BY-LAW 7 CONCERNING HUMAN RESOURCES MANAGEMENT

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**BY-LAW 7 – CONCERNING HUMAN RESOURCES MANAGEMENT**

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PREAMBLE

The By-law Concerning Human Resources Management is intended to be an essential management tool for the fulfilment of the College’s mission and strategic plan. Human resources are the fundamental element on which the College builds in order to provide students with quality teaching and support.

With a view to promoting innovative human resources management, the College wishes to adopt measures likely to be conducive to the development of human resources working within an organization dedicated to teaching and learning.

Through this By-law, the College wishes to establish the basis for a consistent approach and to introduce guidelines fostering management habits compatible with the College’s mission and strategic plan. It provides a framework for drawing up management policies specific to the different personnel categories.

This By-law Concerning Human Resources Management meets the expectations and obligations expressed in the College’s Act, and is applied in a context of compliance with the overall statutes, regulations, collective agreements, programs, directives or standards to which it is subject.
ARTICLE 1 - GENERAL PROVISIONS

1.1 **Background**

This By-law is adopted in conformity with section 18.02 of the *Loi sur les collèges d'enseignement général et professionnel (L.R.Q., chapitre C-29 et amendements)* and regulations issued under the said Act and is intended as one of the core elements enabling the College to carry out its mission and strategic plan. The guiding principles underpinning this By-law are based on respect for individual and collective rights, the promotion of a positive work atmosphere and cooperative work climate, openness in communication, a development of a culture of empowerment, equal opportunities, evaluation and accountability for one’s actions.

1.2 **Designation**

The present By-law, designated as Number 7, “Concerning Human Resources Management” establishes the rules governing the employees who are members of an accredited association within the meaning of the Labour Code (R.S.Q., Chapter C-27) and management employees governed by the *Regulations respecting certain conditions of employment of senior and management staff of general and vocational colleges*.

1.3 **Definitions**

The definitions set out in Article 1.2 of By-law 1 “Concerning the General Administration of the College” are valid for this By-law.

In addition, in this By-law, the following definitions apply:

a) **College Officer**

   The holder of one of the positions mentioned and described in Article 3.1 of By-law 1;

b) ** Permanent Position**

   An employment position held or intended to be held other than a teacher, that is a senior staff, support or professional employee;

c) **Staffing Plan**

   The official document establishing the number of permanent positions for senior staff, support and professional employees for each College Service;

d) **Supervisor**

   The senior staff member or employee supervisor designated to that end who is immediately responsible for an employee of the College;
e) **Immediate Supervisor**

The senior staff member who supervises, at the next level higher, a senior staff member or supervisor;

f) **Senior Staff Regulation**

The *Regulation respecting certain conditions of employment of senior staff of general and vocational colleges*;

g) **Senior Manager**

Any manager who is classified at the level of coordinator or higher (Class 6+) within the meaning of Regulation 3.01 (Regulation – R.S.Q.ch. c-29, r-3.01 – decreed by the Minister by virtue of Article 18.1 of the Art. which outlines the working conditions of management personnel);

Employees classified as Directors and/or Coordinators are Senior Managers;

h) **Operational Manager**

Any manager who is classified at the level ‘R’ or ‘CO’ (Class 1 to 5) within the meaning of Regulation 3.01 (Regulation – R.S.Q. ch.c-29, r-3.01 – decreed by the Minister by virtue of Article 18.1 of the article which outlines the working conditions of management personnel);

Employees classified as Gérant and/or Régisseur are Operational Managers;

i) **Senior Executives’ Regulation**

The *Regulation respecting certain conditions of employment of senior executives of general and vocational colleges*;

j) **Senior Executives**

The Director General and the Academic Dean are Senior Executives.

k) **Directors’ Group**

Any manager who is classified as a Director within the meaning of *Regulation respecting certain conditions of employment of senior executives of general and vocational colleges*;

l) **Management Committee**

All managers who are classified within the meaning of *Regulation respecting certain conditions of employment of senior executives of general and vocational colleges*. 
1.4 **Representation of the College on the Labour Relations and Professional Development Committees**

The Director General, or his/her delegate, shall appoint representatives of the College to the various labour relations or professional development committees formed by virtue of the labour agreements to which the College is a party.

