

Classification **PUBLIC**

Meeting December 14, 2015

Agenda Item **Monitoring Report:
Employment, Compensation and Benefits**
(For the period of Jan –Dec 2014 and Jan –Sept 2015)



Recommended Motion:

THAT the Board finds that all provisions of the *Employment, Compensation and Benefits Policy* have been complied with.

I hereby submit my monitoring report on your Executive Limitations Policy “Employment, Compensation and Benefits” according to the schedule set out. I certify that the information contained in this report is true.

I report compliance to all provisions of this policy.

Signed: _____
Chief of Police

Date: _____

BOARD POLICY STATEMENT:

“With respect to employment, compensation, and benefits of members, consultants, contract workers and volunteers, the Chief of Police will not cause or allow jeopardy to fiscal integrity or to public image.”

Further, without limiting the scope of the foregoing by the enumeration, the Chief of Police will not:

- 1. Fail to abide by the terms and conditions of all applicable collective bargaining agreements and contracts to which the Board is a signatory, while without creating any new enduring liabilities, administering the collective agreements and resolving all interpretative differences and grievances.*
- 2. Promise or imply permanent or guaranteed employment.*
- 3. Establish current compensation and benefits that deviate materially from the geographic or professional market for the skills employed.*
- 4. Create obligations over a longer term than revenues can be safely projected.*

5. *Fail to ensure that all employment processes, including hiring and separations are consistent with the legislative requirements of the Human Rights Code, the Police Services Act, and the Employment Standards Act, as well as the applicable collective agreement. In particular, hiring and separation processes must be objective, non-discriminatory and without favour, thereby ensuring all candidates was given equal opportunity for employment.*
6. *Fail to ensure that:*
 - a) *All new sworn members undergo the probationary period as described in the Police Services Act (s.44);*
 - b) *All new civilian members undergo a minimum 3-month probationary period (or equivalent for part-time members); except for new civilian members hired as a Communicator after July 6, 2010 are subject to a 6 month probationary period.*
 - c) *All new members are formally evaluated prior to the end of the applicable probationary period; and*
 - d) *Only those new members that satisfactorily complete their probationary period are retained in the Board's employ.*

INTERPRETATION OF THE CHIEF OF POLICE:

It is my interpretation that compliance with the six provision statements fulfills the total requirements of this policy.

Further it is my interpretation for provision:

1. That the collective bargaining agreements must be implemented in such a manner as to ensure that members receive the compensation and benefits as described therein and further that I am entitled to issue directives governing processes to ensure that members receive those entitlements. It is also my reasonable interpretation that occasional inadvertent errors will occur in the administration of the collective bargaining agreements, which if corrected in a timely manner does not result in non-compliance with this policy provision.

It is my further interpretation that this policy provides limited authority to resolve contract administration issues as long as the resolution does not extend beyond the expiry of the collective bargaining agreement or interfere with the Board's ability to negotiate a new agreement.

2. That permanent or guaranteed employment is not to be promised or implied at the time of recruitment nor during the term of employment. It is my further interpretation that we are entitled to disclose to candidates and/or members the particulars of the Police Services Act and/or the Employment Standards Act.
3. That where employment is governed by a collective agreement, pursuant to Policy # 1 above, that said collective agreement shall govern compensation and benefits. It is my further interpretation that where the collective agreements provide for "market adjustments" as part of the Civilian Evaluation, the Chief of Police, in applying said provisions, is in compliance with this provision.

4. That I am not permitted to enter into contracts, agreements or any other form of binding obligation that would extend beyond a safe projection of revenues. It is my interpretation that the latter generally means the current five-year forecast.
5. That all employment functions must be in compliance with the legislation as outlined, any other legislative requirements that may apply from time to time, and the collective agreements. It is my further interpretation that the Board is particularly wishing to ensure that the hiring and separation processes are objective, non-discriminatory and without favour, the outcome of which is that all candidates are provided equal opportunity for employment.
6. That all sworn recruits are subject to the legislated probationary period, 12 months from the date of being sworn-in as a constable. New civilian employees are subject to a probationary period of 3 or 6 months depending on position (equivalent for part-time members) and all members must receive a satisfactory evaluation prior to the end of the applicable probationary period in order to remain employed with the Service. It is my further interpretation that officers hired with previous police experience and have completed a probationary period previously with another police service are not subject to a further probationary period in accordance with court rulings on this issue. These officers would, however, be closely evaluated in the first twelve months of their employment with the Board to ensure satisfactory performance.

DATA SUPPORT:

1. IMPLEMENTATION OF COLLECTIVE BARGAINING AGREEMENTS AND CONTRACTS

The Human Resources Unit ensures that all compensation and benefits, identified within the three collective agreements (DRPS Sworn, DRPS Civilian and DRPS Senior Officer), are administered appropriately. The three collective agreements have been implemented in a manner that ensures all members receive the entitlements outlined within the respective agreements.

In October 2013 the Board negotiated a two year agreement (Jan 2013- Dec 2014) with the Durham Regional Police Association for both the sworn working group and the civilian working group. These two agreements have expired and negotiations are underway for the next collective agreement with Durham Regional Police Association. Negotiations for Senior Officer's Association will begin following the settlement of the above.

To ensure members receive the entitlements outlined in the respective agreements the Human Resources Unit conducts payroll audits. During the latter half of 2015, errors and late payments occurred with seniority premiums and Pan Am overtime shifts. The errors were detected and corrected as soon as administratively possible.

