

CORPORATION OF THE TOWN OF SMITHS FALLS

BY-LAW NO. 9993-2018

*A BY-LAW TO ESTABLISH THE EMPLOYEE RECRUITMENT POLICIES AND THE
TERMS AND CONDITIONS OF EMPLOYMENT, FOR THE EMPLOYEES OF THE
TOWN OF SMITHS FALLS*

WHEREAS pursuant to the Municipal Act, 2001 as amended, a municipality or local board must adopt policies with respect to the hiring of its employees;

WHEREAS it is deemed expedient to establish terms and conditions of employment for the employees of the Corporation of the Town on Smiths Falls; and

WHEREAS pursuant to the Municipal Act, 2001 as amended, by-laws may be passed by the Councils of all municipalities to enable them to govern their affairs as they consider appropriate; and

WHEREAS it is deemed appropriate to appoint such officers and employees as may be necessary for the purposes of the Corporation, or for carrying into effect any Act of the Legislature or By-Law of the Council; and

NOW THEREFORE the Municipal Council of The Corporation of the Town of Smiths Falls enacts the attached Schedule A, "Policies Respecting Employment" as the Corporations Official Employment Policies.

By-Law No. 8066-2007 any other By-Law or policy inconsistent with the provisions of this By-Law are hereby repealed.

This By-Law will come into force and take effect on the passing thereof by the Council of Smiths Falls.

Read a first and second time this 13th, day of November, 2018

Read a third time and passed this 13th, day of November, 2018

Mayor

Clerk



TOWN OF SMITHS FALLS POLICIES RESPECTING EMPLOYMENT

Schedule A to By-Law # 9993-2018

GENERAL EMPLOYMENT POLICIES

The policies, and terms and conditions of employment, outlined in this document have been adopted by Council as the conditions under which employment with the Town of Smiths Falls will be governed. The Town of Smiths Falls employment practices are governed, as a minimum standard, by the Employment Standards Act of Ontario. Where these policies are in conflict with any negotiated agreement, the negotiated agreement will take precedence. Where any negotiated agreement does not address an issue covered by this By-Law, the terms and conditions of this By-Law will be applicable.

Dated this 13th, day of November, 2018

Amendments:

**TOWN OF SMITHS FALLS
POLICIES RESPECTING EMPLOYMENT
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1. **PURPOSE**

The purpose of this by-law is to maintain a harmonious and mutually beneficial relationship between the Council of the Town of Smiths Falls and the employees, to set forth certain terms and conditions of employment relating to pay, hours of work, employee benefits and general working conditions affecting employees covered by this by-law.

It is understood that the provisions of this by-law are considered to be in addition to all other corporate policies and procedures governing all employees, local boards and Council members.

This employment by-law is intended to apply to all employees regardless of employment status.

2. **DEFINITIONS**

For the purpose of this By-Law the following definitions will apply:

- i) **A permanent employee** will be defined as those employees whose positions are deemed by Council to be of a permanent and long-term nature regardless of the hours worked. Permanent employees can be full time (working the hours outlined in Section 5) or part time (working less than the hours outlined in Section 5).
- ii) **A temporary employee** will be defined as those employees whose positions are deemed by Council to be of a transient or short-term nature regardless of the hours worked. Temporary employees can be full time (working the hours outlined in Section 5) or part time (working less than the hours outlined in Section 5).
- iii) **A contract employee** will be defined as those employees who are employed for a specific time period and/or to perform a defined project, the completion of which will result in the termination of the employment arrangement. In keeping with the intent of contracts being utilizing for short term or project defined employment, no contract shall be for a period of greater than three years. (An employee may have an employment contract without being classified as a contract employee when the contract is for the purposes of outlining remuneration, and/or working conditions, and is not for the purpose of limiting the length of the contract).
- iv) **Management staff** is employees whose main function is managerial and/or supervisory in nature. Management staff being, by definition, "someone who controls or directs resources and expenditures" and/or supervises other personnel, and who may perform non-supervisory or

- non-managerial tasks on an irregular or exceptional basis.
- v) **Support staff** is employees that do not have managerial or supervisory duties.
 - vi) Unless otherwise stated, reference to an employee and/or employees in this document will be in reference to a permanent employee.
 - vii) **Standby** when an employee is required to be on standby, they shall remain within a reasonable travel distance of Smiths Falls and be reachable via telephone contact at numbers provided by the employee. They shall be in a sober state and shall not be under the influence of drugs. Upon being called in, they shall report for work within thirty (30) minutes from being called.
 - vii) **Hiring Authority** will be the responsible Director or their designate, or the Chief Administrative Officer.
 - viii) **Uncertified Days**
Time off from work, paid or unpaid, on account of an employee's temporary inability to perform duties because of sickness or disability.

3. **GENERAL**

- a) Only full-time permanent employees will be entitled to receive Dental, Extended Health Care, Basic Travel, Life, Accidental Death and Dismemberment (AD&D), Short Term Disability (STD) and Long-Term Disability (LTD) benefits. Except for Volunteer Fire Fighters who will be entitled to \$25,000 in Life Insurance only.
- b) Employees working 35 hours/week or more, year-round, will automatically be reclassified as permanent full-time employees after completion of three (3) years continuous service. This would include any part-time employees reclassified to full-time, after they have completed three (3) years of full-time service. The Town reserves the right to reclassify part-time permanent or temporary positions as full-time permanent positions where it is deemed expedient to do so.
- c) All new employees, full or part-time, will be placed on probation from the date of hire, following which continued employment will be subject to an evaluation by the employer and a determination on the part of the employer that the employee is suitable to continue in the position. The appropriate hiring authority retains the right to waive the six-month probationary period at its discretion. **See PROBATION SECTION**
- d) The employer will provide a Job Description to all employees

specifying, but not limited to, the following:

- a. Specific skills and/or education and/or experience required for the job.
- b. The work to be undertaken.
- c. Hours of work.
- d. The Department the employee will be working for.
- e. The employees' immediate supervisor, and/or Director.
- f. The Category their position falls under (SEE OVERTIME SECTION)

4. RECRUITMENT OF PERSONNEL

a) General Recruitment Policies:

i) The purpose of this section is to provide a fair and equitable recruitment process for the filling of all staffing vacancies and shall be applied consistently to all classifications of employees recruited by the Town.

ii) All selections will be based on evidence of core competencies, education, experience, aptitude, social skills, maturity, and any other parameters deemed necessary by the appropriate hiring authority outlined in Section 2 c) to fill the position.

iii) The Town will not discriminate in its recruitment practices and shall maintain full compliance with the Ontario and Canadian Human Rights Legislation.

iv) The Town, through its training and development practices, shall encourage effective internal succession planning.

v) To promote succession planning and encourage existing staff to gain the skills and education necessary to advance their career and potentially fill a defined position should it become vacant in the future, the appropriate hiring authority, may at its discretion, consider the appointment and/or promotion of an existing permanent full-time employee within the affected Department to a vacant position, where a suitable and qualified employee indicates in writing that they have an interest in the position.

vi) Should the appropriate hiring authority decide that no qualified person is available for promotion or appointment from within the affected Department, an internal recruitment from all full time permanent existing employees may be held, at the hiring authority's discretion

vii) At the appropriate hiring authority's discretion, should no existing full-time permanent employee be deemed the best person for the position, an

external recruitment process shall be held. This process may be undertaken simultaneously with 4(a)(vi) above to expedite the recruitment process.

b) Recruitment of Relatives:

For the purposes of this By-Law, relatives shall be defined as: father, mother, spouse, common law spouse, same sex partner, or child of the person.

i) Recruitment of Relatives of Members of Council or Local Boards

- 1) The hiring of relatives of members of council or local boards is not expressly prohibited by this By-Law.
- 2) No direct reporting relationship is permitted, which effectively means that a relative of a member of council or local board could not be recruited for the position of Chief Administrative Officer, Treasurer, Clerk, Fire Chief, or Chief Building Official with the Town.
- 3) So as not to create a negative perception, the Town's recruitment policies will be strictly adhered to where relatives are applicants.
- 4) No employee, or member of Council in the case of hiring the Chief Administrative Officer will participate in any part of the recruitment process where a relative, as defined in this section, is an applicant.

ii) Recruitment of Relatives of Existing Employees

- 1) The hiring of relatives, as defined in this section, of existing employees is not expressly prohibited by this By-Law.
- 2) No direct, or indirect, reporting relationship will be permitted between a supervisor and a relative, as defined in this section, of the supervisor.
- 3) So as not to create a negative perception, the Town's recruitment policies will be strictly adhered to in recruitments where relatives, as defined in this section, are applicants.

c) Recruitment Responsibilities:

- i) Council will be responsible for approving the positions required for the effective operation of the municipality.
- ii) Council will be responsible for establishing the overall recruitment policies for the municipality.
- iii) Council will be responsible for the recruitment and

- appointment of the Chief Administrative Officer.
- iv) The Hiring Authority is responsible for the recruitment and hiring of all other staff.
 - v) Council will be responsible for the appointment of a Treasurer as per the Municipal Act, as amended.
 - vi) Council will be responsible for the appointment of a Clerk as per the Municipal Act, as amended.
 - vii) Council will be responsible for the appointment of a Fire Chief as per the Fire Protection and Prevention Act, 1997.
 - viii) Council will be responsible for the appointment of a Chief Building Official, and such Building Inspectors as Council deems necessary, as per the Building Code Act, 1992.
 - ix) The Fire Chief will be responsible for the recruitment of all firefighters and volunteer firefighters.

d) Recruitment Procedure:

- i) For the recruitment of the Chief Administrative Officer, a Committee of Council consisting of, at a minimum, two Councillors, shall be formed to interview candidate(s) and make recommendations to Council.
- ii) For the recruitment of a Treasurer, Clerk, Fire Chief, Chief Building Official, a Selection Committee consisting of, at a minimum, the Chief Administrative Officer, a Director, and the Human Resources Coordinator shall be formed to interview candidates and make a hiring decision.
- iii) Recruitment of firefighters and volunteer firefighters shall be at the discretion of the Fire Chief.
- iv) The recruitment procedure of all other staff will be at the discretion of the Chief Administrative Officer.

e) Recruitment Process:

- i) In the case of filling the position of Chief Administrative Officer, Council will decide the time frame, and geographic scope of the recruitment.

