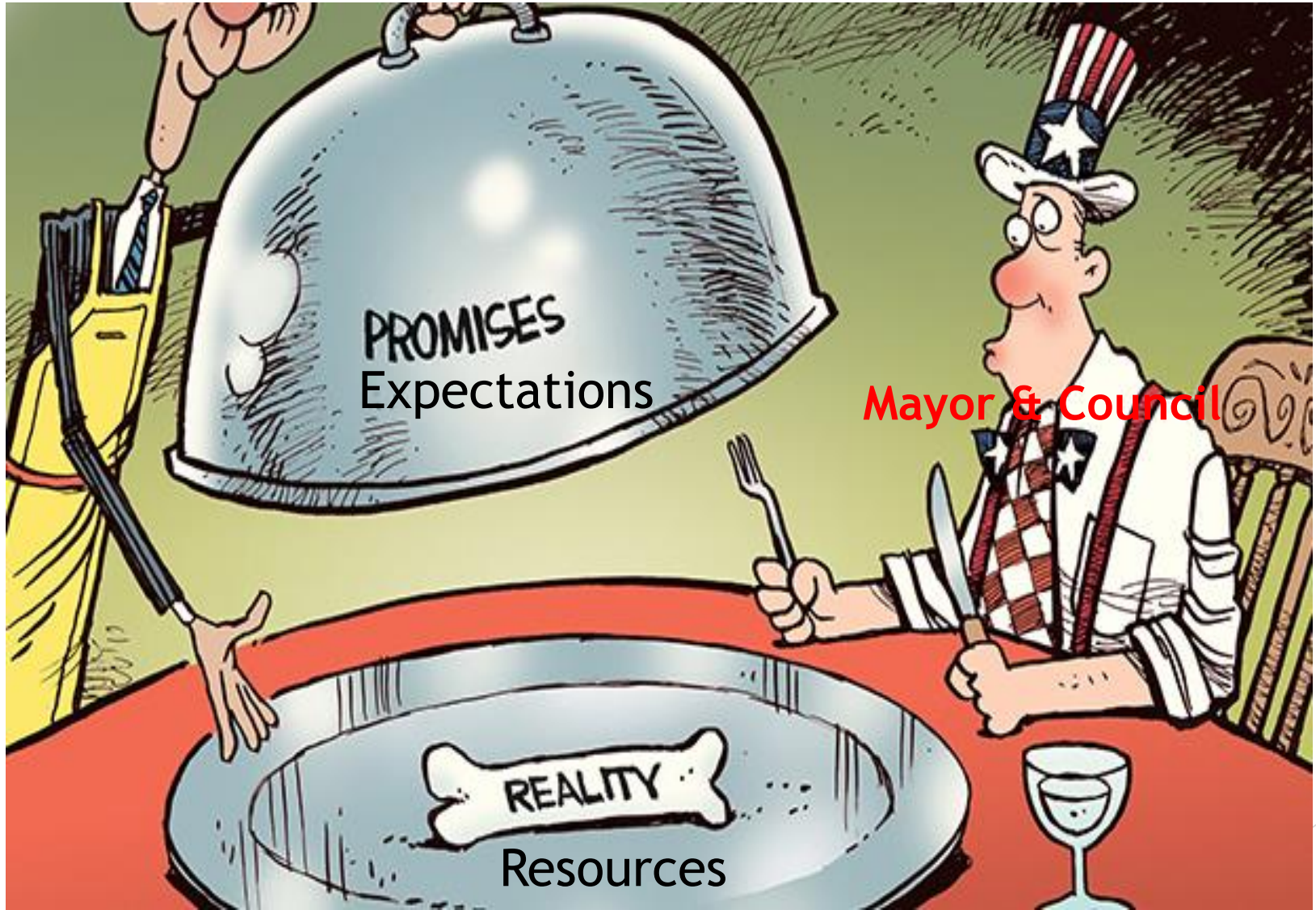


Council's Role as an “Employer”

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Mayor & Council

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GOVERNMENT AT WORK

Council's Role as an Employer

In this session we will:

