

EDUCATION ACT

Pursuant to section 306 of the *Education Act*, the Commissioner in Executive Council orders as follows:

1 The attached *Temporary Employees Regulation* is hereby made.

2 Order-in-Council 1998/66 is revoked.

3 This Order shall be deemed to have come into force on March 2, 2001.

Dated at Whitehorse, in the Yukon Territory, this 15th day of August, 2001.

Commissioner of the Yukon

LOI SUR L'ÉDUCATION

Le commissaire en Conseil exécutif, conformément à l'article 306 de la *Loi sur l'éducation*, décrète ce qui suit :

1 Est établi le *Règlement sur les employés à titre temporaire* paraissant en annexe.

2 Le décret 1998/66 est abrogé.

3 Le présent décret est présumé être entré en vigueur le 2 mars 2001.

Fait à Whitehorse, dans le territoire du Yukon, ce 15 août 2001.

Commissaire du Yukon

TEMPORARY EMPLOYEES REGULATION

RÈGLEMENT SUR LES EMPLOYÉS À TITRE TEMPORAIRE

Definitions

1 In this regulation,

“temporary employee” includes any teacher, aboriginal language teacher, educational assistant and remedial tutor who is not an employee within the meaning of subsection 195(1) of the Education Act, and who is not a substitute teacher within the meaning of Order-in-Council 1991/185. « employé à titre temporaire »

Employment by offer

2 For the purposes of this Regulation, a temporary employee may, by accepting an offer in writing from a superintendent of schools, be employed to fill a position temporarily existing or that is temporarily vacant for a period of not less than thirty consecutive instructional days and not exceeding a period of ten consecutive and continuous months in any continuous period of twelve months.

Content of offer

3 An offer made pursuant to section 2 must specify

- (a) that the employment being offered is temporary;
- (b) the duration of the employment;
- (c) whether the position is full-time or part-time; and
- (d) the position's salary or the method by which the position's salary is to be determined.

Time of payment

4 Temporary employees shall be paid on a twenty-two pay period basis.

Termination

5(1) The deputy minister may terminate the employment of a temporary employee at any time by giving the employee notice of termination in writing of fifteen instructional days, or by giving the employee fifteen days' pay in lieu of the notice.

(2) Notwithstanding subsection (1), the deputy

Définitions

1 Au présent règlement,

« employé à titre temporaire » comprend tout enseignant, l'enseignant de langue autochtone, l'aide enseignant et l'orthopédagogue, qui ne sont pas des employés au sens du paragraphe 195(1) de la Loi sur l'éducation et qui ne sont pas des enseignants suppléants au sens du décret 1991/185.

Offre d'emploi

2 Aux fins du présent règlement, un employé à titre temporaire qui accepte une offre d'emploi écrite d'un surintendant des écoles, peut être embauché afin d'occuper un poste qui existe temporairement ou qui est vacant de façon temporaire pour une période d'au moins 30 jours de classe consécutifs et qui ne dépasse pas une période de dix mois consécutifs et continus, dans une période de douze mois consécutifs.

Contenu de l'offre

3 Une offre d'emploi visée à l'article 2 doit préciser :

- a) que l'offre d'emploi est à titre temporaire;
- b) la durée de l'emploi;
- c) si le poste est à temps plein ou à temps partiel;
- d) le salaire pour le poste ou un moyen de le calculer.

Délai de paiement

4 Les employés à titre temporaire sont rémunérés sur 22 périodes de paye.

Licenciement

5(1) Le sous ministre peut licencier un employé à titre temporaire, en tout temps, en lui donnant un avis écrit équivalent à quinze jours d'enseignement, ou en lui remettant une indemnité compensatrice de préavis représentant quinze jours d'enseignement.

(2) Malgré le paragraphe (1), le sous ministre peut, en

minister may, at any time, terminate the employment of a temporary employee for just cause without notice of termination or pay in lieu thereof.

