

**THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH/CARDINAL
BY-LAW NO. 2015-17**

“A BY-LAW TO ADOPT A HIRING POLICY”

WHEREAS the *Municipal Act*, S.O. 2001, c.25, S. 270 provides that a municipality and a local board shall adopt policies for the hiring of its employees with respect to the hiring of relatives of a member of council, local board or existing employees of the municipality; and

WHEREAS the *Municipal Act*, S.O. 2001, c.25, S. 23.3 does not authorize the Council of the municipality to delegate the power to appoint or remove from office an officer of the municipality whose appointment is required by this Act;

NOW THEREFORE the Council of the Corporation of the Township of Edwardsburgh/Cardinal enacts as follows:

1. The Hiring Policy attached hereto as Schedule “A” is hereby adopted.
2. By-law 2013-63 is hereby repealed.
3. This by-law shall come into force and effect on the date of passing.

Read a first and second time in open Council this 27th day of April, 2015

Read a third and final time, passed, signed and sealed in open Council this 25th day of May, 2015.

Mayor

Clerk

Schedule "A"
By-law 2015 -17

Purpose: The Municipal Act, 2001 (the "Act") requires that all municipalities adopt and maintain a policy with respect to hiring employees. This policy provides direction to staff and information to the public about the process that will be followed with respect to the recruitment and hiring of employees. This policy has been developed to comply with the provisions of Section 270 of the Act.

Policy Objective

The objective of the Township of Edwardsburgh/Cardinal's recruitment and selection policy for employees is to:

- Provide equal treatment with respect to employment without discrimination or bias based on ancestry, race, place of origin, color, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status or mental/physical disability
- Uphold integrity, transparency and fairness in the recruitment and selection process of candidates from application submission, interviewing to offer of employment
- Provide accommodation to candidates with disabilities, that takes into account their accessibility needs in relation to the materials and procedures that are used during the recruitment, assessment and selection of candidates (when requested)

Definitions

Applicant- Refers to any individual who actively applies to an advertised position at the Township of Edwardsburgh/Cardinal or Port of Johnstown via a cover letter, resume or written submission.

Council- Refers to the Council of the Township of Edwardsburgh/Cardinal.

Relative- Shall mean the wife, husband, common-law spouse, father, mother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, son, daughter, son-in-law, daughter-in-law, grandparent, grandchild, niece, nephew, foster child or the equivalent members of a blended family, of a member of council, local board, committee of council or current employee of the municipality.

CAO - Shall refer to the Chief Administrative Officer of the Township of Edwardsburgh/Cardinal.

Department Manager- Shall refer to any individual designated by the CAO or Port General Manager as the head of a department within the Township.

Employee- Refers to an individual who serves the day-to-day function of the Township or Port of Johnstown in a non-managerial capacity.

Port GM- Refers to the General Manager of the Port of Johnstown.

Qualified Applicant- Refers to the individuals who meet the minimum requirements of an advertised position(s).

Summer Student- Refers to an individual that is actively enrolled in studies at a secondary or post-secondary institution, is employed by the Township and is returning to studies when classes commence.

Township- Refers to the Corporation of the Township of Edwardsburgh/Cardinal, and includes the Port of Johnstown.

Policy Provisions

- I. The selection process will be based upon ability, work experience, qualifications, competence and skills of those applying for a position. When hiring, there will be no discrimination based on color, age, race, religious belief, gender, physical or mental disability, marital status, income level or sexual orientation.
- II. An applicant may be disqualified for a position with the organization due to a bona fide occupational requirement or when the applicant cannot be reasonably accommodated in the workplace or when extreme financial/operational undue hardship may be caused to the employer.
- III. An applicant, who provides misleading or false information in their application for employment or during the interview process, will be disqualified immediately from the recruitment process. In the event an application is found to have misleading or false information on it after the individual has been hired, the employee shall be subject to disciplinary action (as determined by the CAO or Port GM) up to and including termination.
- IV. In the event that two candidates are equally qualified in terms of their ability, experience, qualifications and competence, the organization will give preference to the applicant who is not required to relocate for the position advertised.
- V. This hiring policy applies equally to all departments, boards and divisions under the authority of the Township of Edwardsburgh/Cardinal.

