

# STAFFING BYLAW

EFFECTIVE MAY 08, 1995  
AMENDED NOVEMBER 30, 1995  
AMENDED SEPTEMBER 08, 1997  
AMENDED MARCH 26, 1998  
AMENDED MAY 12, 1998  
AMENDED AUGUST 11, 2003  
AMENDED APRIL 11, 2005

TYPING FORMAT AMENDED JUNE 28, 1995  
AMENDED MAY 02, 1996  
AMENDED FEBRUARY 09, 1998  
AMENDED APRIL 23, 1998  
AMENDED JANUARY 14, 2002  
AMENDED JANUARY 10, 2005

**BEING A BYLAW OF THE CITY OF CHARLOTTETOWN TO REGULATE THE HIRING OF EMPLOYEES.**

## **Declaration of Policy**

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.

**BE IT ENACTED BY THE CITY OF CHARLOTTETOWN AS FOLLOWS:**

## **OBJECTIVES: PART I**

1. The objectives of this bylaw are to:
  - 1.1 Establish fair and consistent practices for the recruitment and selection function;
  - 1.2 Ensure the completion of all hiring decisions in accordance with the Merit Principle;
  - 1.3 Promote a positive image through the application of the Merit Principle;
  - 1.4 Ensure that an adequate quantity of qualified candidates apply for municipal vacancies.

## **DEFINITIONS: PART II**

2. In this Bylaw:
  - 2.1 "**Casual**" includes a student of any school, college, academy, or university who takes employment of a temporary nature with any City department. Student is defined as a person who has been in full time attendance at an educational institution and affirms at the time of appointment that he/she will return to full time attendance at an educational institution in the same year;

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- 2.2 **"Chief Administrative Officer"** (CAO) means the person appointed in accordance with Subsection 22(1) of the *Charlottetown Area Municipalities Act*;
- 2.3 **"Department Manager"** means the employee who is responsible for the effective administration of a department and all activities assigned thereto;
- 2.4 **"Family"** means spouse, common law spouse, child, parent, sister or brother;
- 2.5 **"Merit Principle"** means the hiring of a candidate who is deemed the most suitably qualified for the position;
- 2.6 **"Permanent"** means an employee who has successfully completed his/her probationary period;
- 2.7 **"Seasonal"** means an employee hired for a summer or winter period;
- 2.8 **"Selection Committee"** means the Committee which is appointed to recommend or select the most suitable candidate to fill a vacant position;
- 2.9 **"Senior Manager"** means Chief Administrative Officer (CAO), Director of Corporate Services (DCS), Director of Public Services (DPS) or Department Manager.

### **RECRUITMENT: PART III**

3. 3.1 The City recognises 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.
- 3.2 The Human Resources Department is responsible for co-ordinating the recruitment and selection process.
- 3.3 The Department Manager will provide the Human Resources Department with information on job duties, salary, qualifications required and working conditions when initiating the staffing process.
- 3.4 Approval by the Committee of the Whole Council is required to fill a new position.
- 3.5 Approval by the related Standing Committee is required to fill vacancies.

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- 3.6 The Human Resources Department will advertise all vacancies through internal or external means, as appropriate, and receive all applications.
- 3.7 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.
- 3.8 The Selection Committee shall:
  - (a) interview the candidates on the "short list";
  - (b) rate the candidates in the order of merit;
  - (c) list the candidates who have qualified on an eligibility list in order of merit;
  - (d) make recommendations to Council where appropriate.

### **APPOINTMENTS: PART IV**

4. 4.1 The Council shall appoint the Chief Administrative Officer by Resolution. The Selection Committee to determine this position may include persons outside of City Council, who possess a specific expertise deemed beneficial in assisting the hiring process.
- 4.2 The Selection Committee for Directors and Managers shall be comprised of the CAO and any other persons as determined by Resolution of the Council.
- 4.3 The Selection Committee for seasonal and casual employees shall be determined by the line department to appoint the most suitable candidate for the position. Elected officials are not considered members of the line department for the purpose of this bylaw only.
- 4.4 In all positions except those referred to in subsection 4.1, 4.2 and 4.3, the appropriate Department Manager with the assistance and concurrence of the Human Resources Manager shall appoint the Selection Committee and subsequently appoint the most suitable candidate for the position.
- 4.5 Reference checks will be conducted on successful candidates to confirm suitability.
- 4.6 An offer of employment will be made to the most suitably qualified candidate on the eligibility list and as necessary, to the next most suitably qualified candidate on the list.