All existing employees may wish to compete for job opportunities that may become available. The Town recognizes the desirability, where possible, of promotion from within. Employees are encouraged to obtain the necessary skills, training and education in order to be eligible for promotion. The position may however be advertised externally simultaneously at the CAO's discretion.

- ii) When it is decided that an external recruitment will be carried out, advertisements will be placed with the appropriate media, traditional and social, the Town website, and/or relevant industry organizations to attract the maximum number of potential applicants.
- iii) A short list of qualified applicants shall be prepared consisting of no fewer than three and no more than ten candidates.
- iv) Interviews will be conducted by the by the appropriate people in Section 2 d).
- v) When an appropriate candidate is selected they will be notified in writing that they have been chosen, and a job offer made at that time.
- vi) The services of a Human Resources Consultant/Recruiter may be utilized for this process if it is deemed necessary by the hiring authority.

5. PROBATIONARY PERIOD & ORIENTATION

The probationary period is six (6) months for permanent full-time employees. The probationary period for permanent part-time and contract employees is 3 months. The probationary period provides the Employer with an adequate opportunity to assess an employee's performance and overall suitability when an employee is newly hired by Town.

Probationary employees may be terminated without notice or pay in lieu of notice during the first six (6) or three (3) months of employment for full time and part-time employees respectively. If the probationary employee is terminated in the remaining months of probation, or if the probation is extended, the Town will provide notice/pay under the *Employment Standards Act, 2000*. No further notice or pay in lieu of notice will be paid to the employee.

The probationary period is at the discretion of the Hiring Authority and a minimum of six (6) month period which provides the Employer an adequate opportunity to assess an employee's performance and overall suitability when an employee has been transferred, promoted or appointed to a new position within the Town. A probationary period review must be completed regardless if the employee held a unionized or non-union position prior to this change.

Probationary periods may be extended only once for up to an additional three (3) months with prior approval from the CAO. If the probationary or trial period is extended, a clearly defined performance improvement plan with written objectives must be established with the employee for the duration of the extension.

The evaluation of the employee's probationary period review shall be completed no later than the commencement of the final month of the employee's

probationary or trial period. Human Resources shall retain the completed probationary review form in the employee's personnel file.

Human Resources staff are responsible to track the completion of probationary reviews. They shall inform the departmental director and CAO of any reviews not completed.

The decision to dismiss a probationary employee will be made by the departmental Director, in consultation with Human Resources and subject to CAO approval.

Probationary employees may be terminated during their trial period review and the Town will provide notice or severance in accordance with the *Employment Standards Act*, and the terms hereof, if applicable. Unless the employee's former position is vacant, probationary employees do not have the option of returning to their former position, nor can Town guarantee another position.

Employee Orientation:

- i) All new employees of the Town will receive appropriate orientation.
- ii) In the case of a new Chief Administrative Officer, Council will be responsible for the orientation but may, at its discretion, delegate that duty to any person(s) they so desire.
- iii) In the case of all other positions the Human Resources Advisor will be responsible for the orientation but may, at their discretion, delegate that duty to the persons supervisor.
- iv) Human Resources staff will obtain a written acknowledgement from the new employee that orientation has been carried out in accordance with this Policy.
- v) The orientation will include, but is not limited to:
 - 1) An introduction to the job as it relates to the organizational structure.
 - 2) An explanation of who they report to.
 - 3) An explanation of the specific duties the employee will be responsible for.
 - 4) An explanation of the group benefits plan, collective agreements, health and safety policies and procedures, and any other information relative to the employees' position with the Town.
 - 5) As per the Town's Health & Safety Policy all new/transferred/promoted employees will fulfill the orientation and checklist to ensure a safe work environment.
 - 6) Each employee will be given written copies of all

pertinent documents relating to their job, including but not limited to:

- a) Policies Respecting Employment.
- b) Employees Job Description.
- c) Group Benefit Plan if Applicable.
- d) Employees Contract if Applicable.
- e) Health & Safety Manual & Procedure Manual.
- f) Pertinent Collective Bargaining Agreement.

6. EMPLOYEE ACCESS TO PERSONNEL FILE

Upon written notification to Human Resources, an employee shall have access to his/her personnel file and shall be entitled to view the entire contents upon 24 hours' notice in the presence of a staff member of Human Resources. The employee shall have the right to obtain copies of the material in the file. The date the file was reviewed and a listing of the documents requested to be copied shall become part of the permanent record. The employee shall have the right to respond in writing to any document contained therein. Such reply shall become part of the permanent record.

7. PERFORMANCE APPRAISALS/OBJECTIVES

Employment with the Town of Smiths Falls will be subject to on-going performance appraisals.

- a) All employees of the Corporation will be subject to an annual performance assessment.

The Corporation's performance management system is based on a Performance Management Assessment. The Performance Management Assessment will be chosen based on corporate strategic priorities and will be at the discretion of the CAO.

- b) All new employees shall be evaluated prior to the end of their six-month probationary period.
- c) In cases of substandard performance, a quarterly or semi-annual review may be necessary.
- d) All performance appraisals will be carried out on an on-going basis by the employee's immediate supervisor, and/or Director and not less than annually. The Director and/or Manager, in collaboration with the employee, will meet to discuss the written performance assessments near or on the anniversary date of the employee's employment. Both parties must sign the assessment and a copy is kept by the director/manager as a departmental record. The signed original is

forwarded to Human Resources to be kept in the employee personnel record.

- e) Performance appraisal for the Directors will be carried out on an annual (anniversary of employment) basis by the Chief Administrative Officer.
- f) In cases where an employee reports to more than one person, a team appraisal shall be done with the primary supervisor designated to conduct the appraisal.
- g) Council shall set the objectives and conduct the appraisal for the Chief Administrative Officer.
- h) The purpose of the performance appraisal is to highlight an employee's strengths and challenges in a timely fashion to encourage improvement.
- i) Any adjustment to an employees' position on the Town's Pay Grid will be based on the employee's successful performance assessment, not tenure. Employees who have not reached Step 6 on the Pay Grid, may advance by one Step each year on the Grid until they reach the maximum (Step 6) of their Band.

8. HOURS OF WORK

Hours of work will be as stated in the employee's job description, and may be altered from time to time by the employee's Director. Employees shall work varying lengths of workweeks based on established practise and operational needs. Total normal hours of work for all employees shall not exceed the maximums allowed under the Employment Standards Act.

a) Flex Hours

At the discretion of a Non-Unionized employee's immediate supervisor, the employee may be entitled to work flex hours. recognizing that flex hours may not work in some settings. Employees are eligible to flex their time during a pay period if the request is made to address workload issues and minimizes the use of overtime, and the request is pre-approved. Flex time is not permitted for the purposes of self-scheduling or to avoid the use of vacation or other entitlement time. Should an immediate supervisor not allow an employee to work flex hours, the employee has a right to appeal to the appropriate Director. The Directors decision is final.

9. STANDBY AND STANDBY PAY

- (a) The need for an employee to be on stand-by is at the discretion of his/her immediate Supervisor, Director or C.A.O. on a rotating basis and may be altered from time to time by the employer.
- (b) The following employees are eligible for Stand-by pay:
 - i) Water Treatment Plant and Waste Water Treatment Plant Operators (maximum one employee required to be on call at all times during weekday evenings, weekends and paid holidays)
 - ii) Utility (Water Distribution) Operators (maximum one employee required to be on call weekday evenings, weekends, and paid holidays)
 - iii) All other employees are not required to be on stand-by, but are expected to be available for overtime in reasonable circumstances, as determined by their immediate Supervisor, Director or the C.A.O.
- (c) For the purpose of this policy a standby day, standby paid holiday, and standby weekday evening shall be defined as follows:

- 1. Water Treatment Plant and Waste Water Treatment Plant Operators
Employees assigned to stand-by duty on Saturdays, Sundays and a paid Holiday, shall receive the amounts set out herein:

Amount of fifty dollars (\$50.00) per day and adjusted annually based on the cost of living wage adjustment beginning in 2019

Employees assigned to stand-by duty on a weekday evening (Monday, Tuesday, Wednesday, Thursday and/or Friday) shall receive the amounts set out herein:

Amount of (\$25.00) per day and adjusted annually based on the cost of living wage adjustment beginning in 2019

- 2. Utility (Water Distribution) Operators
Employees assigned to stand-by duty on Saturdays, Sundays and a paid Holiday, shall receive the amounts set out herein:

Amount of fifty dollars (\$50.00) per day and adjusted annually based on the cost of living wage adjustment beginning in 2019

Employees assigned to stand-by duty on a weekday evening (Monday, Tuesday, Wednesday, Thursday and/or Friday) shall receive the

amounts set out herein:

Amount of (\$25.00) per day and adjusted annually based on the cost of living wage adjustment beginning in 2019

- (d) Employees on standby duty who are ordered to work shall be paid the greater of three hours at their regular hourly rate (“straight time”), or actual time worked at time and one-half their regular hourly rate.

