



## BY-LAW NO. 519-2024

### A BY-LAW TO ESTABLISH POLICY RELATING TO SERVICE MEMBERS HIRING/APPOINTMENTS, PROBATIONARY POLICE OFFICERS, PROMOTIONS, RESIGNATIONS, RETIREMENTS AND TERMINATIONS

#### 1. PREAMBLE

- 1.1 WHEREAS subsection 37 (1) of the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, ("CSPA")* provides that a Board shall provide adequate and effective policing in the area for which it has policing responsibility as required by Section 10 of the CSPA;
- 1.2 AND WHEREAS subsection 38 (2) of the CSPA provides that a Police Service Board may establish policies respecting matters related to the Police Service or the provision of policing;
- 1.3 AND WHEREAS the Board adheres to the principle that merit is the basis for hiring and promotion, and that hiring and promotional practices are to be fair and meet the guidelines set by the Ministry;
- 1.4 AND WHEREAS Part 0304.00 of the Manual contains guidelines to ensure equal opportunity within the Service;
- 1.5 AND WHEREAS the Board wishes to reaffirm its position that the opportunity for career development of Service Members is the desired goal and is important to the morale of the Members and to the quality of policing services offered to the community.

NOW THEREFORE THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD ENACTS AS FOLLOWS:

#### 2. DEFINITIONS

- 2.1 "Act" or "CSPA" means the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1*, and amendments thereto;
- 2.2 "Board" means the Regional Municipality of Niagara Police Service Board;
- 2.3 "Chief" means the Chief of the Niagara Regional Police Service;
- 2.4 "External" means outside the Service;
- 2.5 "External Applicant" means an applicant who is not a Member of the Service;
- 2.6 "Hire" and "Hiring" in this By-law includes "Appoint" and "Appointment" of Service Members;

- 2.7            *"Internal"* means within the Service;
- 2.8            *"Internal Applicant"* means an applicant who is a Member of the Service;
- 2.9            *"Interview Panel"* means a panel appointed by the Chief consisting of not less than three (3) persons to interview applicants in respect of hiring and/or promotional opportunities within the Service;
- 2.10          *"Manual"* means the Policing Standards Manual published by the Ministry of the Solicitor General;
- 2.11          *"Member"* means a Member of the Niagara Regional Police Service; and
- 2.12          *"Promotional Opportunity"* means an opportunity for the Service to promote an internal applicant to fill a position within the Service;
- 2.13          *"Service"* means the Niagara Regional Police Service;
- 2.14          *"Serving Constable"* means a Constable who at the time of their application to the Service, is employed as a Constable with another municipal, provincial or federal police service;
- 2.15          *"Uniform Mid-Management Position"* means the ranks of Sergeant and Staff Sergeant;
- 2.16          *"Uniform Senior Management Position"* means the ranks of Inspector and Superintendent.

### **3            PROCEDURES**

- 3.1            This part applies to all Uniform hiring and promotional opportunities within the Service.
- 3.2            The Chief shall analyze the needs of the Service with respect to hiring and promotional opportunities for the year following such analysis, including the number of opportunities anticipated and the timing of same, and shall report to the Board in respect of those needs on or before September 30 each year.
- 3.3            The Chief shall report to the Board with respect to unanticipated hiring and promotional opportunities immediately upon being advised of the unanticipated opportunity.
- 3.4            The Chief shall ensure that the needs of the Service pursuant to Section 3.2 above, and if practicable, Section 3.3 above, shall be considered and included in any budget proposal submitted to the Board.
- 3.5            In the event that a position is filled by means of promotion of an Internal Applicant, the Chief shall report such promotion to the Board for the Board's information.
- 3.6            In the event that the Chief recommends an External Applicant for hiring, the Chief shall report to the Board in respect of such applicant, and the report shall include the following information:
- (a)        the Chief's recommendation for hiring;
  - (b)        the interview panel's recommendation for hiring;
  - (c)        the recommended start rank, and the reasons therefore, and
  - (d)        any other information considered relevant by the Chief.
- 3.7            The Chief shall ensure that the hiring and promotional processes and other employment practices of the Service shall comply with and adhere to the principles set out in the Board policies and the Manual, as amended from time to time.

## **4                    HIRING OPPORTUNITIES RELATING TO CONSTABLE POSITIONS**

- 4.1                This part applies to hiring opportunities of constable positions within the Service.
- 4.2                The recruitment and hiring of new recruit officers shall be in accordance with the process identified in the Constable Selection System Agreement between the Board and the Ontario Association of Chiefs of Police.
- 4.3                The recruitment and hiring process in respect of the hiring of Serving Constables shall be in accordance with the hiring process set by the Service from time to time.
- 4.4                The Chief shall ensure that a current pool of applicants is maintained by the Service, and further, that any applicants recommended for hiring be selected from the current pool.

