



CORPORATION OF THE CITY OF SUMMERSIDE

BYLAW NAME: STAFFING BYLAW

BYLAW #: # CS-23

BE IT ENACTED by the Council of the City of Summerside as follows:

1. Title

- 1.1. This Bylaw shall be known and cited as the "Staffing Bylaw".

2. Definitions

2.1. In this Bylaw:

- (a) "Chief Administrative Officer" or "CAO" means the administrative head of a municipality or his or her designate as appointed by Council under subsection 86(2)(c) of the *Municipal Government Act*;
- (b) "City" means the City of Summerside;
- (c) "Council" means the Mayor and other members of the Council of the municipality;
- (d) "Department Head" means the employee who is responsible for the effective administration of a department and all activities assigned thereto;
- (e) "Family" means spouse, common law spouse, child, parent, sister or brother;
- (f) "Hiring Committee" means the Committee which is appointed to recommend or select the most suitable candidate to fill a vacant position;
- (g) "Merit Principle" means the hiring of the candidate who is deemed the most suitably qualified for the position; and
- (h) "Permanent" means an employee who has successfully completed his/her probationary period.

3. Objectives

- 3.1. The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy

be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

3.2. The objectives of this bylaw are to:

- (a) Establish fair and consistent practices for the recruitment and selection function;
- (b) Ensure the completion of all hiring decisions in accordance with the merit principle;
- (c) Promote a positive image through the application of the merit principle; and
- (d) Ensure that an adequate quantity of qualified candidates apply for municipal vacancies.

4. Recruitment

4.1. The City is an equal opportunity employer.

4.2. The City recognizes that all hiring of employees within the collective bargaining units shall be in accordance with the provisions as agreed to and stated within the appropriate collective agreement and appropriate legislation.

4.3. The Human Resources Department is responsible for co-ordinating the recruitment and selection process.

4.4. When a vacancy occurs or a new position is approved by Council to be filled, the CAO or Department Head (as appropriate) will provide the Human Resources Department with information on job duties, salary, qualifications required and working conditions.

4.5. The Human Resources Department will advertise all vacancies through internal or external means, as appropriate, and receive all applications.

4.6. Applications will be reviewed by the appropriate hiring Department and the Human Resources Department. From this review, a "short listing" of qualified candidates will be developed.

4.7. The Hiring Committee shall:

- (a) interview the candidates on the "short list";
- (b) rate the candidates in the order of merit;
- (c) make recommendations to Council.

- 4.8. Competitions shall be open to both internal and external applicants. Where an internal and external candidate are equally qualified for a vacancy, preference shall be given to the internal candidate.

5. Acting Position

- 5.1. Following the occurrence of a vacancy, and until the vacant position is filled through either an internal or open competition as described above, the position may be filled internally on an "Acting" basis, based upon the recommendation of the appropriate Department Head in consultation with the Human Resources Director or Designate and the CAO. Such recommendation shall be forwarded to Council for a period of not less than two clear business days for Council's review.

6. Appointments

- 6.1. The Council shall appoint the Chief Administrative Officer by Resolution. The Hiring Committee to determine this position may include persons outside of City Council, who possess a specific expertise deemed beneficial in assisting the hiring process.
- 6.2. The Hiring Committee for Department Heads shall be comprised of the CAO, the Director of Human Resources or Designate and an appointed citizen member.
- 6.3. The Hiring Committee for seasonal, part-time and casual employees shall be determined by the appropriate Department to appoint the most suitable candidate for the position.
- 6.4. In all positions except those referred to in sub-section 6.1, 6.2 and 6.3, the appropriate Department Head shall, with the assistance and concurrence of the CAO, appoint the Hiring Committee and subsequently appoint the most suitable candidate for the position.
- 6.5. Reference checks will be conducted on successful candidates to confirm suitability.
- 6.6. The name of the recommended candidate shall be forwarded to Council. If Council has particular knowledge regarding the recommended candidate for which such hiring would cause disrepute to the City, Council shall forward such information in writing to the Hiring Committee within two clear business days from receiving the recommendation. The Hiring Committee shall then review and verify such information and report their findings to Council at a duly called Council Meeting [Committee of the Whole], at which time a vote shall be taken regarding the hiring of the recommended candidate. If following the vote another name is required, the Hiring Committee shall then forward the next most suitably qualified candidate's name to Council.