Changes to the ESA that are to the betterment of Clauses (C) 1 and 2 would prevail.

10. OVERTIME

The purpose of this overtime policy is to establish a consistent system of compensation for hours worked by employees over and above their regular workday and regular workweek. The Director or CAO, will be responsible for defining, in the Job Description, which category each position falls in. For the purpose of this policy, employees shall be classified as:

Category A - Support staff.

Category B - Managers and Supervisors.

Category C – Senior Positions

Category “A” – In accordance with the Employment Standards Act, support staff shall be paid time and one-half their regular hourly rate for authorized overtime worked exceeding the hours listed in Section 5 for the affected position. With mutual written consent between the employee and their Director, time and one-half off in lieu of overtime worked may be authorized. The employee’s immediate supervisor shall pre-authorize all overtime that shall be logged and submitted to the Human Resources Advisor for proper recording.

Category “B” – The issue of whether or not Managers and supervisors shall be paid for authorized overtime worked, or shall receive time and one-half off in lieu, will be at the discretion of the Director. Time off in lieu will normally be taken within the next three-month period. There will be no banking of overtime hours allowed beyond the three-month period. The employee’s immediate supervisor shall authorize all overtime that shall be logged and submitted to the H R Advisor for proper recording.

Category “C” – The duties of the Directors, Treasurer, Fire Chief, Clerk, Deputy Clerk and Chief Building Official entail certain amounts of

predictable after hours work to be performed attending meetings and tending to other duties related to their positions. This after-hours work is generally allowed for in the basic remuneration paid for these positions, and therefore no overtime compensation will be paid. As special recognition for an employee in this category one extra week of vacation will be given each year.

Discretionary time spent working though lunch and before and after an employee's regular start time does not qualify for overtime.

Travel time to and from training seminars, conventions and conferences outside of normal business hours, does not qualify for overtime or flex time.

11. REMUNERATION

Remuneration for all Town employees will be governed by the following:

- a) All remuneration will be calculated in accordance with the Town's established Pay Equity Plan.
- b) Subject to subsection d), all new employees will be placed at Step 1 of the appropriate Pay Band and will advance through the steps in accordance with Section 4 (h) of this Policy. For purposes of the recruitment of certain key senior personnel the CAO may, at its discretion, authorize a placement higher than Step 1.
- c) Should the appropriate hiring authority decide to hire an employee who does not have the qualifications specified in the job description, and it is made a condition of employment that the new hire attain the required qualifications within a specified time period, then the person will not advance beyond the applicable step outlined in subsection c) until the appropriate hiring authority is satisfied that the qualifications have been attained.
- d) Employees promoted to a position that is in a higher Pay Band will be positioned at Step 3 of the new Band, or whatever Step will give them a minimum 3% increase, and will advance through the steps in accordance with Section 4 (h) of this Policy.
- e)
 - i) Due to a temporary shortage of certified operators:
The Employer shall pay an additional hourly pay of \$0.50 to each worker required by the employer to hold an Operator in Training certificate; an additional hourly pay of \$1.00 to each worker required by the employer to hold a Level 1 certificate; and an additional hourly pay of \$1.50 to each worker required by the employer to hold a Level 2 certificate. This pay shall not be cumulative for dual licensing requirements.
 - ii) The following positions may be eligible for the above noted additional pay:

- Water Treatment Plant Operators,*
Wastewater Treatment Plant Operators
Water Distribution Utility Operator III
Water Distribution Utility Operator IV
Water Distribution Utility Operator IV/Meter Reader
- iii) The number of position holders requiring certification **or licensing** and the **level** of certification **or licensing** required shall be at the discretion of the Director of Public Works & Utilities or the C.A.O., in accordance with Ontario Regulations 128/04 and 129/04.
- f) The current Pay Grid is available from the Human Resources.

12. **VACATION ENTITLEMENT**

The purpose of this policy is to provide a standardized vacation policy for employees of the Town of Smiths Falls. This Policy shall affect all employees in so far as it does not contradict existing Collective Agreements and/or Contracts.

Vacation entitlement for fulltime employees shall be as outlined below.

- a) Employees shall be eligible for vacation in accordance with the following:

Less than 1-year	vacation will be prorated based on number of months employed (1 working day per month)
1 - 2 years	2 weeks
3 - 9 years	3 weeks
10 - 14 years	4 weeks
15 - 19 years	5 weeks
20 years plus	6 weeks

- b) All employees will, no later than February 1st of each year, complete a vacation schedule for their entitlement requesting their preferred vacation time. Each department shall prepare a master schedule, for the Department, in which they are employed, of all vacation times requested. The master schedule will be reviewed by the Director, and once approved, will be posted no later than March 1st. Changes requested to the master schedule by the employee require a minimum of two (2) weeks notice and appropriate approval by the Director.
- c) Seniority based on years of service shall govern the selection of vacation time. Employees shall, wherever possible, take their vacation in blocks of full weeks. In accordance with the Employment Standards Act vacation may be taken in daily increments upon written mutual agreement between the employer and employee.

- d) Prime Vacation Time is considered to be the period of June 1st to Labour Day and the period between Christmas and New Years Day. In addition, individual departments may identify other specific periods to be prime time in terms of specific manpower needs. Employees may be allowed to book a maximum of two (2) weeks during prime time unless their Director determines that additional entitlement can be scheduled without adversely affecting municipal operations.
- e) Every effort will be made to provide employees with their full vacation entitlement during the calendar year. Only under special circumstances will employees be allowed to carry forward accumulated vacation. Vacation to be carried over to a subsequent year shall be approved by the Director of the employees Department and be utilized not later than April 1st of the subsequent year. Requests to carry over vacation shall be made in writing to the Director no later than November 1st of the current year and be approved by December 1st of the same year.

Vacation entitlement for part-time employees shall be as outlined below.

- a) Part-time employers will be paid vacation pay as follows:

New Hire – 5 years	4% of earnings paid on each pay
5+ years	6% of earnings paid on each pay

13. DESIGNATED PAID HOLIDAYS

Certain days have been designated by the Employment Standards Act and/or Council as paid holidays for employees.

- a) The currently approved days are:

New Year's Day	Civic Holiday
Family Day	Labour Day
Good Friday	Thanksgiving Day
Easter Monday	Remembrance Day
Victoria Day	Christmas Day
Canada Day	Boxing Day

- b) This section does not apply to an employee who fails to work their scheduled regular day of work preceding or following a paid holiday unless authorized by their Director.
- c) Where a paid holiday falls on a regularly scheduled working day for an

employee, the employer may, with the agreement of the employee, substitute another working day for the paid Holiday, and the day so substituted will be deemed to be the holiday.

- d) Where a paid holiday falls on a non-working day for an employee, or during his/her annual vacation, the employer will designate another working day to be designated the holiday.
- f) Part-time staff will be entitled to Statutory Pay as per the Employment Standard Act.

14. LEAVES

All Leaves are to be taken administered as per the Employment Standards Act with the exception of Personal Emergency Leave in which the Town offers a greater right and benefit:

a) Uncertified Absence

Full time Staff are entitled to 7 paid uncertified days

Uncertified days in excess of the 7 uncertified days, for fulltime staff, will require a medical certificate. See Short Term Disability Section.

Other leaves:

Pregnancy and Parental Leave

Family Caregiver Leave

Family Medical Leave

Critical Crisis Leave

Crime Related Child Disappearance Leave

b) Maternity/Parental Leave

The Town of Smiths Falls has adopted certain provisions for the benefit of employees who qualify for maternity/parental leave.

a) During the maternity leave, the Town will:

- i) Pay the employee 75% of their regular rate of pay for the two (2) week waiting period for Employment Insurance benefits; and
- ii) Pay the employee for the following fifteen (15) weeks, the difference between 75% of their regular rate of pay and the Employment Insurance benefits they are entitled to receive, or a shorter period if the employee returns to work earlier.

b) At the conclusion of the maternity and/or parental leave, the Town will allow an employee to use up any unused vacation time. To allow for proper work scheduling and/or a replacement worker, the employee

shall give the Town 60 days written notice of their intention to exercise this option.

c) Court Leave/Jury Duty

Leave of absence with pay will be given to every employee, other than an employee on leave of absence without pay or under suspension, who, other than in the performance of their position, is required to appear before any body empowered by law to compel such attendance.

d) Leave without Pay

At the Directors discretion, employees may be granted leave without pay for any purpose.

e) Bereavement Leave

Where a member of the employee's immediate family dies, an employee shall be entitled to with-pay compassionate leave for a period of up to four (4) consecutive calendar days. During such period, the employee shall be granted leave with pay for those days that are not their regularly scheduled days of rest. Should an employee be on vacation, or otherwise not working, during this bereavement period, they will not be entitled to the with pay compassionate leave under this section. In addition, they may be granted, at the discretion of the Director, up to three (3) days special with-pay leave for the purpose of travel.

