

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE**

BY-LAW NO. 5208-20

A BY-LAW TO ENACT POLICY P-CS-20-001 – HIRING -
FOR THE CORPORATION OF THE TOWN OF NIAGARA-
ON-THE-LAKE

BE IT ENACTED AS A BY-LAW OF THE CORPORATION OF THE
TOWN OF NIAGARA-ON-THE-LAKE as follows:

1. that Hiring Policy P-CS-20-001, be and the same is hereby approved; and
2. THAT the Lord Mayor and Town Clerk be authorized to affix their hands and the Corporate Seal; and
3. THAT this by-law shall come into force and take effect immediately upon the passing thereof.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 27TH DAY
OF APRIL 2020**

LORD MAYOR BETTY DISERO

TOWN CLERK PETER TODD



The Town of Niagara-On-The-Lake

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POLICY

Policy No.: Draft

Approved on: February 04, 2020

By-Law No.:

Effective on:

Supersedes:

Report To: Corporate Services Advisory Committee
Title/Subject: Hiring Policy

Purpose

The Town of Niagara-on-the-Lake is committed to attracting a talented diverse workforce which broadly reflects the community and citizens served and to selecting the best candidate for the position. The Town of Niagara-on-the-Lake supports and encourages employees to realize their career goals and reach their maximum potential.

This policy:

- Provides an overview of the guiding principles and standard practices that govern the recruitment process at the Town of Niagara-on-the-Lake, and;
- Outlines roles and responsibilities throughout the recruitment process to ensure all recruitment practices are consistently applied.

Legislative Requirements

This policy complies with the *Accessibility for Ontarians with Disabilities Act, 2005* (AODA), the *Ontario Human Rights Code* and the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA). For additional information on MFIPPA, refer to Corporate Policy and Procedure – Records Management – Freedom of Information and Protection of Privacy.

The Town will comply with all requirements of Ontario Regulation 191/11 of the AODA, the Integrated Accessibility Standards Regulation (IASR), by:

- Taking into account the accessibility needs of all applicants with disabilities.
- Removal of unnecessary barriers that restrict employment.
- Notifying all applicants of the availability of accommodation throughout all steps

- of the recruitment process, and
- Providing individual accommodation plans (upon request)

Definitions

For the purposes of this policy:

- “Specialized Hire” means a candidate for a hard to fill position where there is difficulty attracting suitable candidates in the labour market with the specific skill.
- “Internal Candidate” means an applicant who is a full-time permanent employee within the Town of Niagara-on-the-Lake.
- “External Candidate” means an applicant who is not a full-time employee of the Town of Niagara-on-the-Lake.
- “Hiring Manager” means the manager/supervisor who is responsible for filling a vacancy, including making the hiring decision.
- “Human Resources” means the Human Resources staff member responsible for supporting the Hiring Manager in the recruitment process, including coaching the Hiring Manager with respect to legislative, bargaining agreements and policy.
- “Temporary Transfer” means a transfer to:
 - a. An Acting Appointment – a position when there is a need to fill the position in the absence of the incumbent (e.g. maternity leave, leave of absence) or to fill a vacant position on an interim basis. The employee is expected to carry out the core responsibilities of the position and will assume the position title.
 - b. A position with a duration of one year or less that is not necessarily an Acting Assignment.

Responsibilities

Department Directors are responsible for:

- Ensuring all applicable managers/supervisors are aware of this policy and of any subsequent revisions;
- Managing budgets associated with recruitment; and,
- Ensuring compliance with this policy.

Hiring Managers are responsible for:

- Identifying a vacancy within their division and initiates the recruitment process with Human Resources by completing the Hiring Approval Form;
- Partnering with HR to consider the departments current and future workforce needs and/or opportunities;

- Partnering with Human Resources throughout the recruitment process; and,
- Complying with all legislative requirements, this policy and bargaining agreements.

