

**LEGISLATIVE ASSEMBLY OF BRITISH COLUMBIA
POLICY MANUAL**

SECTION	Human Resources
POLICY	4315 – Vacation

Objective To provide a consistent application of vacation entitlement, scheduling and carryover for all employees of the Legislative Assembly. This policy applies to all employees of the Legislative Assembly.

Authority Legislative Assembly operational policies are approved by the Clerk of the Legislative Assembly, as per *Policy 1000 – Legislative Assembly Policy Framework*.

Key Definitions

“auxiliary term employee” means an employee appointed to a temporary position, working a defined full-time or part-time schedule, and paid a bi-weekly salary;

“auxiliary as-and-when employee” means an employee hired to work on an on-call basis and paid via timesheet submission;

“Clerk” means the Clerk of the Legislative Assembly;

“department management/director” means the manager(s) and/or director of a Legislative Assembly department;

“qualifying auxiliary employee” means a term or as-and-when employee who is eligible to accrue vacation;

“displaced vacation” means manager-approved vacation time credited back to an employee who is in receipt of Short-Term Illness and Injury Plan (STIIP) benefits or any other approved leave of absence with pay during their vacation period;

“regular employee” means an employee appointed to a regular full-time or part-time position at the Legislative Assembly with no defined end date to employment;

“supervisor” means the person the employee directly reports to;

“vacation year” means the calendar year commencing January 1 and ending December 31. An employee’s first vacation year is the calendar year in which the employee is hired.

1. General .01 The primary purpose of vacation entitlement is to provide employees with a break from their duties and responsibilities in the workplace. The Legislative Assembly encourages employees to use the full vacation allowance in the year it is earned to support work-life balance. It is the responsibility of the employee and their supervisor

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to manage the vacation allotment and ensure time off is appropriately scheduled each year to meet the purpose of this policy.

.02 The annual vacation allotment is determined by the number of years of continuous employment and is calculated on a calendar year basis. Partial years will be prorated accordingly.

.03 The scheduling and taking of vacation leave shall be on a calendar year basis, as approved by the employee’s supervisor.

2. Vacation by Employee Type

.01 Employees may either accrue vacation or be paid vacation pay on a bi-weekly basis as follows:

	Auxiliary As-and-When Employee	Qualifying Auxiliary Employee	Auxiliary Term Employee		Regular Employee
		<i>Has worked 1827 hours in 33 pay periods</i>	<i>12-month term or longer</i>	<i>Less than 12-month term</i>	<i>Full-time or part-time</i>
Accrue Vacation	No	Optional	Optional	No	Yes
Vacation Pay	Yes at 8%	Yes at 8% unless employee chooses to accrue	Yes at 8% unless employee chooses to accrue	Yes at 8%	No

.02 An auxiliary term employee appointed to a term of less than 12 consecutive months whose term is extended beyond 12 consecutive months may switch to accruing vacation at the time the employment is extended.

.03 An auxiliary term employee and an auxiliary as-and-when employee will be deemed a qualifying auxiliary employee once they have completed 1,827 hours worked in 33 consecutive pay periods. Upon qualifying for vacation leave, such an employee will have the option to earn vacation leave in accordance with section 3.01. Prior auxiliary service will be credited to a maximum of two (2) years (see *Policy 4401 – Credited Service*). In subsequent years, such an employee must work 1,200 hours in 26 consecutive pay periods to maintain eligibility.

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3. Annual Vacation Entitlement: Accruing Vacation

.01 An employee eligible to accrue vacation as outlined in section 2.01 shall receive annual vacation entitlement as follows:

Vacation year	Days	Hours
1st	20 prorated	140 prorated
2nd to 7th	20	140
8th	22	154
9th	23	161
10th and 11th	25	175
12th	26	182
13th to 15th	27	189
16th to 18th	28	196
19th	29	203
20th	31	217
21st	32	224
22nd	33	231
23rd and 24th	34	238
25th and thereafter	35	245

Vacation entitlement for an employee working less than full-time will be pro-rated according to time worked.

.02 An employee eligible to accrue vacation as outlined in section 2.01 earns one-twelfth of the annual vacation entitlement for each month in which the employee receives ten paid days. If the employee works less than ten (10) days in a month, entitlements will be re-calculated at the end of each calendar year or upon termination.

.03 In addition to regular working days, any paid leave of absence, including paid sick leave, Short-Term Illness or Injury Plan (STIIP) leave, workers' compensation leave, vacation leave, maternity and parental leave, approved special leave, and any other paid leave of absence, except for long-term disability leave, is included when computing paid days for the purpose of calculating the vacation leave entitlement.

.04 A regular employee who is re-employed by the Legislative Assembly and has less than six months' break in service or is transferring back from the B.C. Public Service Agency (PSA) or another B.C. government employer (e.g., Crown Corporation) shall have vacation calculated by

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taking into consideration their previous employment/appointments as set out in section 3.01 (see *Policy 4401 – Credited Service*).

.05 A regular employee who is re-employed after a break in service longer than six months will start their vacation entitlement at year one, prorated according to their start date.

4. Annual Vacation Entitlement: Vacation Pay

.01 All auxiliary employees will receive vacation pay on each bi-weekly pay at the rate of eight percent (8%) of the employee’s regular earnings unless they elect to accrue vacation if eligible in accordance with section 2.01.

