

**EYYOU CHISKOTAMACHAOUN  
COMMISSION SCOLAIRE CRIE  
CREE SCHOOL BOARD**

**CONSOLIDATED BY-LAW NO. 3  
AS AMENDED TO DECEMBER 12, 2023**

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**By-law Respecting the Working Conditions  
of the Chairperson of the Cree School Board**

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**COMMISSION SCOLAIRE CRIE - CREE SCHOOL BOARD**

**CONSOLIDATED BY-LAW NO. 3**

Being the By-law of the CREE SCHOOL BOARD respecting the working conditions of the Chairperson

BE IT ENACTED as follows:

**ARTICLE 1 - INTERPRETIVE PROVISIONS**

- 1.1 This By-law shall be interpreted so as to be consistent with Section 16 of the James Bay and Northern Quebec Agreement. In this By-law, unless the context indicates otherwise the applicable definitions shall be the same as those found in the General By-Law of the Board (Consolidated By-Law No. 1).

**ARTICLE 2 - DUTIES**

- 2.1 The Chairperson shall carry out his or her duties on a full-time basis.
- 2.2 The Chairperson shall carry out the functions and powers identified in the General By-Law (Consolidated By-Law No. 1) and the Functions and Delegation of Powers By-Law (By-Law No. 7).

**ARTICLE 3 - OFFICE LOCATION**

- 3.1 The Council may allow the Chairperson to establish his or her office in a Community other than Mistissini where the head office is located, in accordance with the modalities of this By-law.

**ARTICLE 4 - REMUNERATION**

- 4.1 The remuneration of the Chairperson by the Board is determined in accordance with the Budgetary Rules of the Board until such time as it is determined by a by-law adopted by the Council in accordance with amendments to be made to *The Education Act for Cree, Inuit and Naskapi Native Persons* (CQLR, c. I-14).
- 4.2 The Chairperson may not claim overtime pay neither may he or she claim compensatory time in place of overtime pay.

**ARTICLE 5 - TRANSITION ALLOWANCE**

*Transition Allowance*

- 5.1 Subject to subsection 5.2 and subsection 5.3, when the office of the Chairperson ends, including in accordance with the General By-Law of the Board (Consolidated By-Law No. 1), is not renewed and the person is not re-elected, the Board shall provide the

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Chairperson with a transition allowance equivalent to four (4) months remuneration and regional disparities allowance per complete year of mandate as Chairperson. This transition allowance may not exceed the equivalent of twelve (12) months remuneration and regional disparities allowance. The transition allowance does not include the Chairperson's accumulated vacation.

*Serious Misconduct*

- 5.2 The Council may decide that the transition allowance will not be granted to the Chairperson in the case of a serious misconduct on his or her part, as determined by the Council. Such serious misconduct may include a violation of the By-law Respecting the Code of Ethics and Professional Conduct of the Board.

*Resigning Chairperson*

- 5.3 A Chairperson who resigns during his or her term of office is not entitled to a transition allowance unless the Council decides otherwise for reasons such as a serious family matter or a major health issue affecting the Chairperson or a member of his or her immediate family.

The Council shall send the decision in writing to the Chairperson. If the Council determines that the resigning Chairperson is entitled to a transition allowance, the Council must give public notice, without disclosing the reasons for the decision, and the allowance is paid retroactively from the date the Chairperson's term of office ended.

In the case of a resigning Chairperson who is entitled to a transition allowance under this section, the amount paid as a transition allowance must be reduced by an amount equal to any employment, professional, business or retirement income the Chairperson receives or is entitled to receive during the period defined in subsection 5.4.

If, during the period defined in subsection 5.4, the resigning Chairperson who is entitled to a transition allowance under this section received or was entitled to receive employment, professional, business or retirement income, the resigning Chairperson must file a written statement with the Council within 60 days after the end of the period defined in subsection 5.4, stating the nature and amount of the income.

If the total amounts paid as a transition allowance exceed what the Chairperson was entitled to, given the employment, professional, business or retirement income actually received, the former Chairperson shall reimburse the overpayment.

If the former Chairperson fails to file the required statement with the Council within the time prescribed above, the Council shall demand the full reimbursement of the transition allowance, unless the former Chairperson subsequently files the required information with the Council within a reasonable time.

*Payment of Transition Allowance*

- 5.4 Subject to subsection 5.3 and where the Chairperson is entitled to a transition allowance, an amount equal to the first three (3) months of remuneration and regional disparities allowance shall be paid when the term of office of the Chairperson ends. Beginning with the fourth month, the Board shall pay one (1) month's remuneration and regional disparities allowance until the transition allowance is fully paid.