### **SEASONAL AND CASUAL: PART V**

5. The following additional provisions pertain to employment of seasonal and casual staff:

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- 5.1 Notices for casual and seasonal employment will be posted on the City of Charlottetown's web site and in such other manner as the City considers will provide reasonable access to the notice.
- 5.2 Applications to create lists for seasonal and casual employment will be received by the Human Resources Department which will purge the list annually to ensure it is kept current.
- 5.3 Only those seasonal and casual employees who have received a satisfactory performance evaluation shall be eligible for employment the following year provided they have an updated application on file.

### **CONFLICT OF INTEREST: PART VI**

- 6. 6.1 No spouse of an elected official or Senior Manager shall become employed by the municipality during his/her term of office or employment.
- 6.2 Employment of family members in the same City department is discouraged. In instances where direct or indirect supervision of family members jeopardise proper financial and operational control, it would be the responsibility of Department Managers to:
  - (a) bring this situation to the attention of the appropriate Director and Human Resources Manager;
  - (b) outline in writing any present or potential conflicts which exist or may arise.
- 6.3 Elected officials and Senior Managers 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.
- 6.4 No person shall directly or indirectly endeavour to improperly influence any member of a Selection Committee with respect to an appointment of any person.
- 6.5 Violations of any of the above-noted areas of conflict of interest shall be brought to the attention of the Mayor and Chief Administrative Officer for review and appropriate action.
- 6.6 If there is any conflict in interpretation of this bylaw and the conflict of interest bylaw or policies previously adopted and amendments thereto, this by-law shall prevail.

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### **REVIEW: PART VII**

7. 7.1 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 Manager and the appropriate Department Manager. If the applicant still believes that a further review is necessary, he or she may request such review with the Director of Corporate Services and Chief Administrative Officer.

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Amendment Summary	Previous Wording	Amendment Detail	1 <sup>st</sup> Reading	2 <sup>nd</sup> Reading	3 <sup>rd</sup> Reading
New Bylaw		New Bylaw effective March 13, 1995	13-Feb-95	13-Feb-95	13-Mar-95
Update Bylaw for amalgamation			8-May-95	8-May-95	18-May-95
New Bylaw		New Bylaw effective June 28, 1995	Unable to track papers		
Amend section 4.7	<p>4.7 (a) In the interest of City safety, all "new" employees appointed to the following positions must be and remain residents of the City as a condition of employment:                      (1) Chief of Police (2) Deputy Police Chief (3) Police Officers (4) Fire Services Manager (5) Fire Fighters (6) Fire Engineers (7) Heavy Equip Operators (8) Mechanic</p> <p>(b) In the event that the successful applicant for any of the above positions does not presently reside within the City, that person will be allotted a period of one (1) year to establish residency within the City of Charlottetown.</p> <p>(c) Current employees of the City of Charlottetown as of April 1, 1995, working in any of the above noted positions as per 4.7(a) and who are not presently residing in the City, shall be exempted from the residency requirement.</p>	<p>Delete section 4.7 (a), (b) &amp; (c) and replace with the following:  <b>4.7 (a) It is a condition of employment that all permanent employees shall be or become a resident of the City of Charlottetown within one (1) year of their appointment.</b>  <b>(b) Current employees who have signed residency agreements with the City of Charlottetown upon their appointment shall adhere to the stated terms and conditions of such agreement.</b>  <b>(c) Employees of the City of Charlottetown as of April 1, 1995, who were not covered by the August 14, 1989 City of Charlottetown Residency Policy shall be exempted from this residency requirement.</b></p>	14-Nov-95	14-Nov-95	30-Nov-95
Amend: Recruitment: Part III	3.3 When a vacancy is approved to be filled, the Department Manager will provide the Human Resources Department with information on job duties, salary, qualifications required, and working conditions.	Amend: Recruitment: Part III as follows: 3.3 When a vacancy <b>or a new position</b> is approved by <b>Committee of Whole Council</b> to be filled, the Department Manager will provide the Human Resources Department with information on job duties, salary, qualifications required, and working conditions.	9-Apr-96	9-Apr-96	2-May-96
Eliminate section 5.4 so that casual employees are not limited to a maximum of three (3) terms of casual employment	5.4 Casual employees are limited to a maximum of three (3) terms of casual employment subject to a satisfactory performance appraisal.	Delete section 5.4	11-Aug-97	8-Sep-97	8-Sep-97
	5.5 to 5.7	Renumber old sections "5.5. to 5.7" to "5.4 to 5.6"			
	Newly renumbered 5.4: Seasonal employees who have received a satisfactory performance evaluation shall be eligible for employment the following year.	Amend new section 5.4 as follows: 5.4 Seasonal <b>and casual</b> employees who have received a satisfactory performance evaluation shall be eligible for employment the following year.			
	5.6 Notwithstanding Article 5.3, 5.4 and 5.6, in cases where there are no qualified applicants from City residents, additional family members, employees having worked three terms of employment or non-residents may be hired.	Amend new section 5.6 as follows: 5.6 Notwithstanding Article 5.3 and 5.5, in cases where there are no qualified applicants from City residents, additional family members, non-residents may be hired.			