With respect to senior staff, the Director General or his/her delegate represents the College vis-à-vis the local management committee.

These representatives shall act for and on behalf of the College on such committees.

1.5 **Local Negotiations**

1.5.1 The Executive Committee of the Board shall oversee local negotiations conducted with unionized personnel as per the mandate stated in *Les dispositions de la loi sur le Régime de négociation dans les conventions collectives dans les secteurs public et parapublic* (1985, L.Q. ch. 12). It shall also name and set the mandates of the College negotiators, approve the text of agreements and recommend ratification of such agreements to the Board.

1.5.2 The Executive Committee shall meet, in camera, to deliberate on matters concerning local negotiations. Personnel covered by Article 12 of the *Loi sur les collèges de l'enseignement général et professionnel* (L.R.Q., chapitre C-29 et amendements) shall be excluded from such meetings of the Executive Committee for these deliberations.

1.5.3 The Director of Human Resources Services shall act as the coordinator of local negotiations within matters referred to in Article 1.5.1 above. In such capacity, and under the authority of the Director General, the Director of Human Resources Services shall:

1.5.3.1 be responsible to inform the Executive Committee of matters to be negotiated;
1.5.3.2 coordinate prior consultations with each of the parties and put forward draft mandates to the Executive Committee;
1.5.3.3 inform the College’s representatives of the nature of the said mandates;
1.5.3.4 propose negotiating strategies;
1.5.3.5 report periodically to the Director General and the Executive Committee on progress in negotiations;
1.5.3.6 have agreements ratified by the Executive Committee and the Board of Governors prior to the implementation of any agreement.

1.6 **Senior Staff Management Policy**

In accordance with the provisions of the *Regulation respecting the conditions of employment of senior and management staff of general and vocational colleges*, the
College establishes a management policy with respect to senior and operational staff, following consultation of the local committee.

This management policy defines the conditions of employment not provided for in the Minister’s Regulation respecting the conditions of employment of senior staff of general and vocational colleges and represents the reference document on conditions of employment for College senior and operational staff.

1.7 Conditions of employment of the Director General and the Academic Dean

The conditions of employment of the Director General, not provided for in the Minister’s regulation, are determined by the Chair of the Board who concludes the hiring of the Director General.

The conditions of employment of the Academic Dean, not provided for in the Minister’s regulation, are determined by the Director General who concludes the hiring of the Academic Dean.

1.8 Personnel Files

The personnel file of every employee is confidential and is maintained by the Office of the Director of Human Resources Services.

ARTICLE 2 - PERSONNEL MANAGEMENT

2.1 General Rules

2.1.1 Pursuant to Article 3.6 of By-law 1 "Concerning the General Administration of the College", the Director General, under the authority of the Board, shall be responsible for human resource planning and coordination for the College and shall forward to the Executive Committee, at least once a year, an organizational chart of the College.

2.1.2 Subject to the General and Vocational Colleges Act (R.S.Q., Chapter C-29) and its amendments and of the regulations issued under the said Act, to the labour agreements in force and to the Agreement on Management Policy, and subject also to the rules contained in the present By-law, day-to-day human resource management shall be under the responsibility of the Executive or senior manager in charge, or their delegates.

2.1.3 The supervisor who is not a member of management personnel, must be expressly appointed and empowered by the Officer of the College to whom such supervisor reports within the meaning of Article 2.1.1 of By-law Number 7.
2.1.4 Each member of management personnel, or other supervisor of personnel, must assume the day-to-day management of all personnel for whom such person is responsible, particularly with respect to motivation of employees, preparation of annual goals and objectives, evaluation of employees' performance, monitoring of absences and recommendations for promotion, advancement, suspension or dismissal.

2.1.5 When the management of Human Resources requires a decision which may involve a provision of a labour agreement, such decision must be made only after consulting the Director of Human Resources Services, or the person to whom the latter has delegated such responsibilities so as to ensure that such a decision complies with the relevant labour agreement.

