



Moved By

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Resolution No.:

Last Name Printed

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061-22

Seconded By

BRIAN DARLING

Council Date:

Last Name Printed

DARLING

February 22, 2022

WHEREAS at the Committee of the Whole Meeting on February 14, 2022, Council considered a Memo from the Manager, Human Resources, regarding the Human Resources Policy Update;

NOW THEREFORE BE IT RESOLVED THAT Council approve the following Town of Cobourg Corporate Human Resources Policies:

1. Driver's License and Abstract Policy; and
2. Police Record Checks Policy.



Corporation of the Town of Cobourg

Policy Title: All Personnel – Police Record Checks

Division: General Administration
Effective Date: February 14, 2022
Approval Level:
Section Number: 2-20

Department: Human Resources
Revision Date: February 14, 2022
Review Date: January 1, 2027
Policy Number: HR-AP-A5

Purpose:

The Corporation of the Town of Cobourg accepts its responsibility to the residents of Cobourg for many special events, programs, services, committees, licensing responsibilities, and community activities involved in its municipal government operations and duties. The Town is committed to the following policy to support the provision of safe, sound and positive experiences within our areas of responsibility and programs.

Policy:

Due to positions of trust that are inherent within the Town of Cobourg, all staff and volunteers shall be required to undergo a police background screening process.

Definitions:

Staff will include full-time, part-time, contract individuals, and students.

Vulnerable Sector is defined as persons who are in a position of dependence on others or are otherwise at a greater risk than the general population, of being harmed by persons in authority or trust to them. A person's age, disability, or other circumstances (whether temporary or permanent) can make someone vulnerable. Children, as defined by the Criminal Record Act, means persons who are less than 18 years of age.

Police Criminal Record Checks:

All staff and volunteers shall at a minimum undergo a Police Criminal Record Check to be considered for employment with the Town of Cobourg. Individuals shall complete a "***Consent to Disclosure of Personal Information***" and the "***Declaration of Criminal Record***" form and submit it to Human Resources who will provide it to the Cobourg Police Service.

Corporation of the Town of Cobourg

Policy Title: All Personnel – Police Record Checks

Police Vulnerable Sector Check:

All staff and volunteers who will be interacting with children or other persons designated as being in the “vulnerable sector” shall undergo a Police Vulnerable Sector Check (PVSC) to be considered for employment with the Town of Cobourg.

- Prospective employees must apply online to the Police Service Department within the municipality in which they reside to complete the “**Police Vulnerable Sector Search**”.
- Prospective employees are responsible to submit their results to Human Resources.
- Prospective employees will submit their receipt and expense report for reimbursement to Human Resources.

Extended Background Checks:

Positions that will be working with vulnerable individuals and/or management positions may be required to have an extended background check completed upon hire that will include a:

- Social Media Check
 - Credit Check
 - Advanced Reference Checks
1. All checks shall be returned to the Human Resources Department and shall be kept on record in accordance with the Municipal Freedom of Information and Personal Privacy Act regulations.
 2. In general, individuals with past Criminal Code convictions for the offences listed below, for which a pardon has not been granted, will not be accepted for a direct service position within any and/or all areas of responsibility of the Town of Cobourg's mandate.
 3. Applicants may also be rejected as a result of other information gained during the police record check process or through the screening process as a whole, or as a consequence of other factors which are directly relevant to the requirements of the position, and to the ability of the applicant to carry out their duties in an effective and safe manner.
 4. All staff will be required to sign an annual attestation stating that within the prior 12 months the staff member has not been charged and/or convicted of a criminal offence. This attestation will be part of the annual affirmation process through the Code of

Corporation of the Town of Cobourg

Policy Title: All Personnel – Police Record Checks

Conduct.

5. All staff and volunteers, once accepted, are obligated to immediately (within the following 24 hours) inform the Municipality if they are charged, tried, convicted or are the subject of a policy investigation which may result in charges.
6. Every three years of service an updated Police Criminal Record Check will be conducted for staff members.
7. The Town of Cobourg commits to investigate allegations of non-compliance or suspected non-compliance with this Policy and will take disciplinary action, up to and including dismissal, as appropriate.

