

Bylaw Number 4

CONCERNING

HUMAN RESOURCE MANAGEMENT

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Article 1 GENERAL PROVISIONS

1.01 Definitions

The definitions set forth in clause 1.01 of Bylaw Number 1 apply to Bylaw Number 4. In this bylaw the following expressions mean:

- a) **'REGULATION 3.01'**: Regulation (CQLR, ch. C-29, r. 3.01) decreed by the Minister by virtue of article 18.1 of the Act which outlines the working conditions of management personnel;
- b) **'REGULATION 3.3'**: Regulation (CQLR, ch.C-29, r. 3.3) decreed by the Minister by virtue of article 18.1 of the Act which outlines the working conditions of directors general and academic deans
- c) **'REGULATION 5.3'**: Regulation (CQLR, ch. C-29, r. 5.3) decreed by the Minister by virtue of article 18.0.2., par. a) of the Act which outlines the bylaws and policies which a college must adopt
- d) **'EXECUTIVE MANAGERS'**: the Director General and the Academic Dean
- e) **'SENIOR MANAGER'**: any manager who is classified at the level of Coordinator or higher within the meaning of Regulation 3.01
- f) **'OPERATIONAL MANAGER'**: any manager who is classified at the level "R" or "CO" within the meaning of Regulation 3.01;
- g) **'MANAGERS OR MANAGEMENT PERSONNEL'**: a designation that includes all executive, senior and operational managers;

1.02 Designation

This bylaw, portions of which were adopted in accordance with Regulation 5.3, is entitled "Bylaw concerning Human Resource Management of the College" and is designated as Bylaw Number 4.

Article 2 HUMAN RESOURCE MANAGEMENT

2.01 Subjugation

The rules and procedures set out in this bylaw are subject to applicable legislation, including the Act and the regulations adopted thereunder, to the labour agreements to which the College is a party, as well as to other bylaws and policies adopted by the Board, where appropriate.

2.02 General Rules

Human resource management within a sector or department shall be the responsibility of the executive or senior manager in charge, or their delegates.

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

2.03 Day-to-day Management

Managers shall assume the day-to-day management of all personnel for whom they are responsible, particularly with respect to supervision and motivation, preparation of an annual work plan for the unit, evaluation of performance, monitoring of absences, recommendations for promotion and advancement as well as recommendations with respect to suspension or dismissal.

2.04 Consultation

When decisions must be made that involve a provision of a labour agreement or of the Policy for Management Personnel, the manager must consult the Director of Human Resources, or his/her delegate, to ensure compliance with such provisions.

2.05 Responsibility for Human Resource Management

The Director of Human Resources shall ensure that decisions pertaining to human resource management comply with labour legislation to which the College is subject, as well as with applicable labour agreements, the Regulations of the Minister and all bylaws and policies of the College.

2.06 Delegation

The Director General and the Director of Human Resources shall be informed in writing of all delegations of authority under this bylaw on the form provided for that purpose.

2.07 Board and Executive Committee

Board and Executive Committee decisions required under this bylaw are subject to Article 12 of the Act. Furthermore, confidential documentation which has implications with respect to negotiated agreements of any sort 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 provisions of the Code of Ethics and Professional Conduct for Board Members.

Article 3 WORKING CONDITIONS

3.01 Director General and Academic Dean

The working conditions of the current or prospective Director General or Academic Dean that are not provided for in Regulation 3.3 are governed by Bylaw Number 3.

3.02 Policy for Management Personnel

The working conditions of management personnel that are not provided for in Regulation 3.01 are governed by the Policy for Management Personnel.

3.03 College Representation on Committees

In consultation with the Chair of the Board, the Director General shall appoint representatives of the College to committees formed by virtue of the Policy for Management Personnel.

The Director General shall appoint representatives of the College to the various committees formed by virtue of labour agreements to which the College is a party.

Representatives named by virtue of this clause shall act for and on behalf of the College.

3.04 Local Negotiations

The Executive Committee shall oversee local negotiations conducted with unionized personnel. It shall also set the mandates of the College negotiators named by the Director General, approve the text of agreements and recommend ratification of such agreements to the Board.

3.05 Coordinator of Local Negotiations

The Director of Human Resources shall act as the coordinator of local negotiations. In this capacity, under the authority of the Director General, the Coordinator shall:

- 1) coordinate the consultation process with all parties concerned and furnish the Executive Committee with the necessary documentation, prior to the recommendation on mandates;
- 2) inform the College negotiators of the nature of these mandates;
- 3) recommend bargaining strategies;
- 4) report periodically to the Executive Committee on the progress of negotiations.

Article 4 CREATION AND ABOLITION OF POSITIONS

4.01 Teaching Personnel

The distribution, within the teaching disciplines, of the number of teachers allocated to the College shall be carried out on the basis of a plan established by the Academic Dean.

4.02 Non-teaching Personnel

Each year, as part of the budget adoption process, the Board shall adopt a staffing plan concerning the number of permanent management, professional and support personnel positions.

4.03 Permanent Changes to the Staffing Plan

Any change which is made to the staffing plan approved by the Board under 4.02 must conform to the following rules:

a) Increase in the number of positions

Any decision which results in an increase in the total number of permanent positions shall be made by the Executive Committee.

b) Decrease in the number of positions

Any decision to abolish a permanent position shall be made by the Executive Committee.

c) Change in the nature of a position

Any decision which changes permanently the classification of an existing position shall be made by the Board in the case of senior managers and by the Executive Committee in all other cases.

