Grid – All authorized hours worked on a statutory holiday shall be accrued at two (2) times the regular rate of pay and Straight Time if required to work on a non-statutory holiday.
- 11.0** All Other Employees (part-time, students, casual call-in, seasonal, temporary, etc.) – All authorized hours worked on a statutory holiday shall be paid one and one-half (1.5) times the base rate for the hours worked and Straight Time if required to work on a non-statutory holiday.

Overtime Worked After Midnight

12.0 All Employees

All authorized Overtime hours worked after midnight shall be accrued at two (2) times the regular rate of pay to the start of the employee's regular shift except when:

- a) an employee chooses, with their supervisor's approval, to arrive at work prior to their regular scheduled start time (e.g. catch up on paperwork) – time worked shall be accrued at straight time unless the employee has already worked forty (40) hours at which time the employee would be would be paid one and one half (1.5) times the regular rate of pay

Employees in Grade 10 and Above

- 13.0** Employees will be recognized for extra hours worked in the form of one (1) extra week Lieu Time per Full-year Cycle.
- 14.0** Employees who commence employment part way through the year will have their one (1) week Lieu Time prorated based on their actual start date. Entitlement to additional Compensation for Excessive Overtime worked may be approved by the CAO in consultation with the CHRO.
- 15.0** Employees who leave employment part way through the year will have their one (1) week Lieu Time prorated based on their actual hours of Overtime worked to

date. For example if the employee can demonstrate they have worked in excess of one (1) week of Overtime they may be entitled to additional Lieu Time.

16.0 Employees who have worked Excessive Overtime may be entitled to additional Compensation as approved by the CAO in consultation with the CHRO. Employees must demonstrate they have worked in excess of 200 hours per Full-year Cycle before additional Compensation is considered.

17.0 Overtime will be corporately reviewed in June and November of each year for determination of additional Compensation:

a) Employees approved for additional Compensation through a combination of Lieu and/or Paid Time may be entitled to up to a maximum of three (3) weeks. This formula will be applied when calculating entitlement:

- Total Overtime subtract 200 hours divided by 2 divided by 35 = additional weeks of Compensation
 - Example 458 hours – 200 hours = 258 divided by 2 = 129 divided by 35 = 3.7 weeks

In the example above the Employee may be entitled to up to an additional three (3) weeks of Compensation which is the maximum allowed.

b) Employees approved for additional Compensation must use Lieu Time within the first six (6) months of the year following the one in which it was worked and approved. Such lieu time will be available without an impact to vacation bank policy limits as outlined in the Vacation Entitlement Policy Section 1-20.

c) Final entitlement to Overtime payouts will be assessed annually in the month of November and if approved must be processed/paid out within the current Fiscal Year in which time was worked and in compliance with Procedure 4.0. However if the maximum of three weeks entitlement as described in 17.0 a) has been achieved during the course of the Fiscal Year a review of payout will be considered at the time.

Overtime – Employees in Grades 10 and Above

18.0 Employees in Grades 10 and above are not eligible for Overtime or premium pay if required to work overtime, per the *Employment Standards Act, 2000*.

Exemptions

19.0 Summer students working as Camp Team Leaders and Camp Leaders with Community Human Services, Recreation Services are exempt from Overtime compensation, per the *Employment Standards Act, 2000*.

Intersecting Corporate Policies

20.0 Intersecting policy language exists between Holidays – Statutory and Non-statutory Section 1-8, the Vacation Entitlement Section 1-20, the On-call / Standby and Call-out Section 1-32 and this policy. An employee may be entitled to other provisions under the guidelines of these policies. Please review these policies in conjunction with this one.

AODA Employment Standards Regulation

Commitment statement:

In accordance with the Ontario Human Rights Code and *Accessibility of Ontarians with Disabilities Act (AODA)*, the Municipality of Chatham-Kent (Municipality) is an equal opportunity employer committed to providing:

- A diverse workplace
- Fair and accessible employment practices
- Individualized accommodations to support employees with disabilities
- An inclusive and accessible environment for all persons

The Municipality values the unique abilities each employee brings to the workplace and is committed to providing an environment that attracts and retains talented individuals. We strive to deliver a seamless, consistent, and rewarding employment experience.

Privacy and Confidentiality

The Municipality will maintain the personal information collected in confidence to the degree possible and subject to any disclosure requirements by law and the principles of procedural fairness.

The information collected for the purpose of this policy is done under the authority of the Municipal Freedom of Information Protection of Privacy Act (MFIPPA) and the Personal Information Protection and Electronic Documents Act (PIPEDA) and will be used exclusively by the Municipality of Chatham-Kent.

Related Policies

Please refer to the following policies and procedures related to this corporate policy:

- a) Holidays – Statutory and Non-Statutory – Section 1-8
- b) Hours of Work – Section 1-9
- c) Vacation Entitlement – Section 1-20
- d) On-call / Standby and Call-out – Section 1-32



The Board of Health

By-Law 2021-17-BH

Being a By-Law to Confirm the Proceedings of The Board of Health for the Haldimand-Norfolk Health Unit at this Board of Health Meeting held on the 6th day of July, 2021.

WHEREAS Section 56 of the Health Protection and Promotion Act, R.S.O. 1990, c.H.7, as amended, provides that every Board of Health shall pass a by-law respecting the calling and proceedings at meetings;

AND WHEREAS it is deemed expedient that the proceedings of the Board at this Board of Health Meeting be confirmed and adopted by By-Law.

NOW THEREFORE The Board of Health for the Haldimand-Norfolk Health Unit hereby enacts as follows:

1. That the actions of The Board of Health for the Haldimand-Norfolk Health Unit at this Board of Health Meeting held on the 6th day of July, 2021 and each motion and resolution passed and other action taken by The Board of Health for The Haldimand-Norfolk Health Unit at this meeting are hereby adopted and confirmed as if all such proceedings were expressly embodied in this By-Law.
2. That the Chair of the Board of Health and proper officials of the Haldimand-Norfolk Health Unit are hereby authorized and directed to do all things necessary to give effect to the actions of The Board of Health referred to in the preceding section hereof.
3. That the Mayor and Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the Seal of Norfolk County.

ENACTED AND PASSED this 6th day of July, 2021.

Mayor

County Clerk