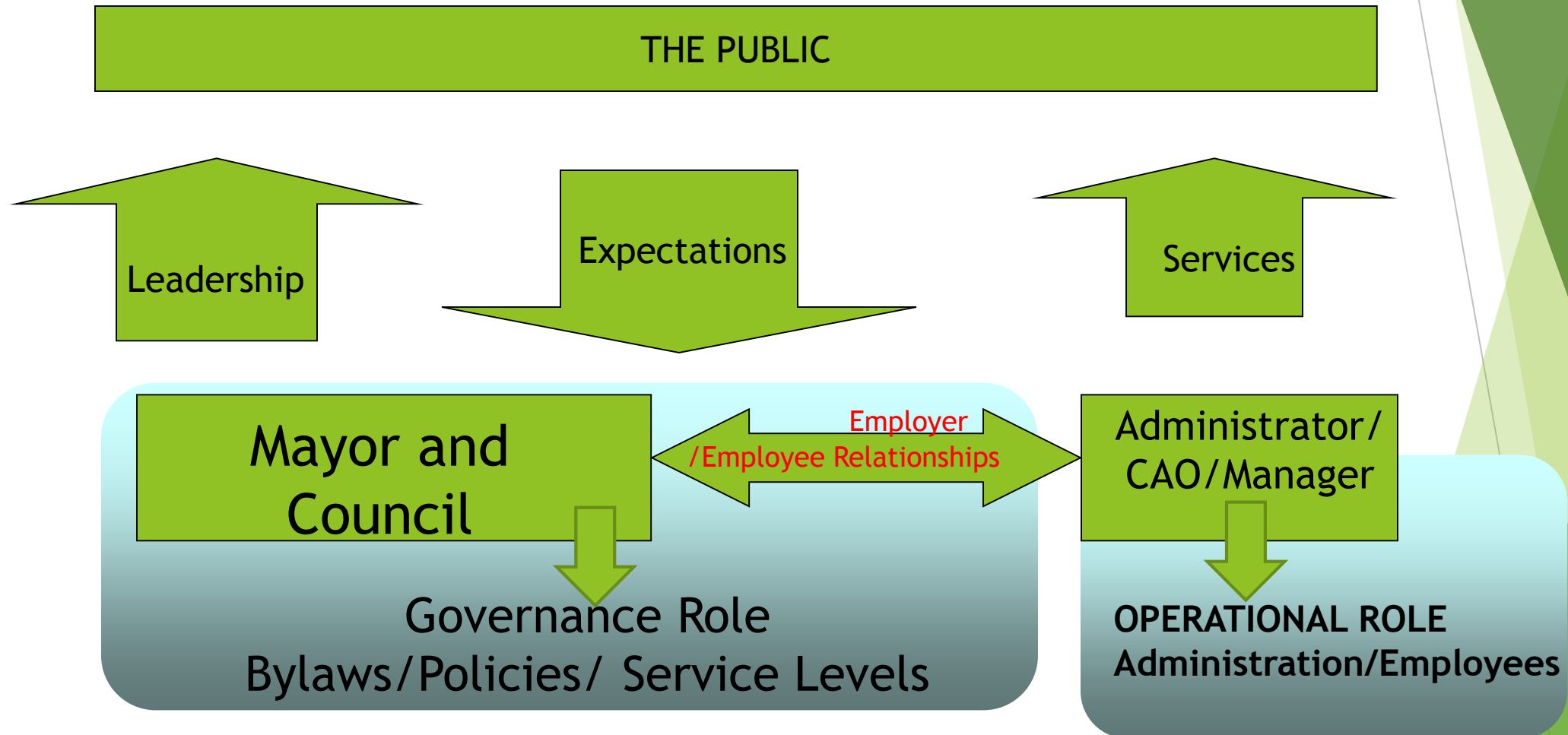
- ▶ endeavor to emphasize governance roles and responsibilities versus operational roles and responsibilities;
- ▶ briefly review the legislation - roles and responsibilities of elected officials and Administration;
- ▶ discuss the blur that is often created when operational roles are not clear and identify challenges, inefficiencies and liabilities that can come into play when the roles are crossed or not clearly defined;
- ▶ identify tools/best practices to establish and effectively maintain a governance model that supports a strong, accountable and productive administration;

Council's Role as an Employer

In this session we will:

- ▶ discuss performance management and what to do when performance expectations are not met (progressive discipline);
- ▶ briefly touch on the boundaries of *the duty to accommodate*; and,
- ▶ employment contracts.

Municipal Governance Fundamentals



Quick Legislative Review.....

Appointment of: Administrator/CAO/MANAGER

- ▶ **110(1) Every council shall establish a position of administrator of the municipality.**
- ▶ (2) A person who holds the position of administrator of the municipality must:
- ▶ (a) in the case of an administrator of a municipality other than a municipal district or a rural municipality, be qualified as required by The Urban Municipal Administrators Act;

Cities Act - Commissioner or manager

- ▶ **84(1) Every council shall establish a position of administrative head of the city, that may be called City Commissioner or City Manager.**
- ▶ (2) The commissioner or manager shall perform the duties and may exercise the powers and functions that are assigned to a commissioner or manager:
- ▶ (a) by this and other Acts; or (b) by council.