## **ARTICLE 6 - REGIONAL DISPARITIES ALLOWANCE**

- 6.1 The Chairperson also receives a yearly isolation and remoteness premium equivalent to the allowance payable to the management staff of the Board.

## **ARTICLE 7 - MOVING EXPENSES**

- 7.1 Where the Chairperson does not reside in the community of Mistissini, but relocates to said community to work from the head office, the Chairperson benefits from the reimbursement of the following expenses:

- a) the transportation costs for the Chairperson and his or her dependents;
- b) the costs of transporting his or her personal belongings and those of his or her dependents, up to and including:
  - 228 kilograms per adult or child 12 years of age or older;
  - 137 kilograms per child under 12 years of age;
- c) the cost of transporting his or her furniture insofar as such furniture is not provided by the Board as the case may be;
- d) furniture storage costs.

- 7.2 The expenses set out in section 7.1 are reimbursed provided the Chairperson is not reimbursed for them from another source and only in the following cases:

- a) when the Chairperson first begins his or her mandate: from his or her place of residence to the community of Mistissini where the head office is located;
- b) when the mandate of the Chairperson ends and is not renewed: from Mistissini to his or her place of residence of origin.

## **ARTICLE 8 - HOUSING**

- 8.1 The Chairperson is entitled to appropriate housing for himself or herself and his or her dependents in the community of Mistissini for the duration of his or her mandate. The rent charged for such housing shall not exceed the rent paid by the management staff of the Board for comparable housing in Mistissini.

- 8.2 Subject to subsection 8.3, when the mandate of the Chairperson ends and is not renewed, the Board shall allow one (1) month for the departing Chairperson to leave the housing accommodation provided in Mistissini. No rent shall be charged during this one (1) month period.

- 8.3 The Council may decide that the Chairperson shall immediately leave the housing accommodation in the case of a serious misconduct on his or her part, with due regard for the principles of natural justice and procedural fairness. Such serious misconduct may include a violation of the By-law Respecting the Code of Ethics and Professional Conduct of the Board.

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**ARTICLE 9 - INSURANCE**

- 9.1 The Board will provide the Chairperson with life insurance and medical insurance coverage equivalent to the coverage provided to the management staff of the Board.
- 9.2 The Board also provides the Chairperson with the basic remuneration insurance plan described below to ensure that the Chairperson will have his or her remuneration preserved at least in part during the first 104 weeks of total disability.
- 9.3 The Chairperson continues to receive his or her full remuneration including the regional disparities allowance during the first week of total disability. As of the 2nd week of total disability and, up to 26 weeks from the beginning of the total disability, the Chairperson shall receive 80% of his or her remuneration and 80% of the regional disparities allowance. As of the 27th week of total disability and, up to 104 weeks from the beginning of the total disability, the Chairperson shall receive 70% of his or her remuneration and 70% of the regional disparities allowance.
- 9.4 Should the Chairperson be replaced in the Chairmanship during a disability period, he or she continues to be entitled to the above-mentioned remuneration insurance plan but he or she is not entitled to any other of the benefits or rights provided under this By-law.
- 9.5 The amounts paid under the remuneration insurance plan are reduced by an amount equal to all and any disability payment made for the concerned period under a provincial or federal law. The Chairperson must notify the Board of any such payment.
- 9.6 At any time the Board may request from the person benefiting from the remuneration insurance plan a medical certificate which attests to the nature and duration of the disability and may request the person to submit to medical examinations before medical doctors or specialists chosen by the Board.

**ARTICLE 10 - VACATION**

- 10.1 The annual vacations of the Chairperson are the same as those provided to the management staff of the Board.
- 10.2 These vacations are taken at one or more periods agreed to between the Executive Committee of the Board and the Chairperson.
- 10.3 In case of termination of mandate, if the Chairperson has not taken all or part of his or her vacations, he or she shall receive a vacation indemnity prorated on the duration of his or her appointment during the school year preceding his or her departure. The indemnity is calculated on the basis of 1/260th of yearly remuneration and regional disparities allowance for each day of vacation which has not been taken.
- 10.4 The accumulated vacations which have not been taken during the school year during which they should have been taken, may be forwarded to the following school year but not any further. Failing to take these forwarded vacations in the following school year, these vacations are paid on the basis of 1/260th of yearly remuneration and regional disparities allowance for each day of vacation not taken.

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10.5 The Chairperson who during his or her vacation period must return to work at the express request of the Executive Committee is entitled to take his or her holidays which are left over at a time mutually convenient to the Executive Committee and the Chairperson. Furthermore in such case, the Chairperson is entitled to the reimbursement of his or her travelling costs for him or her and his or her dependents between his or her place of vacation and his or her place of work.

