



Title: LEAVE FOR POLITICAL SERVICE POLICY		Number: 8033
Reference: Administrative Committee - (Procedure Revisions) September 23, 2009	Adopted by City Council Date: October 4, 1993	Supersedes: December 16, 1991
Prepared by: HUMAN RESOURCES DEPARTMENT		

STATEMENT

THE CITY OF MEDICINE HAT RECOGNIZES THE EMPLOYEE'S RIGHT TO RUN FOR POLITICAL OFFICE.

PURPOSE

Establish a consistent approach for employees requesting leave of absence to seek political office.

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DEFINITIONS

1.01 Employee

Means any permanent, temporary or term employee employed by the City of Medicine Hat.

1.02 Local Jurisdiction

Local Jurisdiction means a municipality or a district or division as defined in the *School Act*, as the case may be.

2. RESPONSIBILITIES

2.01 City Council

(a) Approve this policy and any amendments thereto.

2.02 Administrative Committee

(a) Approve this procedure and any amendments thereto.

2.03 Employees

(a) To submit written applications for leave under this policy to City Council via the City Clerk/Returning Officer.

3. PROCEDURES

3.01 Municipal Elections (governed by the *Local Authorities Election Act*)

(a) Subsection 22(1) (b) of the *Local Authorities Election Act* states that a person is not eligible to be nominated as a candidate in any election under that Act if on nomination day the person is an employee of the local jurisdiction for which the election is to be held unless the person is on a leave of absence granted under that section.

(b) The *Local Authorities Election Act* further states in Section 22:

- (i) An employee of a municipality who wishes to be nominated as a candidate in an election to be held for that municipality may apply to the council for a leave of absence without pay on or after July 1 in the year of a general election or on or after the day the council passes a resolution to hold a by-election but before the employee's last working day prior to nomination day.
- (ii) Notwithstanding any bylaw, resolution or agreement of a municipality, the council shall grant every application it receives under this section.
- (iii) An employee who has been granted a leave of absence is subject to the same conditions that apply to taking a leave of absence without pay for any other purpose.
- (iv) If an employee who has been granted a leave of absence is not elected, the employee may return to work, in the position the employee had before the leave commenced, on the 5th day after election day, or if the 5th day is not a working day, on the first working day after the 5th day.

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- (v) If an employee who has been granted a leave of absence is declared elected, the employee is deemed to have resigned that position as an employee the day the employee takes the official oath of office as an elected official.
- (vi) If an employee who has been granted a leave of absence is declared elected but, after a recount under Part 4 (Recount Procedure) of the *Local Authorities Election Act*, is declared not to be elected, the employee may return to work on the first working day after the declaration is made, and subsections (iii) and (iv) apply.
- (vii) Subject to subsection (viii), an employee who has been granted a leave of absence and is declared elected continues to be deemed to have resigned that position as an employee if the employee subsequently forfeits the elected office or if the employee's election is adjudged invalid.
- (viii) If, through no act or omission of the employee, an employee forfeits the elected office or the employee's election is adjudged invalid, the employee may return to work on the first working day after the office is forfeited or the election is adjudged invalid, and subsections (iii) and (iv) apply.

3.02 Federal and Provincial Elections

- (a) An employee is required to take a full time leave of absence without pay during candidature for a Federal (± 7 weeks) or Provincial election (4 weeks).
- (b) Notwithstanding any bylaw, resolution or agreement, City Council shall grant every application received for a leave of absence without pay, pursuant to subsection 3.02 (a).
- (c) An employee who has been granted a leave of absence is subject to the same conditions that apply to taking a leave of absence without pay for any other purpose.
- (d) If an employee who has been granted a leave of absence is not elected, the employee may return to work, in the position the employee had before the leave commenced, on the 5th day after election day or, if the 5th day is not a working day, on the first working day after the 5th day.
- (e) If an employee who has been granted a leave of absence is declared elected, the employee is deemed to have resigned that position as an employee the day the employee takes the official oath of office as an elected official.
- (f) If an employee who has been granted a leave of absence is declared elected but, after a recount is declared not to be elected, the employee may return to work on the first working day after the declaration is made and subsections 3.02 (c) and (d) apply.

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- (g) An employee who has been granted a leave of absence and is declared elected continues to be deemed to have resigned that position as an employee if the employee subsequently forfeits the elected office or if the employee's election is adjudged invalid.