

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW No. 2005 -11

Being a By-law to
adopt Policies with respect to the Hiring of Employees

WHEREAS pursuant to Section 270 (1) of the *Municipal Act, R.S.O. 2001, C.25*, Municipalities are required to adopt policies with respect to the hiring of its employees, including policies with respect to the hiring of relatives of a Member of Council or Local Board or existing employees;

AND WHEREAS the Municipal Council deems it expedient to now establish such policies;

NOW THEREFORE BE IT ENACTED AS A BY-LAW OF THIS CORPORATION AS FOLLOWS:

Section 1: Definitions

In this By-law and any Schedule to it, the following words have the meaning assigned to them below:

- 1.1. **“Child”** means, for the purpose of eligibility for benefits, the natural or adopted child of an employee.
- 1.2. **“Employee”** means a person who is paid by the Municipality for work and whose engagement has been formally recognized by Council in a Resolution or By-law, or in a pre-approved budget, but does not include an independent contractor whose work is not under the day to day supervision of Council or its Staff.
 - 1.2.1 **“Permanent Full-Time Employee”** means an employee whose job status will be continued indefinitely and works the hours of a regular work day or a regular work week set by Council.
 - 1.2.2 **“Permanent Employee” - Variable Hours** means an employee employed on a permanent basis but the hours of work vary from week to week depending on the work load.
 - 1.2.3 **“Part-Time Employee”** - an employee employed casually or seasonally.
 - 1.2.4 **“Contract Employee”** - an employee hired for a specific project or period of time upon terms and condition set out in a written contract.
- 1.3. **“Relative”** means any person who is a spouse, child, sibling, niece, nephew, parent or grandparent of an Employee, Councillor or local board member, or is related by marriage and includes in-laws, and individuals who were previously married and are presently divorced or whose relationship with the Employee, Councillor or local board member is similar to that of persons who are family members or are related by marriage, taking into account, the definition of “spouse” contained in this By-law.
- 1.4. **“Spouse”** applies to both opposite sex and same sex couples and means either of a man or a woman who:
 - 1.4.1 is married to an employee; or
 - 1.4.2 has entered into a marriage with a current employee that is voidable or void in good faith; or
 - 1.4.3 is not married to a current employee but who is now cohabiting with a current employee in a relationship similar to marriage and either:

- 1.4.3.1 has so cohabited continuously for a period of not less than one (1) year ; or
 - 1.4.3.2 has so cohabited for a period of not less than three (3) months if they are the natural or adoptive parents of a child.
- 1.5. **“Student”** means an individual who is attending an educational institution prior to the summer term and shall be returning, on a full-time basis, for the upcoming school term. Proof of school attendance may be required.

Section 2: Initial Process

- 2.1 **Approval of Position**
The Council of the Municipality of Magnetawan shall, by Resolution or By-law, approve the creation of, or the need to fill, a position or replacement.
- 2.2 **Conflict of Interest**
No Councillor, Local Board/Committee member or employee shall participate in the hiring of, or in the discipline of, an employee to whom they are a relative.
- 2.3 **Declaration**
It is the responsibility of the Councillor or Local Board/Committee member or employee, to declare, in advance, a possible conflict in the case where an individual being considered for a position, is a relative.
- 2.4 **Confidential Materials**
No Councillor, Local Board/Committee member or employee shall be in a position where he/she is responsible for the handling of confidential material relating to the performance or evaluation or hiring of a relative.
- 2.5 **No Direct Reporting**
An employee cannot be hired, or promoted to a position that would result in a direct reporting relationship between him/her and the relative, unless written approval is received from Council.

Section 3: Public Notification

- 3.1 Unless Council considers that there is an existing or recent employee, who, because of special familiarity with the position of the Municipality, would be of particular usefulness in this position, all vacant positions shall be advertised both internally and externally.
- 3.2 The CAO - Clerk shall post a Notice of Employment Opportunity as follows:
 - 3.2.1 In a newspaper having local circulation;
 - 3.2.2 On the Municipal Website;
 - 3.2.3 On the Municipal Office Notice Board
- 3.3 Posting shall include:
 - 3.3.1 A brief outline of duties;
 - 3.3.2 A job description;
 - 3.3.3 The last date on which Applications will be received;
 - 3.3.4 The name and title of the person to whom applications are to be made;
 - 3.3.5 The salary range and specific job qualifications.
- 3.4 **Skill Test**
Notice shall include a provision that a “skill test” to assist in determining the

suitability of the applicant may be required.