Nepotism Provisions

- I. The Township of Edwardsburgh/Cardinal will not favor employing relatives of current (or previous) employees over other candidates. All candidates will have a fair and equal opportunity for employment with the organization based on ability, merit, education, qualifications, competence, skill and experience regardless of their relationship between any employee of the Township, Port of Johnstown or Council.
- II. In the event that the preferred candidate is a relative of an employee of the Township or Port (past or present) then the written approval of the CAO or Port GM must be obtained before a formal offer of employment is initiated to that individual.
- III. When relatives of employees or members of Council of the Township are being considered for employment, the following protocol must apply:
 - No employee or prospective employee is to be shown favour on the basis of their relationship with an existing or former employee or Council member
 - The best interests of the Township must be paramount
 - Conflicts of interest must be avoided
 - Relatives must not be in a direct reporting relationship.

Hiring Procedure

The following procedure will be followed for the hiring of employees including senior management positions for the Township.

Hiring of the CAO or Port GM shall follow a similar process however in this respect the Mayor will act in the position of the CAO or Port GM as outlined below. The Mayor may opt to contract the assistance of an independent consultant for the process of hiring a CAO or Port GM.

- 1) Upon receiving an employee's written resignation, the supervisor shall inform the CAO or Port General Manager immediately. If the resigning employee is the CAO or the Port GM they shall personally notify Council.

- 2) The CAO or Port GM shall ensure that a current job description is in place which includes the description of the position and qualification requirements. Submission deadline for applications and contact person shall be established. This task can be delegated to an employee, if appropriate.
- 3) Applications for employment will require submission of a cover letter and resume. If requested, additional information such as proof of graduation or diplomas/degrees must be submitted.
- 4) A job advertisement shall be broadcast using the Township or Port website, newspaper and other means as appropriate. Closing date for submission of applications will be determined by the CAO or Port GM and will be established to ensure maximum opportunity is given to applicants.
- 5) Department head and/or CAO or Port GM will determine a short list of acceptable candidates based on a thorough review of resumes submitted. Only those selected for interview will be contacted.
- 6) Scheduling interviews of the short-listed candidates will commence as soon as is practical after the closing date of the job advertisement. This task can be delegated to an employee, if applicable.
- 7) Candidates will be required to provide at least two (2) references. Where the position warrants or requires, criminal reference checks may be performed. Reference checks are then conducted on the preferred candidate(s) by the CAO, Port GM or department head.
- 8) Once the reference checks are completed and satisfactory, the preferred candidate is selected and an offer of employment shall be made in writing.
- 9) The preferred candidate will have **one week** to sign and confirm the offer of employment or decline it. The next preferred candidate on the list will then be offered the position.
- 10) Once the offer of employment has been formally accepted, all other candidates interviewed for the position will be advised of the outcome.

Offer of Employment

When the final decision on the successful candidate is made, the offer of employment must be created for the candidate. The offer of employment will include the following:

- Position and salary grade
- Start and end date (if applicable)
- Hours of work and whether the position is full-time or part-time (defined hours)
- Length of probationary period and the conditions
- Starting salary and other compensation package details
- Information regarding eligibility for benefits and vacations
- Details of conditions of termination
- Other conditions of employment as applicable (i.e. modification of work, accommodations, etc.)

Hiring Decisions

In accordance with the provisions of the Municipal Act, 2001 (the "Act") and bylaws of the Township, the CAO, Treasurer, Department Manager and Port General Manager have delegated authority to make hiring decisions. However, the CAO or Port GM may choose to appoint other individuals to the interview team if he/she determines that such participation would enhance candidate selection. One or two members of Council will participate in the hiring process of senior management positions. When hiring a senior management position, Council will make the final hiring decision based on recommendation of the hiring team. When hiring the CAO or Port GM, Council will make the final hiring decision.

Applicable Laws and Regulations

The Township recognizes all the statutes and laws it is bounded by. If any provision or component of this policy is in contravention with any statute or law, the statute or law shall supersede what is stated in this policy.