With the exception of City Clerk and Solicitor, this is the extent of the legislation relative to Council's responsibility in appointing municipal employees. It is Council's responsibility to manage the performance of the - Administrator/CAO/Manager - ensure compliance with legislation, consistent application of bylaws/policies, adherence to budget, safe workplace free of harassment, etc., any other duties assigned.

Role of the Elected Official:

Directly and indirectly involved with an employee

- Council as a whole is directly responsible as the immediate supervisor of the Administrator/Manager; (employer/employee relationship)
- The municipal Council is responsible for the overall management of the municipality, and indirectly impacts employees by setting policies, passing bylaws, resolutions, etc.. Municipal Councils are NOT responsible for the day to day supervision of employees.
- Council determines the level of service and programs and provides appropriate resources to match the established levels of service/programs. Administration delivers the services and programs.

Role of the Administrator/CAO/Manager:

- ▶ Main policy advisor to Council.
- ▶ Carries out the direction of Council and duties as provided for in legislation.
- ▶ Manages day-to-day affairs of municipality.
- ▶ Oversees preparation of annual budget and all expenditures in accordance with the budget and purchasing policy as approved/authorized by Council.
- ▶ Spokesperson for the administration/oversees supervision of all employees.
- ▶ Responsible for all reports to Council.

Duties of Administrator

- ▶ 111(1) The administrator shall take charge of and safely keep all books, documents and records of the municipality that are committed to his or her charge and shall:
 - ▶ (a) produce, when called for by the council, auditor, minister or other competent authority, all books, vouchers, papers and moneys belonging to the municipality; and
 - ▶ (b) on ceasing to hold office, deliver all books, vouchers, papers and moneys belonging to the municipality to his or her successor in office or to any other person that the council may designate.
- ▶ (2) The administrator shall ensure that:
 - ▶ (a) all minutes of council meetings are recorded;
 - ▶ (b) the names of the members of council present at council meetings are recorded;
 - ▶ (c) the minutes of each council meeting are given to council for approval at the next regular council meeting;
 - ▶ (d) the corporate seal of the municipality, bylaws and minutes of council meetings and all other records and documents, funds and securities of the municipality are kept safe;
 - ▶ (e) the council is advised of its legislative responsibilities pursuant to this or any other Act;
 - ▶ (f) the minister is sent any statements, reports or other information with regard to the municipality that may be required by the minister pursuant to this or any other Act;

Duties of Administrator:

- ▶ (g) the official correspondence of the council is carried out in accordance with council's directions;
- ▶ (h) an indexed register containing certified copies of all bylaws of the municipality is maintained;
- ▶ (i) cash collections that have accumulated to the amount determined by the council that is equal to or less than the amount for which the administrator is bonded or insured, but in any case not less than once a month nor more than once each day, are deposited in the name of the municipality in a bank or credit union designated by the council, of which the administrator may not be an employee;
- ▶ (j) the funds of the municipality are disbursed only in the manner and to those persons that are directed by law or by the bylaws or resolutions of the council;
- ▶ (k) a complete and accurate account of assets and liabilities and all transactions affecting the financial position of the municipality is maintained in accordance with generally accepted accounting principles;
- ▶ (l) the financial statements and information that the council may, by resolution, request are submitted to the council;
- ▶ (m) on or before June 15 in each year, a financial statement is completed as required by section 185;
- ▶ (n) all revenues collected from an additional service area pursuant to subsection 283(2.01) are allocated to an additional service area account;
- ▶ (o) moneys paid on behalf of an additional service area are paid from an additional service area account for all expenditures authorized by council; and
- ▶ (p) an annual financial statement for the revenues and expenditures of an additional service area is presented to council.

Administrator Duties and Responsibilities:

- ▶ (3) The administrator shall perform the duties and exercise the powers and functions that are assigned to an administrator:
 - ▶ (a) by this and other Acts; *and (b) by the council.*
- ▶ (4) **Subject to the approval of the council, an administrator may delegate any of his or her powers, duties or functions to any employee of the municipality.**

.....

- ▶ (2) The commissioner or manager shall perform the duties and may exercise the powers and functions that are assigned to a commissioner or manager:
 - ▶ (a) by this and other Acts; *or (b) by council.*
- ▶ (3) **A commissioner or manager may delegate any of his or her powers, duties or functions to any employee of the city.**

..... *this is best defined in:*

Policies/Bylaws/Procedures/Employment Contracts/Job Descriptions, organizational charts, etc.



“Can I hold it for a while?”

