



**BY-LAW NO. 98-3**

**A BY-LAW TO ESTABLISH POLICY FOR THE  
APPOINTMENT AND PROMOTION OF MEMBERS  
OF THE HALTON REGIONAL POLICE SERVICE**

**WHEREAS** the *Police Services Act*, R.S.O. 1990, Chapter P. 15, Section 31(1) states that a Board is responsible for the provision of adequate and effective police services in the municipality and shall appoint the members of the municipal police service;

**AND WHEREAS** the *Police Services Act*, Section 31(2) provides that the members of the police service whether they were appointed by the Board or not, are under the Board's jurisdiction;

**AND WHEREAS** it is the responsibility of the Chief of Police of the Halton Regional Police Service, in accordance with Section 41(1)(a) of the *Act*, in his or her capacity of chief law enforcement officer to administer the policing services of the Regional Municipality of Halton in accordance with the policies, priorities and objectives established by the Halton Regional Police Services Board;

**AND WHEREAS** a Police Services Board may, by by-law make rules for the effective management of the police service under Section 31(6) of the *Police Services Act*;

**AND WHEREAS** it is deemed expedient for the Board to adopt policies for the administration of the policing services in the Regional Municipality of Halton by the Chief of Police;

**NOW THEREFORE THE HALTON REGIONAL POLICE SERVICES BOARD  
ENACTS as follows:**

**DEFINITIONS:**

In this By-law:

- (a) "*Act*" means the *Police Services Act*, R.S.O., Chapter 15, and amendments thereto.
- (b) "Appoint" - means the appointment of an external applicant to fill a permanent position within the Service in accordance with Sec. 31(1)(a) of the *Act*;
- (c) "Article" means an Article or Subarticle of this By-law.

- (d) "Board" means the Regional Municipality of Halton Police Services Board and shall be composed of such members appointed under Part III of the *Act*;
- (e) "Chief of Police" means the Chief of the Halton Regional Police Service;
- (f) "Commission" means the Ontario Civilian Commission on Police Services.
- (g) "Continuing employment" means a position that is established by being part of the overall authorized strength of the Service.
- (h) "Member" means a member of the Halton Regional Police Service as defined in the *Act*;
- (i) "Policing Standards Manual" - means the manual provided by the Ministry of the Solicitor General and Correctional Services detailing Ministry policy including prescribed standards, directives and guidelines.
- (j) "Section" refers to Sections of the *Act* and includes subsections, paragraphs, subparagraphs, clauses and subclauses.
- (k) "Service" - means the Halton Regional Police Service;
- (l) "Solicitor General" means the Solicitor General and Minister of Correctional Services.
- (m) "Temporary" means the hiring for a specific time period, as defined by a written employment contract which includes a start and end date for the employment. These positions are not considered part of the authorized strength of the Service.

## **1. PROCEDURE FOR APPOINTMENTS**

- 1.1 This part applies to all uniform and civilian hiring.
- 1.2 The Chief shall, for the following year, analyze the needs of the Service with respect to permanent human resource requirements, including the number of anticipated new positions and the timing of same, and shall report to the Board in respect to those needs as part of the budget process. All offers of continuing employment must be based upon the approved budget.
- 1.3 The Chief shall report to the Board with respect to any unanticipated hiring not part of the approved budget referred to in Article 1.2.

#### 1.4 **Continuing Employment :**

1.4.1 After the Chief has made an offer of continuing employment to an external candidate based upon a vacancy provided by the approved budget, a report shall be prepared for submission to the Board requesting confirmation and official appointment of the candidate in accordance with Section 31(1)(a) of the *Act*. The report to the Board shall include the following information:

- (i) the Chief's recommendation seeking confirmation and appointment of the candidate;
- (ii) the recommended start rank or salary;
- (iii) the recommended start date;
- (iv) and other information considered relevant by the Chief

1.4.2 Selection of continuing employees shall be in accordance with Articles 2.3 and 3.3 of this by-law.

#### 1.5 **Temporary Employment :**

1.5.1 The hiring and use of temporary employees shall be the responsibility of the Chief provided that sufficient funds for the temporary hiring have been provided as part of the current approved budget. The terms of the employment shall be defined in a written contract which includes a start and end date for the employment.