Should a staff member be found to have a criminal charge or conviction throughout their employment, Human Resources will consult with the CAO and review the information in order to determine appropriate actions, up to and including dismissal.

Convictions against staff under the Criminal Code will be taken seriously.

Staff that are charged criminally, may be placed on an unpaid leave of absence until such time as the criminal and/or Town of Cobourg investigation have been completed, including any trial and appeal.

The Town of Cobourg will fully cooperate with Police Services in any investigation that is taking place.

Offenses:

When conducting criminal records screening, the following will be considered:

1. If imposed in the **last five (5) years**:
 - a) Any criminal offence involving the use of a motor vehicle, including but, not limited to impaired driving if the prospective candidate is required to operate a motor vehicle during their service to the municipality; and/or
 - b) Any violations for trafficking under the Controlled Drug and Substances Act.
2. If imposed in the **last ten (10) years**:
 - a) Any crime of violence including but not limited to, all forms of assault; and/or
 - b) Any criminal offence involving a minor or minors.
3. If imposed **at any time**:
 - a) Any criminal offence involving the possession, distribution, or sale of any child-related pornography;

Corporation of the Town of Cobourg

Policy Title: All Personnel – Police Record Checks

- b) Any sexual offence involving a minor or minors; and/or
- c) Any offence involving fraud.

Should one of the above offenses be found during the criminal records screening, a review of the offense will be conducted with Human Resources and the CAO.

Scope:

This policy applies to all staff and volunteers at the Town of Cobourg.

Administration:

The Chief Administrative Officer shall implement and administer the terms of this policy and shall establish related operating procedures as required.

Cross Reference

Policy #2-20 HR-AP-A2	All Personnel – Admin – Hiring Practices
Policy #2-20 HR-AP-XX	All Personnel – Admin – Driver's License and Abstract
Policy #2-20 HR-AP-A11	All Personnel – Admin – Code of Conduct
Procedure #2-20 HR-AP-A2.1	All Personnel – Admin – Hiring Practices
Procedure #2-20 HR-AP-A2.2	All Personnel – Admin – Hiring Practices

Resolution # 166-13	Revision Description:	Signature/Municipal Clerk: _____	Council Approval Date: April 29, 2013
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Corporation of the Town of Cobourg

Policy Title: Driver's License and Abstract

Division: General Administration
Effective Date: February 14, 2022
Approval Level:
Section Number: 2-20

Department: Human Resources
Revision Date: February 14, 2022
Review Date: January 1, 2027
Policy Number: HR-AP-

Purpose

Our commitment is to make the worksites of the Town of Cobourg safe and healthy through the reduction of workplace hazards and injuries. This reduction will assist Town operations in being as safe and cost effective as possible.

This Policy will maintain a standard for driver/operator performance and capability with the aim of reducing collisions and fleet operating costs.

The objective of this policy is to ensure that operators of licensed vehicles and road-building machines are competent when employed with a valid driver's license at the required level for the position. This will help to ensure the safe operation of the equipment required for work.

Policy

All employees shall provide their driver's license number to the Town of Cobourg as a condition of employment, if required for that position. The Human Resources Department shall conduct a check through the Ministry of Transportation of Ontario of all driver's licenses on an annual basis in January to ensure validation.

Students and volunteers who are required to drive as part of their position with the Town of Cobourg shall also supply their license number and undergo the annual validation check upon hire.

Responsibility

1. The Town of Cobourg (Employer)
 - a) Provide safe work environment and equipment for employees of the Corporation.
 - b) Ensure that operators of licensed vehicles and road-building machines are certified, licensed, and competent to safely operate the equipment.
 - c) Provide yearly budgeted money and time for employee training and documentation for the maintenance and upgrading of operator licensing.