3.5 Criminal Record

Included in the 'Notice' shall be a statement that the Municipality may undertake a criminal record check on the Applicants.

3.6 Resume

All applications must include a resume with at least two (2) 'Letters of Recommendation', with the name and address of the persons signing the recommendation.

Section 4: Hiring Committee

4.1 Composition

The Hiring Committee shall be composed of Council, the CAO - Clerk, the Department Head and such other persons as Council may determine, provided that the Councillor or the Local Board/Committee member, or the employee is not a relative of persons whose application has been short-listed.

4.2 Short List

The Hiring Committee shall consider all applications and determine from these, a short-list of applicants who appear to have the required qualifications.

Section 5: Selection Criteria

Applications will be considered on the following basis:

- 5.1 Previous experience with this Municipality;
- 5.2 Previous experience with any other Municipality along the lines of the position advertised;
- 5.3 Previous experience in a similar position elsewhere, other than in the Municipal field;
- 5.4 Skills mentioned or requirements outlined in the job description;
- 5.5 Education and training records;
- 5.6 Confirmation of references filed.

Section 6: Short List

- 6.1 Once the Hiring Committee has determined a short-list, each Applicant on the list shall be so notified and arrangements made for interviews;
- 6.2 There shall be a letter to all unsuccessful Applicants thanking them for their Application.

Section 7: Final Selection

7.1 Notification

The successful Applicant(s) shall be notified by telephone, confirmed by fax or in writing, setting out:

- 7.1.1 Starting Date
- 7.1.2 Hours of Work
- 7.1.3 Rate of Pay
- 7.1.4 Conditions of Employment
- 7.1.5 Necessary equipment (i.e. work boots)
- 7.1.6 Information about the Municipality's Policy Manuals with respect to discipline, etc.

7.2 Acknowledgment

7.2.1 The successful Applicant will acknowledge the 'Terms of Employment' by signing at the bottom of the said letter and returning a copy to the CAO - Clerk.

7.2.2 This letter is to be filed in the Applicants' personnel file.

Section 8: Part-Time Employee

By a written Policy of Council, Department Heads shall have the authority to hire

part-time casual employees when required.

Section 9: **Orientation**

It will be the responsibility of the Department Head, to ensure that new employees receive a proper orientation and adopt training in order to commence duties in the new position. This includes specific health and safety training.

Section 10: **Mutual Benefit Package**

Full-time employees, after successfully completing their probationary period, and being so advised by the CAO - Clerk, shall be entitled to the Municipal Benefit Package, outlined in Schedule "A" attached hereto and forming part of this By-law.

Section 11: **Hiring Policy**

The Municipal Hiring Policy, forming part of this By-law, is attached hereto as Schedule "B".

Section 12: **Employment Policy**

The Municipal Employment Policy, forming part of this By-law, is attached hereto as Schedule "C".

Section 13: **Progressive Discipline Policy**

The Municipal Progressive Discipline Policy, forming part of this By-law, is attached hereto as Schedule "D".

Section 14: **Revocation**

All By-laws, or parts thereof, passed prior to this By-law, and contrary hereto or inconsistent herewith, are hereby revoked.

**Passed in open Council as read a First, Second and Third time,
this 13th day of April, 2005.**

**The Corporation of the
Municipality of Magnetawan**

Sam Dunnett, *Mayor*

Brenda J. Fraser, *Clerk/Administrator*

Schedule 'A'

Municipal Benefit Package

A Municipal Benefit package shall be offered to all Full Time Employees in accordance with the following criteria:

1. an annual expense limit of Three Hundred Dollars (\$300.00) per family member, transferable;
2. family members include: spouse and dependent children living with the Employee and attending school full time, up to sixteen (16) years of age; and/or dependent children not living with the Employee, but attending full time post secondary education, up to twenty-one (21) years of age;
3. Qualifying expenses are: prescription drugs, eye examinations, corrective lenses and dental;
4. Invoices must be presented prior to December 31st, in the year in which they occurred;
5. Employees must supply to the Municipality, by January 31st of each year, a letter listing their dependent family members.