10.6 In the first school year of a Chairperson's mandate, the Chairperson is entitled to his or her vacation as if that person had fully accumulated entitlement to vacation in the previous school year.

#### **ARTICLE 11 - STATUTORY HOLIDAYS**

11.1 The Chairperson shall benefit from the same statutory holidays as those provided to the management staff of the Board.

#### **ARTICLE 12 - SPECIAL LEAVES**

12.1 The Chairperson is entitled to the same special leaves without loss of remuneration or regional disparities allowance as the management staff of the Board.

#### **ARTICLE 13 - MATERNITY LEAVE**

13.1 The Chairperson who is pregnant is entitled to a paid maternity leave not exceeding 21 consecutive weeks, including the day of delivery. For the duration of the leave, the Chairperson receives compensation equal to the remuneration and the isolation and remoteness premium she would receive as Chairperson.

13.2 Where there is a loss of pregnancy after the beginning of the 20<sup>th</sup> week preceding the expected delivery date, the Chairperson is also entitled to this maternity leave.

13.3 The amounts paid under the maternity leave are reduced by an amount equal to all and any maternity leave payment made for the concerned period under a provincial or federal law. The Chairperson must notify the Board of any such payment.

#### **ARTICLE 14 - PATERNITY LEAVE**

14.1 The Chairperson whose spouse gives birth is entitled to a paid paternity leave not exceeding five (5) consecutive weeks. For the duration of the leave, the Chairperson receives compensation equal to the remuneration and the regional disparities allowance he would receive as Chairperson.

14.2 The amounts paid under the paternity leave are reduced by an amount equal to all and any paternity leave payment made for the concerned period under a provincial or federal law. The Chairperson must notify the Board of any such payment.

#### **ARTICLE 15 - ADOPTION LEAVE**

15.1 The Chairperson who legally adopts a child other than his or her spouse's child is entitled to a paid leave not exceeding five (5) consecutive weeks. For the duration of the leave, the Chairperson receives compensation equal to the remuneration and isolation and remoteness premium he or she would receive as Chairperson.

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- 15.2 The amounts paid under the adoption leave are reduced by an amount equal to all and any adoption leave payment made for the concerned period under a provincial or federal law. The Chairperson must notify the Board of any such payment.
- 15.3 The Chairperson who legally adopts a child but who is not entitled to the adoption leave provided for in section 15.1 is entitled to a leave not exceeding five (5) working days two (2) of which are paid.

**ARTICLE 16 - OFFICE SPACE AND ADMINISTRATIVE SUPPORT SERVICES**

- 16.1 The Board shall provide the Chairperson with an appropriate office to carry out his or her duties at the head office of the Board in Mistissini. However, if the Chairperson is authorized to work from a location other than the head office, the Board may provide the Chairperson with an office in the Community in which the Chairperson works from, if available. The Board may also authorize the Chairperson to have an office in his or her home.
- 16.2 The Board shall ensure that the Chairperson has access to a landline phone and internet (wifi) for the performance of his or her duties and functions, including in his or her home, the whole in accordance with standard practices of the Board in this regard, and that adequate measures are put in place to protect the confidential information of the Board (e.g. office that can be locked, secure filing system, etc.).
- 16.3 The administrative support services are provided to the Chairperson from the head office of the Board, unless decided otherwise by the Council.

**ARTICLE 17 - TRAVEL EXPENSES**

- 17.1 The Chairperson is also entitled to the reimbursement of all of his or her travel expenses incurred in the service of the Board following the travel policy of the Board applicable to its senior and management staff.

**ARTICLE 18 - TEMPORARY REPLACEMENT**

- 18.1 The provisions of this By-law, except Article 5 (Transition Allowance), Article 9 (Insurance) and Article 13 to Article 15 (Maternity Leave, Paternity Leave and Adoption Leave), shall apply to the Vice-Chairperson who temporarily carries out for a period of more than ten (10) consecutive workdays the duties of the Chairperson in his or her absence.

**ARTICLE 19 - CIVIL LIABILITY**

- 19.1 The Board shall defend the Chairperson sued in court by a third party as a result of an action committed within the discharge of his or her duties as Chairperson. In such a case, the Board shall not make any claim against the Chairperson except if it is established by a final judgment of a civil court that there was an illegal action or gross negligence on the part of the Chairperson.



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**ARTICLE 20 - FINAL PROVISIONS**

20.1 This By-law replaces all previous by-laws of the Board relating to any subject-matter contained in this By-law.