4.04 Temporary Changes to the Staffing Plan

Any decision which changes temporarily the classification of an existing position shall be made by the Executive Committee in the case of senior managers and by the Director General in all other cases.

4.05 Special Projects

The decision to create a temporary special project shall be made by the Director General.

Article 5 DECISION TO FILL A VACANT POSITION

5.01 Management Positions

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

5.02 Teaching Personnel Positions

Any decision to replace a teacher who is temporarily absent shall be made by the senior manager duly mandated by the Academic Dean.

5.03 Professional and Support Personnel Positions

Any decision to fill a vacant professional or support personnel position shall be made by the Director General.

Article 6 SELECTION OF CANDIDATES

6.01 Selection of Employees

The selection, hiring and appointment of employees is subject to the provisions of the Policy on Conflict of Interest and Nepotism.

6.02 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 the Director of Human Resources, or his/her delegate.

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

6.03 Management Personnel

The Director General shall decide on the composition and work schedule of the selection committees mandated to recommend a candidate for a senior or operational manager position.

6.04 Teaching Personnel

- a) Should it be necessary to form a selection committee for the hiring of teachers, the Academic Dean and the Director of Human Resources shall each appoint one of the two representatives of the College.
- b) Should it be necessary to form a selection committee specifically for the hiring of teaching personnel for Continuing Education credit courses, the Academic Dean and the Director of Human Resources shall each appoint one of the two representatives of the College.
- c) In the absence of a committee, notably for non-credit courses not covered by the collective agreement, the selection is made by the senior manager duly mandated by the Academic Dean.

6.05 Professional and Support Personnel

Should it be necessary to form a selection committee for the hiring of professional or support personnel, the executive or senior manager responsible for the sector or department and the Director of Human Resources, or his/her delegate, shall each appoint at least one College representative.

Article 7 HIRING AND APPOINTMENT OF REGULAR EMPLOYEES

7.01 Management Personnel

The Board shall hire or appoint the officers of the College, the Executive Committee shall hire or appoint all other senior managers and the Director General shall hire or appoint operational managers.

7.02 Teaching Personnel

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

7.03 Professional and Support Personnel

The executive or senior manager responsible for the sector or department concerned shall authorize the hiring of a professional or support employee on the recommendation of the manager directly responsible for the position. The Director of Human Resources or his/her delegate shall confirm the hiring to the successful candidate and shall determine the terms and conditions of such hiring.

Article 8 HIRING OF OCCASIONAL AND REPLACEMENT EMPLOYEES

8.01 Prior Authorization

The executive or senior manager responsible for a sector or department, or their delegates, may authorize the hiring of occasional and replacement employees.

8.02 Employment Pool

The Director of Human Resources or his/her delegate shall establish an employment pool of qualified professional and support staff.

8.03 Selection

The executive or senior manager, or their delegates, shall select replacement and occasional employees from the employment pool. In the absence of qualified candidates in the employment pool, this selection may be made from among other qualified candidates, subject to the approval of the Director of Human Resources or his/her delegate.

8.04 Hiring

The Director of Human Resources or his/her delegate shall confirm the hiring to the successful candidate and shall determine the terms and conditions of such hiring.

Article 9 HIRING OF STUDENT EMPLOYEES

9.01 Prior Authorization

The executive or senior manager responsible for a sector or department, or their delegates, may authorize the hiring of a student employee.

9.02 Selection

The executive or senior manager responsible for a sector or department, or their delegates, shall select student employees.

9.03 Hiring

The Director of Human Resources or his/her delegate shall confirm the hiring to the successful candidate and shall determine the terms and conditions of such hiring.

Article 10 TRANSFERS, PROMOTIONS AND DEMOTIONS

10.01 General Rule

Any transfer, promotion or demotion must respect the principles enunciated in clauses 2.01, 6.01 and 6.02 of this bylaw.

10.02 Specific Rules

The Director of Human Resources shall coordinate transfers, promotions and demotions of personnel within the framework of the annual staffing plan of the College.

Article 11 ADMINISTRATIVE AND DISCIPLINARY MEASURES

11.01 General Rules

Subject to clauses 2.03 and 2.04, any warning or reprimand shall be decided by the immediate superior and communicated to the employee in writing, with a copy to the Director of Human Resources.

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

11.02 Dismissal or Suspension

Any dismissal 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

12.01 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

13.01 Professional Development Policies

For each category of personnel, the College shall establish policies to encourage and promote the professional development of its employees.

Article 14 ORIENTATION OF NEW EMPLOYEES

14.01 Orientation

The College shall establish orientation programs to support the integration of employees into their new working environment. These programs will be coordinated by the Administrative Services Department and carried out by the supervisor, in the case of a member of management, professional or support personnel. For teaching personnel, such programs will be coordinated by the Human Resources Department in conjunction with the Office of the Academic Dean and carried out by the department chairperson.

Article 15 SIGNING AUTHORITY FOR SPECIFIC PURPOSES

15.01 Hiring of Management Personnel

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

15.02 Hiring of Non-Management Personnel

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