Schedule 'B'
to By-law No. 2005 - 11

Hiring Policy

1. Policy

- 1.1 The Municipality of Magnetawan is an equal opportunity Employer and does not discriminate in the hiring process on the basis of race, ancestry, place of origin, color, ethnicity, citizenship, creed, sex, sexual orientation, age, marital/family status, disability or record of offenses.
- 1.2 Employment decisions are based on an individuals qualifications and competencies focusing on skills, training and overall ability to perform the work.

2. Purpose

- 2.1 The purpose of this statement of Policy and Procedure is to provide a systematic, equitable approach to hiring and to ensure compliance with legislative requirements.

3. Scope

- 3.1 All Departments are responsible for following the guidelines outlined in this Policy.

4. Administrative Responsibilities

4.1 Department of the CAO - Clerk / Treasurer

- 4.1.1 It will be the responsibility of the CAO - Clerk's Department to ensure that the job description for the position to be filled is accurate. The CAO - Clerk will also be responsible for providing a draft of the position to be filled.
- 4.1.2 Representatives from the appropriate Department and Council will be available to participate in selection interviews and testing as it relates to positions in their areas.
- 4.1.3 Council will arrange to have reference checks done for candidates identified as potential hires through the interview process.
- 4.1.4 The Department of the CAO - Clerk / Treasurer must ensure that the appropriate paperwork regarding new hires is submitted.
- 4.1.5 The CAO - Clerk's Department shall be responsible for resume file maintenance. Resumes will be kept active and on file for a period of one (1) year from the date received or last updated.
- 4.1.6 The CAO - Clerk's Department may assist in the development of job ads where required and will be responsible for internal and external advertising of job postings.
- 4.1.7 Department Heads and Council will develop interview questions and templates.
- 4.1.8 Members of Council will be available to participate in selection interviews.
- 4.1.9 The CAO - Clerk's Department will be responsible for maintenance of Employee files.
- 4.1.10 All Offers of Employment and requests for criminal record checks are to be generated through the CAO - Clerk's Department.

- 4.1.11 The Clerk will notify, in writing, all candidates who received an interview, of their status in the competition.
- 4.1.12 The Treasurer will be responsible for administration of benefits and pension plan.
- 4.1.13 The Treasurer is responsible for new hire set-up in the payroll system.
- 4.1.14 It will be the responsibility of the Department Head to ensure that the new employee receives proper orientation and adequate training in order to commence duties in their new position.

5. Administrative Procedures

5.1 Application and Selection Process

- 5.1.1 The objective of the Municipality is always to hire the most competent and qualified applicant. The selection process will be based on qualifications, skills, training and the ability to perform the work.
- 5.1.2 All applicants must submit a resume to the Clerk, outlining their qualifications and experience.
- 5.1.3 Unless Council considers that there is an existing or recent Employee, who, because of special familiarity with the position or the Municipality, would be of particular usefulness in this position, all vacant positions shall be advertised both internally and externally. In the case of a non-managerial position, where Council considers that there are sufficient current, active resumes or applications on hand to begin the hiring process, it may direct that no advertisement for new applicants be made and proceed to review and interview existing candidates. Where no external advertisement has been made, Council may direct that such be done at any point in the process before the position is filled. When directed, vacancies within the Corporation will be advertised in a local newspaper and on the Municipal Web Site.
- 5.1.4 Unless Council determines otherwise, all selected applicants will be interviewed by the full Council and the successful applicant will receive notification of their acceptance for the position by telephone and then by letter, as soon as possible after the selection has been made.
- 5.1.5 By written policy of Council, Department Heads shall have the authority to hire part-time casual employees, when required.
- 5.1.6 **Probationary Period**
Newly hired employees shall be considered on a probationary basis for a period of one hundred, eighty (180) days or at Councils' discretion from the date of hiring, unless otherwise specified.
- 5.1.7 The applicable Department, in conjunction with Council and the CAO - Clerk, will review all applications submitted for the competition by the closing date and create a short list from which candidates will be selected for an interview.
- 5.1.8 Any candidate who 'deliberately' misrepresents information at any stage during the recruitment process will be eliminated from the selection process and, if currently employed, may be subject to discipline or dismissal.
- 5.1.9 All selection interviews will be conducted in a professional and ethical manner. Questions relating to an individuals background and experience must be in accordance with the Ontario Human Rights Code.