2.1.6 Board and Executive Committee decisions required under this By-law are subject to Article 12 of the Act. Furthermore, confidential documentation, which has implications with respect to negotiated agreements of any kind with unions, will not be distributed to unionized College employees who are members of the Board or the Executive, until such agreements are signed. Nor will this documentation be distributed to other members of the Board who have declared themselves to be in conflict of interest under the Code of Ethics and Professional Conduct for Board Members.

ARTICLE 3 – WORKING CONDITIONS

3.1 Director General and Academic Dean

The working conditions of the Director General or Academic Dean that are not provided for in Article 1.3 are governed by By-law Number 2.

3.2 Policy for Management Personnel

The working conditions of management personnel that are not provided for in Article 1.3 are governed by the Agreement on Management Policy.

ARTICLE 4 – ESTABLISHMENT, MODIFICATION AND ABOLITION OF POSITIONS

4.1 General Rules

a) The Board of Governors adopts, at the same time as approving the annual operations budget, a yearly staffing plan with respect to the number of senior and operational staff, professional and support staff positions upon recommendation from the Director General.
b) For regular teachers, the attribution of the number of teachers allocated to the College among study programs and teaching disciplines is carried out according to a plan established by the Academic Dean, subject to the MELS regulations and to the provisions of the labour agreement between the College and its teachers.

4.2 **Specific Rules**

- The creation of senior and operational staff, professional and support staff positions is the responsibility of the Director General upon recommendation from the Service concerned, in consultation with Human Resources;

- The modification and abolition of senior and operational staff, professional and support staff positions are the responsibility of the Director General, upon recommendation from the Service concerned, in consultation with Human Resources;

- The creation, modification and abolition of teaching positions are the responsibility of the office of the Academic Dean within the framework of the annual allocation for teachers in regular education, in consultation with Human Resources;

- The creation, modification and abolition of teaching loads in Continuing Education are the responsibility of the Director of Continuing Education, in line with the needs of the Continuing Education Department, in consultation with Human Resources.

**ARTICLE 5 – DECISION TO FILL A VACANT POSITION**

5.1 **Management Positions**

Any decision to fill a vacant management position shall be made by the Director General.

5.2 **Teaching Personnel Positions**

Any decision to fill a vacant teaching position shall be made by the senior manager, duly mandated by the Academic Dean, in consultation with Human Resources.

The vacant position must be within the annual allotment of teachers granted, to the respective discipline and be in compliance with the collective agreement.

**ARTICLE 6 - EQUAL ACCESS EMPLOYMENT PROGRAM**

6.1 The Director of Human Resources Services, as the authority designated to implement the Equal Access Employment Program, is responsible for ensuring that the provisions of the Law and the Program are carried out.
6.2 The College Equal Access Employment Program is a program approved by the Commission des droits de la personne et de la jeunesse under the authority of the Act Respecting Equal Access of Employment in Public Bodies. The Program calls for the application of temporary corrective measures and equal opportunity measures in the hiring of new personnel.

6.3 The Director of Human Resources Services is responsible for providing in-service training to College personnel on the objectives of the Act Respecting Equal Access of Employment in Public Bodies, the measures of the Equal Access Employment Program and selection procedures.

ARTICLE 7 - SELECTION OF CANDIDATES

7.1 Selection of Employees

The selection, hiring and appointment of employees, is subject to the provisions of the Policy on Conflict of Interest in Close Personal Relationships for College Employees (Policy No. 8)

7.2 Selection Criteria

With respect to categories of personnel other than managers, selection criteria not provided for in collective agreements or classification plans shall be determined by the executive or senior manager responsible for the sector or department, in consultation with Human Resources.

Selection criteria not provided for in the Policy for Management Personnel shall be decided by the Director General in consultation with the executive or senior manager responsible for the sector or department and Human Resources.