- 6.7. A written offer of employment shall be made to the most suitably qualified candidate and as necessary, to the next most suitably qualified candidate on the list.

7. Orientation

- 7.1. In general, the City wishes to ensure that each new employee (including those in "Acting" positions) is fully aware of the following as they affect his/her job:
- (a) The regulations, policies and procedures of the City;
 - (b) The relevant physical aspects of the City;
 - (c) The relevant goals and objectives of the City and Department;
 - (d) The requirements of the position to be filled and details of the job description;
 - (e) The persons to whom the new employee will be responsible, will work with, or as appropriate, will supervise.

8. Probationary Period

- 8.1. Permanent appointments in the City shall be subject to a period of probation which shall usually consist of six months.
- 8.2. A second period of probation may be established and shall consist of not more than six additional months. Such a second period shall be implemented only following discussion and consultation with the Department Head and/or CAO. This second period will be implemented in cases where the initial period is considered insufficient to assess the performance and suitability of the employee.
- 8.3. Following completion of all probationary periods, a performance review shall be completed and the following decision shall be made respecting the employee:
- (a) Permanent appointment; or
 - (b) Appointment is not confirmed, and employment is terminated, with reasons stated.

9. Conflict of Interest

- 9.1. Employment of family members in the same City department is discouraged. In instances where direct or indirect supervision of family members jeopardize proper financial and operational control, it would be the responsibility of Department Heads to:
- (a) Bring this situation to the attention of the Human Resources Director or Designate;
 - (b) Outline in writing any present or potential conflicts which exist or may arise.

- 9.2. Elected Officials and Department Heads must not place themselves in a conflict of interest situation regarding employment of family members, thus they may not be or remain in attendance at meetings where decisions directly affecting the employment of family members are being discussed.
- 9.3. No person shall directly or indirectly endeavour to improperly influence any member of a Hiring Committee with respect to an appointment of any person.
- 9.4. Violations of any of the above-noted areas of conflict of interest shall be brought to the attention of the Mayor and CAO for review and appropriate action.
- 9.5. If there is any conflict in interpretation of this bylaw and any bylaws or policies previously adopted and amendments thereto, this bylaw shall prevail.

10. Review

- 10.1. Any person without access to a Collective Agreement, who feels that their application for employment has been unfairly dealt with may request a review of the process with the Human Resources Director or Designate and the appropriate Department Head. If the applicant still believes that a further review is necessary, he or she may request such review with the CAO.

11. Repeal of Existing Bylaw

- 11.1. Bylaw Number SS-24, the Staffing Bylaw which was adopted on February 17, 2003 is hereby repealed.

12. Effective Date

- 12.1. The effective date of this Bylaw is 18 November 2019.

First Reading:

This Bylaw, Bylaw# CS-23, was read a first time at the Council meeting held on the 22nd day of October, 2019.

This Bylaw, Bylaw# CS-23, was approved by a majority of Council members present at the Council meeting held on the 22nd day of October, 2019.

Second Reading:

This Bylaw, Bylaw# CS-23, was read a second time at the Council meeting held on the 18th day of November, 2019.

This Bylaw, Bylaw# CS-23, was approved by a majority of Council members present at the Council meeting held on the 18th day of November, 2019.

Approval and Adoption by Council:

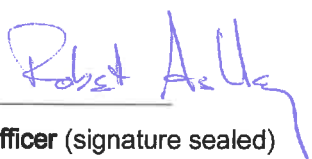
This Bylaw, Bylaw# CS-23, was adopted by a majority of Council members present at the Council meeting held on the 18th day of November, 2019.

This Bylaw is declared to be passed on the 18th day of November, 2019.

Signatures



Mayor (signature sealed)



Chief Administrative Officer (signature sealed)

This Bylaw adopted by the Council of the City of Summerside on the 18th day of November, 2019 is certified to be a true copy.



Chief Administrative Officer Signature

22 November 2019

Date