



**OTTAWA POLICE SERVICES BOARD
COMMISSION DE SERVICES POLICIERS D'OTTAWA**

**REPORT
RAPPORT**

DATE 22 June 2015

TO/DEST. Chair and Members, Ottawa Police Services Board

FROM/EXP. Executive Director, Ottawa Police Services Board

SUBJECT/OBJET **AMENDMENTS TO BOARD POLICY ON ACTING PAY FOR
SENIOR EXECUTIVE POSITIONS**

RECOMMENDATION

That the Ottawa Police Services Board approve the amendments to the Board Policy on Acting Pay for Senior Executive Positions set out in this report.

BACKGROUND

Under the *Police Services Act* of Ontario, police services boards are responsible for the provision of adequate and effective police services. To help the Board fulfil its responsibilities, the *Act* permits the Board to establish policies for the effective management of the police service. One such policy adopted by the Board in 2007 is the Acting Pay for Senior Executive Positions (#GA-10), which sets out direction for the pay that individuals will receive when they are acting in the positions of Chief of Police, Deputy Chief of Police, or Director General of the Police Service.

Under section 31(1)(d) of the *Police Services Act* the Board has a responsibility to: “recruit and appoint the chief of police and any deputy chief of police, and annually determine their remuneration and working conditions, taking their submissions into account.” From time to time there is a need to fill these positions with someone on an acting basis, and this is supported by the Board as it believes acting assignments provide important development opportunities and are part of a strong succession plan.

The Board recently expressed a wish to adopt clear guidelines on when the Chief has delegated authority to approve acting appointments to the Executive positions (Chief, Deputy Chief and Director General), and when the Board will retain its authority to approve acting appointments in accordance with section 31(1)(d).

Following a review that included research into what other boards of large police services do, it is proposed that the Board approve the following amendments to the existing policy on Acting Pay for Senior Executive Positions:

Proposed Amendments

- That the title of the policy be changed from “Acting Pay for Senior Executive Positions” to “Acting Appointments for Senior Executive Positions”, to reflect the fact that the policy will now address both pay and the approval of acting appointments.
- That the following new section be inserted into the policy:
 - A. Acting Assignment Approval
 1. Should the Chief, Deputy Chief or Director General be absent from duty by reason of illness or injury or extended leave of absence for a period that is less than four (4) weeks, the Board delegates authority to the Chief to appoint someone on an acting basis during the period of such absence.
 2. In the event that the Chief, a Deputy Chief or the Director General is absent from duty by reason of illness or injury or extended leave of absence, for a period which may exceed four (4) weeks, the Board reserves the right to appoint an Acting Chief, Deputy Chief or Director General during the period of such absence, after consultation with the Chief of Police.
 3. The Board also reserves the right to appoint an Acting Chief, Deputy Chief or Director General in the event that the Chief, Deputy Chief or Director General is the subject of a complaint or disciplinary proceeding, and the Board determines that he/she should be removed from their appointment pending resolution. In such case, there will be no reduction or suspension of salary entitlements pending the investigation of the complaint or disciplinary proceeding. If the Chief, Deputy Chief or Director General returns to duty, the acting appointment will terminate, and the Chief, Deputy Chief or Director General will be restored to their position.
- That the existing policy provisions addressing Acting Pay be captured in a section B.

A copy of the revised policy with the amendments incorporated is attached at Annex A.

CONSULTATION

The police services boards governing the 12 largest police services in Ontario were consulted on their practices in acting appointments to Executive positions. A summary of that consultation follows:

- Most do not have a policy and tend not to appoint actors; instead the Chief or another Deputy covers off during short absences, and they have never run into a situation with a longer absence.
- The Toronto Police Services Board has delegated the responsibility to the Chief, and the Chief must advise the Chair of the Board of such action at the time of the acting designation.
- York has a clause in the Chief's contract (and a similar clause in the Deputy Chiefs' contracts) that says, "In the event that the Deputy Chief is absent from duty by reason of illness or injury or extended leave of absence, for a period which may exceed four (4) weeks, the Board reserves the right to appoint an Acting Deputy Chief during the period of such absence."
- Peel and Niagara follow a practice similar to York's, requiring Board approval if the absence is longer than those required for vacations, conferences, illness, etc.