7.3 Senior Staff and Management Personnel

When it is appropriate to form a selection committee for the hiring of senior and operational staff, the composition of the committee takes place in compliance with the Agreement on Management Policy. The College’s representatives are the Director General, Academic Dean and Director of Human Resources Services, or individuals designated to replace them.

The Director General determines the work schedule of the selection committee charged with making recommendations. In the case of a Director of Human Resources Services, the Director General designates the third person.

7.4 Regular Teachers

When it is appropriate to form a selection committee for the hiring of regular teachers, the composition of the committee takes place in compliance with the collective agreement. The College’s representatives are two (2) in number, one being the Academic Dean, or the individual he designates to replace him, and the other being the
7.5 **Continuing Education Teachers**

When it is appropriate to form a selection committee for the hiring of Continuing Education teachers, the composition of the committee takes place in compliance with the collective agreement. The College’s representatives are two (2) in number, one being the Director of Continuing Education, or the individual he/she designates to replace him/her, and the other being the Director of Human Resources Services, or the individual he/she designates to replace him/her.

7.6 **Non-Credit Courses – Teachers**

In the absence of a selection committee, notably for non-credit courses not covered by the collective agreement, the selection is made by the senior manager duly mandated by the Director of Continuing Education and a representative of Human Resources duly mandated by the Director of Human Resources Services.

7.7 **Professional Personnel**

When it is appropriate to form a selection committee for the hiring of professionals, the committee is formed in compliance with the provisions of the collective agreement. The College’s representatives are the Director of the Service concerned or an individual he/she delegates to replace him/her, the direct supervisor and the Director of Human Resources Services or an individual he/she delegates to replace him/her.

7.8 **Support Staff**

When the College deems it appropriate to form a selection committee to fill a regular support employee position, the College’s representatives are the Director of the Service concerned or an individual he/she delegates to replace him/her, the direct supervisor, who is not a support staff member, and the Director of Human Resources Services or an individual he/she delegates to replace him/her.

**ARTICLE 8 - HIRING AND APPOINTMENT OF REGULAR EMPLOYEES**

8.1 **Management Personnel**

The Director General and Academic Dean are hired in compliance with By-law 2 ‘Concerning the Appointment, The Renewal of Mandate and the Evaluation of the Director General and the Academic Dean’.

The Director General shall hire or appoint Senior and Operational Managers.
8.2 **Teaching Personnel**

The senior manager duly mandated by the Academic Dean shall authorize the hiring of teachers. The Director of Human Resources Services, or his/her delegate, shall confirm the hiring to the successful candidate and shall determine the terms and conditions of such hiring.

8.2.1 **Regular Teachers**

Subject to the provisions of the collective agreement binding the College and its teachers, authorization to proceed with the hiring of a regular teacher is given by the Academic Dean or his/her delegate. Confirmation to the successful candidate of his/her hiring and determination of the condition of this hiring are the responsibility of the Director of Human Resources Services or his/her delegate.

8.2.2 **Teachers in Continuing Education**

Subject to the provisions of the collective agreement binding the College and its teachers who teach credit courses in Continuing Education, the Director of Continuing Education or his/her delegate, duly mandated to that end, are required to consult, where appropriate, the Associate Dean of the program concerned, then to select the teacher and authorize the hiring. Confirmation to the interested party of his/her hiring and determination of this hiring are the responsibility of the Director of Human Resources Services in compliance with the accredited collective agreement between the College and its teachers.

8.3 **Professional and Support Staff**

Subject to the provisions of the respective collective agreement binding the College on the one hand with its professional employees and on the other hand with its administrative support employees, authorization to proceed with the hiring of a professional or administrative support employee is given by the Director General upon recommendation from the Director of the Service concerned. Confirmation to the interested party of his/her hiring and determination of the terms and conditions of this hiring are the responsibility of the Director of Human Resources Services or his/her delegate.