General duties of Councillors - Section 92 - Municipalities Act:

- ▶ (a) to represent the public and to consider the well-being and interests of the municipality;
- ▶ (b) **to participate in developing and evaluating the policies, services and programs of the municipality;**
- ▶ (c) to participate in council meetings and council committee meetings and meetings of other bodies to which they are appointed by the council;
- ▶ (d) **to ensure that administrative practices and procedures are in place to implement the decisions of council;**
- ▶ (e) to keep in confidence matters discussed in private at a council or council committee meeting until discussed at a meeting held in public;
- ▶ (f) to maintain the financial integrity of the municipality;
- ▶ (g) to perform any other duty or function imposed on councillors by this or any other Act or by the council.

Matters that must be dealt with by council

- ▶ (a) its power to make bylaws;
- ▶ (b) its power or duty to hold a public hearing and decide a matter after a public hearing, pursuant to this or any other Act;
- ▶ (c) its power to adopt a public notice bylaw pursuant to section 128;
- ▶ (d) its power to adopt budgets pursuant to section 155;
- ▶ (e) its power to borrow money, lend money or guarantee the repayment of a loan pursuant to sections 161 to 183;
- ▶ (f) its duty to establish a records retention and disposal schedule pursuant to section 116;
- ▶ (g) its power to exempt from taxation, forgive taxes owing or defer taxes pursuant to sections 274 and 292;
- ▶ (h) its power to move capital moneys to its operating budget or operating reserve;
- ▶ (i) its power to establish a purchasing policy pursuant to section 184;
- ▶ (j) the sale or lease of land for less than fair market value and without a public offering;
- ▶ (k) the sale or lease of park land; (l) the sale or lease of dedicated lands;
- ▶ (m) the sale or lease of mines and minerals owned by a municipality;
- ▶ (n) its power pursuant to section 81 to establish council committees and other bodies and to define their functions;
- ▶ (o) its power to set the remuneration for members of council and for members of council committees and other bodies established by the council pursuant to section 81; (p) its power to establish a business improvement district pursuant to section 38;
- ▶ (q) **its power to appoint, suspend, or dismiss an administrator or a person acting in a full-time capacity as a municipal solicitor;**
- ▶ (r) its power to appoint a wards commission and to divide the municipality into wards; or
- ▶ (s) its power to prohibit or limit the operation of a business or class of business pursuant to clause 8(3)(d).

Duties of Mayor: & Cities Act

- ▶ 93(1) In addition to performing the duties of a councillor, a mayor or reeve has the following duties:
- ▶ (a) to preside when in attendance at a council meeting unless this Act or another Act or a bylaw of council provides that another councillor is to preside;
- ▶ (b) to perform any other duty imposed on a mayor or reeve by this or any other Act or by bylaw or resolution.
- ▶ (2) The mayor or reeve is a member of all council committees and all bodies established by council pursuant to this Act, unless the council provides otherwise.

Appointment, suspension and revocation

- ▶ **87(1) The appointment of a person to the position of commissioner or manager, clerk or as a full-time city solicitor may be made, suspended or revoked only if the majority of the council vote to do so.**
- ▶ **(2) A council shall not dismiss an official or employee of the city appointed by it except:**
- ▶ **(a) for cause; or**
- ▶ **(b) on reasonable notice, or the payment of compensation in lieu of reasonable notice or pursuant to the terms of an employment contract.**

General Role of Council = Governance & Leadership

- ▶ appoint, suspend, dismiss the Administrator/Manager;
- ▶ to participate in developing and evaluating the policies, services and programs of the municipality/city;
- ▶ ensure that administrative practices and procedures are in place to implement the decisions of Council.

- ▶ Maintain the financial integrity of the municipality.

The Legislative Governance Framework for Municipalities,

Member of council not eligible for certain positions

112) No member of council is eligible to be appointed as an employee of the municipality, or of any committee, business improvement district, or controlled corporation of the municipality in which he or she serves as a member of the council.

Employee: : one employed by another usually for wages or salary and in a position below the executive level.

Actions in public

- ▶ 119(1) An act or proceeding of a council is not effective unless it is authorized or adopted by a bylaw or a resolution at a duly constituted public meeting of the council.
- ▶ (2) An act or proceeding of a council committee is not effective unless it is authorized or adopted by a resolution at a duly constituted public meeting of the committee or council.

Majority decision

- ▶ 100) Unless a greater percentage of votes is required by council or by any other provision of this or any other Act, at every meeting of council all questions are to be decided by the majority of the votes.

Tied vote

- ▶ 102) If there is an equal number of votes for and against a resolution or bylaw, the resolution or bylaw is defeated.

So what do you do when you come across a worksite like this?



