

THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

BY-LAW NO. 2005 - 02

Being a By-law adopting policies with respect to the hiring of employees

WHEREAS pursuant to Section 270(1) of the *Municipal Act, 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;

BEING IT ENACTED as a By-law of The Corporation of the Municipality of Powassan as follows:

1. That those policies attached hereto, and marked as Schedule "A" to this By-law, are hereby adopted as the Hiring Policies of this Municipality, pursuant to Section 270(1) of the said *Municipal Act*
2. That this by-law shall be effective upon adoption.

BY-LAW READ a FIRST, SECOND and THIRD time, and finally passed, this the 1st day of February, 2005.

Mayor

Clerk

2
SCHEDULE 'A'
TO BY-LAW 2005-02

HIRING OF EMPLOYEES

Section 1: Definitions

In this By-law, or any Schedule adopted by the By-law, the following words have the meaning assigned to them below:

1.1 **“Council”** shall mean the Council of the Municipality of Powassan;

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 recognized in a pre-approved budget of a Committee or Department, and includes:

- a) Part-Time Employees
- b) Contract Employees
- c) Students

but does not include an independent contractor whose work is not under the day-to-day supervision of Council or its Staff

1.3 **“Relative”** means any person who is a spouse, child, sibling, niece, nephew, parent or grandparent of an Employee, Council 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 members 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 time of not less than three (3) months if they are the natural or adoptive parents of a child;

- 1.5. **“Student”** means a person up to the age of 24, who has completed secondary school and planning post-secondary education. A student may be hired by Public Works and/or Recreation Committee without the approval of Council where the budget for the Committee makes provision for such employment.

Section 2: Initial Process

2.1. Approval of Position

The Council of the Municipality of Powassan shall, by Resolution or By-law, approve the creation of a position, and/or the need to fill a position or replacement.

2.2. Conflict of Interest

No Councillor, Local Board 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 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 he/she and the relative

Section 3: Public Notification

- 3.1 The CAO-Clerk may post a Notice of Employment Opportunity as follows:

- 3.1.1 In the Almaguin News;
- 3.1.2 In the North Bay Nugget;
- 3.1.3 On the Municipal website;
- 3.1.4 Such other locations as Council may direct.

3.2. Posting shall include:

- 3.2.1 A brief outline of duties;
- 3.2.2. A job description;
- 3.2.3 The last date submissions will be received
- 3.2.4 The name and title of the person to whom applications are to be made;
- 3.2.5 The salary range and specific job qualifications.

Section 4: Hiring Committee

- 4.1. The Hiring Committee shall be composed of the CAO-Clerk, the Department Head or such other persons as Council may determine, provided that the Councillor or the Local Board member or the employee is not a relative of persons who have applied.
- 4.2 The Hiring Committee shall consider all applications and determine from these a short-list of applicants who appear to have the required qualifications.
- 4.3 The Hiring Committee shall prepare a Report to Council listing the names of the persons who were short-listed, and recommending to Council the person who, in their opinion, is most qualified for the position available.

Section 5: Selection Criteria

Applications will be considered on the following basis:

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

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. It is to be filed in the Applicant's personnel file.

7.3. Concluding Items

The CAO-Clerk shall, at the conclusion of the hiring, keep a general file of the following materials:

- 7.3.1. Copies of the advertisement
- 7.3.2. A list of Members on the Hiring Committee.
- 7.3.3. A list of each candidate's scoring sheets.
- 7.3.4. Letters sent to the Applicant.
- 7.3.5. Copies of the letters sent to those not interviewed and to those interviewed, but not hired.