For the purposes of this By-Law immediate family is defined as: parent, step-parent, foster parent, brother, sister, spouse (includes both married and unmarried couples, of the same or opposite genders), child, step-child, foster child of the employee, father-in-law, mother-in-law, and relative permanently residing in the employee's household, or with whom the employee permanently resides.

In special circumstances, such as a delayed funeral, compassionate leave may be extended by the Director.

An employee is entitled to special leave with pay, up to a maximum of two (2) days, including the day of the funeral, in the event of death of the employee's grandparent, son-in-law, daughter-in-law, brother-in-law or sister-in-law.

f) Other Authorized Leave

At the discretion of the Director, special leave with pay may be granted:

- a) For periods of less than one-half (1/2 day for medical and dental appointments when it is not possible for the employee to arrange such appointments outside their hours of work;
- b) For military or civil defence training and emergencies affecting the community.

15. GROUP BENEFIT COVERAGE

The Town will pay 100% of the Group Benefit Coverage for eligible employees as defined in Section 2i). The coverage is as specified in the Group Plan Coverage Booklet.

16. SHORT TERM DISABILITY

The Town of Smiths Falls has a self-insured non-occupational Short-Term Disability plan. Benefits as outlined below, commence on the 1st day of disability due to accident or sickness and would be payable for up to 17 weeks. There will be no employee cost regarding this benefit.

<u>LENGTH OF SERVICE</u>	<u>100% OF SALARY</u>	<u>75 % OF SALARY</u>
2 months but less than 6 months	0 weeks	17 weeks
6 months but less than 1 year	1 week	16 weeks
1 year but less than 2 years	2 weeks	15 weeks
2 years but less than 3 years	3 weeks	14 weeks
3 years but less than 4 years	4 weeks	13 weeks
4 years but less than 5 years	5 weeks	12 weeks
5 years but less than 6 years	7 weeks	10 weeks
6 years but less than 7 years	9 weeks	8 weeks
7 years but less than 8 years	11 weeks	6 weeks
8 years but less than 9 years	13 weeks	4 weeks
over 9 years	17 weeks	0 weeks

The intent of the Short-Term Disability plan is to cover an employee for short term illness or injury, or in the case of a long-term illness or injury, to cover the employee until the Long Term Disability Insurance Coverage takes over. Each employee's 17-week allotment is based on a calendar year, and is automatically renewed each January 1, provided an employee is not already off on sick leave. In the event an employee's illness/injury commences in one calendar year, and carries forward to the next year, upon the employees return to work their short-term disability entitlement, for that illness/injury, will be reduced by the number of weeks used in the current calendar year. Should a new unrelated illness/injury occur within a year where an employee has already used a portion of their 17 weeks, the employee will be entitled to a maximum of 17 weeks for any one year.

The following conditions will apply to the above stated self-insured disability benefit:

- a) **Proof of Illness:** Any absence of more than two (2) consecutive

working days or for one (1) working day prior to or following a paid holiday, which is to be charged as sick leave, must, at the request of the employer, be supported by a certificate from a duly recognized medical practitioner, stating that the employee was unable to perform his/her duties. The practitioner certificate has to be dated no more than five (5) days from the commencement of the sick day. Failure to produce the required certificate(s) within five (5) working days of returning to work, will result in the uncertified days of absence being charged as leave without pay.

- b) **Uncertified Absence:** More than seven (7) days of accumulated uncertified days within the calendar year will be charged as days without pay unless the employee requests that overtime or holiday time be used in lieu. Supervisors must ensure that all overtime or vacation time that is to be used in lieu of sick time is properly recorded on the employee's time sheet.
- c) **Progress Report Re: Illness:** In any case of prolonged illness, the employee will submit such periodic reports on their condition, as the Town may require. The Town reserves the right to hire an arbitrator to mediate claims.
- d) **Short Term Disability Adjudication and Management Services:** The Town reserves the right to use a third-party adjudication and management service for Short Term Disability claims in excess of ten (10) working days in one year or at the discretion of the Director or CAO.
- e) **Illness or Injury Occurring During Vacation Period:** Should an illness or injury occur during a period when the employee is on vacation, the benefits under this Section will commence on the first scheduled work day that the employee is unable to report to work because of the illness or injury.

In the event that the Town is not satisfied by the medical documentation provided by the employee's physician, in order to qualify for continued payment of short-term disability the employee must agree to be examined by a physician appointed by the Town.

17. **LONG TERM DISABILITY**

Long Term Disability will be provided for under the terms and conditions of the current Group Insurance provider of the Corporation of the Town of Smiths Falls. The Corporation agrees to pay one hundred percent (100%) of the premium cost of the long-term disability insurance coverage.

18. GROUP INSURANCE-RETIREES BENEFITS

The Corporation agrees to pay one hundred percent (100%) of the premium cost of the supplementary hospital insurance coverage, one hundred percent (100%) of the premium cost of the Town's health care plan, and one hundred percent (100%) of the premium cost of the applicable life insurance coverage for each retired fulltime permanent employee. Coverage is extended to retirees from the date of retirement until their 65th birthday.

Should the employer agree to extend the retiree coverage, and/or the employer's payment of the premium for such extended coverage to any other employees in the employ of the employer, this benefit will automatically be extended to the non-union workers.

19. EMPLOYEE SERVICE RECOGNITION PROGRAM

The purpose of this Program is to recognize staff and volunteers for their years of dedication to the Town.

a) Years of Service Award - The Council of the Town of Smiths Falls will recognize permanent municipal employees as well as volunteer firefighters that have extended years of service with the Town. Awards will be provided as follows:

- i) Service Pin, with length of service designation, for every 5 years of service (namely 5, 10, 15, 20, 25, 30, 35, and 40 years of service); and
- ii) Town plaque for 25 or more years of service.

Employees that are employed with the Town on a full-time basis, while also servicing in the capacity of volunteer firefighter, will be recognized once only for their years of service in both positions. Any difference in the years of service above will be recognized through awards according to the earlier employment date.

b) Retirement Award - Full-time and permanent part-time employees retiring from the Corporation, after a minimum of 10 years service, will be honoured during the last week of their employ. Retirees will be presented with a suitable gift.

Expenditures on gifts shall be based on \$20.00 for each year of service with the exception that gifts for permanent part-time employees, working less than 20 hours per week on a regular basis, shall be based on \$10.00 for each year of service.

20. EMPLOYEE SOCIAL ACTIVITIES

An employee Social Committee may be struck to organize staff and Council social activities. Membership on the Committee will be voluntary and an appropriate amount of time during regular office hours will be made available to such members.

21. EMPLOYEE DISCIPLINE/SEVERANCE PROVISIONS

The Town of Smiths Falls makes every effort to provide a safe, harmonious workplace for all employees. Employees are expected to adhere to all employment provisions adopted by Council, and as provided by Federal and Provincial Legislation. Failure to abide by these established employment rules and regulations will result in disciplinary action in accordance with the following:

- a) Any disciplinary action, including discharge, required against the Chief Administrative Officer will be in accordance with this By-Law, and carried out by Council.
- b) Any disciplinary action, including discharge, required against a Director will be in accordance with this By-Law, and carried out by the Chief Administrative Officer.
- c) Any disciplinary action requiring:
 - i) A verbal or written warning to be issued to the Treasurer, Clerk, Fire Chief, or Chief Building Official, will be in accordance with this By-Law and carried out by the Chief Administrative Officer.
 - ii) Requiring the suspension or discharge, of the Treasurer, Clerk, Fire Chief, or Chief Building Official will be in accordance with this By-Law, and carried out by the Chief Administrative Officer
- c) Any disciplinary action, including discharge, required against a firefighter or volunteer firefighter will be in accordance with this By-Law, and carried out by the Fire Chief.
- d) Any disciplinary action, including discharge, required for any employee other than those in clause a) or b) or c) will be in accordance with this By-Law, and carried out by the appropriate Director.
- e) It is the responsibility of the employee's supervisor to provide clear, unambiguous instructions on the code of behaviour and work performance expected.
- f) All situations that require discipline should be duly recorded by the employee's supervisor, including, but not limited to, the employee's name, date and time of incident, a detailed description of the incident, and any witnesses to the infraction. A copy of the incident report, including the disciplinary action taken, will be given to the Director of the affected Department, who will ensure that a copy is filed in the employees

employment file.

g) Supervisors will be held accountable for the completeness and accuracy of documentation that may be relied upon to discipline an employee.

h) The following types of discipline may be used depending on the severity and nature of the offence.

i) Verbal Reprimand – A verbal reprimand will be given, in private, by the employees' Director, or supervisor where the Director has extended that authority. The employee will be advised:

- a. That the particular conduct is unacceptable,
- b. As to what improvement is expected,
- c. That the verbal reprimand is a disciplinary action and that a written record of the discipline will be placed in the employees file and a copy will be forwarded to any applicable union or association.

ii) Letter of Warning – A letter of warning, signed by the Director, will be given to an employee within five days of an offence. The employee will be advised:

- a) That the particular conduct is unacceptable,
- b) That repetition will result in a more severe discipline,
- c) That, in the case of incompetent or poor work, a time limit for demonstrating improvement.
- d) That a copy of the letter will be retained in the employees file for future reference, and a copy will be forwarded to any applicable union or association.

iii) Suspension – An employee may be suspended without pay for a period of time. The duration of the suspension will be determined by the appropriate discipline authority for that employee. Any suspension will be in the form of a letter within five days of the infraction, signed by the Director, and will include the following:

- a) A description of the infraction,
- b) A warning that repetition will result in a more severe discipline,
- c) Notice that a copy of the letter will be retained in the employees file for future reference, and a copy will be forwarded to any applicable union or association.

iv) Discharge – An employee may be discharged for severe or repeated infractions of the Town's employment policies. The procedural duty of fairness will be followed for those employees qualifying for that process. For all other employees, a letter of

dismissal, signed by the appropriate discipline authority for that employee, will be given immediately to the employee and will include the following:

- a) A description of the infraction,
- b) Notice that a copy of the letter will be retained in the employees file for future reference, and a copy will be forwarded to any applicable union or association.

