

# 2018-2022 DISTRICT OF HOUSTON COUNCIL ORIENTATION

**Human Resource Management**

October 2018



# Council Orientation Agenda

TIME	MONDAY	TUESDAY	WEDNESDAY
8:30 – 10:00	Local Government 101	Municipal Service Delivery & Planning	Asset Management
10:00 – 10:15	Refreshment Break	Refreshment Break	Refreshment Break
10:15 – 11:45	Governance & Ethics	Budgeting, Taxation, and Financial Affairs	Risk Management & Dispute Resolution
11:45 – 12:45	Lunch (Provided)	Lunch (Provided)	Lunch (Provided)
12:45 – 2:15	Setting Priorities, Delivering Outcomes	Community Planning & Development	<b>Human Resource Management</b>
2:15 – 2:30	Refreshment Break	Refreshment Break	Refreshment Break
2:30 – 4:00	Council Meeting Simulation	Municipal Facility Tour (Will Run to 5pm)	Public Relations



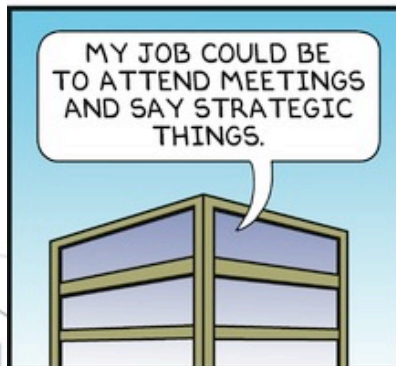
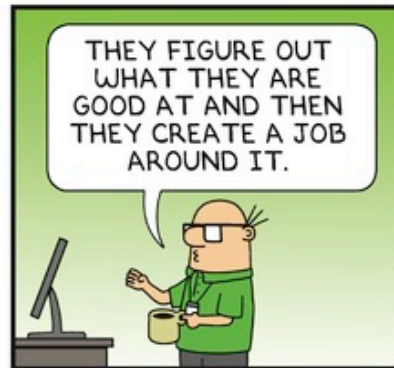
# Outline

- Deciding Staffing Levels
- Hiring Staff
- Managing Staff
- Assessing Staff Performance
- When things go Wrong...



# Staffing Levels

**DILBERT**



**BY SCOTT ADAMS**

# Staffing Levels

- Determined by Council, not Staff
- What needs to be done?
- Do we have people doing it?
- Doing More or Less?
- What funding is required?
- Special Skills, Qualifications, Education?



# Staffing Levels

- Reporting Relationships
- Unionized or Exempt Duties?
- Level of Responsibility?
- Standard of Work?



# THINK!

*The CAO has decided to take a new job in LaLaVille, QC, and has given one month of notice that they are leaving. Council will need to fill the position. What do you do?*



# Hiring Staff

- Hiring Policy
- Post Position & Receive Applications
- Review Applications
- Longlist Interview
- Background Check & References
- Shortlist Interview
- Hiring Decision





# Hiring Staff – Other Considerations

- Who will be Responsible?
  - Authority of Council
  - No Surprises & Collective Decision Making
  - Who do they work for?
- How will you seek applications?
- Candidate Expectations?
- The Breaking Point



# Hiring Staff – Closing the Deal

- Employment Standards Act
  - Cannot set agreement lower than the standard
  - Sets a *Minimum* standard
  - Should not be used as a basis of a contract
- Human Rights Code
  - Did you discriminate against the candidates?
  - What is owed to the successful candidate on hire?
  - Treat the person fairly and based on merit!



# Hiring Staff – Closing the Deal

- Salary & Increases
- Benefits
- Hours of Work & Overtime
- Holidays, Vacation, Sick Leave, Flex Days, etc.
- Length of Employment
- Reports to...?
- Confidentiality
- Amendments?
- Changes to Duties?
- Moving & Education
- Disciplinary Process?
- **Termination, Notice & Severance**



# Hiring Staff – Closing the Deal

- Employees should always have written agreements!
- Complete the Contract *before* they start!
- Employer Cannot Impose Agreements
- Contracts must:
  - Be offered and accepted
  - Exchange consideration
  - Have Clear Terms and Conditions Known in Advance
- Employee will be provided with advantage in Court



# Governing Employees

- Minimal Interaction with Unionized Employees:
  - Collective Bargaining
  - Grievances
  - Staffing increases/reductions
- Some Interaction with Officers/Exempt Staff:
  - Hiring & Contract Amendments
  - Suspensions (CC 151)
  - Terminations (CC 152)



# Managing the CAO

- CAO is sole employee of Council
- CAO's Performance = Administration's Performance
- Critical Working Relationship
  - Mayor & CAO regularly interact
  - CAO preserves integrity of Council
  - No favourites, no surprises
  - CAO Respects and Upholds the process



# Managing the CAO

- Assess Performance against Strategic Plan, Financial Plan, Bylaw and Policy Compliance
- Set Achievable, Measurable Objectives
- Review Annually, Check in Quarterly
- Work as a Council – Don't Assess Independently!
- Need Advice?



# Managing the CAO

## When things go Sideways

- What is the wrongdoing? How serious is it?
  - If does not, at common law, breach the employment contract by its very nature, no cause to terminate
  - Progressive Discipline
  - If so serious that employment relationship cannot be repaired, just cause for termination
  - Instances where termination without cause may be required





# Progressive Discipline

- Letter of Expectation
- Mandated Training & Education
- Letter of Reprimand
- Suspensions with Pay
- Suspensions without Pay



# Termination

- CC 152 restriction on termination of officers
  - Do not decide to terminate; Motion 1 is to consider termination, passed by Majority
  - Must provide opportunity to be heard before vote on termination
  - Motion 2 is to terminate
    - With Cause – must be approved by a majority vote
    - Without Cause – must be approved by 2/3 vote of all Council members, not just those present



# Termination

- For Cause: No Notice/Severance Needed
- Without Cause: require reasonable notice or severance in lieu of reasonable notice
  - Should be defined in contract
  - If not defined, will be based on *Globe and Mail* Case
  - Don't rely on ESA!
  - *Expect* Litigation!



# Termination

- *Bardal v. Globe & Mail Ltd. (1960)*
- Reasonable Notice Period Determined by:
  - Character of Employment (i.e. responsibility)
  - Length of Service
  - Employee's age
  - Availability of Similar Employment
- Not Mathematical!



# Avoiding Termination

- Set Standards of Performance
- Correct Behaviour Early on
- Have Honest (not heated) Conversations
- Regular Check Ins
- Celebrate Successes; Don't Forget Successes
- Be Empathetic – relate to their situation



# Questions?

On to Public Relations!!!