1.5.2 Selection of temporary employees shall be in accordance with the Articles 2.3 and 3.3 of this by-law.

## 2. **RECRUITMENT AND SELECTION OF CONSTABLES**

2.1 This part applies to the hiring of constables within the Service.

2.2 The Chief shall develop and maintain a procedure for the recruitment and selection of candidates as police officers in accordance with this by-law and a copy of the said procedure shall be provided for the information of the Board.

2.3 The Chief shall ensure that that the procedure referred to in Article 2.2 above includes at a minimum, the following provisions:

- (a) A requirement that every candidate for appointment meet the conditions prescribed in Section 43(1) and 45 of the *Act*;
- (b) That the procedure comply with the requirements of By-law 96-3 and Sections 303.00 and 304.00 of the Policing Standards Manual and any Regulation developed pursuant to Section 135(1) of the *Act* ;

- (c) A requirement to obtain a waiver under the *Municipal Freedom of Information and Protection of Privacy Act* from a current serving officer or former officer seeking employment with the Halton Regional Police Service, in order to check the individual's past employment record with another police service.
- (d) A provision that the probationary period be in accordance with Section 44 of the *Act*.

### **3. RECRUITMENT AND SELECTION OF CIVILIANS**

- 3.1 This part applies to the hiring of civilians within the Service.
- 3.2 The Chief shall develop and maintain a procedure for the recruitment and selection of civilian candidates in accordance with this by-law and a copy of the said procedure shall be provided for the information of the Board.
- 3.3 The Chief shall ensure that that the procedure referred to in Article 3.2 above includes at a minimum, the following provisions:
  - (a) That the procedure(s) require specific selection processes to comply with the requirements of By-law 96-3 and Sections 303.00 and 304.00 of the Policing Standards Manual and any Regulation developed pursuant to Section 135(1) of the *Act* ;
  - (b) A requirement to obtain a waiver under the *Municipal Freedom of Information and Protection of Privacy Act* from the candidate seeking employment with the Halton Regional Police Service, in order to check the individual's past employment record.
  - (c) A provision requiring that the probationary period be in accordance with the applicable collective agreements.

### **4. OATHS**

- 4.1 All uniform and civilian appointments shall take the necessary Oaths as prescribed by the *Act* or required by the Chief of Police.

### **5. TRAINING**

- 5.1 Training shall be provided in accordance with the guidelines established under Section 306.00 of the Policing Standards Manual and any regulation developed pursuant to Section 135(1) of the *Act* or as required by the Chief of Police.

## **6. RECLASSIFICATIONS - CONSTABLE**

- 6.1 This part applies to the reclassification of constables within the Service.
- 6.2 Re-classification of the following Constable ranks and corresponding wage increments shall be in accordance with Regulation 929 of the *Act* and the Uniform Collective Agreement. Re-classifications shall be reported to the Board on the monthly Human Resources report.

First Class Constable  
Second Class Constable  
Third Class Constable  
Fourth Class Constable  
Cadet-in-Training

### **6.3 Early Re-Classifications (Constable)**

6.3.1 Early re-classification of the above ranks in Article 6.2, shall be at the discretion of the Chief of Police, provided the member has met the following minimum criteria:

- (a) The re-classification meets the requirements of Regulation 929 of the *Act* and the performance can be defined as "Outstanding or meritorious" as defined in the *Act*;
- (b) The member's performance has been consistently evaluated as "meets all requirements" or higher in all areas of the performance grid;
- (c) The member being re-classified shall not be facing any disciplinary action or the subject of a complaint or with the assurance of the Chief of Police that any outstanding complaint would not impede the officer in the carrying out of his or her duties, or would not cause a recommendation of early re-classification;
- (d) The re-classification shall not cause an overrun in the budget.

6.2.2 Early re-classifications shall be reported to the Board as part of the monthly Human Resources report.

## **7. PROMOTIONS (SERGEANT, STAFF SERGEANT AND INSPECTOR)**

- 7.1 This part applies to the promotions of uniform members within the Service.
- 7.2 Promotions to the rank of Sergeant, Staff Sergeant, Inspector and Superintendent shall be the responsibility of the Chief of Police. The Chief shall develop and maintain a procedure for the promotion of all uniform members in accordance with this by-law and a copy of the said procedure shall be provided for the information of the Board.