Any suspensions levied under this By-Law will be without pay, and of a duration determined by the applicable disciplinary authority.

In the event that an employee's employment is terminated other than for just cause or voluntary retirement, the parties agree that, at the option of the Town, the employee shall be entitled to notice of termination or payment in lieu of notice, or a combination of notice and pay in lieu of notice, equal in all respects to the greater of:

- a) Such minimum notice of termination or payment in lieu thereof as may be required by the *Employment Standards Act* (Ontario), including any regulations thereunder, as amended or replaced from time to time, plus benefit continuation for such notice period as may be required by such statute or regulation; and
- b) 1.5 times the notice period required by the *Employment Standards Act* (Ontario), as amended or replaced from time to time, and benefit continuation for such period.

In the event that the Town elects to provide payment in lieu of notice, the Town may make such payment by lump sum or by regular salary continuation. For greater certainty, the parties acknowledge and agree that the employees subject to the terms hereof are employed by the Town pursuant to contract, and as such, in the event of termination of employment for any reason, such employees are entitled only to the rights, remedies and protections set out in this contract of employment; provided that in no event shall the provisions hereof be construed such that any employee who is terminated without cause shall receive notice or pay in lieu of notice and benefit continuation which is less than such employee's entitlement under the *Employment Standards Act (Ontario)*, as amended, or other applicable employment standards legislation.

22. CLOTHING ALLOWANCE

i) Safety Boots

That the employer shall provide an allowance annually, not to exceed \$250, towards the purchase of CSA approved footwear, for each fulltime permanent employees required the wear such footwear under the Health & Safety Act, by the Employer or by any other legislation. Employees

- must submit an original proof of purchase for reimbursement.
- ii) Prescription Safety Lenses
That the employer shall provide an allowance every two (2) years, not to exceed \$200.00, towards the purchase of prescription safety lenses for safety glasses for each fulltime permanent employee, required under the Health & Safety Act, by the Employer or by any other legislation. Employees must submit an original proof of purchase for reimbursement.
 - iii) Miscellaneous
That the employer shall issue and subsequently replace by exchange the following items, to all outside workers: non-prescription sunglasses, sunscreen and glove warmers/hand warmers (glove inserts).

Town issued clothing is to be worn only while at work or when going to or returning home. Laundering is the responsibility of the Employee.

23. STAFF/COUNCIL RELATIONS (Attached as Appendix A)

The Town of Smiths Falls will promote a respectful, tolerant, harassment-free relationship and workplace between Members of Council and the officers and employees of the Corporation, guided by the Code of Conduct for Members of Council and Local Boards, the Employee Code of Conduct, the Violence/Harassment in the Workplace Policy, and the Procedural By-law. This policy provides guidance on how the Town of Smiths Falls ensures a respectful, tolerant and harassment-free relationship and workplace between Members of Council and the officers and employees of the Corporation.

24. EMPLOYEE CODE OF CONDUCT (Attached as Appendix B)

Employees of the Corporation of the Town of Smiths Falls shall be committed to carrying out their duties in a manner that maintains and enhances public confidence and trust in the integrity, objectivity and impartiality of the Municipality. Trust and mutual respect are the cornerstones of a relationship between the public and municipal government. In serving the public interest, Employees are entrusted with access to a wide range of information, resources and responsibilities, and shall operate with a sense of honesty and accountability.

This Employee Code of Conduct applies to all Employees, including full-time, part-time, permanent and temporary employees, as well as volunteers, students, and interns.

25. FIT FOR DUTY POLICY (Attached as Appendix C)

While the Town of Smiths Falls continues to strive for excellence in the provision of our services and continuous improvement, the health and safety of our employees, the public and the environment is paramount. In keeping with its commitment to maintaining a safe and healthy workplace, the Town of Smiths Falls and its employees have a responsibility to maintain a safe workplace, free from the negative effects of Alcohol and other Drugs.

Impairment by drugs or alcohol can adversely affect the health, safety, performance and conduct of employees on the job, and impose hardships on the Town of Smiths Falls, employees, colleagues and families. Given this, the Town of Smiths Falls has adopted this Policy as an important additional part of its overall safety program. Impairment in the workplace is unacceptable. There will be zero tolerance for impairment in the workplace. Employees are expected to report to work Fit for Duty.

26. OTHER

Should this By-Law be silent on any matter regarding employment, the terms and conditions as stated in the Employment Standards Act will be adhered to.

The rendering of any section of this policy to be unenforceable will in no way effect the enforceability of the remaining sections.

The day-to-day interpretation of the provisions of this By-law is hereby delegated to the Chief Administrative Officer and/or his/her designate.

Where a ruling of the Chief Administrative Officer differs from that of any person granted authority under this By-Law, with the exception of the Council, the Chief Administrative Officer will take precedence.



Policy Statement

The Town of Smiths Falls will promote a respectful, tolerant, harassment-free relationship and workplace between Members of Council and the officers and employees of the Corporation, guided by the Code of Conduct for Members of Council and Local Boards, the Employee Code of Conduct, the Violence/Harassment in the Workplace Policy, and the Procedural By-law.

Purpose

This policy provides guidance on how the Town of Smiths Falls ensures a respectful, tolerant and harassment-free relationship and workplace between Members of Council and the officers and employees of the corporation.

Policy Requirements:

The relationship between Members of Council and the officers and employees of the corporation is guided by the following:

1. Code of Conduct for Members of Council

The Code of Conduct for Members of Council establishes the ethical behaviour expected of Members of Town of Smiths Falls Council and local boards. Section 9 of the Code of Conduct for Members of Council relating to “General Conduct” states the following:

“Every Member has the duty and responsibility to treat members of the public, staff and each other in a respectful manner, without abuse, bullying, harassment or intimidation.”

Sections 24 and 25 relating to “Interaction with Staff” states the following:

“Over the past number of years the Municipality has worked diligently at creating a positive working relationship between Members and Staff. To a large degree this has been successful due to a mutual respect for each other’s’ roles and responsibilities.

Members shall not:

- a. maliciously or falsely injure the professional or ethical reputation of Staff;
- b. compel Staff to engage in partisan political activities or be subjected to threats of discrimination for refusing to engage in such activities; or
- c. use their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any Staff member with the intent of interfering with Staff duties.”



2. Employee Code of Conduct

The purpose of the Employee Code of Conduct is to inform municipal employees about the required standards of ethical and professional conduct as it applies to their employment with Town of Smiths Falls. The “General Employee Responsibilities/Obligations” section of the Employee Code of Conduct states as follows:

1. Employees of Town of Smiths Falls must be professional, polite, courteous, and respectful in their interactions with each other, clients, residents, community agencies, contractors, suppliers, and the public. Employees of Town of Smiths Falls act on behalf of the Town and therefore must follow the highest standard of ethical behaviour in the course of their work to ensure that public confidence and trust is maintained.
2. Employees shall deal with all members of Council in an objective, respectful and impartial manner. Employees must recognize that elected officials are responsible for the establishment of policy and that employees are responsible for the interpretation of directives originating from Council.

3. Violence/Harassment in the Workplace Policy

The purpose of the Violence/Harassment in the Workplace Policy is to communicate Town of Smiths Falls’ commitment to providing a work environment in which all workers are treated with respect and dignity, which is free from violence and harassment, and to comply with employer duties under the *Occupational Health and Safety Act*. The “Policy Statement” section of the Violence/Harassment in the Workplace Policy states as follows:

“Smiths Falls management is committed to the prevention of workplace violence and harassment and is ultimately responsible for worker health and safety. We will take whatever steps are reasonable to protect our workers from workplace violence and harassment from all sources.”

The “Eligibility” section of the Violence/Harassment in the Workplace Policy states as follows:

“This policy and procedure applies to all Town of Smiths Falls workers regardless of employment status and also addresses instances of workplace violence and harassment perpetrated against Town workers by members of the public, including domestic/intimate partners. Unionized employees should consult their relevant collective agreement for any applicable provisions. Should this policy conflict with the provisions of the collective agreement, the collective agreement shall prevail.