Human Resources is responsible for:

- Managing the recruitment process, including the following:
 - a. Create or update of job description with the assistance from the Hiring Manager;
 - b. Creating and distributing job advertisements, both internal and external;
 - c. Screening of applicants;
 - d. Coordinating interviews, conducting reference checks (at least 2) and negotiating offers to successful candidates;
- Providing coaching, guidance and advice to Hiring Managers throughout the recruitment process as required; and,
- Assisting Hiring Managers to ensure that the recruitment process is equitable and is in compliance with all legislative requirements, this policy and bargaining agreements.

Documentation and Records Retention

Human Resources is responsible for ensuring that applicable documentation for all steps in the recruitment process is retained in accordance with the Records Retention By-Law. All staff involved in the recruitment process are responsible to ensure the confidentiality of all documentation.

Applications of those hired are retained on file permanently as part of the employee corporate personnel files. Access to a complete file is restricted to Human Resources and Payroll. If a supervisor (person who has the right to hire or fire or make the effective recommendation to do so, or handles disciplinary matters, or conducts performance appraisals, or delegates work and ensures that it is satisfactory) or designate has an operational need to see one of their employee's files, the supervisor will be shown the relevant information by Human Resources.

Confidentiality

We will guarantee the confidentiality of all personal data of applicants and will respect their privacy. All staff members involved in the recruitment process have an obligation to preserve each applicant's right to privacy and to the confidentiality of any information that may be revealed by the documentation, the interviews or discussions leading to the selection of the candidate. Each person involved in the recruitment process will sign a confidentiality agreement.

Recruitment Process

Once a vacancy is identified the following are the steps of the recruitment process:

- a) Identify and confirm details of the vacancy. Review the job requirements to determine there is a need or change for the position;
- b) Create or amend the job description;
- c) Complete of a Hiring Approval Form;
- d) Create the position advertisement, internal and/or external, and advertise. In accordance to the Employee Bargaining Group Agreement, vacancies will be posted internally for a minimum of five (5) working days prior to posting external for positions covered in the Employee Bargaining Group.
- e) Human Resources screens the resumes and provides the Hiring Manager with the top candidates resumes who are qualified for the position. Human Resources and Hiring Manager collaboratively choose candidates to interview.
- f) Interviews are arranged with the applicants and interview questions are created.
- g) Once interviews are complete, the interview panel reviews the interview scores and chooses the best fit candidate who meets the requirements of the position.
- h) A reference check takes place and an offer is provided to the candidate.

For all new positions below the level of CAO the Department Director and/or designate(s) will firstly identify staffing requirements through the annual budget process. For non-budgeted personnel, the Department Director, in consultation with the Chief Administrative Officer, shall present a report to Council for consideration.

The hiring of positions covered under the Employee Bargaining Group will adhere to the terms of the agreement if different from this policy.

Employees will not engage in any behaviour that provides an unfair advantage to a candidate during a hiring process, including, but not limited to, assisting candidates by providing inside information such as interview questions and suggested answers.

Request, Complete and Approve Hiring Approval Form

Written authorization in the form of the Hiring Approval Form must be completed for all staffing requirements.

Note: Approval through the budget process may represent “prior written authorization” for part-time and temporary positions related to programs budgeted by hours or total dollars.

The job description will be reviewed and revised or created as part of the Hiring Approval process. Once the job description has been approved by the CAO and

Department Director, the position will have a job evaluation completed.

Job Posting and Advertising

For full-time permanent positions covered in the Employee Bargaining Group Agreement, the Employee Bargaining Group will be advised and a 'Job Posting Form' will be completed for sign off by the Employee Bargaining Group.

All positions advertised internally will sent out by email to those who have Town email addresses and will be posted on bulletin boards at all locations. The bulletin boards are located at:

- Administration Building Lunch Room
- Operations Building Lunch Area
- Community Centre Staff Area
- Arena Break Room
- All Fire Stations

Any positions outside of the Employee Bargaining Group Agreement will be advertised internally and externally simultaneously. External postings will be advertised on the Town website and social media. Positions may also be posted on websites that are specific to the position to attract the desired candidates.

If a vacancy for the same job becomes available up to three (3) months from the date of the original job posting, the vacancy does not need to be re-posted. Candidates may be considered from the previous applications for the position.

The Town of Niagara-on-the-Lake does not accept unsolicited resumes.

