

**Ontario Band Association
PERSONNEL POLICY**

Effective: January 12, 2012

Supercedes: All Others

**PART 1
PREAMBLE**

The Ontario Band Association (OBA) strives to be an inclusive employer. While many positions on the Board of Directors are volunteer, from time to time positions may be created to facilitate the function and furthering the mission and vision of the OBA.

**PART 2
ADMINISTRATION**

1. Primary responsibility for personnel administration shall rest with the President of the OBA.
2. The President shall maintain working personnel files on all employees with respect to the following: staff evaluations, position profiles, and employment contracts; copies of position profiles; information relating to the administration of the OBA's health and dental plans, if applicable; and, records pertaining to vacation days, sick days, and other absences.
3. All payroll functions shall be the responsibility of the Treasurer of the OBA or any other agency appointed by the OBA's Board of Directors.
4. All employees of the OBA shall be paid in the form of honourarium.

**PART 3
RECRUITMENT**

1. Prior to the posting of an available staff position within the OBA, the Executive and outgoing employee, if appropriate, will complete a comprehensive audit of the position specifications to ensure that the staff function is current and relevant to the functioning of the organization.
2. Pending the results of the position audit, the President will further develop and/or amend the position specifications of the existing staff function. All amendments will be subject to approval of the Executive.
3. In the event that a new position is required, the Executive will develop an appropriate position profile, subject to approval of the Board of Directors.
4. All available positions will be suitably advertised.
5. All job postings will contain the following:
 - a. Qualifications, including knowledge, education and skills required
 - b. Duties and responsibilities;
 - c. Wage or salary;
 - d. Required hours of work;
 - e. Length of employment contract (if applicable);
 - f. Deadline for applications;
 - g. Contact person, and contact information for the OBA;

- h. Notice that the OBA is an equal opportunity employer.

PART 4

INTERVIEWING, SELECTING, AND HIRING A NEW EMPLOYEE

1. All hiring procedures will be conducted in confidence and will remain in confidence, to protect the candidate, current OBA employees, and the integrity of the process.
2. The OBA shall not differentiate or discriminate between applications on the basis of race, national or ethnic origin, religion, sex, sexual orientation, age or mental or physical disability, or anything else that contravenes the Canadian Charter of Rights and Freedoms. Selections of all qualified candidates shall be made on the basis of merit.
3. Prior to the commencement of the interview period, criteria for shortlisting the applications will be developed based on the position profile. Candidates will be shortlisted and evaluated against these criteria.
4. For the purposes of scheduling and conducting interviews, the President shall prepare a shortlist of no more than five (5) qualified candidates.
5. The scheduling of interviews for vacated positions shall be coordinated by the President and shall commence following the preparation of a shortlist of candidates.
6. Before the successful candidate is notified of a scheduled interview, the President will complete reference checks.
7. Upon the selection of the successful candidate, the President shall convene a special meeting of the Board of Directors. The President shall recommend the successful candidate to the Board of Directors for approval and will make available the successful candidate's resume and/or curriculum vitae for reference.
8. In the event that the Board of Directors does not approve the employment of the successful candidate, the President may choose to recommend another short-listed candidate for approval or may choose to re-post the vacant position for additional applications.
9. Unsuccessful applicants, who appeared for an interview, shall be notified immediately following the approval of the successful candidate by the President.
10. In the event that the President is in a position of a conflict of interest (i.e. the hiring of a relative, close friend), the President shall make her conflict of interest known to the Board of Directors as per the OBA Conflict of Interest Policy and if requested, shall remove herself from the process.

PART 5

ORIENTATION AND TRAINING

1. When possible, and agreeable to the outgoing employee, all efforts shall be made to coordinate a structured and comprehensive orientation between the outgoing and incoming employees. In the event that the outgoing employee is either unwilling or unavailable to provide an orientation, the President shall arrange for formal training of the incoming employee.

2. The new employee shall meet with the President to discuss, among other issues, employee benefits; internal policies; salary and wages; position profile; and, contract negotiations.

PART 6 EXTRAORDINARY POSITIONS

1. From time to time, the OBA may require personnel to complete short-term projects, that is, those projects that can be completed within a ninety (90) day timeline.
2. The President, pending ratification by the Board of Directors, shall coordinate the creation of Extraordinary positions to complete specific projects.
3. Extraordinary staff positions within the Alliance shall be paid in the form of honorarium.

PART 7 CREATION OF PERMANENT POSITIONS

1. Prior to the creation of any new position, the proposed position profile must be developed and must be approved by the Board of Directors.
2. In ratifying any new staff position within the OBA, the Board of Directors shall consider the following:
 - a. The impact the function will have on current resources (i.e. financial, human, capital and equipment, and space).
 - b. The viability of the new staff function given limited resources.
 - c. The relevance of the staff function to the overall operations of the OBA.
 - d. Whether the additional staff function will assist the OBA in meetings its key objectives and mission.
3. All new staff positions shall be hired in accordance with the same principles set out in this policy for established positions.