Best Practices for good governance:

- ▶ First and foremost, there needs to be a clear delineation of duties between Council and Administration - job descriptions, policies, bylaws, etc.
- ▶ NIFO (nose in fingers out) approach: Council is not involved in the day to day management of the municipality; however, ultimately Council determines how “involved” it will be in management.
- ▶ Council hires and “monitors” a professional Administrator/CAO/Manager, determines the level of compensation and is responsible for succession planning.
- ▶ Council approves a corporate mission and vision statement.
- ▶ Council and Administration develop a Strategic Plan - setting goals, and measureable outcomes.
- ▶ Council oversees and evaluates the Administrator’s performance against the strategic plan, the operating results and ensuring the municipality is being properly managed.
- ▶ Council approves and reviews the municipalities budget, financial plans, material transactions (not day to day operating) capital plans, bylaws and policies.
- ▶ Council ensures ethical behaviour (Council/Admin) and compliance with: legislative requirements, auditing and accounting principles and the municipality’s own governing documents - policies, bylaws etc.

Best Practices for Good Governance

- ▶ Council assesses its own effectiveness in fulfilling their responsibilities including any other functions it has assigned in its governance model.
- ▶ Council reserves the right to exercise final judgement on any material decision that will impact the municipality but should formally define its delegation and expectations of Administration.
- ▶ Council must be satisfied with the reports it receives regularly on matters of importance - Council must take time to review and understand the information.
- ▶ Council retains outside advisors as necessary - legal, financial, etc.
- ▶ Council are coaches - they provide direction and advice but they don't do management's job.
- ▶ Provides confidence and assurance to ratepayers - ensuring their \$\$ are spent appropriately.
- ▶ Monitor management's delegation of authority - be informed
- ▶ Administrator should only have to come to Council when it is customary or appropriate to do so but NOT for day to day operations - i.e. hiring an administrative assistant or grader operator, determining which signs go up where.

SEA - Sec 3 (4) Regulations- Managers Exempt from Overtime as long as they are Managing

Employees who perform services that are entirely of a managerial character are exempt from *The Saskatchewan Employment Act's* provisions dealing with hours of work, rest periods, scheduling and overtime.

(Ability to impact the economic livelihood of employees.)

Managers and Supervisors

- ▶ Generally manage one or more employer-employee relationships on behalf of the municipality and its elected Council - carries out authority delegated by the Employer.
- ▶ Managers and supervisors are part of the employer-employee relationship as employees of the municipalities and are directly responsible for the supervision of municipal employees.
- ▶ Hires, evaluates, promotes, disciplines and fires subordinates either individually or as part of a management team.

Manager/Supervisor Responsibilities

- ▶ Ensure the health & safety of workers under direct supervision & direction, “insofar as reasonably practicable”,
- ▶ Ensure workers under direct supervision & direction comply with OH&S legislation, “insofar as reasonably practicable”,
- ▶ Ensure workers under direct supervision & direction comply with and are not exposed to harassment, “insofar as reasonably practicable”.

Bill C-45

- ▶ Bill C-45 became effective on March 31, 2004
- ▶ Created rules for establishing criminal liability for negligence of organizations and individuals who direct the work of others.
- ▶ Established a legal duty for all persons directing the work of others to take reasonable steps to ensure safety of workers & public.

(Toronto Scaffold Collapse)

Councillor vs Manager

- ▶ How much authority does Council have?
- ▶ How much discretion/responsibilities does Administration have?
- ▶ Is there confusion between the power of Council as a unified group vs the power of an individual Councillor - supervisor/subordinate - Individual Council members are NOT supervisors - ONLY the whole of Council to evaluate/suspend/dismiss the Administrator. The Mayor is NOT a supervisor but rather a convenor and leader for Council - Council provides direction and evaluates the work of the Administrator/Manager - NOT the Mayor.
- ▶ The governing role represents the interests of the community - speaks to the organization in the communities voice - not an individual voice - outside looking in NOT inside looking out. Administration is the inside Council is representing the outside community.
- ▶ At the same time Council represents the organizations interests; however, how you act impacts the organization. As a Councillor you act to GOVERN the organization and to SUPPORT the organization - you are NOT an employee or a supervisor.

Monitoring vs Managing

- ▶ To what extent is Council currently involved in managing versus monitoring?
- ▶ What else besides the scope identified in the legislation should council be involved in?
- ▶ How detailed/involved should Council's analysis be?
- ▶ Does Council monitor without infringing on the Administrator's prerogative to make management decisions?
- ▶ What other duties and responsibilities does Council expect from Management?