For proper record retention and document control applications to open positions will only be accepted via electronic mail as stipulated in the job posting.

Late applications may be accepted, in consultation with the Hiring Manager and the HR Generalist.

A vacancy may be filled on a permanent or temporary basis without a posting, considered in the order below, through:

- The position is not covered under the Employee Bargaining Group Agreement.
- An employee has been identified through the Town's succession plan or has a documented, approved development plan.
- Temporary Transfer.

If the position has been filled without a posting this will be communicated to applicable staff, as determined by the Senior Management Team and Human Resources:

- All other vacancies are posted either through an internal and/or external posting.

Note: A Temporary Transfer that is in excess of one year must be reviewed after completion of the original assignment and every six months thereafter to confirm it should continue as temporary or be considered for permanent status. At the end of the assignment, the employee may be placed in the position without posting, subject to acceptable performance and director approval, or the employee will return to his or her regular position.

Acknowledgement of Applications

Due to the volume of applicants received, applicants will only be contacted if they are selected for an interview.

Interview Panel

For positions being filled at the Manager level and below, the interview panel will consist of the Hiring Manager, Human Resources and one other member. The other member will be determined by the Hiring Manager and Human Resources. The Hiring Manager will have the final decision of the successful candidate.

For Director level positions, the interview panel will consist of the CAO, Human Resources and the Lord Mayor. The CAO will have the final decision of the successful candidate.

For the recruitment of a Chief Administrative Officer, a selection committee will be created by Members of Council consisting of the Lord Mayor and the three (3) other members of Council. Staff may be used as resources. Council will have the final decision of the successful candidate.

External Recruitment Firms

An external search firm may be used to fill the vacancy, and will generally be limited to the recruitment and selection of applicants for CAO and senior staff positions and/or job vacancies where a Specialized Hire may be required. An external search firm or temporary agency may also be used to temporarily fill a vacancy during recruitment.

Assess – Screen, Test, Interview/Reference Check Candidates to Ensure Right Fit

Screening

Human Resources conducts an initial screening of applications, based on the requirements for the position. Once the applications have been screened, a short list of qualified candidates to be interviewed is compiled in collaboration with the Hiring Manager.

Interview and Test Candidates

Human Resources, in consultation with the Hiring Manager, establishes interview questions and scoring format related to the requirements of the vacancy in advance of

the interviews.

The interview panel conducts all interviews, which are based on job-related factors and conducted in a manner which is unbiased, fair and consistent for all candidates. Each question is scored and total scores will vary based on the position.

Tests and behavioural assessments must be pre-approved by Human Resources and the weighting for the selection test results, relative to the interview score, must be predetermined. All reasonable efforts will be made to validate tests and behavioural assessments to ensure they are bias free.

Reference Checks

References must be checked for all successful candidates to confirm suitability for employment:

- Human Resources conducts all references, with the exception of when the use of an external recruitment firm is used.
- A minimum of two employment references are required except for temporary full time or part-time entry-level positions (e.g. Parks Summer Student, Concessions Attendant, Summer Camp Counsellor), where one reference may be acceptable for candidates as determined by Human Resources, and
- At least one employment reference must be from the applicant's current or previous supervisor, who can comment directly on the applicant's performance.

Selection of Successful Candidate(s)

The successful candidate for the position is selected and a job offer is made in accordance with the following:

- The Hiring Manager selects the preferred candidate and provides their rationale for selection to Human Resources.
- Human Resources is responsible for making the employment offer to successful candidates.
- All necessary documentation must be received and acceptable to the Town (e.g. Police Check, Driver's Abstract, Eligibility to Work in Canada, educational documents, etc.), and
- For Director positions, a selection committee made up of Lord Mayor, CAO and Human Resources will consider the CAO's recommendation of the successful candidate and make the final recommendation.

Potential Hiring Conflicts

Family Members

- The Town of Niagara-on-the-Lake shall accept applications from and consider a

member of an employee's immediate family for employment if the candidate has all the requisite qualifications.

- A family member shall not be considered for employment if by doing so, it might create a direct or indirect managerial/subordinate relationship with the family member, or if his/her employment could create a conflict of interest either real or imagined.