PART 8 ELIMINATION OF POSITIONS

1. Approval for the elimination of a staff position within the OBA rests with the Board of Directors.

PART 9 POSITION PROFILES

1. Every staff function within the OBA shall be directed and governed by a Position Profile (job description) ratified by the Board of Directors.
2. Each Position Profile shall contain the following:
 - a. Title
 - b. Reporting Structure
 - c. Organization Status (full, part-time, extraordinary)

- d. Title of Immediate Reports
 - e. Compensation: Salary, Wages, or Honorarium
 - f. Date
 - g. Position Summary
 - h. Qualifications
 - i. Responsibilities & Duties
 - j. Signature of the President
3. All Position Profiles must be approved by the Board of Directors prior to their being referenced and enforced.
 4. The Secretary shall ensure that a copy of each Position Profile is maintained in the central file.

PART 10 PERFORMANCE EVALUATIONS

1. All OBA employees shall be given an annual performance evaluation not later than one (1) week prior to the anniversary date of their employment.
2. Performance evaluations shall be conducted by the President, or in the case of a perceived conflict of interest, the President-elect.
3. Performance evaluations shall be made available to members of the Board of Directors upon written request to the President. In all other cases, performance evaluations shall be kept confidential and on file in the central file with the Secretary.
4. All OBA employees shall be entitled to a copy of the completed evaluation.

PART 11 OFFICE HOLIDAYS

1. The OBA shall recognize the following as statutory holidays in Ontario for employees:
 - a. New Year's Day (January 1)
 - b. Family Day (Third Monday in February)
 - c. Good Friday (Friday before Easter Sunday)
 - d. Easter Monday (Monday after Easter Sunday)
 - e. Victoria Day (Monday before May 25)
 - f. Canada Day (July 1)
 - g. Civic Holiday (First Monday of August)
 - h. Labour Day (First Monday in September)
 - i. Thanksgiving Day (Second Monday in October)
 - j. Christmas Day December 25
 - k. Boxing Day (December 26)
 - l. Any other workday proclaimed as a paid public holiday by the Federal, Provincial, or Municipal government.
2. Employees will not be paid for statutory holidays.

PART 12

VACATION LEAVE

1. As all employees are paid by honourarium and work as necessary, no set vacation leave shall be granted or enforced by the OBA.
2. As all employees are paid by honourarium, they shall not be entitled to 4% vacation pay.

PART 13 SICK LEAVE

1. Sick leave shall be defined as absence of work as a result of illness or accident.
2. If employees are unable to fulfill their duties due to illness, they must inform the President as soon as possible.
3. In instances of illness lasting more than three (3) days, redistribution of their duties may be warranted as such by the President to other employee(s) or members of the Board of Directors, where necessary.
4. Any employee suspected of abuse of sick leave time may be required to provide medical evidence of illness to the President. Any OBA employee found to be abusing sick leave time will be disciplined. Disciplinary action may include, but is not limited to, suspension without pay; deductions of pay for time missed, and dismissal.

PART 14 MATERNITY LEAVE

1. As all employees of the OBA receive an honourarium and are employed as individual contract employees, they shall not be entitled to Maternity Leave as defined by Human Resources and Development Canada and the Ontario Labour Code. However, on compassionate grounds, the OBA shall proceed with Maternity Leave rights without pay.
2. Employees requesting Maternity Leave must present the President with a certificate from a qualified medical practitioner, stating that the employee is pregnant and specifying the anticipated date of delivery.
3. Upon receipt of the certificate by the National Director, the employee will be granted a leave of absence without pay starting at any time during a period of up to 54 (fifty-four) total weeks immediately preceding, and then immediately following, the actual date of delivery. The employee will then be granted a leave of absence without pay starting immediately following the date of delivery, until such time as the employee decides to return to work. An employee not wishing to proceed on maternity leave prior to confinement should submit a doctor's certificate to the President indicating that it is safe for her to continue working.
4. The start date of the Maternity Leave will be the date requested by the staff member in her application to leave. For example, where the staff member is unable to physically perform her job or where the staff member is unable to continue her job due to illness, a change in the start date of her leave may be approved by the President.

5. Staff members on Maternity Leave shall not be entitled to paid leaves of absence during the period of Maternity Leave.
6. A staff member on maternity leave who decides not to return to her former employment shall give the President as much notice as possible, but not less than one (1) month written notice prior to the expiration of the leave.
7. A staff member proceeding on Maternity Leave may be entitled to employment insurance and will be encouraged to obtain a Certificate of Separation to collect benefits.