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Amendment Summary	Previous Wording	Amendment Detail	1 <sup>st</sup> Reading	2 <sup>nd</sup> Reading	3 <sup>rd</sup> Reading
Amend to limit terms of employment (3 terms) for casual employees (except crossing guards) and to remove the ability of elected officials to submit a letter of reference for persons seeking employment with the City.	<i>nothing</i>	Add new section 5.4 as follows: <b>5.4 Casual employees are limited to a maximum of three (3) terms of casual employment subject to a satisfactory performance appraisal. (Crossing guards shall be exempt)</b>	10-Nov-97	10-Nov-97	9-Feb-98
	5.4 to 5.6	Re-number old sections "5.4 to 5.6" to "5.5 to 5.7"			
	5.4 Seasonal and casual employees who have received a satisfactory performance evaluation shall be eligible for employment the following year.	Amend new section 5.5 as follows: 5.5 Seasonal employees who have received a satisfactory performance evaluation shall be eligible for employment the following year.			
	5.6 Notwithstanding Article 5.3, and 5.5, in cases where there are no qualified applicants from City residents, additional family members, or non-residents may be hired.	Amend new section 5.7 as follows: 5.7 Notwithstanding Article 5.3, <b>5.4, and 5.6</b> , in cases where there are no qualified applicants from City residents, additional family members, or non-residents may be hired.			
Delete section 4.7: Residency provisions requiring permanent employees to be a resident of Charlottetown, given the decision by the Provincial Court of Appeal to uphold the arbitration Board's ruling.	4.7 (a) It is a condition that all permanent employees shall be or become a resident of the City of Charlottetown within one (1) year of their appointment. (b) Current employees who have signed residency agreements with the City of Charlottetown upon their appointment shall adhere to the stated terms and conditions of such agreement. (c) Employees of the City of Charlottetown as of April 1, 1995, who were not covered by the August 14, 1989 City of Charlottetown Residency Policy shall be exempted from this residency requirement.	Delete the entire section 4.7	9-Mar-98	9-Mar-98	26-Mar-98
Amend existing Section 5.4 by inserting " <b>that are students</b> " after "Casual employees".	5.4 Casual employees are limited to a maximum of three (3) terms of casual employment subject to a satisfactory performance appraisal. (Crossing guards shall be exempt).	Amend existing section 5.4: 5.4 Casual employees <b>that are students</b> are limited to a maximum of three (3) terms of casual employment subject to a satisfactory performance appraisal. (Crossing guards shall be exempt).	14-Apr-98	14-Apr-98	23-Apr-98