Setting Clear Expectations: Performance Feedback & Communication

- Communication and feedback should be an ongoing process and **not** limited to ONCE A YEAR.
- Council needs to provide ongoing feedback and communication - clear understanding of the work/goals that are expected and what is being planned (Strat Plan/5 yr. capital plan) Administrator is then responsible to achieve those outcomes working with Management/Employees to set expectations and accountabilities.
- Communication is critical to success - if the Employees understand what is happening in the municipality, and why, they will be more committed to achieving the desired outcomes.

**The No. 1 Reason WHY Employee's
Leave an organization?**

**3 Reasons WHY Employers (Council)
can end up paying big \$\$ when
terminating an employee?**

Performance management = system that provides timely and effective feedback setting clear goals and expectations

- ▶ Is this being done? (Is there a contract/job description?)
- ▶ How - by whom - When?
- ▶ Is there TRUST, RESPECT, CONFIDENCE, COLLABORATION? Encouragement?
- ▶ Goals - (aligned to strategic plan) clear, realistic and achievable with timelines? Regular reporting on progress & outcomes? Is Council monitoring without meddling?
- ▶ Is further training required to develop a solid leadership role?
- ▶ Is there sufficient support?

Performance Evaluations & Setting Goals

- The purpose of this process is not for disciplinary action but for feedback and development. It is to ensure that the Administrator and Employees understand
 - ✓ their job expectations;
 - ✓ the standard of performance that is required;
 - ✓ provides a joint opportunity for future planning improving on weaknesses, building on strengths and setting goals.

Dealing with performance when things are not going well!

- ▶ Purpose of Progressive Discipline:
- ▶ First and foremost is to correct the problem and improve the Employee's performance by offering support and assistance whenever possible.
- ▶ Secondly it is to deter other Employees from engaging in the same or similar type of activity or behavior as the offending Employee.
- ▶ Thirdly it is critical for the Council/Administrator to ensure that their leadership demonstrates that they are committed to and will do whatever is necessary to maintain the confidence and respect of the other employees and clearly sets out and models high yet reasonable performance standards.
- ▶ Lastly it outlines consequences. It should support possible termination if the employee cannot or chooses not to be rehabilitated.

Reasons for Disciplinary Action

- ▶ not meeting the performance standard expected - quality/quantity of work;
- ▶ not following or complying with rules, policies/ procedures (OH&S, purchasing, documentation);
- ▶ abuse of resources and privileges (i.e. unauthorized expenses, unauthorized absences, personal use of municipal facilities/equipment, etc.);
- ▶ lack of co-operation, poor attitude;

Reasons for Disciplinary Action

- ▶ lack of responsibility and accountability for actions, poor customer service;
- ▶ personality clashes - (i.e. refusing to work with others, speaking poorly of them, etc.);
- ▶ insubordination, (i.e. refusing to following directions, swearing at a supervisor);
- ▶????

Just Cause Terminations

- ▶ Not defined in the Act.
- ▶ Courts say that just cause may exist if the employee is guilty of a serious misconduct such as theft or has been provided several opportunities to change their behavior through the progressive discipline process but has failed to improve.
- ▶ Immediate termination without giving notice or payment.
- ▶ Employers must prove “just cause”.

Reasons for Disciplinary Action

- ▶ Some reasons why poor performance is not addressed ?
- ▶ What are the disadvantages of performing/undertaking progressive discipline in a timely manner ?
- ▶ What are the anticipated outcomes of following the principle of progressive discipline?

Progressive Discipline offers:

- ▶ The employee with several opportunities to address the problems and achieve acceptable performance.
- ▶ Sets the standard for performance for the Employee and the rest of the organization.
- ▶ And maintains Management Rights to manage the work force.

Progressive Discipline Steps

▶ #1 - Coaching/Verbal Warnings

This is a good faith attempt at influencing the employee to correct his/her behaviour - initially it may not be documented but if a second warning is needed it must be documented as a verbal warning.

▶ #2 - Written Warnings

This is the least severe step of the formal disciplinary procedure.

The written notice must clearly set out the misconduct:

- ✓ Date, time, place, observed by whom, specific nature of infraction (policy/job description, etc. being violated)
- ✓ That the action will not be tolerated and that more severe disciplinary action will follow if the misconduct does not cease. - this must be stated in the letter - ***“failure to comply shall result in further disciplinary action, up to and including termination”***

Progressive Discipline Steps

#3 & 4 - Suspension without Pay - Final Warning

- ▶ This is the most severe disciplinary penalty short of discharge.
- ▶ The length of suspension should reflect the severity of the offence and consider the Employee's disciplinary record.
- ▶ Generally suspensions are from one to five days but recent precedent has provided for longer terms. Depending on the nature/severity you may consider a second suspension longer than the first.
- ▶ Remember to ensure that your notice clearly sets out the misconduct as identified in Step Two.
- ▶ This statement must be stated in each progressive letter - ***“failure to comply shall result in further disciplinary action up to and including termination”***

Step 1 or Step 4??