Employee Relationships

- Employees engaging in romantic relationships and employees that become married or live in the same household may continue their employment with the Town provided that there is neither a direct or indirect managerial/subordinate relationship between the employees, or a conflict of interest, real or imagined, created as a result of the relationship.
- In the event that either a managerial/subordinate, or conflict of interest issue arise, The Town will work with the employees to accommodate them in a reasonable fashion. Possible resolution may require one of the employees to transfer to another position within the company. If this is not possible, one of the employees must resign.

Former Employees

- A former employee who left the Town on amicable terms may be eligible for re-employment.
- Former employees who left the Town without proper notice, or whose employment was terminated for disciplinary reasons, shall not be eligible for re-employment.

Hiring Process for a Chief Administrative Officer

At such time the CAO position becomes vacant, the Lord Mayor shall notify Human Resources to commence the recruitment process to fill the vacancy at the direction of Council.

Options:

1. Succession Management

Where the Town has demonstrated a succession management program (i.e. where available 'high' potential candidates have been identified within the Town, a well-established program exists where candidate skills/competencies are measured against those required for the CAO position, and where development plans are in place, regular reviews are conducted and assessments are made to determine a candidate's readiness for the CAO position), Council may opt to limit the CAO vacancy internally amongst only those identified 'high' potential candidates.

2. Executive Search Firm

Where Council has determined there are no internal candidates through a succession management program that are deemed to be 'ready' to assume the

CAO role OR at any time should Council wish to evaluate internal candidates to the external job market, they may decide that the position may be filled utilizing the services of an external executive search firm. The firm would be selected following an RFP process. The position would be available to both internal and external candidates.

Selection

A Selection Committee shall be created and comprised of the Mayor and three other Members of Council. Due to the importance of this position to the Town of Niagara-on-the-Lake, consultation with the Senior Management Team, Town staff, and community stakeholders, at the direction of Council, may be initiated and incorporated into the recruitment and selection process. A Terms of reference for the Selection Committee will be created once the Committee has been comprised.

Duties and Responsibilities

Once Council has established a Selection Committee, the members of the Committee will elect a Vice Chair at the first meeting.

The Selection Committee will be chaired by the Lord Mayor. The Chair will preside at all regular meetings of the committee and exercise authority and performs duties as required. The Chair guidance and leadership to the committee in the completion of its mandate.

The Vice-Chair will assume all functions of the Chair in the Chair's absence.

All Members of the Selection Committee will:

- Attend meetings of the committee (if unable to attend notification should be sent the staff liaison as soon as possible prior to the meeting).
- Review agendas and reports sent prior to the meeting.
- Contribute time, knowledge, skill and expertise to the fulfilment of the committee mandate.
- Be cognisant of any conflict of interest or perceived conflict in terms of issues that may service to benefit them personally.
- Act to protect the privacy of individuals with respect to personal information contained in reports and information circulated to the committee.
- Agree that any committee member not present for any of the interviews will not be permitted to participate in recommending a preferred candidate to Council.

Selection Committee meetings will be held in public in the Council Chambers unless otherwise directed by Council.

The Town Clerk, Human Resources Generalist and any other staff the Committee wishes to engage will support the committee as requested.

The decision of hiring a CAO will be a decision that includes all Council members and

will be made as a collective body.

Acting/Interim CAO

The CAO may appoint an Acting CAO for a period of less than one (1) month due to the absence of the CAO.

Authority to appoint an Interim CAO for a specified period of time, due to a vacancy in the CAO position, rests with Town Council.

An agreement will be provided for the successful person appointed to the Acting/Interim position and is approved at the direction of Council.

Penalties for Non-Compliance with the Hiring Policy

Where an employee is in violation of the Hiring Policy, penalties may include progressive discipline, up to and including termination of employment, depending on the severity of the violation.

Where a member of Council is in violation of the Hiring Policy, the violation will be dealt with through an Integrity Commissioner or Municipal Ombudsman.

ATTACHMENTS



Hiring Approval Form.pdf Confidentiality Agreement for Recruitment.pdf