



COUNTY OF WELLINGTON

COMMITTEE REPORT

To: Chair and Members of the Administration, Finance and Human Resources (AF&HR) Committee
From: Susan Farrelly – Director of Human Resources
Date: Tuesday, January 18, 2022
Subject: Reservist Leave and OMERS Provisions

Background

A Reservist leave is a statutory leave under the Employment Standards Act (ESA) for an employee who is providing assistance in dealing with an emergency or its aftermath with an international operation or an operation within Canada. Often Reservists are called to provide assistance in dealing with search and rescue operations, recovery from natural disasters such as flood relief, military aid following ice storms, and aircraft crash recovery and are entitled under the (ESA) to unpaid leave for the time necessary to engage in that operation. In the case of an operation outside Canada, the leave would include pre-deployment and post-deployment activities that are required by the Canadian Forces in connection with that operation.

In order to be eligible for Reservist leave, an employee must have worked for their employer for at least six consecutive months. Generally, Reservists must provide their employer with reasonable written notice of the day on which they will begin and end the leave. Employees on a Reservist leave are entitled to be reinstated to the same position if it still exists or to a comparable position if it does not. Seniority and length of service credits continue to accumulate during the leave.

OMERS Provisions for Reservist Leave

The time that an employee is on a Reservist leave may be purchased as OMERS credited service by the employee paying the contributions. They must pay for the contributions by the end of the year following the year in which the leave period ended, to be treated as purchasable broken service in the OMERS pension plan. If the employee elects not to purchase this leave time during this eligibility period, but decides later to purchase the leave, it will be treated as a buy-back.

In the OMERS pension plan, for Reservist leaves on and after January 1, 2013, the employer can elect to share the cost of purchasing a Reservist leave with the member so long as a by-law has been passed to provide for this cost sharing. Once this by-law has passed, it becomes effective the first of the month following the month the new by-law is passed and costs can be shared between the employer and the member; or, without a passed by-law to share costs, the default costing for this leave is that members must pay the cost fully at double contributions (employer and member contributions).

Since Seniority and length of service credits continue to accrue during a Reservist leave, and the County of Wellington would continue all other benefits (subject to our benefit provider provisions) during a leave of this nature, it is recommended that the County of Wellington also be permitted to match the OMERS contributions in the event the employee chooses to purchase the broken service for this leave.

Recommendation

“THAT County staff be directed to draft a bylaw providing for the County of Wellington to match OMERS contributions in the event of an employee purchasing OMERS broken service due to a Reservist leave.”

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Susan Farrelly', with a stylized, flowing script.

Susan Farrelly
Director of Human Resources

References: [Your guide to the Employment Standards Act: Reservist leave | Ontario.ca](#)

[OMERS Single/double contribution leave periods \(omers.com\)](#)