



Council Report

For the meeting of April 25, 2019

To: Council **Date:** April 15, 2019
From: Chris Coates, City Clerk
Subject: Officers Bylaw (Amendment No. 1) Bylaw No. 19-027

RECOMMENDATION

That Council give three readings to Officers Bylaw (Amendment No.1) No. 19-027


EXECUTIVE SUMMARY

Attached as Appendix A, for Council's consideration, is a copy of a proposed amendment to the Officers Bylaw. The proposed amendment, removes the position of Director of Sustainable Planning and Community Development.

At the September 20, 2018 Committee of the Whole meeting, Council received the report Attached as Appendix B that proposed a re-write of the City Employees Bylaw, removing employment conditions from the Bylaw and enacting them through Council Policy. That new Officers Bylaw was adopted October 4, 2018 and is attached as Appendix C for information.

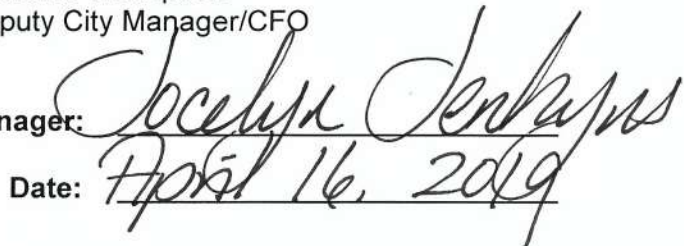
The Report also noted an approach to reduce the number of Officers of the City upon a position becoming vacant with the ultimate objective of reducing the City Officers compliment to just the Statutory Officers required under the Community Charter. This reflects a modernized, best practice approach. The position of Director of Sustainable Community planning is currently vacant which provides to opportunity to amend the bylaw with no implications on employment conditions.

Respectfully submitted.


Chris Coates
City Clerk


Susanne Thompson
Deputy City Manager/CFO

Report accepted and recommended by the City Manager:


Date: April 16, 2019

List of Attachments:

Appendix A: Officers Bylaw (Amendment No. 1) No. 19-027
Appendix B: September 2018 Committee of the Whole Report
Appendix C: Officers Bylaw No. 18-106

NO. 19-027
A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to amend the Bylaw that
Establishes Officer Positions for the City of Victoria

Under its statutory powers, including sections 146-150 of the *Community Charter*, the Municipal Council of the Corporation of the City of Victoria enacts the following provisions:

1. This Bylaw may be cited as "OFFICERS BYLAW (AMENDMENT NO.1) No. 19-027".
2. That Officers Bylaw No. 18-106 be amended by deleting section 4 in it's entirety and replacing it with the following:

"4 (1) The people holding the following positions are *officers* of the City:

- (a) Director of Engineering and Public Works;
- (b) Director of Parks, Recreation and Facilities;
- (c) City Solicitor;
- (d) Fire Chief; and,
- (e) Head of Human Resources."

READ A FIRST TIME the day of 2019.

READ A SECOND TIME the day of 2019.

READ A THIRD TIME the day of 2019.

ADOPTED the day of 2019.

CITY CLERK

MAYOR

To: Committee of the Whole Date: August 31, 2018

From: Jodi Jensen, Head of Human Resources
Chris Coates, City Clerk

Subject: City Employees Bylaw

1. Direct staff to bring forward the new Officers Bylaw to the September 20, 2018 Council Meeting for introductory readings.
2. Subject to the adoption of the Officers Bylaw the following Policies be approved:
 - a. *Terms and Conditions of Employment –Officers and Exempt Employees*
 - b. *Compensation – Officers and Exempt Employees*

The new Officers Bylaw establishes officer positions and duties, consistent with the requirements of the *Community Charter*, and authorities delegated to the City Manager. All general terms and conditions of employment currently set out in the City Employees Bylaw are re-established in Council Policy: *Terms and Conditions of Employment – Officers and Exempt Employees* (Appendix C); and the terms related to compensation are re-established in a separate Council Policy: *Compensation – Officers and Exempt Employees* (Appendix D).