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Amendment Summary	Previous Wording	Amendment Detail	1 <sup>st</sup> Reading	2 <sup>nd</sup> Reading	3 <sup>rd</sup> Reading
Remove the three (3) term maximum for casual employees that are students eligible for re-employment on satisfactory performance, renumber sections to follow in sequence, and include casual employees in new Sec 5.4	5.4 Casual employees that are students are limited to a maximum of three (3) terms of casual employment subject to a satisfactory performance appraisal. (Crossing guards shall be exempt).	Delete existing section 5.4 and renumber sections below, plus amend new section 5.4 by adding "and casual": 5.4 Seasonal <b>and casual</b> employees who have received a satisfactory performance evaluation shall be eligible for employment the following year. 5.5 Applicants must be and remain a resident of the City of Charlottetown to be eligible for seasonal and casual employment. 5.6 Notwithstanding Article 5.3, and <b>5.5</b> , in cases where there are no qualified applicants from City residents, additional family members, or non-residents may be hired.	11-May-98	11-May-98	12-May-98
Amend by removing Section 5.5	5.5 Applicants must be and remain a resident of the City of Charlottetown to be eligible for seasonal and casual employment.	Remove Section 5.5	10-Dec-01	10-Dec-01	14-Jan-02
Amend by removing Sections 5.3 and 5.5	5.3 Only one member per family of a household shall be employed with the City at any one time.	Remove Section 5.3	14-Jul-03	14-Jul-03	11-Aug-03
	5.5 Notwithstanding Article 5.3, in cases where there are no qualified applicants from City residents, additional family members or non-residents may be hired.	Remove Section 5.5			
Amend Sections 5.1, 5.2 and 5.3 to clarify language, to remove requirement for advertisement in local newspaper and to allow individuals to submit applications for casual and seasonal employment anytime throughout the year	5.1 Advertisements to create lists for seasonal and casual staff will be placed in the local newspaper between December and April. Applications will be received up to the last Friday in April.	Delete existing Section 5.1 and replace with following: 5.1 Notices for casual and seasonal employment will be posted on the City of Charlottetown's web site and in such other manner as the City considers will provide reasonable access to the notice.	13-Dec-04	13-Dec-04	10-Jan-05
	5.2 A list of qualified candidates will remain in effect until the end of the calendar year.	Delete existing Section 5.2 and replace with following: 5.2 Applications to create lists for seasonal and casual employment will be received by the Human Resources Department which will purge the list annually to ensure it is kept current.			
	5.3 Seasonal and casual employees who have received a satisfactory performance evaluation shall be eligible for employment the following year.	Delete existing Section 5.3 and replace with following: 5.3 Only those seasonal and casual employees who have received a satisfactory performance evaluation shall be eligible for employment the following year provided they have an updated application on file.			
Amend Part III to remove the requirement for the Committee of the Whole Council's approval when filling a vacancy	3.3 When a vacancy or a new position is approved by the Committee of the Whole Council to be filled, the Department Manager will provide the Human Resources Department with information on job duties, salary, qualifications required and working conditions.	Delete existing Section 3.3 and replace with following: 3.3 The Department Manager will provide the Human Resources Department with information on job duties, salary, qualifications required and working conditions when initiating the staffing process.	14-Mar-05	14-Mar-05	11-Apr-05



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Amendment Summary	Previous Wording	Amendment Detail	1 <sup>st</sup> Reading	2 <sup>nd</sup> Reading	3 <sup>rd</sup> Reading
	<i>Nothing</i>	Add new Section 3.4 as follows: 3.4 Approval by the Committee of the Whole Council is required to fill a new position.			
	<i>Nothing</i>	Add new Section 3.5 as follows: 3.5 Approval by the related Standing Committee is required to fill vacancies.			
	3.4 to 3.6	Re-number old sections "3.4 to 3.6" to "3.6 to 3.8"			