Chief Bordeleau was consulted on the proposed amendments and supports them.

FINANCIAL STATEMENT

There are no financial implications associated with this report.

CONCLUSION

The Police Services Act assigns responsibility to the Board to appoint Chiefs of Police and Deputy Chiefs of Police. The Board has expressed a wish to clarify when the Chief should have delegated authority to appoint individuals on an acting basis, and when the Board should retain its authority to make appointments. The approval of the proposed policy amendments will provide the clear direction the Board was seeking.

Responsible for report: Executive Director Wendy Fedec

Attach. (1)

Policy Number:	Policy Subject:		
GA-10	ACTING APPOINTMENTS FOR SENIOR EXECUTIVE POSITIONS		
LEGISLATIVE AUTHORITY	REFERENCE	/	<i>Police Services Act</i> , section 31(1)(c) & (d)
DATE APPROVED	24 September 2007		
DATE REVIEWED	2010, 2012, 2015		
DATE AMENDED	1 November 2010, 22 October 2012		
DATE TO BE REVIEWED	2016		
REPORTING REQUIREMENT	N/A		

LEGISLATIVE REFERENCE / AUTHORITY

Section 31(1)(c) of the *Police Services Act* states that the board shall, “establish policies for the effective management of the police force”.

Section 31(1)(d) of the *Act* states that the board shall, “recruit and appoint the chief of police and any deputy chief of police, and annually determine their remuneration and working conditions, taking their submissions into account.”

BOARD POLICY

The Ottawa Police Services Board is committed to providing leadership development opportunities to members of the Police Service and supports the utilization of ‘acting’ assignments for the purpose of gaining experience in senior command positions. Acting assignments provide senior staff with a chance to participate firsthand in the decision-making that occurs at the Executive level, to see the many factors that influence decisions and to experience the complexity of contacts and communication expected of a police leader.

This policy provides direction with regard to the approval of acting assignments and the salary that individuals shall receive when fulfilling acting assignments in the positions of Chief of Police, Deputy Chief of Police, and Director General (a civilian equivalent to a Deputy Chief). All positions affected by this policy are retained through individual contracts with the Board.

It is the policy of the Ottawa Police Services Board that:

A. ACTING ASSIGNMENT APPROVAL

1. Should the Chief, Deputy Chief or Director General be absent from duty by reason of illness or injury or extended leave of absence for a period that is less than four (4) weeks, the Board delegates authority to the Chief to appoint someone on an acting basis during the period of such absence.
2. In the event that the Chief, a Deputy Chief or the Director General is absent from duty by reason of illness or injury or extended leave of absence, for a period which may exceed four (4) weeks, the Board reserves the right to appoint an Acting Chief, Deputy Chief or Director General during the period of such absence, after consultation with the Chief of Police.
3. The Board also reserves the right to appoint an Acting Chief, Deputy Chief or Director General in the event that the Chief, Deputy Chief or Director General is the subject of a complaint or disciplinary proceeding, and the Board determines that he/she should be removed from their appointment pending resolution. In such case, there will be no reduction or suspension of salary entitlements pending the investigation of the complaint or disciplinary proceeding. If the Chief, Deputy Chief or Director General returns to duty, the acting appointment will terminate, and the Chief, Deputy Chief or Director General will be restored to their position.

B. ACTING PAY

1. Any employee designated by the Board or Chief of Police to perform the duties of the Chief of Police, a Deputy Chief of Police, or the Director General, for a continuous period of more than ten (10) days shall receive acting pay during the time the employee acts in that capacity, retroactive to the start date of the assignment.
2. In determining acting pay for the Chief, Deputy Chief or Director General positions, for the duration of the acting assignment the employee in the acting assignment will receive acting pay equal to the step in the higher rank's salary grid that is closest to their incumbent hourly salary rate, provided it constitutes at least a four percent (4%) increase over their incumbent hourly salary rate.
3. The hours of work for acting assignments under this policy are seven (7) hours per day (not including lunch hour), or 70 hours bi-weekly.
4. Employees in acting assignments under this policy will continue to receive the rights and benefits to which they are entitled in their incumbent position. Only the amount of salary paid will change during the acting assignment.

5. Should an employee serve continuously (not cumulatively) in an acting position for a period greater than one year, they will receive an increment to the next level, subject to satisfactory performance.