4. Procedural By-law

The Procedural By-law also establishes rules, procedure and conduct within Council and local boards.



Responsibilities

Members of Council and officers and employees of the corporation are required to adhere to this policy and its governing provisions, including the Code of Conduct for Members of Council, the Employee Code of Conduct, the Violence/Harassment in the Workplace Policy, and Procedural By-law 2018-15.

Monitoring/Contraventions

The Human Resources Advisor shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of a complaint and/or concern, the Human Resources Advisor shall notify:

1. In the case of officers and employees of the corporation, Chief Administrative Officer;
2. In the case of members of Council, the Integrity Commissioner.

Where there is a discrepancy between the Council-Staff Relations Policy and the Code of Conduct for Members of Council and Local Boards or the Employee Code of Conduct, the respective Code prevails.

Legislative and Administrative Authorities

The *Municipal Act, 2001* requires Council to adopt and maintain a policy with respect to the relationship between Members of Council and the officers and employees of the municipality. The Council-Staff Relations Policy identifies the legislation, policies and procedures that the Town complies with in order to promote a respectful relationship between Members of Council and the officers and employees of the Town.

EMPLOYEE CODE OF CONDUCT

THE CORPORATION OF THE TOWN OF SMITHS FALLS

Code of Conduct for Employees – Purpose

1. Employees of the Corporation of the Town of Smiths Falls shall be committed to carrying out their duties in a manner that maintains and enhances public confidence and trust in the integrity, objectivity and impartiality of the Municipality. Trust and mutual respect are the cornerstones of a relationship between the public and municipal government. In serving the public interest, Employees are entrusted with access to a wide range of information, resources and responsibilities, and shall operate with a sense of honesty and accountability.

Application

2. This Employee Code of Conduct (the “Code”) applies to all Employees, including full-time, part-time, permanent and temporary employees, as well as volunteers, students, and interns (collectively referred to as “Employees”).

Definitions

3. In this Code, the following terms have the meanings set out below:
 - a) **“Chief Administrative Officer”** Employee who is responsible for exercising general control or management of the administration and affairs of the Municipality and other duties as directed by Council.
 - b) **“Child”** includes a child born within or outside of marriage and includes an adopted child, and a person to whom the Employee has demonstrated a settled intention to treat as a child of his or her family.
 - c) **“Closed/In-Camera Meeting”** means any meeting of Council, Committee of the Whole, Standing Committee or Board that is closed to the public in accordance with the *Municipal Act*, 2001.
 - d) **“Confidential Information”** includes information in the possession of, or received in confidence by the Municipality, that the Municipality is prohibited from disclosing, that the Municipality is required to refuse to disclose, or that the Municipality chooses not to disclose, under the Municipal Freedom of Information and Protection of Privacy Act, or other legislation or policy of the Municipality. Without limiting the generality of the foregoing, Confidential Information also includes all information concerning matters dealt with at Closed Meetings, information that is marked as "confidential", information obtained by the Employee by virtue of their employment with the Municipality that is not

in the public domain, or information that is otherwise determined to be confidential by the Chief Administrative Officer, Clerk or as specifically declared by Council.

- e) **“Conflict of Interest”** means seeking to advance a Personal Interest, whether or not it is detrimental to the Municipality.
- f) **“Council”** means the Council of the Corporation of the Town of Smiths Falls.
- g) **“Family Member”** includes:
 - i. A Spouse of the Employee;
 - ii. A Child of the Employee;
 - iii. A Parent of the Employee;
 - iv. A Sibling of the Employee, whether by birth, marriage or adoption;
 - v. A Grandchild, grandparent, aunt, uncle, niece or nephew of the Employee;
 - vi. A Parent-in-law of the Employee; and
 - vii. Any person who lives with the Employee on a permanent basis.
- h) **“Gift”** means any cash or monetary equivalent, commission, fee, object of value, service, personal benefit, travel and accommodation or entertainment. A gift does not include remuneration.
- i) **“Harassment”** includes, but is not limited to, engaging in a course of vexatious or unwanted comment or conduct that is known or ought reasonably to be known to be unwanted and includes Sexual Harassment as defined in the *Occupational Health and Safety Act*, 1990.
- j) **“Municipality”** means the Corporation of the Town of Smiths Falls.
- k) **“Parent”** includes those persons who demonstrated a settled intention to treat as a child the Employee, whether or not the Employee is their natural child.
- l) **“Personal Interest”** means:
 - i. a financial interest of an Employee or the financial interest of a Family Member of an Employee;
 - ii. a financial interest of a friend or colleague of the Employee;
 - iii. any benefit or advantage to the Employee, the Employee’s Family Member, friend or colleague.
- m) **“Spouse”** means a person to whom the Employee is married or with whom the Employee is living in a conjugal relationship outside of marriage.

General Responsibilities

4. Every Employee has a duty and responsibility to treat members of the public, members of Council and each other in a respectful manner, without abuse, bullying, harassment or intimidation.
5. Employees shall adhere to the standards outlined in this Code, and shall seek clarification from their Supervisor if unsure about any responsibilities or information contained in this Code.
6. If an Employee feels he or she may violate or already has violated this Code, he or she shall follow the disclosure and compliance requirements set out in sections 32 to 34 of this Code (the “Disclosure and Compliance Requirements”).
7. Employees shall consult with their Supervisor for guidance if they suspect a potential breach by another Employee of this Code.
8. Employees shall review and sign this Code annually.
9. Employees shall follow the Disclosure and Compliance Requirements.

Confidentiality

10. Employees shall hold in strict confidence all Confidential Information acquired as a direct or indirect result of their employment with the Municipality.
11. Confidential Information shall not be disclosed except when required by law and the policies and procedures of the Municipality.
12. Particular care must be exercised before releasing information relating to the following matters:
 - a) items under litigation;
 - b) personnel matters;
 - c) information which infringes on the right of privacy of others;
 - d) sources of complaints about a variety of matters where the identity of the complainant is given in confidence;
 - e) information supplied to obtain various municipal approvals where such information is not part of the public documentation; and
 - f) schedule of prices in quotations or tenders for the supply of goods and/or services.

Please note that these items do not constitute an exhaustive list and have been included for emphasis.

13. Employees shall safeguard and protect Confidential Information of the Municipality and of others to which the Employee becomes privy as a result of their employment with the Municipality. Where an Employee is unsure of the status of information requested for release by a member of the public, he or she shall consult with their Supervisor and/or the Chief Administrative Officer prior to releasing such information.
14. Employees are strictly forbidden from using any information available only to Employees to attempt to secure financial gain from any investment in real estate or other business dealings, whether by direct means or indirectly through others.
15. The obligation to keep information confidential applies even if the Employee ceases employment with the Municipality.

Conflict of Interest

16. No Employee shall participate in any decision, project or process where they have a Conflict of Interest in such matter. Employees shall avoid Conflicts of Interest and comply with the Disclosure and Compliance Requirements where such Conflicts of Interest occur.
17. A Conflict of Interest may be real or apparent in nature:
 - a) A “real” Conflict of Interest exists where a Personal Interest exists and that interest is:
 - i. known to the Employee; and
 - ii. has a connection to the Employee’s duties that is sufficient to influence the exercise of those duties.
 - b) An “apparent” Conflict of Interest exists where an informed and reasonable person, upon reviewing and thinking the matter through, could conclude that a Personal Interest exists, and that the Personal Interest is sufficiently connected to the Employee’s duties that it could reasonably influence the exercise of their duties.
18. Employees must perform their duties impartially, such that an objective, reasonable observer would conclude that the Employee is exercising their duties objectively, without undue influence and in a manner that does not create a Conflict of Interest. Employees shall govern their actions using the following as a guide:
 - a) in making decisions, always place the interests of the taxpayers and the Municipality first and, in particular, place those interests before your Personal Interests and the interests of friends, business colleagues and Family Members;
 - b) interpret the phrase "conflict of interest" broadly and with the objective of exercising your duties impartially and objectively;
 - c) if there is doubt about whether or not a Conflict of Interest exists, seek the advice of your Supervisor;
 - d) do not make decisions or attempt to influence a decision that creates an obligation to any other person or business that will benefit from the decision;

- e) do not make decisions or attempt to influence any other person for the purpose of benefitting yourself, friends, business colleagues or Family Members, or any organization that might directly or indirectly benefit such individuals;
- f) do not put yourself in a position where a decision you make or your actions would give preferential treatment to friends, business colleagues or Family Members, or any organization that might directly or indirectly benefit such individuals;
- g) do not approve or attempt to influence the approval of any license, permit, contract, agreement or other document on behalf of the Municipality for your own personal use or benefit, or for the use of a Family Member, friend or colleague;
- h) do not make any decision or participate in the process of hiring, transferring, promoting, demoting, disciplining or terminating any Family Member, or friend;
- i) do not participate in any property matter involving your property or the property of any Family Member, friend, or colleague; and
- j) do not promise or hold out the prospect of future advantage through your influence in return for a direct or indirect Personal Interest.