5. Vacation Scheduling

.01 A minimum of 15 days (105 hours) of current vacation entitlement (pro-rated for part-time employees and employees in their first year of employment) must be scheduled and taken each vacation year unless:

- a. the employee’s supervisor has directed the employee, in writing, to cancel scheduled vacation leave due to extreme pressures of work or other extenuating circumstances (supervisors taking this action must first consult with their department director or the Assembly Executive member responsible for the employee’s department); or
- b. the employee was on paid sick leave or other paid leave over three months during the time the vacation was scheduled and was therefore unable to use this minimum vacation entitlement; or
- c. the employee was on maternity or parental leave.
- d. the employee’s start date falls on or after June 30.

.02 An employee receiving bi-weekly vacation pay may seek approval to take vacation without pay for up to 15 workdays (or maximum of 105 hours) in any calendar year. The granting and scheduling of this leave of absence without pay is subject to approval by the supervisor based on operational requirements.

.03 All unused current vacation entitlement will be paid out or carried over in accordance with applicable vacation carryover provisions set out in section 8.

.04 Where an employee fails to select their minimum required vacation period(s) in accordance with this policy (section 5.01), the supervisor shall schedule the vacation period for the employee, subject to operational considerations. Supervisors taking this action will consult

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with the employee, department director and/or Human Resources prior to scheduling the employee on vacation. The employee will be given a minimum of 30 days’ written notice of this action.

- .05 An unbroken vacation period that includes vacation time in December of one year and January of the next shall be considered vacation time for the year in which it commenced. In such circumstances, a leave request must be submitted and approved prior to December 31 of the year in which vacation begins.
- .06 Where the employee has taken more vacation time than entitled, the unearned portion shall be charged against future earned vacation or recovered upon termination of employment, whichever occurs first.
- .07 Any displaced vacation shall be taken at a time mutually agreed upon by the employee and their supervisor.

6. Cancelling or Call Back from Vacation

- .01 If the Legislative Assembly cancels an employee’s pre-approved vacation, the Assembly will reimburse all reasonable and non-refundable expenses incurred by the employee and their travelling companion(s), upon production of receipts and an approved *Management-Directed Cancellation of Vacation Form*. The employee’s supervisor will consider the potential cost to the Legislative Assembly prior to cancelling an employee’s pre-approved vacation.
- .02 Where the Legislative Assembly calls an employee back from vacation, the Assembly will pay, upon production of receipts and an approved *Management-Directed Cancellation of Vacation Form*, all reasonable and non-refundable expenses, excluding per diems, incurred by the employee and their travelling companion(s) in returning to the workplace and, upon resumption of vacation, in returning to the place from which they were recalled. The employee’s supervisor will consider the potential cost to the Legislative Assembly prior to calling an employee back from vacation.
- .03 Where the Legislative Assembly calls an employee back from vacation, the time necessary for travel in proceeding to the workplace and returning to the place from which they were recalled shall not be deducted from their vacation entitlement.

7. Vacation Displaced by Leave with Pay

- .01 There shall be no deduction from vacation entitlements when an employee is in receipt of Short-Term Illness and Injury Plan (STIIP)

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benefits or on any other approved leave of absence with pay during the vacation period.

.02 Medical documentation may be requested by the Legislative Assembly to support STIIP benefits.

8. Vacation Carryover

.01 An employee may carry over unused current vacation entitlement into the following vacation year.

.02 All carryover must be fully exhausted by the end of the calendar year immediately following the year it was earned, either as leave, payout, or a combination of the two. Vacation carryover that remains unused will be paid out no later than the end of February of each year (e.g., 2019 vacation carried over must be used by December 31, 2020, or otherwise be subject to payout by February 28, 2021).

.03 Carryover of prior years' vacation must be fully exhausted prior to accessing current year vacation entitlement.

.04 The provisions of sections 8.01, 8.02 and 8.03 do not apply to an employee returning from maternity or parental leave in the vacation year that they return from leave.

.05 The provisions of sections 8.01, 8.02 and 8.03 do not apply to an employee's vacation leave benefits banked or accumulated on or before December 31, 2004.

9. Vacation / Leave Pay Out

.01 When vacation is paid out, it will be paid at the employee's rate of pay at the time of the payout.

.02 Upon termination of employment, annual vacation earned will be paid out on the employee's final pay.

.03 Vacation carryover may be paid out at any time prior to the dates listed in section 8 by submitting an approved *Vacation Carryover Payment Request Form*.

.04 Vacation entitlements for the current vacation year are not to be paid out except upon termination of employment.

.05 An employee accruing vacation as per section 2.01 who is scheduled to retire and immediately move to receiving a monthly pension benefit under the provincial *Public Service Pension Plans Act* (S.B.C. 1999, c. 44) shall be granted vacation entitlement for the full final

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calendar year of service. An employee working less than full-time will be granted vacation entitlement based on an average of hours worked for the 12 months preceding the retirement date.

Contact	Questions regarding this policy may be directed to Human Resources at human.resources@leg.bc.ca .
Procedures	<i>Management-Directed Cancellation of Vacation Form Vacation Carryover Payment Request Form</i>
References	<i>Policy 4401 – Credited Service</i>



Approved and authorized by
Kate Ryan-Lloyd, Clerk of the Legislative Assembly

November 2, 2022

Date

POLICY HISTORY	
Version 1	March 16, 1998
Version 2	August 4, 2004
Version 3	December 12, 2005
Version 4	February 10, 2010
Version 5	March 9, 2020
Version 6	March 8, 2021
Version 7	November 2, 2022