- 5.1.10 Final candidates may be requested to complete employment tests deemed necessary to determine their skill, knowledge or ability to perform the job.
- 5.1.11 Consideration for entitlement to interview expenses for out of town candidates is discouraged and shall be determined prior to any interviews being conducted. Requests of this nature must be approved by Council.
- 5.1.12 Candidates being considered for hire shall provide proof of: requested certificates; educational background; and, associated training. A copy of the Provincial Statement of Driving Record may be requested once a conditional offer of employment has been made.
- 5.1.13 Once the interviews are complete and the successful candidate has been selected, the Clerk will contact the candidate and make a conditional offer of employment.
- 5.1.14 All new employees may be required to provide a copy of a current criminal record check prior to commencing employment with the Municipality. A current copy of their Provincial driving record may also be requested where it is a necessary qualification for the position applied for.
- 5.1.15 The costs associated to providing any of the aforementioned documentation shall be borne solely by the candidate.

6. Hiring Relatives

- 6.1 No Employee, Councillor, or Local Board/Committee member will participate in the hiring or in the discipline of an Employee to whom they are a relative.
- 6.2 It is the responsibility of the Employee, Councillor or Local Board/Committee member to declare in advance, a possible conflict in the case where an individual being considered for a position, is a relative.
- 6.3 No Employee, Councillor or Local Board/Committee member may be in a position responsible for the handling of confidential material related to the performance or evaluation of an immediate relative.
- 6.4 An Employee cannot be hired, or promoted, to a position that would result in a direct reporting relationship between relatives, unless written approval is received from Council.

Schedule 'C'
to By-law No. 2005 - 11

Employment Policy

PURPOSE

This Policy shall establish a mutually satisfactory agreement between the Corporation of the Municipality of Magnetawan (the Employer) and its Employees, with respect to working conditions, hours of work, wages and benefits, for permanent, full-time employees.

HOURS OF WORK

Hours of work shall be established by Council Resolutions.

Administrative Positions

The Office hours of work shall be 6.5 hours per day, 32.5 hours per week.

The Clerk/Administrator shall attend two (2) Regular Council Meetings per month, in addition to regular Office hours, with pay.

Roads Positions

The normal hours of work shall be forty (40) hours per week. All hours exceeding forty (40) hours shall be paid 1 ½ times the regular wage.

Commercial Vehicle Operator's Requirements

All employees required to drive Municipal vehicles will be subject to a Driver Record Abstract.

Parks Positions

The hours of work shall be forty (40) flexible hours per week.

Seasonal Positions

The normal hours of work may be up to forty-four (44) hours per week. All hours exceeding forty-four (44) hours shall be paid 1 ½ times the regular wage.

Probationary Period

Newly hired full time employees shall be considered on a probationary basis for a period of 180 days or at Council's discretion from the date of hiring, unless otherwise specified.

PAID HOLIDAYS

Employees shall be entitled to the following paid holidays:

New Year's Day	Civic Holiday
Good Friday	Labour Day
Easter Monday	Thanksgiving Day
Victoria Day	Remembrance Day
Canada Day	Christmas Day
	Boxing Day

Should the holiday fall on Saturday or Sunday, an alternate week day shall be granted in lieu of such holiday.

To qualify for paid holidays, the Employee must:

7. be employed for a period of more than three (3) months prior to the holiday;
8. work the scheduled shift preceding and following the holiday;

VACATION TIME

Full time Employees shall receive an annual vacation with pay in accordance with credited full time continuous service as follows:

<u>Recognized Service</u>		<u>Entitlement</u>
One Year	but less than Three years	2 weeks or 4%
Three Years	but less than Five years	3 weeks or 6%
Five Years	but less than Ten years	4 weeks or 8%
Ten Years	but less than Fifteen years	5 weeks or 10%
Fifteen Years	and over	6 weeks or 12%

Full Time Employees vacation pay shall be paid when vacation is taken.