8.4 **Other Hirings**

In the case of a person hired for duties not governed by a collective agreement or the Agreement on Management Policy, the Director General is responsible for authorizing the hiring. Confirmation to the interested party of his/her hiring and determination of the terms and conditions of that hiring are the responsibility of the Director of Human Resources Services or his/her delegate.
ARTICLE 9 - HIRING OF NON-PERMANENT OR STUDENT EMPLOYEES AND OVERTIME

9.1 Prior Authorization

Within the limits of the Departmental budget, the Director of a Service or, under the responsibility of that Director, the person delegated by him/her to that end may authorize the hiring of a non-permanent employee or a student, or the performance of overtime work.

Hiring and appointments shall only be authorized within the limits of the budgetary allocation available to the sector or department.

9.2 Employment Pool

The Human Resources Department maintains a pool of qualified candidates.

9.3 Selection

Subject to the provisions of the various collective agreements to which the College is a party, the selection of a non-permanent employee or a student employee is the responsibility of the Director of the Service concerned or his/her delegate, who takes into account the pool of candidates provided by Human Resources.

9.4 Hiring

Confirmation to the interested party of his/her hiring as a non-permanent employee or student employee and determination of the terms and conditions of that hiring are the responsibility of the Director of Human Resources Services or his/her delegate.

ARTICLE 10 - TRANSFERS, PROMOTIONS AND DEMOTIONS

10.1 General Rule

Any movement involving a transfer, promotion or demotion must comply with the terms and conditions of the collective agreement or management policy applicable to the affected employee.

10.2 Specific Rules

The Director of Human Resources Services or his/her delegate shall coordinate the transfers, promotions and demotions of personnel within the framework of the annual staffing plan of the College.
ARTICLE 11 – ADMINISTRATIVE AND DISCIPLINARY MEASURES

11.1 General Rules

Any warning or reprimand shall be decided by the immediate superior after consulting with Human Resources and communicated to the employee, in writing, with a copy to the Director of Human Resources Services or his/her delegate for insertion in the employee’s personnel file.

An administrative measure, which is related specifically to the contractual obligations of an employee, shall be decided by the Director of Human Resources Services or his/her delegate after consulting with the employee’s immediate superior.

11.2 Dismissal or Suspension

Any dismissal, removal of job priority or suspension must be preceded by a consultation with the employee’s immediate superior. A decision concerning such sanctions shall be made by the Board upon the recommendation of the Director General in the case of management personnel; by the Director General in the case of professional and support personnel; and by the Academic Dean in the case of teachers.

ARTICLE 12 - PERSONNEL EVALUATION

12.1 Periodic Performance Evaluation

Pursuant to the evaluation policies established by the College for each category of personnel, each employee’s performance must be evaluated periodically, particularly when a decision must be made to grant regular or permanent status to such employee.

ARTICLE 13 - PROFESSIONAL DEVELOPMENT

13.1 Professional Development Policies

For each category of personnel, the College shall establish policies to encourage and promote the professional development of its employees.
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ARTICLE 14 – ORIENTATION OF NEW EMPLOYEES

14.1 **Orientation**

The College shall establish orientation programs to support the integration of employees into their new working environment. These programs will be jointly coordinated by the Human Resources.

ARTICLE 15 – SIGNING AUTHORITY FOR SPECIFIC PURPOSES

15.1 **Hiring of Management Personnel**

The Director General or his/her delegate signs for, and on behalf of the College, the employment contract for every person who is hired as a member of management personnel.

15.2 **Hiring of Non-Management Personnel**

The Director of Human Resources Services or his/her delegate, for and on behalf of the College, signs the employment contract for every person hired in all categories of personnel with the exception of management unless delegated by the Director General.

ARTICLE 16 – RESPONSIBILITY FOR HUMAN RESOURCE MANAGEMENT

The Director General is responsible for Human Resources Management.

With respect to the application of the by-law, the Director of Human Resources Services or his/her delegate provides any required assistance to those who manage or supervise employees. To this end, Human Resources Services assume responsibility for the development or revision of policies, procedures, or tools required for the implementation of this by-law.

All senior staff are responsible, within their departments or services, for the application of this by-law as well as of all related policies and procedures.

ARTICLE 17 – COMING INTO FORCE

This By-law will come into force on June 29, 2011.