Conduct on the job that is considered serious enough to warrant immediate dismissal for just cause may include:

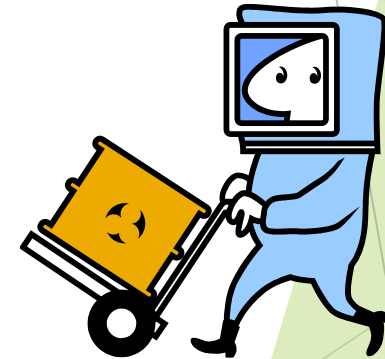
- ✓ Willful and gross misconduct, disobedience or insubordination;
- ✓ Purposeful neglect of duty or a major violation of a rule, policy, procedure or regulation;
- ✓ Abuse of authority;
- ✓ On the job impairment of drugs or alcohol;
- ✓ Falsifying documents; disclosing confidential company or personal records;
- ✓ Unethical or criminal actions (theft from Employer or personal records);
- ✓ Refusing to work except as provided by OH&S;
- ✓ Violation of Human Rights.

Discipline Feedback and considerations:

- ▶ Focus on results not on the person.
- ▶ People want to work for a leader with the guts to make a decision and stick with it - do it in a timely manner.
- ▶ Deal with performance issues in private (not in front of others) with proper representation and documentation (supervisor/manager/employee/shop steward if union).
- ▶ Watch your language.
- ▶ Focus on removing the roadblocks.
- ▶ Be careful not to shoot the messenger!
- ▶ Hold people accountable. - (SASKTEL)

Results of doing nothing = ???

- ▶ Poor behaviour is condoned - lowering the water mark-
- ▶ Suggests the Supervisor/Administrator is exempt from having to manage poor performance,
- ▶ Diminishes morale and creates a toxic, unhealthy work environment,
- ▶ Abuse of tax payers dollars,
- ▶ Diminished respect for Council/Administration
- ▶ High performers leave,
- ▶ Increased sick leave,
- ▶ Reduced productivity.



Employment Discrimination and the Duty to Accommodate

- ▶ Employers have a legal duty to reasonably accommodate characteristics identified in The Saskatchewan Human Rights Code unless doing so creates an undue hardship on the employer.
- ▶ Undue hardship is an unbearable financial cost or considerable disruption to the business or an interference with the rights of others. (size, safety considerations, nature of employment contract)
- ▶ Accommodation is: “modifying the duties or reassigning the employee” due to a disability, family status, pregnancy, ancestry and religion. Cannot discriminate - Examples? (leave of absence, GRTW, modified hours/duties, transfer, bundling) work must be meaningful.
- ▶ Obtaining information on limitations (medical information/functional assessment) - prognosis only (no right to obtain diagnosis)
- ▶ Employees are required to provide information and co-operate.
- ▶ Pay for work performed

Accommodation Process

- ▶ **Step 1: Recognize the Need for Accommodation**
- ▶ It is not about employee preferences; it is about removing discriminatory barriers that are prohibited by *Human Rights*, employee has requested accommodation/or/you are aware that accommodation may be needed or/a third party acting on behalf of the employee or candidate has requested an accommodation.
- ▶ **Step 2: Gather Relevant Information and Assess Needs**
- ▶ All accommodation documents must be kept confidential and separate from all human resources files. Ask the employee what type of accommodation is needed, obtain supporting documentation, e.g., from a doctor. - Document your steps.
- ▶ Assess the workplace - Consult other resources if needed (collective agreement, policies, legislation, health professional, employee representative or other functional specialists). For accommodation related to religious holidays and observances, gather relevant information.

Accommodation Process

▶ **Step 3: Make an Informed Decision**

- ▶ Take the time to review the request, understand the needs and review supporting documentation to find the most effective, practical and cost-efficient solution.
- ▶ Work with all interested parties, including the employee, the employee representative, functional specialists and, if necessary, co-workers for successful accommodation - document/document.

▶ **Step 4: Implement the Decision**

- ▶ Accommodation is about removing barriers to enable an employee to perform and contribute fully to the organization. Put in place the appropriate mechanisms to implement the agreed-upon approach. Advise the individual of the rationale behind your decision, particularly if the request is denied based on a bona fide occupational requirement and/or undue hardship for the employer.
- ▶ Ensure that the individual is aware of all available recourse mechanisms.
- ▶ Consult with the individual regarding the best approach to explaining the accommodation to anyone affected by the measures, if necessary.