## **5                    HIRING AND PROMOTIONAL OPPORTUNITIES RELATING TO UNIFORM MID-MANAGEMENT POSITIONS**

- 5.1                This part applies to all Uniform Mid-Management hiring and promotional opportunities within the Service.
- 5.2                The Chief shall appoint an interview panel with respect to mid-management hiring and promotional opportunities.
- 5.3                The Chief shall ensure that current job descriptions are prepared and maintained for Uniform Mid-Management positions, and that such job descriptions require an Ontario Police College diploma, or its equivalent in the event that an applicant has received education or training outside of Ontario.
- 5.4                The Chief shall ensure that the position comprising the hiring or promotional opportunity determined pursuant to Section 3.2 or Section 3.3 above, including the relevant job description, is posted internally prior to external advertisement of the position.
- 5.5                The interview panel shall consider all internal applications and interview applicants in procedures of the Service established from time to time, and shall report to the Chief its recommendations, if any, with respect to promotion of an internal applicant.
- 5.6                The Chief shall promote an internal applicant to the position, unless in the opinion of the chief, there are no qualified internal applicants.
- 5.7                In determining that an applicant is qualified for the purposes of Section 5.6 above, the Chief shall consider the report of the hiring committee, the specialized training, if any, of each applicant, the specialized needs of the position, and any other factor considered relevant by the Chief.
- 5.8                In the event that the Chief determines that there are no qualified internal applicants for the position, the Chief shall consult with the Board as to the issue of advertisement of the position in digital media/news agencies as the Board may consider appropriate, and the Chief shall ensure that the position, including the relevant job description, is posted internally and with the Solicitor General's office, and if directed by the Board, advertised externally in such digital media/news agencies as the Board may direct, at the same time with the posting, and that the closing date for applications in respect of the internal posting and the external advertising be identical.
- 5.9                The Chief shall ensure that all internal and external applicants for a position, complete identical application documents to be established from time to time by the Service and submit to identical testing as may be required from time to time by the Service.

5.10 The Chief shall direct the interview panel to apply identical criteria to internal and external applicants, except that the panel shall be directed not to consider an external applicant's knowledge, or lack thereof, of the Service policies and procedures, or General and Routine Orders.

5.11 The interview panel shall consider all external applications and interview applicants in accordance with procedures of the Service established from time to time, and shall report to the Chief its recommendations, if any, with respect to the hiring of an external applicant.

## **6 HIRING AND PROMOTIONAL OPPORTUNITIES RELATING TO UNIFORM SENIOR MANAGEMENT POSITIONS**

6.1 This part applies to all Uniform Senior Management hiring and promotional opportunities within the Service.

6.2 The Chief shall appoint an interview panel with respect to Uniform Senior Management hiring and promotional opportunities.

6.3 The Chief shall ensure that a current job description is prepared and maintained for each Uniform Senior Management position, and that such job description requires an Ontario Police College diploma, or its equivalent in the event that an applicant has received education or training outside of Ontario.

6.4 Prior to the posting of the position, the Chief shall consult with the Board as to the issue of advertisement of the position in such digital media/news agencies as the Board may consider appropriate, and the Chief shall ensure that the position comprising the hiring or promotional opportunity determined pursuant to Section 3.2 or Section 3.3 above, including the relevant job description, is posted internally and with the Solicitor General's office at the same time, and if directed by the Board, advertised externally in such digital media/news agencies as the Board may direct, at the same time with the postings, and that the closing date for applications in respect of the internal posting and the external advertising be identical.

6.5 The Chief shall ensure that all internal and external applicants for a position, complete identical application documents to be established from time to time by the Service and submit to identical testing as may be required from time to time by the Service.

6.6 The Chief shall direct the interview panel to apply identical criteria to internal and external applicants, except that the panel shall be directed not to consider an external applicant's knowledge, or lack thereof, of the Service policies and procedures, or General and Routine Orders.

6.7 The interview panel shall consider all external applications and interview applicants in accordance with procedures of the Service established from time to time, and shall report to the Chief its recommendations, if any, with respect to the hiring of an external applicant.

6.8 If, in the opinion of the Chief, the qualifications of an external applicant and an internal applicant are equal, the Chief shall promote the internal applicant to the position and report the promotion to the Board pursuant to Section 3.5 above.

## **7 HIRING AND PROMOTIONAL OPPORTUNITIES RELATING TO CIVILIAN POSITIONS**

7.1 This part applies to all civilian hiring and promotional opportunities within the Service.

- 7.2 The Chief shall ensure compliance with the Civilian Collective Agreement in respect of all hiring and promotional opportunities for civilians within the Service.

## **8 PROBATIONARY POLICE OFFICERS**

- 8.1 When appointing a Constable other than a Constable who has served a probationary period with another police service, the Chief shall establish a policy to ensure that such appointment complies with the provisions of Sections 84 and 85 of the CSPA, including:

- (a) Probationary period;
- (b) Exemptions;
- (c) Oath of Secrecy;
- (d) Termination of Employment.

## **9 REPORTING REQUIREMENTS**

- 9.1 The Chief shall report to the Board on or before November 30, 2024, as to the written procedures in place to ensure compliance with the said Part 0304.00 in respect of hiring and promotions and other employment practices.

- 9.2 The Chief shall make a monthly report setting out:

- (a) the name, effective appointment date, status (Uniform or Civilian, and if Uniform, probation particulars), rank/position and assignment of each Member appointed during the month to which the report relates;
- (b) the name, effective promotion date, status (Uniform or Civilian), rank/position and assignment of each Member promoted during the month to which the report relates;
- (c) the name, effective resignation date, status (Uniform or Civilian) and rank/position of each Member who resigned during the month to which the report relates, excluding temporary employees;
- (d) the name, effective retirement date, status (Uniform or Civilian) and rank/position of each Member who retired during the month to which the report relates, excluding temporary employees; and
- (e) the name, date of termination, status (uniform or civilian) and rank/position of each Member who was terminated during the month to which the report relates, excluding temporary employees.

## **10 IMPLEMENTATION**

- 10.1 By-law No 187-2000 and all other By-laws, sections of By-laws and procedural policies of the Board inconsistent with the provisions of this By-law are hereby repealed.

- 10.2 This By-law shall come into force on the date of its passage.

- 10.3 The Chief shall implement this By-law, where applicable, through General Order.

ENACTED AND PASSED this 23<sup>rd</sup> day of May, 2024.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD

  
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Jen Lawson, Chair

  
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Deb Reid, Executive Director