

Document 21

Proposed amendments are noted below in ~~strikethroughs~~ and **additions**.

Statutory Officer Recruitment, Appointment and Contract Administration Policy

Approved By: City Council

Approval Date: April 8, 2020

Effective Date: April 8, 2020

Revision Approved By: **City Council**

Revision/Review Date: **December xx, 2022**

Policy Statement

The City of Ottawa is committed to fair, transparent and equitable practices for recruiting, appointing and administering the contracts of statutory officer positions that report directly to City Council. All employment-related matters, including hiring and contract administration, shall be undertaken in an objective and impartial manner and in accordance with the Code of Conduct for Members of Council, the Employee Code of Conduct, the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), as well as principles of the *Accessibility for Ontarians with Disabilities Act* (AODA), the City's Accessibility Policy and the City's Equity and Diversity Policy.

Purpose

The City of Ottawa has established three statutory officers who report directly to City Council:

1. The Auditor General, pursuant to Section 223.19 of the *Municipal Act, 2001* (the Act);
2. The City Manager, pursuant to Section 229 of the Act; and
3. The Integrity Commissioner, pursuant to Section 223.3 of the Act. The City's Integrity Commissioner also plays the statutory roles of the Meetings Investigator, in accordance with Section 239.2 of the Act, and the Lobbyist Registrar under Section 223.11 of the Act.

This policy is meant to assist in ensuring that individuals appointed to statutory roles are qualified, and that the terms and conditions of their employment are appropriate.

Application

This policy applies to Members of Council, the Hiring Panel, the Interview Panel, the external search firm and any City staff participating in recruitment, appointment and/or contract administration processes related to statutory officer positions that report directly to Council.

Policy Requirements

Statutory officers shall be recruited and appointed in a fair, transparent and equitable manner, and in accordance with the process approved by Council as set out in the Statutory Officer Recruitment, Appointment and Contract Administration Procedures.

The City of Ottawa is committed to providing quality services by establishing a qualified workforce that reflects the diverse population it serves. The City encourages applications from all qualified individuals.

There shall be no acts of favouritism, bias, undue influence or discrimination in the statutory officer recruitment process. Individuals participating in the recruitment and appointment process shall not attempt to influence the hiring of any applicant in a manner that is inconsistent with this policy. Participants shall not engage in any behaviour that provides an unfair advantage to a candidate during the statutory officer recruitment process. This includes assisting any candidate by providing inside information including, but not limited to interview questions and suggested answers, presentation materials, information about other candidates, and/or any information gathered in meetings, conversations, email or any other form of communication or discussion.

All City staff and Members of Council involved in the recruitment process are required to hold in strict confidence all confidential information concerning matters dealt with by Council, the Hiring Panel and/or the Interview Panel. City staff must abide by confidentiality provisions of MFIPPA, the Employee Code of Conduct and applicable contract provisions relating to confidential and/or personal information. Members of Council are also subject to MFIPPA, as well as provisions of the Code of Conduct for Members of Council relating to confidentiality.

All participants in the recruitment and appointment process will be required to sign a mandatory confidentiality agreement with respect to their involvement in the process. The confidentiality agreement must be signed at the outset of the process, before the participant receives any confidential information.

In accordance with the Records Management Policy, Official Business Records generated as a result of the execution of this policy must be declared as such in the appropriate SharePoint site, RMS (Records Management System) or approved business system.

The following City staff, and/or their respective designate(s), may be involved by the Hiring Panel in the recruitment process and may be permitted to access related confidential information, subject to the above-noted provisions:

- Director, Human Resources and/or delegate(s) as set out in writing;
- City Clerk and/or delegate(s) as set out in writing;
- City Solicitor and/or delegate(s) as set out in writing; and
- Other staff as approved by the Hiring Panel and/or City Council.

In the case of the Integrity Commissioner recruitment and appointment process, the City Clerk, Deputy City Clerk and Auditor General may also be permitted to access related confidential information, subject to the above-noted provisions, in their capacity on the Interview Panel and selecting a preferred candidate.

A member of City staff or an external person appointed by Council to fulfil the duties of the statutory officer on an acting or temporary basis does not preclude the acting individual's candidacy in the selection process for the permanent statutory officer. If the individual is not a candidate for the permanent role, they may be involved in the recruitment process. However, if they are a candidate for the position as **a** permanent statutory officer, they are not permitted to participate or influence the recruitment process and must excuse themselves from all business associated with same.

Responsibilities

City Council

- Provide approvals regarding recruitment, appointment and contract administration as noted within this policy and its procedures.

- Ensure relevant requirements of this policy and its procedures are fulfilled in any duties undertaken.

Mayor

- Serve as Chair of the Hiring Panel (Auditor General/City Manager).
- Seek input from all other Members of Council on their expectations of the desired qualifications relating to the Auditor General and City Manager.
- Ensure relevant requirements of this policy and its procedures are fulfilled in any duties undertaken.

Hiring Panel/Interview Panel Member

- Engage in all procedural elements as outlined in this policy and its procedures, and in accordance with all integrity and confidentiality requirements as set out in the applicable policies, code of conduct and legislation.
- Ensure relevant requirements of this policy and its procedures are fulfilled in any duties undertaken.

City Staff

- Assist City Council and/or the Hiring Panel in the recruitment and appointment process in accordance with any Council direction and applicable policies, including this policy and its procedures, as well as the Employee Code of Conduct and applicable legislation.
- Ensure relevant requirements of this policy and its procedures are fulfilled in any duties undertaken.

External Search Firm

- Assist in undertaking an executive search in accordance with the scope of work approved by City Council and/or the Hiring Panel, and in accordance with the applicable policies and legislation.
- Ensure relevant requirements of this policy and its procedures are fulfilled in any duties undertaken.

Monitoring/Contraventions

The City Clerk shall review and monitor the statutory officer recruitment, appointment and contract administration processes for the Auditor General and City Manager to ensure consistency and compliance with this policy. The City Solicitor shall review and monitor the recruitment, appointment and contract administration processes for the Integrity Commissioner to ensure consistency and compliance with this policy.

Failure on the part of an employee to comply with this policy may result in discipline up to and including dismissal.

Any complaints under this policy relating to Members of Council shall be addressed by the Integrity Commissioner in accordance with the Integrity Commissioner's oversight of the Code of Conduct for Members of Council.

References

Statutory Officer Recruitment, Appointment and Contract Administration Procedures
Recruitment and Staffing Policy
Accessibility Policy
Equity and Diversity Policy
Code of Conduct for Members of Council
Employee Code of Conduct

Legislative and Administrative Authorities

Municipal Act, 2001

Employment Standards Act, 2000

Municipal Freedom of Information and Protection of Privacy Act

Accessibility for Ontarians with Disabilities Act

Definitions

"External Search Firm" means an external firm or specialized consultant retained by the Hiring Panel/Council to assist in undertaking an executive search in accordance with the scope of work approved by the Hiring Panel/Council.

"Hiring Panel" means the individuals appointed by Council to interview candidates for the Auditor General/City Manager position.

“Interview Panel” means the City Clerk, Deputy Clerk and Auditor General in their capacity interviewing candidates for the Integrity Commissioner position and selecting a preferred candidate.

“Statutory officer” means those officers appointed under the *Municipal Act, 2001*, who report directly to City Council. Specifically, this includes the Auditor General, City Manager and Integrity Commissioner.

Enquiries

For more information on this policy, contact:

City Clerk

City of Ottawa

Telephone: 3-1-1 (TTY: 613-580-2401)

Appendices

Appendix 1 – [Statutory Officer Recruitment, Appointment and Contract Administration Procedures](#)