- 7.3 The Chief shall ensure that the procedure referred to in Article 7.2 above, includes at a minimum, the following provisions:
- (a) The procedure complies with requirements of By-law 96-3 and and Section 304.00 of the Policing Standards Manual;
  - (b) The procedure incorporate an assessment/evaluation component based upon the qualifications established for the rank.
  - (c) In accordance with their evaluations, members have performed their duties in a capable and proficient manner and have been recommended for confirmation by their supervisors;
  - (d) That members to be confirmed by the Chief of Police are not facing any disciplinary action or are the subject of a public complaint, or with the assurance of the Chief of Police that any outstanding complaints would not impede the officer in the carrying out of his or her duties, or would not cause a recommendation of confirmation;
  - (e) There is a promotional vacancy and/or confirmation will not cause an overrun in the budget in terms of salary dollars;
- 7.4 Pay increments shall be in accordance with the Uniform Collective Agreement.
- 7.5 Notice of promotion shall be forwarded for the information of the Board.

## **8.0 RECLASSIFICATION - CIVILIANS**

- 8.1 This part applies to the reclassification of civilians within the Service.
- 8.2 Re-classification of civilian members and corresponding wage increments shall be in accordance with the applicable sections of the relevant collective agreement. Re-classifications shall be reported to the Board in the monthly Human Resources report.

### **8.3 Early Re-Classification**

- 8.3.1 Early re-classification shall be outstanding or meritorious performance and shall be in accordance with the criteria established in Article 6.3 of this by-law.
- 8.3.2 Early re-classifications shall be reported to the Board as part of the monthly Human Resources report.

## **9.0 PROMOTIONS - CIVILIANS**

- 9.1. This part applies to the promotion of civilian members within the Service.
- 9.2. Promotion of civilian members shall be the responsibility of the Chief. The Chief shall develop and maintain procedures for the promotion of all civilian members in accordance with this by-law.
- 9.3. The Chief shall ensure that the procedures referred to in Article 9.2 above includes at a minimum, the following provisions:
  - (a) The procedure complies with By-law 96-3 and Section 304.00 of the Policing Standards Manual;
  - (b) The procedure incorporates an assessment/evaluation component based upon the qualifications established for the position;
  - (c) In accordance with their evaluations, members have performed their duties in a capable and proficient manner.
  - (d) That members are not facing any disciplinary action ;
  - (e) There is a promotional vacancy and promotion will not cause an overrun in the budget in terms of salary dollars;
- 9.4. Pay increments shall be in accordance with the relevant sections of the applicable Collective Agreements.
- 9.5. Notice of promotion shall be forwarded for the information of the Board.

## **10. RANK STRUCTURE**

- 10.1 Rank structure shall be in accordance with Regulation 929 of the *Act*. The addition or deletion of a rank within the authorized strength and organizational structure, shall be at the approval of the Board.

## **11. TERMINATIONS & RESIGNATIONS (UNIFORM)**

- 11.1 Terminations during the probationary period shall be in accordance with Section 44(3) of the *Act*. The Chief of Police shall forward a written recommendation of termination to the Board for approval. Before sending a recommendation to the Board for approval, the Chief shall provide the subject officer with reasonable information with respect to the reasons for the termination and provide the subject officer with the opportunity to reply in writing to the Board.
- 11.2 All uniform terminations conducted in accordance with Part V of the *Act* and resignations shall be forwarded for the information to the Board. Replacement of these positions shall be at the discretion of the Chief.

11.3 In accordance with Section 68(9) of the *Act*, where an officer resigns while disciplinary charges are not yet disposed of, the circumstances of the resignation shall be recorded in the officer's personnel file and noted in any employment reference requested by an outside policing agency. This shall preclude any promise of a neutral employment reference in such instances.

**12. TERMINATIONS & RESIGNATION (CIVILIAN)**

12.1 All terminations shall be forwarded to the Board for approval. Terminations shall be conducted in accordance with this by-law and any other applicable legislation.

12.2 Termination during the probationary period shall be in accordance with the relevant Collective Agreement.

**13. AGREEMENTS (EMPLOYMENT & OTHER)**

13.1 It is the right and obligation of the Board to approve, reject or amend any employment related agreements negotiated by the Chief of Police or designate, acting as an agent for the Board.

**14. EFFECTIVE DATE:**

14.2 That the Board repeal By-law 96-1;

14.2 This By-law shall come into force and take effect immediately upon the passing hereof.

**READ AND PASSED BY THE HALTON REGIONAL POLICE SERVICES BOARD**

**THIS 23rd DAY OF *April* , 1998**

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**CHAIR**

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**EXECUTIVE DIRECTOR**