Use of Municipal Property

- 19. No Employee shall for personal purposes or profit, use or permit the use of any Municipal property, equipment, services, or supplies other than for purposes connected with the discharge of their employment duties unless the use is a reasonable and incidental personal use of equipment such as computers, fax machines, cell phones, mobile devices, etc., where the Municipality incurs no additional costs relating to such use, and the use is of limited duration and frequency.
- 20. Municipal property and resources, including facilities, vehicles, equipment and materials, shall be used only in the performance of employment duties and shall not be used or converted for personal benefit or use.
- 21. Employees are responsible for exercising care to prevent the abuse, excessive wear of or loss of Municipal equipment and materials used by the Employee in the course of their Employment.
- 22. Computer system information and procedures and any other information regarding computerized systems are considered Municipal property and may not be shared with the public. Employees are prohibited from using such systems for their personal benefit.

Gifts, Hospitality and Other Benefits

- 23. Employees shall carry out their employment duties free from influence of Gifts.
- 24. Employees are prohibited from soliciting, accepting, offering or agreeing to accept any Gifts or benefits of any kind, personally or through a Family Member or associate (business or otherwise), that is connected directly or indirectly with the performance of their employment duties or could reasonably be construed as being given in anticipation of future, or recognition of past, special consideration by the Employee.

25. The above policy does not preclude Employees from accepting:

- a) Token gifts, souvenirs, mementoes or hospitality of minimal or no value received in recognition for service, for speaking at an event, or for representing the Municipality at an event;
- b) Food and beverages at meetings, banquets, receptions, ceremonies or similar events;
- c) Food, lodging, transportation, entertainment provided by other levels of governments, by other local governments or by local government boards or commissions;
- d) Reimbursement of reasonable expenses incurred in the performance of their employment duties; or
- e) Gifts of a nominal value that are received as an incident of protocol or social obligation.

26. Where it is not possible to decline unauthorized Gifts, hospitality or other benefit, Employees shall report the matter to the Chief Administrative Officer. The Gift shall become the property of the Municipality and the Chief Administrative Officer may require that the Gift be retained by the Municipality or be disposed of for charitable purposes in the Chief Administrative Officer's sole discretion.

Communications and Media Relations

27. Only the Chief Administrative Officer or his or her designate (i.e. department head with knowledge of the matter) shall comment to the media on matters concerning staff operations, actions and functions of the Municipality.
28. Employees, when communicating with the public and media, will accurately and adequately communicate the attitudes and decisions of the Council, Board or Committee, even if an Employee disagrees with a majority decision, so that there is respect for and integrity in the decision making process.
29. It is not the intent of this Code to restrict the ability of an Employee to express a personal opinion on matters of general interest. In such cases, the Employee must make it clear that the comment is being made in their capacity as a private citizen, and not as a representative of the Municipality. At no time shall an Employee express a position that is disrespectful of the decision of the majority of Council, a Board or a Committee.
30. Any use of social media in any form by an Employee constitutes communication with the public that is governed by this section. Employees shall identify in any social media communication that the views expressed by the Employee are the views of that Employee personally, and do not represent the views of the Municipality.

31. If Council has taken a position in a Local Planning Appeals Tribunal, or other tribunal or court, and instructed the Municipal Solicitor to appear at a hearing in support of such position, no Employee who disagrees with such position shall give evidence at such hearing or otherwise work against the will of Council expressed in its direction to the Municipal Solicitor in such matter unless under summons issued by the Tribunal.

Disclosure, Investigation and Compliance

32. If an Employee suspects he or she has or may violate this Code, he or she shall immediately complete a "Confidential Employee Code of Conduct Disclosure Form", attached in Schedule "A" to this Code, and submit it to their Supervisor.
33. Upon receipt of the disclosure form, the Supervisor shall investigate and make a determination which shall be set out in the "Determination Regarding Confidential Employee Code of Conduct Disclosure" form attached as Schedule "B" to this Code, a copy of which shall be provided to the Employee and the Chief Administrative Officer.
34. Employees shall comply with their Supervisor's decision and any conditions of that decision.

Employee Name ID (please print)

Date

Employee Signature

Schedule "A"
***** TOWN OF SMITHS FALLS *****
CONFIDENTIAL EMPLOYEE CODE OF CONDUCT DISCLOSURE FORM

This form is intended to be used by Employees wishing to disclose a **personal** direct or indirect violation of the Employee Code of Conduct, whether real or apparent. This form, and the information it contains, will be kept confidential. Once completed, please forward to your Supervisor.

Name/Position: _____ **Department:** _____

Date: _____ **Supervisor:** _____

Indicate the real or potential violation of the Code of Conduct that you wish to disclose:	√
Confidential Information	
Conflict of Interest	
Use of Municipal Property	
Communications and Media Relations	
Gifts , Hospitality and Other Benefits	
Other (explain)	

Provide a brief description of the activity, relationship, or interest that you wish to disclose, along with an indication whether this is a potential violation of the Employee Code of Conduct or one you perceive to have already occurred (attach additional pages if necessary):

Explain how this activity, relationship, or interest is, or may be perceived to be, a violation of the Employee Code of Conduct (attach additional pages if necessary):

Date

Employee Signature

Schedule "B"
*****TOWN OF SMITHS FALLS*****
DETERMINATION REGARDING
CONFIDENTIAL EMPLOYEE CODE OF CONDUCT DISCLOSURE

This form is intended to be used by the Employee's Supervisor in response to a disclosure made by an Employee using the Schedule "A" Confidential Employee Code of Conduct Disclosure Form.

Date Confidential Employee Code of Conduct Form Submitted: _____

Submitted by: _____ [name of Employee and Employee ID]

Regarding: _____ [describe disclosure and date of disclosure]

I, _____ (**print full name and title**) have considered the particulars of the situation described in the Schedule "A" disclosure form and have consulted with Human Resources and the Chief Administrative Officer. I have made the following determinations:

1. I find that that the Employee's disclosure presents a violation or potential violation of the Employee Code of Conduct

_____ **YES** _____ **NO**

2. I recommend that the Employee Code of Conduct violation should be:

_____ **Allowed to continue**

_____ **Cease from continuing**

3. Where I recommend that the Employee Code of Conduct violation be allowed to continue, the Employee must follow the below-noted conditions in order to manage the situation appropriately (attach additional pages if necessary):

4. Where I recommend that the Code of Conduct violation cease from continuing, the Employee must (attach additional pages if necessary):

Date

Signature

TOWN OF SMITHS FALLS

FIT FOR DUTY POLICY

A. Background

The Town of Smiths Falls is committed to providing its services in an efficient and professional manner in keeping with its strategic plan / objectives and to deliver its services within a safe and healthy workplace.

While the Town of Smiths Falls continues to strive for excellence in the provision of our services and continuous improvement, the health and safety of our employees, the public and the environment is paramount.

In keeping with its commitment to maintaining a safe and healthy workplace, the Town of Smiths Falls and its employees have a responsibility to maintain a safe workplace, free from the negative effects of Alcohol and other Drugs.

B. Duty to Report Fit for Work

Impairment by drugs or alcohol can adversely affect the health, safety, performance and conduct of employees on the job, and impose hardships on the Town of Smiths Falls, employees, colleagues and families. Given this, the Town of Smiths Falls has adopted this Policy as an important additional part of its overall safety program.

Impairment in the workplace is unacceptable. There will be zero tolerance for impairment in the workplace. Employees are expected to report to work Fit for Duty.

C. Objective

This Policy serves to:

- (i) communicate the Town's expectations of employees to consistently report to work Fit for Duty;
- (ii) communicate the Town's expectations of its Supervisory and management staff in regards to the administration and enforcement of this Policy;
- (iii) reiterate the Town's commitment to assist and accommodate employees with disabilities, including, by way of example only, those suffering from substance abuse;

- (iv) Confirm the Town's right to test employees if impairment is suspected. Testing to be performed by a medical professional at the local hospital or other healthcare facility. If the employee refuses to be tested they will be sent home and may be subject to further discipline.

While the Town of Smiths Falls has an obligation to maintain a safe and healthy workplace, employees have a corresponding obligation to work in safe manner and to maintain safe and healthy work practices.

D. Definitions

For the purposes of this Policy,

"Drugs" means any substance capable of changing or adversely affecting an employee's physical and/or cognitive abilities such as non-medical cannabis and any other drug or substance the sale, possession, purchase or transfer of which is restricted or prohibited under Canadian law including, without limitation, cocaine, opiates, herein, and fentanyl.

"Fit for Duty" means the ability (physically and mentally) to safely perform assigned duties and responsibilities to an acceptable standard, free from the impairing effects of the use or after-effects of Drugs and/or Alcohol, and in a manner that does not compromise or threaten the employee's and/or others' safety or health. For greater certainty, the requirement to report Fit for Duty does not preclude an employee from reporting to work while afflicted by a minor, transient illness or injury such as a headache, cold, etc..., provided that the employee's illness or injury does not pose a reasonable, foreseeable threat of further injury to the employee or other person.

"Medication" means a drug legally obtained "over the counter".

"Prescribed Medication" means a drug legally obtained through a treating medical practitioner's prescription or authorization.

"Safety Sensitive Position" means a position in which impairment/intoxication could result in direct and significant safety risk to the employee, others (including members of the public) or the environment, and includes the following positions: (a) a job requiring an employee to operate motorized vehicles, trucks, heavy equipment, or machinery, (b) any other jobs as identified from time to time by Town of Smiths Falls.