Accommodation Process

▶ Step 5: Follow Up and Keep Records

- ▶ You should respect the dignity and privacy of the person being accommodated. Communicate only what you need to those who need to know.
- ▶ Regularly follow up with the individual and modify the accommodation if necessary.
- ▶ Document any changes and provide pertinent information to your organizational contact on a timely basis, respecting privacy and confidentiality.
- ▶ Integrate accommodation needs into future human resources and business planning.
- ▶ Accommodation is made on a case-by-case basis, and the process should be as uncomplicated as possible. The process should respect the dignity and privacy of the person being accommodated and must be provided on a timely basis.
- ▶ Successful accommodation requires collaboration from all parties, including the employee, the employer, the employee representative, functional specialists and co-workers.
- ▶ There is no set formula for accommodation. Each person has unique needs, and all employees have the right to be accommodated up to the point of undue hardship for the employer, based on prohibited grounds. Accommodation is about removing barriers to enable an employee to perform and contribute his or her skills fully to the organization.

Employment Contracts:

- ▶ Establish terms and conditions of employment - limits exposure and sets clear expectations.
- ▶ Employment Contracts and collective agreements can offer more, but not less than *The Saskatchewan Employment Act*
- ▶ An employer shall give at least one week notice to an employee of a work schedule containing the following:
 - a) the time when work begins and ends;
 - b) if work is done in shifts, the time when each shift begins and ends; and
 - c) the time when a meal break begins and ends.

Contract of Employment - things to consider:

- ▶ Nature of Offer - Conditional or Firm Offer - are there reference, background, criminal record checks, verification of education/credentials or proof of right to work in Canada, maintain driver's license, driver's abstract, maintain clear criminal record - immediately report any criminal charges?
- ▶ Nature of contract: New employment, Promotion, Temporary (reversion - layoff), project/funding based - full-time/part-time.
- ▶ Term limited time period or indefinite? Renewal option or extension on mutual agreement.
- ▶ Probation Clause - and duration.
- ▶ Scope of Position - Job Title/Description - Reporting Structure - does employer have right to delegate or change JD? does employer have right to assign/re-assign duties? Executive, management, supervisory, front-line worker (hours of work - OT/EDO's lieu time, hourly salary or annual salary, meal break, tools).
- ▶ Compensation and Benefits (base salary, salary range, procedure for salary increases, vacation, car allowance, cell phone) what is the review process for salary increases - (performance expectations) Raise/Bonus - pay for performance plan.
- ▶ Benefits (health/dental/pension/STD/LTD/Flex plan/eligibility for benefits), coverage of pre-existing conditions? Premium contributions, is the plan mandatory or not - conversion upon termination.

Contract of Employment - things to consider:

- ▶ Professional Development - association fees/dues - who pays, memberships - mandatory - who pays, annual \$\$ for training and development, maintain designation or obtain certification or certain training by XX date, etc.
- ▶ Confidentiality Clause - Prohibition on copying/use of info outside scope of employment - obligation to return confidential or proprietary materials - use of property/equipment permitted or prohibited, social media, etc.
- ▶ Termination of Employment- Notice of resignation - Termination with cause - Termination without cause: Severance provisions - Employment Standards or formula that builds on years of service, fixed sum, maximums, etc.
- ▶ Disability (sick leave)/Absenteeism reporting/authorization for leave - Human Rights/Duty to accommodate issues.
- ▶ Other Matters: Applicable policies & compliance, legislative reference, conflict of interest, code of conduct, Safety/Harassment/workplace respect, expenses, etc.
- ▶ Ability to obtain independent legal advice.

Is continued hard work and dedication of employees being recognized appropriately?

celebrate success, recognition of achievement/reward program/long service, etc., communication, team building events, training/development \$\$..... simple thank you - pat on the back....

Are you able to attract and retain qualified people - winning their hearts and minds?

competitive salary/benefits, personnel policies, accountabilities, complaints/investigations, discipline/dismissal, communication, hiring process...

Council's Role as an Employer

- ▶ Tools that enhance understanding and resolve the blurred roles include:
 - ▶ Clear organizational structure,
 - ▶ employment contracts, job descriptions, performance management (including progressive discipline),
 - ▶ clear policies/procedures and bylaws/ established codes of conduct that are applied consistently and everyone is held accountable to live by them,
 - ▶ strategic plan - with clear action plan/accountabilities,
 - ▶ Regular organizational performance measurement and performance evaluations with goals tied to strategic plan providing a clear line of sight for the whole organization.
- = Respectful productive workplace.