The Service has not extended compensation and benefits beyond the provisions of the respective collective agreements other than occasional inadvertent errors, which were corrected or resolved, during this reporting period.

Therefore, I report compliance with this provision.

2. EMPLOYMENT CONTRACTS

In 2014 the DRPS hired 15 sworn, 20 part time civilians and 153 students. Two part time civilians accepted full time positions in 2014. None of the job offers issued indicated or alleged permanent or guaranteed employment. The DRPS did not receive any complaints from individuals alleging a promise of permanent or guaranteed employment.

Between January and September 2015 DRPS hired 1 Deputy Chief, 1 Senior Officer – Civilian, 13 Sworn, 14 part time civilians and 78 students for a total of 107 members. Eight part time civilians accepted full time positions in 2015. None of the job offers issued indicated or alleged permanent or guaranteed employment to date. As well, the DRPS has not received any complaints from individuals alleging a promise of permanent or guaranteed employment.

Contract Type	2014	Jan – Sept 2015
Deputy Chief	0	1
Senior Officer – Civilian	0	1
Sworn	15	13
Civilian Full Time	0	0
Civilian status change from Part to Full Time	(2)	(8)
Civilian Temp/Part Time	20	14
Students (Including YIP Program)	153	78
Total	188	107

Therefore, I report compliance with this provision.

3. COMPENSATION AND BENEFITS PRACTICES

The DRPS has not had any significant difficulties filling civilian positions in 2014 or for the period of January – September 2015. Civilian vacancies filled during 2014 and January to September 2015 were filled utilizing compensation levels for each position determined by the DRPA/DRPS Civilian Joint Job Evaluation process. The Youth and Policing (YIP) hourly 2015 rate is set by the Province at \$11.25 and the Student rate is set by the Service at \$13.40. The June 2014 student minimum wage (under the age of 18) increased to \$10.30 per hour and as of October 01, 2015 \$10.55 per hour. The General minimum wage is now set at \$11.25 per hour in Ontario as of October 01, 2015. As a result, we have not experienced any difficulty attracting and retaining YIP hires or Students at these compensation rates¹.

¹ <http://www.labour.gov.on.ca/english/es/pubs/guide/minwage.php>

With respect to sworn compensation levels, these are set through collective agreement negotiations. The compensation levels for sworn positions fall in line with the Board's identified market comparators.

Therefore, I report compliance with this provision

4. OBLIGATIONS AND PROJECTION OF REVENUES

The DRPS has not created employment obligations that extend beyond the safe projection of revenues. We only hire full-time members when the authorization is granted via the annual budget approval process.

In December 2014, the Service hired 15 new sworn members and an additional 13 in April 2015. Two part time civilians accepted full time positions in 2014 and eight part time civilians accepted full time positions in 2015. All hires were within authorized strength.

Therefore, I report compliance with this provision.

5. EQUAL OPPORTUNITY EMPLOYER

The DRPS ensures compliance with all required legislation creating an objective and non-discriminatory selection process using trained Human Resources professionals. These professionals design and monitor processes that ensure selection is objective and non-discriminatory. In 2014, the DRPS hired 188 members (sworn, civilians and students); as well as the 107 members between January and September of 2015. The Service did not receive any formal complaints nor did the DRPS have any decisions rendered against our external hiring processes. We currently have three grievances in relation to job postings filed in 2015.

The Human Resources Unit administers the employment separation process. All separations are objective and non-discriminatory. Including students hired for our the summer programs and for the Youth in Policing programs, we have had 206 members separate from our employ in 2014 and 202 members separated from the Service between January and September 2015.

Members leaving to take alternate employment are provided the opportunity of an exit interview and regularly members comment that they were happy with their employment at the DRPS. As noted in the 2014 Employment, Compensation and Benefits Board report, members stated that other considerations, primarily family, was the motivation for taking a new position.

Therefore, I report compliance with this provision.

6. PROBATIONARY PERIODS:

All new sworn members undergo the probationary period as described in the Police Services Act (s.44) (Provision 6.a) Sworn members are also supported through the internal coach program. New recruits participate with the coach officer in the development and attainment of educational objectives under directive LT-05-008 Coach Officer Program.

All new civilian members undergo a minimum 3-month probationary period (or equivalent for part-time members); except for new civilian members hired as Communicators after July 6, 2010 are subject to a 6-month probationary period. (Provision 6.b)

The DRPS has a process whereby all civilian members receive either a three or six month probationary evaluation (or equivalent for part-time) based on his or her working group. Every new civilian employee is placed in the appropriate probationary period. Probationary reviews for part time members must be completed prior to reaching 520 hours (equivalent to 3-months) and 1040 hours (equivalent to 6-months) for communicators.

Only those new members that satisfactorily complete their probationary period are retained in the Board's employ (Provision 6.d). Case in point, new hires in our Communications Unit receive a formal progress report at the end of each block and are measured against the eleven competencies of a Call Taker. They have a minimum of 9 weeks to complete all eleven competencies at which point they move on to Dispatch training or receive additional Call Taker training. The table below shows the number of members who separated during their training period:

In Training	Separations 2014	Separations Jan – Sept 2015
During Probationary Period	4	2
Post Probationary Period	3	1
Total	7	3

The members who separated during the probationary period did so within the first 2-5 months of employment.

Therefore, I report full compliance with this provision.