Temporary and/or Part Time Employees vacation pay will be calculated and paid on each pay.

BEREAVEMENT LEAVE

Employees shall be granted up to three (3) days leave of absence, with pay, at the time of death of any of the following people: spouse; father; mother; son; daughter; father-in-law; mother-in-law; grandfather; grandmother; grandson; granddaughter; son-in-law; daughter-in-law; brother; sister; brother-in-law; sister-in-law.

All other bereavement requests at the discretion of Council.

MILEAGE ALLOWANCE

Any Employee using their personal vehicle for Municipal business, as authorized by the Employer, shall receive a vehicle allowance as established by Council resolution.

BENEFITS

Following successful completion of the probationary period, Full Time Employees shall be entitled to Employer paid benefits.

Ontario Municipal Employees Retirement System (OMERS)

Group Benefit Package

A Group benefit package, through R.O.M.A. Group Insurance Program, will be offered to all Full Time, Permanent Employees, which shall include:

1. Group Life Insurance
2. Accidental Death and Dismemberment
3. Short Term Disability
4. Long Term Disability

Roads Employees Winter Bonus

Full Time Roads Employees shall receive a 'bonus' of five (5) days wages for 'on call availability'. One (1) days wages, to a maximum of five (5) days, shall be deducted from this bonus, for failure to report when required.

Schedule 'D'
to By-law No. 2005 - 11

Progressive Discipline Policy

Discipline

The Municipality of Magnetawan will contemplate disciplinary action when behaviour results in poor or unacceptable performance.

When violations of rules and practices occur and disciplinary action is contemplated, the Council and Supervisor will review the facts prior to administering any corrective action.

The objective of this Policy will be to establish a system of regulations and procedures governing disciplinary measures, to encourage good employee/employer relations by providing a fair and consistent treatment of staff throughout the Corporation and to assist Supervisors in dealing with unsatisfactory employee actions or behaviour.

Particular emphasis will be placed on the Supervisor's documentation and the employee's record. The Municipality will satisfy itself that the expectations that were violated were measurably attainable and clearly communicated, the employee was fully aware of what constituted acceptable standards and that failure to meet these standards would result in corrective actions.

In the application of discipline in the Municipality, the following factors should be considered in addition to the nature and severity of the offence:

- the cost involved to the Municipality (direct and/or indirect costs);
- the effect on the Corporations's public or employee relations;
- the time interval between offences; and
- the length and quality of service record.

Where any meeting with an employee can potentially result in disciplinary action being taken, employees will be advised of their right to have Counsel in attendance.

Progressive Discipline System

The Municipality of Magnetawan, pursuant to Section 207 - 45 of the Municipal Act, will follow a progressive discipline system which is based on the principle that the severity of the penalty increases with each subsequent infraction, as follows:

Level One Infraction: Personal discussion where the Supervisor describes the problem, its potential impact and cost to the Municipality and ascertains that the employee is aware of the rules or code of conduct and the rationale for it. This will be clearly documented in the employees' personnel file, by memo.

Level Two Infraction: A verbal warning is given to the employee. The employee will be informed that this is a second violation of the Municipality's rules and that greater care and awareness **must** be taken. This will be clearly documented in the employees' personnel file, by letter, a copy of which will be forwarded to the employee.

Level Three Infraction: Written warning, with possible suspension for up to three (3) days. This will be clearly documented in the employees' personnel file, by letter, a copy of which will be forwarded to the employee. Reference should be made to the employees' record.

Level Four Infraction: Suspension from work for up to ten days. Confirmation in writing to the employee with copy going into the employees' personnel file.

Level Five Infraction: Termination. Confirmation in writing with copy to personnel file.

Please Note: Level One and Two Infractions will be addressed by the Supervisor. Level Three and higher Infractions shall be brought to the attention of Council.

Infractions and/or violations need not be related. The frequency of incidents is what is being addressed.

For each infraction, the employee will be provided with documentation as well.

The severity of the infraction may warrant immediate dismissal, by-passing steps one (1) through four (4).

Infractions

Infractions will be documented in the employee's record. Infractions will be deemed current for a period of three (3) years. At the end of the fourth (4th) year, year one (1) infractions may be dismissed.