PART 15
PARENTAL LEAVE

1. As all employees of the OBA receive an honourarium and are employed as individual contract employees, they shall not be entitled to Paternity Leave as defined by Human Resources and Development Canada and the Ontario Labour Code. However, on compassionate grounds, the OBA shall proceed with Parental Leave rights without pay.
2. Employees are entitled to Parental Leave of eighteen (18) weeks without pay, and upon written request to the President. This will not apply where the employee's spouse or partner remains at home with the child.
3. Employees shall be given up to two (2) days leave without pay to attend the birth or adoption of their own children.
4. A staff member on Parental Leave who has decided not to return to his/her former employment shall give the President as much notice as possible, but not less than one (1) month written notice prior to the expiration of the leave.

PART 16
LEAVE WITHOUT PAY

1. Employees may receive leave without pay under the following circumstances:
 - a. to participate as candidates in Federal, Provincial, Municipal, and local School Board elections;
 - b. for good and sufficient cause, as determined by the President, provided leave is requested and approved in writing by the President.
 - c. medical reasons. Requests for medical leave shall be accompanied by a physician's certificate stating the medical reason for the absence as well as the probable date of confinement. Extended medical leaves shall be reviewed at such time as the employee's attending physician certifies that it is unlikely that the employee will be able to return to work. A physician's certificate stating the employee is able and fit to return to work will be required prior to returning to work.
 - d. for religious holiday or celebration, as recognized by the employee and requested in writing to the President.
2. Employees of the OBA may take such a leave for a maximum of one (1) month. Further extensions shall be dealt with on an individual basis.

PART 17
LEAVES WITH PAY

1. As all employees of the OBA are contract employees and paid by honourarium, no leaves with pay shall be granted. Only in special circumstances negotiated with the President and approved by the Board of Directors shall commiserate leaves with pay be done.

PART 18
DISCIPLINE AND DISMISSALS

1. In the event that there is an issue regarding an employee's performance, the President will first attempt to solve the problem through a verbal meeting with the employee. Written data summaries of this discussion shall be kept on file in the office of the President.
2. If the performance issues persist, or if the actions of the employee are considered to be of a magnitude that verbal discussion is not considered an adequate response, a formal written warning will be issued. The following procedure will govern the process:
 - a. The President will have a formal discussion with the employee with respect to her inadequate or inappropriate performance as an employee of the OBA;
 - b. Within five (5) working days, the President shall provide the employee with a letter outlining the reasons for dissatisfaction, the corrective measures required, the date by which these corrective measures must be demonstrated, and the disciplinary measures that may follow if corrective action is not taken;
 - c. If prescribed corrective action is not demonstrated by the date specified, then a second written warning shall be issued, following the same procedure outlined in a and b above;
 - d. If there is continued concern, the President shall reserve the right to either suspend or dismiss the employee. In either instance, a meeting of the Board of Directors shall be called and convened to inform members of the Board of the President's decision.
3. The President may suspend an employee without pay for a period of time if the disciplinary actions outlined above have had little effect. The President will inform the Board of Directors of the suspension, suspension length, and the reasons for the suspension as well as any other disciplinary actions taken.
4. Employees who do not respond positively to formal written warnings may be dismissed provided that they are given written notice of termination, or equivalent salary in lieu of such period of notice, as prescribed by the Ontario Employment Standards Act.
5. An employee may be immediately dismissed, without written warning, notice or period, or salary in lieu of notice, for the following reasons:

- a. Theft, fraud, or other criminal activities;
 - b. Using or being under the influence of alcohol or illegal drugs while at work or during OBA events;
 - c. Breach of confidentiality;
 - d. Continual shortages in cash or materials in the employee's control;
 - e. Failure to inform the President of absences; and/or
 - f. Insubordination.
- 6 The President shall keep an accurate record of all incidences in which an employee does not perform their required duties, or does not perform them to an acceptable and a reasonable standard. These records should include the following information:
- a. Incident date;
 - b. Behaviour observed;
 - c. Reasons for concern;
 - d. Summary of discussion with employee; and
 - e. Disciplinary action taken (if any).

PART 19

PERSONNEL FILES

1. Personnel records shall be maintained by the President and kept in a secure file.
2. Personnel records shall contain information relating to an OBA staff member's employment, including:
 - a. Resume or curriculum vitae and cover letter for employment;
 - b. Offer of employment signed by the President;
 - c. Position profile;
 - d. Letter informing employee of the position specifications as well as an annual performance evaluation;
 - e. Notes of personal discussions and notable observations, correspondence sent and received, and copies of letters of reprimand.
3. Confidential information shall consist of the materials outlined in part 19(2), as well as any other document or material transmitted in confidence.
4. Staff members of the OBA shall have the right to examine the contents of their personnel file at any time, provided that the President or member of the Executive witness accompanies them.
5. Staff members of the OBA shall have the right to add written comments to their personnel file including any explanation in defense of any serious indictment of the staff member's professional conduct.