

TOWN OF MIDLAND

BY-LAW 2004-77

A By-law to provide a Hiring Policy for Members of Council,
Local Boards and Employees of the Corporation of the Town of Midland
and to Repeal By-law 2001-16

WHEREAS Section 270(1) of The Municipal Act, S.O. 2001, provides that before January 1, 2005, a municipality and a local board shall 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, as the case may be, and the hiring of relatives of existing Employees of the Municipality or Local Board, as the case may be, and any other prescribed matter, and;

WHEREAS the Council of the Corporation of the Town of Midland deems it desirable to have a policy in place to govern and regulate hiring procedures, including the hiring of relatives of Members of Council or Local Boards, and Municipal Employees, as well as student employees.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND, HEREINAFTER REFERRED TO AS THE CORPORATION, ENACTS AND BE IT ENACTED AS FOLLOWS:

1. Recognizing its status as a public sector employer, the Corporation encourages employment opportunities to be available to all persons on the basis of applicable qualifications and skills.
2. The Corporation shall give due regard to the Human Rights Code, the Employment Standards Act, Employee Agreements and/or policies, as the case may be, and any other pertinent legislation.
3. In general, vacancies for employment shall be advertised through posting procedures in accordance with employee contracts, advertising in local newspapers, through appropriate professional organizations, Human Resources and Skills Development Canada, education venues, and the Corporation's web site, as deemed appropriate.
4. In general, it shall be the policy of the Corporation to promote from within its employee ranks where qualifications and suitability are deemed appropriate.
5. All managerial and supervisory personnel involved with the hiring process shall have due regard to the relevant sections of the by-law providing for the office of the Chief Administrative Officer.
6. That, in addition to the above, the Hiring Policy of the Corporation with respect to Hiring and Employment of Family Members and Hiring an Employment of Students, attached hereto as Schedules A and B and forming part of this by-law, be herein confirmed as policy for all Members of Council, Local Boards and Municipal Employees of the Corporation of the Town of Midland.
7. By-law 2001-16 is hereby repealed.

8. This by-law shall come into force and effect on the final passage thereof.

BY-LAW read a first, second and third time and finally passed at a meeting of Council on the Twenty-fifth day of October 2004.

Mayor

Clerk

SCHEDULE A' TO BY-LAW 2004-77

HIRING AND EMPLOYMENT OF FAMILY MEMBERS

1.0 Definitions

- 1.1 *Nepotism* is defined as favouritism shown to a member of one's family through the bestowal of public office or patronage upon them, rather than on the basis of merit.
- 1.2 *Recruitment and Selection Team* for students is defined as the appropriate supervisor along with appropriate representatives for the purpose of reviewing applications, conducting interviews and recommending the successful candidates.
(Note, a team of at least three representatives is encouraged for this purpose.)
- 1.3 *Relative* is defined as a spouse, common-law spouse, father, step-father, father-in-law, mother, step-mother, mother-in-law, daughter, step-daughter, daughter-in-law, son, step-son, son-in-law, brother, step-brother, half-brother, brother-in-law, sister, step-sister, half-sister, sister-in-law, and legal dependent.
- 1.4 *Student* is defined as a person currently enrolled in and returning to a secondary or post secondary school.

2.0 Nepotism

- 2.1 Nepotism as herein defined and described shall not be permitted.
- 2.2 It shall be considered nepotism in the circumstance of a relative of an elected representative, appointed representative or an employee, receiving preferential treatment in employment by virtue of their familial relationships.
- 2.3 Alleged violations of nepotism shall be referred to the Chief Administrative Officer, and/or the Mayor, as the case may be, for resolution.

3.0 Eligibility of Relatives to Apply for Employment

- 3.1 The Corporation will not provide preference nor will it discriminate either in favour of or against any relatives of employees, elected representatives or appointed representatives who wish to apply for employment.

4.0 Selection Process

- 4.1 Any member of the Recruitment and Selection Team will declare a familial relationship, as defined under the definition of Relative, as soon as he/she becomes aware that a relative has applied for the position for which the team is recruiting. The member will exclude him/herself from the selection process and another individual will be selected to replace him/her. All such relationships are to be brought to the attention of the Chief Administrative Officer as soon as they are known to exist.
- 4.2 A familial relationship that has been reported will not have a bearing on the hiring decision.

4.3 While a recommendation is considered permissible, under no circumstances shall employees, elected representatives, or appointed representatives place any undue pressure or interference in the selection process.

5.0 Reporting Relationship

5.1 A person shall not hire or directly supervise one of their relatives.

5.2 A relative of an employee, elected representative or appointed representative of the Corporation will not be initially hired into a position which would result in a direct reporting relationship with that employee, elected representative or appointed representative of the Corporation.

5.3 A direct reporting relationship is one where an employee has responsibility for and authority over another employee to assign and schedule duties and conduct performance evaluations.

5.4 Any familial direct reporting relationships that may exist at the time this policy is adopted by Council, and those which come into being by means other than initial hiring will be allowed to continue. However, in the event that a direct reporting relationship between relatives is the result of a personal decision (e.g. marriage) or job change (e.g. promotion or transfer), every effort will be made to transfer one of the affected employees, to a comparable position within the organization.

6.0 Contraventions

6.1 Failure on the part of an employee to comply with this policy may result in disciplinary action.

6.2 Contravention by elected representatives or appointed representatives shall be referred to the Mayor for resolution.

SCHEDULE 'B' TO BY-LAW 2004-77

HIRING AND EMPLOYMENT OF STUDENTS

In addition to the provisions of Schedule "A," Hiring and Employment of Family Members, the following conditions shall also apply to govern and regulate the hiring of students by Municipal Departments, Boards and Committees.

1.0 Advertising

- 1.1 Advertisements inviting application for student positions may be placed in the local newspaper, at the Student Employment Centre, at any post secondary school, and on the Corporation's web site.

2.0 Selection Process

- 2.1 The Recruitment and Selection Team for students shall be comprised of the appropriate supervisor along with assistants as deemed necessary to review applications, conduct interviews and recommend the successful candidates for the positions.
- 2.2 An applicant must be currently enrolled and returning to a secondary or post secondary school.
- 2.3 A performance evaluation shall be completed by the appropriate supervisor, prior to the end of the student's employment.
- 2.4 The continued employment for students is conditional upon the student receiving a satisfactory performance evaluation annually. Employment for more than five years shall be conditional upon the Chief Administrative Officer approving a recommendation from the Department Head and such recommendation shall detail the exceptional skills and abilities of the student as reason for considering extending the time period.
- 2.5 The student shall not be directly supervised by an immediate family member.