Corporation of the Town of Cobourg

Policy Title: Driver's License and Abstract

2. Human Resource Department

- a) In consultation with management, employ fully licensed employees for positions requiring the operation of licensed vehicles and road-building machines for work purposes.
- b) In consultation with management and the employee, review conditions of employment for circumstances when the employee's competency is under review or when the employee's operator license becomes invalid.
- c) Upon consideration of a qualified applicant for new employment, the candidate will be required to provide a copy of their driver's license prior to hire so that Human Resources can conduct a check through the Ministry of Transportation of Ontario (MTO) to:
 - Check the driver's abstract for verification of the required fully licensed Ontario driver's classification.
 - Refuse the employment, for the purpose of operating licensed vehicles and road-building machines, of a new applicant whose:
 - i. License is invalid;
 - i. Has accumulated more than six (6) demerit points; or
 - ii. Has more than three speeding tickets within the previous one (1) year.
- d) Annually review the MTO driver record search for the validation status of employee driver licenses and communicate the findings to management immediately upon receipt of the information.
 - For all operators of Town owned licensed vehicles, road-building machines, and All Terrain Utility Vehicles.
 - For all employees traveling more than 5000km per year in a non-Town owned vehicle for purposes of work.
 - During the annual review process, identify those employees and address with management those whose:
 - i. License is invalid;
 - iii. Has accumulated more than six (6) demerit points; or
 - iv. Has more than three speeding tickets within the previous one (1) year.

3. Management

- a) Ensure that operators of licensed vehicles and road-building machines are certified, licensed, and competent to safely operate the equipment.
- b) Ensure that controls are in place for workplace hazards associated with the operation of licensed vehicles and road-building machines by an employee whose driver competency is under review.
- c) Provide time for and document employee's attendance at training for the maintenance and upgrading of operator licensing.

Corporation of the Town of Cobourg

Policy Title: Driver's License and Abstract

- d) Immediately provide the Human Resource Department and Director with the name of any employee whose license is suspicious of being invalid or within the conditions of under review.
- e) In consultation with the Human Resource Department, ensure that employees of licensed vehicles and road-building machines hold valid certification, operator license, and competency for the safe operation of the equipment when used for work under the direction of the supervisor.
- f) Immediately restrict an employee whose license has become invalid, from operating the equipment to which the license applies when being used for work. Controls of workplace hazards associated with the operation of licensed vehicles and road-building machines will be reviewed by employees and their manager, whose driver competency is under review.
- g) In consultation with the Human Resource Department, review the circumstances of employment for operators of licensed vehicles and road-building machines, when the employee's competency is under review.
- h) In consultation with the Human Resource Department, discuss with the employee the conditions of employment for when the operator license is invalid or competency is under review.

4. Employee

- a) Maintain a valid certification, operator license, and competency for the safe operation of equipment required to be operated.
- b) Immediately notify management when the operator license becomes invalid for the operation of the equipment or vehicles required to be operated.
- c) Immediately notify management when any charges are laid against the employee in relation to the Highway Traffic Act while operating any type of Town owned vehicle.
- d) Immediately notify management if there is any type of incident while operating any type of Town owned vehicle, including minor damage to a Town vehicle, another vehicle or any other type of property.
- e) Examine the operator license to ensure the license is valid.
- f) Work under the conditions defined by management when the employee's driver competency is under review or when the employee's operator license is invalid.

Retention

As per the Ministry of Transportation regulations, driver's abstracts will be retained for 30 days unless required by law to retain longer.

Corporation of the Town of Cobourg
Policy Title: Driver's License and Abstract

Scope

This policy shall apply to all employees, students, and volunteers of the Town of Cobourg who are required to drive as a means of identifying the level of competency for the operation of a vehicle for the completion of Town of Cobourg work. This will include the operation of all Town of Cobourg owned, rented, and non-Town owned equipment travelling on the roadway and Town owned property as a requirement for work.

Administration

The Chief Administrative Officer shall implement and administer the terms of this policy and shall establish related operating procedures as required.

Cross Reference

Policy #2-20 HR-AP-A5

All Personnel – Admin – Criminal Records Screening

Resolution #	Revision Description:	Signature/Municipal Clerk:	Council Approval Date:
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