There is no obligation for the Municipality to remove this information from an employees' record. A complete employment history record for terminated employees will be kept on file for six (6) years.

Loss of Driver's Licence

When a Driver's Licence is required to discharge a responsibility of a classification and the Driver's Licence of the employee in such classification is suspended or revoked for a period in excess of three (3) months, the employee may be immediately demoted, at the sole discretion of the Municipality. The demotion may be to a position he/she is qualified to perform, providing one is available. The employees' vacated position may be posted and filled.

Failing the availability of a vacancy, the employee may be laid off.

Any employee found to have operated or is in the process of operating a Municipal Vehicle without a valid Driver's Licence will be subject to disciplinary action up to and including termination.

Dress and Grooming

During business hours, the Municipal employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed may be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.

Examples of Unacceptable Conduct

- 1) Absence from duty without prior permission from the Supervisor. The employee should notify his/her Supervisor (prior to his/her shift start, if possible) of the reasons for his/her absence and the expected time or date of return, except in case of sickness or other cause beyond the control of the employee which prevents obtaining prior approval.
- 2) Leaving the working area at any time without permission from the Supervisor or designate.
- 3) Disregarding job duties by neglect of work or reading for pleasure during working hours.

- 4) Tardiness.
- 5) Failure to commence work at the beginning of the work period and leaving prior to the end of the work period.
- 6) Use or possession of another employee's working equipment without the employee's consent.
- 7) Wilful failure to make required time or production reports.
- 8) Stopping work or making preparations to leave work without specific prior authorization before the lunch period, or for any official break in work, or before the specified quitting time (examples are washing up or changing clothes before the official quitting time).
- 9) Where the operations are continuous, an employee shall not leave his/her post at the end of his/her scheduled shift until he/she is relieved by his/her Supervisor or his/her relieving employee on the incoming shift.
- 10) Failure to report any personal injury or equipment damage immediately to one's Supervisor.
- 11) Unsatisfactory work and/or failure to maintain required standards of performance.
- 12) Neglect or carelessness in observance of official safety or departmental rules, or disregard of common safety practices.
- 13) Leaving the job during regular working hours without notice to, and permission from his/her Supervisor.
- 14) Use of, or being under the influence of alcohol or illegal drugs while on duty or while representing the Municipality.
- 15) The use of abusive or threatening language towards subordinates, fellow employees, Supervisors or members of the general public.
- 16) Failure to report an accident in which the employee was involved.
- 17) Refusing to give testimony when accidents are being investigated.
- 18) Unauthorized use of Municipal Property for private work or performing private work on Municipality time.
- 19) Threatening, intimidating, coercing or interfering with employees or supervisors at any time.
- 20) Failure to report for overtime work without good reason.
- 21) Any deliberate act which endangers the safety of ratepayers, members of the public or co-workers.
- 22) Wanton or wilful neglect in the performance of assigned duties or in the care, use or custody of any of the Municipality's property. Abuse, or deliberate destruction in any manner of Municipal property, tools, equipment, or the property of employees.
- 23) Willful or negligent damage to the person or property of the ratepayers, co-workers or the Municipality.
- 24) Altering another employee's time card, or unauthorized altering of own time card.
- 25) Sleeping during working hours (except Firefighters).
- 26) Making false claims or misrepresentations in an attempt to obtain sickness or

accident benefits or Worker's Compensation.

- 27) Bookmaking, or gambling of a similar serious nature.
- 28) Stealing or similar conduct, including the damaging, concealing or destruction of any property of the Municipality or of other employees.
- 29) The sale of narcotics.
- 30) Fighting or attempting to injure another employee.
- 31) Carrying or possession of firearms, explosives or weapons on Municipal property at any time (unless authorized by nature of position).
- 32) Instigating or leading any illegal walkout, strike, sit down or stand in.
- 33) An employee guilty of dishonesty or any dishonest action. Some examples include: theft, pilfering, opening lockers assigned to other employees, opening lunch boxes, tool kits or other property of the Municipality or of other employees.
- 34) Breach of confidentiality.
- 35) Insubordination by the refusal to perform work assigned or to comply with written or verbal instructions of the Supervisory force which the employee may be reasonably expected to perform.