The purpose of this report is to seek Council's approval to modernize the City's framework establishing terms and conditions of employment for all exempt employees by repealing the City

Employees Bylaw, introducing a new Officers Bylaw, and moving employment related matters into two new Council policies.

BACKGROUND

The City Employees Bylaw (the Bylaw) was enacted in 1978 and has not undergone comprehensive review since that date. The last revision to the Bylaw was in 2003 and consisted of changes to position titles; there have been numerous subsequent changes to titles.

In its current form, the Bylaw exceeds what is required under the *Community Charter* and includes information that is outdated and in some cases, redundant.

ISSUES & ANALYSIS

Officer Positions

Sections 146 – 149 of the *Community Charter* direct municipalities to create specific officer positions for which the powers, duties and functions must be established by bylaw. These positions are referred to as statutory officers and are: Chief Administrative Officer (City Manager), Corporate Officer (City Clerk) and Financial Officer (Director of Finance). The current City Employees Bylaw also identifies all Director positions, as they were defined in 2003, as officers. The result is that with each corporate re-organization or title change, the Bylaw becomes out of date if not amended by Council.

The Officers Bylaw drafted for Council consideration defines both statutory officers and officers, reflecting the current composition of officers. If adopted, staff will automatically bring forward future amendments to the Officers Bylaw to remove non-statutory officer positions when they become vacant. Over time, the result will be an Officers Bylaw that defines only statutory officers.

Employment related provisions

Municipalities outline terms and conditions of employment for exempt employees in one of 3 ways: a bylaw, a policy or an employment agreement. Many municipalities are moving towards template employment agreements which reference broader policies. Policies establishing general terms and conditions of employment including compensation makes the information easier to navigate and understand for current and prospective employees, who frequently require assistance in interpreting the relevant terms. Prospective employees are provided a copy of the City Employees Bylaw with their offer of employment. Having terms and conditions established by Council policy enables the City to be more agile and efficient in responding to or reflecting changes in employment legislation and market conditions for attracting and retaining talent.

Proposed policy changes

Upon review of all of the detailed practices currently in place, the following changes have been incorporated into the proposed Council Policies: *Terms and Conditions of Employment – Officers and Exempt Employees* and *Compensation – Officers and Exempt Employees*.

- Under the City's Supplementary Employment Insurance Benefit Plan, employees on maternity leave receive top up payments to their Employment Insurance benefits to a maximum of 100% of their previous gross weekly earnings, for a maximum of 17 weeks.

This benefit was not in place at the time the City Employees Bylaw was initially adopted in 1978 and was not captured by later amendments.

- In the first, partial year of employment, the City Employees Bylaw specifies that vacation and sick leave entitlements are to be prorated based on the number of calendar months (or partial months) worked during the calendar year. In the *Terms and Conditions* policy, entitlements are prorated based on the number of weeks worked during the calendar year to reflect alignment with the current bi-weekly pay schedule. In addition, eligibility for prorated sick leave entitlements during the first 3 months of employment has been changed to reflect current Employment Insurance program requirements.
- The Compensation policy clarifies that the entitlement in each year to receive an amount equivalent to 2% of annual salary or an additional 5 days of paid vacation is also to be prorated based on the number of weeks worked during the calendar year.

OPTIONS & IMPACTS

Accessibility Impact Statement

The recommendations do not include any specific, direct accessibility impacts.

2015 – 2018 Strategic Plan

The recommendations support Objective 1, Innovate and Lead: Support the City Manager in developing an organizational culture of collaboration, continuous learning and employee empowerment.


Impacts to Financial Plan

The recommendations do not have any impact on the financial plan.

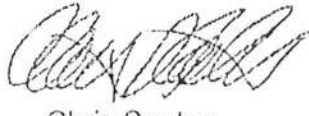
CONCLUSIONS

Council may consider that the recommendations will update the framework governing the employment of exempt employees, consistent with best practices, while enhancing the administration and adaptability of these policies.