Further Benefit entitlement

6 Temporary employees are entitled not only to the employment benefits contained in this regulation, but are also entitled to the employment benefits set out in the attached schedule.

tout temps, licencier un employé à titre temporaire pour un motif valable, sans avis de licenciement ni d'indemnité compensatrice de préavis.

Droit aux avantages

6 Les employés à titre temporaire ont droit non seulement aux avantages reliés à l'emploi prévus au présent règlement, mais aussi à ceux visés en annexe.

SCHEDULE

By agreement between the Government of the Yukon and the Yukon Teachers' Association dated February 2, 2000, temporary employees are entitled to the following benefits as they appear in the collective agreement between the Government of the Yukon and the Yukon Teachers' Association:

Article 12	Professional Development
Article 13	Part-Time Employees
Article 14	Payment of Salaries
Article 15	Application of Appendix "A", Schedule
Article 17	Attendance at Courses
Article 19	Special Leave. The employee shall be credited with special leave at the beginning of his or her assignment, pro-rated in accordance with the length of the assignment. As of February 1, 2000, the employee shall be entitled to carry forward earned but unused special leave credits should he or she subsequently become a bargaining unit employee, provided that there is no break in service.
Article 20	Sick Leave. As of February 1, 2000, the employee shall be entitled to carry forward earned but unused sick leave credits should he or she subsequently become a bargaining unit employee, provided there is no break in service.
Article 21.02 and 21.03	Religious and Citizenship Leave
Article 22	Maternity, Paternity, Adoption, Parental, and Parenthood Leaves
Article 23	Injury on Duty Leave
Article 24	Court Leave
Article 25	Leave Without Pay
Article 26	Benefit Plans. Employees' entitlements under the benefit plans will be determined in accordance with the rules of the plans.
Article 29	Yukon Bonus. Should an employee subsequently become a bargaining unit employee, his or her period of service as a temporary employee will count towards his or her qualifying period for a Yukon Bonus, provided there is no break in service.
Article 30	Travel Bonus. Pro-rated in accordance with the length of the employee's assignment.
Article 31	Community Allowance. Pro-rated in accordance with the length of the employee's assignment.
Article 32	Staff Accommodation. Pro-rated in accordance with the length of the employee's assignment.
Article 34	Preparation Time. This article does not apply where the employee is replacing another employee whose assignment at the time of replacement does not include preparation time.
Article 35	Class Size

Article 36	Extra Curricular Activities
Article 37	Staff Meetings
Article 38	Health and Safety
Article 39	Harassment
Article 40	No Discrimination
Article 41	Personnel Files

ANNEXE

Par une entente en date du 2 février 2000 conclue entre le Gouvernement du Yukon et l'Association des enseignants et des enseignantes du Yukon, les employés à titre temporaire ont eux aussi droit aux avantages reliés à l'emploi suivants prévus dans la convention collective conclue entre le Gouvernement du Yukon et l'Association des enseignants et des enseignantes du Yukon :

Article 12	Professional Development
Article 13	Part-Time Employees
Article 14	Payment of Salaries
Article 15	Application of Appendix "A", Schedule
Article 17	Attendance at Courses
Article 19	Special Leave. The employee shall be credited with special leave at the beginning of his or her assignment, pro-rated in accordance with the length of the assignment. As of February 1, 2000, the employee shall be entitled to carry forward earned but unused special leave credits should he or she subsequently become a bargaining unit employee, provided that there is no break in service.
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Article 30	Travel Bonus. Pro-rated in accordance with the length of the employee's assignment.
Article 31	Community Allowance. Pro-rated in accordance with the length of the employee's assignment.
Article 32	Staff Accommodation. Pro-rated in accordance with the length of the employee's assignment.
Article 34	Preparation Time. This article does not apply where the employee is replacing another employee whose assignment at the time of replacement does not include preparation time.

Article 35	Class Size
Article 36	Extra Curricular Activities
Article 37	Staff Meetings
Article 38	Health and Safety
Article 39	Harassment
Article 40	No Discrimination
Article 41	Personnel Files

Note : Le texte de la convention collective n'a pas fait l'objet d'une traduction vers le français.