E. Policy

(i) **Expectations of Employees**

- a. Employees are required to report for work, and to remain throughout their workday, Fit for Duty, free from the negative impairing effects of Alcohol, Drugs, Medication and/or Prescription Medications. Employees contacted to report to work for an emergency or other unscheduled reason shall refuse the assignment if they have reason to believe they could not report Fit for Duty. Employees whom are on-call for work shall abstain from consuming any substance that could impair their ability to report to work Fit for Duty.
- b. Without limitation, it is strictly prohibited to be on duty while impaired by Alcohol and/or Drugs including the after-effects of the use of Alcohol or Drugs.
- c. Employees not Fit for Duty shall immediately advise their Supervisor/Managers of that fact, and those occupying a safety sensitive position shall not assume or otherwise carry out their duties and responsibilities while not Fit for Duty.
- d. Employees shall not use, consume, possess, distribute, sell or transfer:
 - i. Alcohol (unless the sale thereof is an express requirement of their duties and responsibilities), or
 - ii. Drugs, whether they be legal for use or otherwise.
 - iii. while on duty (including breaks, on or off municipal property), or on municipal property including Town owned, leased or rented premises, or in/or on Town vehicles/equipment.
- e. Employees who are taking Medications and/or Prescribed Medications (including medical cannabis) are required to use their Medications/Prescribed Medications responsibly. The possession in the workplace (including the Town's vehicles) of Prescribed Medications (including medical cannabis) without a legally obtained prescription/authorization is prohibited. Furthermore, consumption of medical cannabis in any area of the Town's enclosed workplace (including

vehicles) is prohibited and its consumption - and place of consumption - during the work day, including on breaks, must first be the subject of an express, prior written accommodation plan with the Town of Smiths Falls.

- f. Given their potential for causing impairment, employees on medications/prescription medications (including medical cannabis) are required to investigate with their treating medical practitioner or pharmacists the affect(s) of their medications/prescription medications on their ability to report Fit for Duty. If the employee's medications/prescription medications may reasonably adversely impair the employee's ability to report Fit for Duty, the employee is to immediately report, prior to assuming work, any risk to his or her Managers so that appropriate precautions (including time and place for consumption, if consumption is required during the work day including breaks), if any, may be taken. The Town, with the employee's prior authorization, may ask the employee's medical practitioner and/or pharmacist to provide additional information on the impacts of the medications and/or Prescribed Medications on the employee's ability to safely perform his or her work or cause the employee to cause his or her medical practitioner to provide the Town such information.
- g. Employees must report to their Supervisor/Managers any person reasonably suspected of not being Fit for Duty while carrying out their duties and responsibilities for the Town of Smiths Falls. In addition, employees should encourage those individuals to report their condition to their Supervisor and/or Managers.

(ii) Accommodations for Employees

- a. The primary purpose of this Policy is the prevention of health and safety incidents and the provision of assistance and, where required, accommodation to employees suffering from a disability including substance abuse.
- b. Consequently, the Town of Smiths Falls recognizes that employees may suffer from a disability (including substance abuse) from time to time preventing them from reporting to work Fit for Duty as this Policy requires.
- c. The Town of Smiths Falls is open and prepared to offer assistance to employees.

- d. Employees who suffer from a disability, including substance abuse, and/or consume Alcohol, Drugs, Prescribed Medications and medications on account of a disability and the consumption of which would render the employee not capable of reporting to work Fit for Duty or otherwise cause the employee to violate this Policy, are required to:
 - i. before job safety or performance is compromised and before violating any term of this Policy, communicate the need, in confidence, to their immediate supervisor;
 - ii. inform their immediate supervisor of the used products' effects on the employee's ability to safely perform his or her duties and responsibilities to an acceptable performance standard; and
 - iii. cooperate with the Town of Smiths Falls in the accommodation process.
- e. At all times, employees suffering from a disability - including substance abuse - have access to Town's confidential Employee Assistance Program for confidential, personal assistance.
- f. Moreover, the Town of Smiths Falls is prepared to provide any employee suffering from a disability with reasonable work accommodations. Accommodations will be considered on a case-by-case basis, taking into account the employee's functional abilities, the costs of accommodation, reasonable health and safety considerations and any other relevant factors. Accommodations may take various forms, including, but not limited to, modifications to tasks or work, re-assignment, and leave of absences.
- g. An employee who requires accommodation in order to perform the essential duties of a job has a responsibility to communicate the need, in confidence, to their immediate supervisor in sufficient detail and to cooperate in consultations to enable the person responsible for accommodation to respond to the request.
- h. An employee, who seeks any accommodations from the Town of Smiths Falls on account of a disability, including substance abuse, prior to any job safety incident or performance issues arising and/or violation of this

Policy, will not be subject to discipline or any other adverse employment consequences.

(iii) **Supervisory Staff / Management Responsibilities**

a. Supervisors and Managers are responsible for:

- i. communicating this Policy to their employees and addressing their employees' questions and concerns;
- ii. observing and monitoring their employees for signs of impairment, and if impairment is observed, determining the cause of the observed impairment, with the employee, privately, and taking appropriate action if the employee's work performance has deteriorated to an unacceptable level or their actions or condition can jeopardize their safety or that of others;
- iii. assessing an employee reporting to work not Fit for Duty to determine whether the employee can safely perform his or her regular duties and if not, taking appropriate action including sending the employee home (with appropriate transportation precautions);
- iv. prohibiting any employee from performing the duties and responsibilities of a safety sensitive position who is observed and/or reported to be not Fit for Duty;
- v. receiving and addressing any reports from other employees or others suspecting an employee to be impaired, and taking appropriate action to safeguard the safety of the employee, co-workers and the public; and
- vi. coordinating accommodation requests with Human Resources for any employee suffering from a disability and whom because of that disability, and absent reasonable accommodation, cannot not perform the essential duties of his or her employment;
- vii. coordinating with Human Resources any appropriate disciplinary response for violations of this Policy.

F. Testing

In an effort to maintain a safe and healthy workplace, the Town of Smiths Falls reserves the right to require an employee to submit to Drug and Alcohol testing in the following circumstances:

i. Pre-Employment

Town of Smiths Falls may require an employment candidate seeking employment in a safety or cognitive sensitive position to undergo a pre-employment medical fitness for duty test that includes a drug test.

ii. Reasonable Cause

The Town of Smiths Falls may require an employee to undergo testing where a Supervisor/Manager has reason to believe that there is reasonable cause to suspect violation of this Policy.

The decision to test (testing to be performed by a medical professional) will be made by a Supervisor/Manager in conjunction with a second person (i.e. another Supervisor) wherever practicable. The decision to test will be based on specific, personal observations such as, but not limited to:

- (a) observed use or evidence of a substance (odour, flushed face, glassy eyes, unsteadiness, etc.);
- (b) erratic or atypical behaviour;
- (c) changes in the physical appearance or in the behaviour of the employee;
- (d) changes in speech patterns, slurred speech, etc.

iii. Post-Accident/Incident

The Town of Smiths Falls may require an employee to undergo testing where a Supervisor/Manager has reason to believe, acting reasonably, that the cause of a significant accident, incident or near miss is unexplained and may involve or is likely to involve a Policy violation. Significant accident, incident or near miss generally involves incidents resulting in injury, death, damage to property or incidents that could have resulted in same. Significant Accident/Incidents will be reported to the local Police and/or Ministry of Labour.

iv. Return to Work

As part of a condition of continued employment, or as part of an accommodation, the Town of Smiths Falls may require testing as a condition of reinstatement to

active duty in a safety sensitive position in accordance with the terms and conditions of reinstatement set out on a case-by-case basis.

v. Random

The Town reserves the right for random testing for safety sensitive positions.

vi. Testing Protocols

Testing will be conducted by a medical professional. The Town will provide transportation to the local hospital or other healthcare facility by Human Resources and Human Resources will remain with the Employee throughout the process in order to preserve the integrity of the process and results.

Employees will transported home until the results are released.

The Town will rely on the medical professional's opinion as to whether the employee is able to work safely, and that the employee's condition does not pose a hazard to themselves or to others.

G. Confidentiality

Information provided to the Town of Smiths Falls by employees seeking accommodation will be kept confidential and private and will only be used by the Town of Smiths Falls for the purposes of accommodation and disclosed on an "as needed basis".

Individuals who report, to their Supervisor/Manager, their suspicions of another person being not Fit for Duty may do so in confidence, and the reporting individual's information and identity will be kept confidential to the extent possible, t subject to any disclosure requirements imposed by law.

H. Interpretation

This Policy is to be interpreted and implemented in a manner that:

- fosters a safe and healthy workplace;
- protects employees and others from unnecessary risks of harm; and
- respects employees' dignity, self-worth and privacy.

I. Violation

Violations of this Policy may result in corrective action up to and including dismissal. Refusal to complete a testing process set out in this Policy is considered a Policy violation.

J. Related Policies

This Policy shall be read and construed in conjunction with the Town's following policies:

Employment Bylaw

Employee Code of Conduct

Health & Safety Policies

K. Questions

Any and all questions or concerns regarding this Policy shall be addressed to Human Resources Coordinator

L. Policy Review

This Policy shall be reviewed by Human Resources, in conjunction with Occupational Health and Safety, on at least an annual basis.