Respectfully submitted,

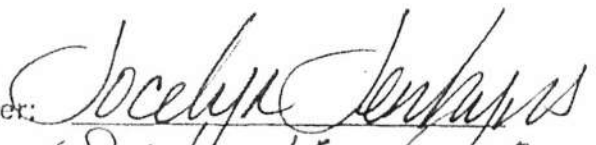


Jodi Jensen
Head of Human Resources



Chris Coates
City Clerk

Report accepted and recommended by the City Manager:


Date: Sept. 14, 2018

List of Attachments

Appendix A: City Employees Bylaw

Appendix B: Officers Bylaw

Appendix C: Council Policy: *Terms and Conditions of Employment – Officers and Exempt Employees*

Appendix D: Council Policy: *Compensation – Officers and Exempt Employees*

NO. 18-106
A BYLAW OF THE CITY OF VICTORIA

The purpose of this Bylaw is to establish Officer Positions for the City of Victoria

Under its statutory powers, including sections 146-150 of the *Community Charter*, the Municipal Council of the Corporation of the City of Victoria enacts the following provisions:

1. This Bylaw may be cited as "OFFICERS BYLAW No. 18-106".

2. In this Bylaw

"*statutory officer*" means a person who is designated as a *statutory officer* under section 3 of this Bylaw and in accordance with the Community Charter;

"*officer*" means a person designated as an officer under section 4 of this Bylaw and in accordance with the Community Charter.

3. (1) The people holding the following positions are *statutory officers* of the City:

(a) City Manager;

(b) City Clerk; and,

(c) Director of Finance.

(2) The person holding the office of City Manager is assigned the powers, duties, and functions of chief administration, including the powers, duties, and functions set out in section 147 of the Community Charter and in Bylaw No. 3470, the Municipal Manager Bylaw, 1949;

(3) The person holding the office of City Clerk is assigned the powers, duties, and functions of corporate administration, including the powers, duties, and functions set out in section 148 of the Community Charter; and,

(4) The person holding the office of Director of Finance is assigned the powers, duties, and functions of financial administration, including the powers, duties, and functions set out in section 149 of the Community Charter.

4. (1) The people holding the following positions are *officers* of the City:
 - (a) Director of Sustainable Planning and Community Development;
 - (b) Director of Engineering and Public Works;
 - (c) Director of Parks, Recreation and Facilities;
 - (d) City Solicitor;
 - (e) Fire Chief; and,
 - (f) Head of Human Resources.
- (2) *Officers* must perform all duties prescribed by bylaw or other enactment, and all duties assigned from time to time by Council or the City Manager.
5. (1) Without limiting the powers, duties, and functions of the City Manager as set out in section 3(2) of this Bylaw, Council hereby expressly delegates to the City Manager, the following:
 - (a) The authority to hire and, where applicable, appoint an employee, other than a *Statutory Officer*;
 - (b) The authority to suspend an employee, other than a *Statutory Officer*, with or without pay; and,
 - (c) The authority to terminate the employment of an employee, other than a *Statutory Officer* or *Officer*, for cause without notice, or without cause on reasonable notice or pay in lieu thereof.
6. Bylaw No.01-24, the City Employees' Bylaw is hereby repealed.

READ A FIRST TIME the **20th** day of **September** 2018.

READ A SECOND TIME the **20th** day of **September** 2018.

READ A THIRD TIME the **20th** day of **September** 2018.

ADOPTED the **4th** day of **October** 2018.

"CHRIS COATES"
CITY CLERK

"LISA HELPS"
MAYOR

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READ A FIRST TIME the **20th** day of **September** 2018.

READ A SECOND TIME the **20th** day of **September** 2018.

READ A THIRD TIME the **20th** day of **September** 2018.

ADOPTED the **4th** day of **October** 2018.

“CHRIS COATES”
CITY CLERK

“LISA HELPS”
MAYOR