KINGSTON POLICE SERVICE BOARD
BY-LAW NUMBER 26-02
A by-law to establish the Hiring Committee and delegate specified recruitment and selection powers

Recitals

Whereas section 37(1)(d) of the *Community Safety and Policing Act, 2019* (the "Act") requires a police service board to recruit and appoint the chief of police and any deputy chief of police and to determine their remuneration and working conditions, taking their submissions into account; and

Whereas Section 42(1) of the Act permits a police service board, by by-law, to establish a committee and delegate any of the board's powers under this Act to the committee; and

Whereas Section 220(1) of the Act identifies certain senior positions to which restrictions in section 220 apply; and

Whereas the Kingston Police Service Board (the "Board") considers it appropriate to continue its Hiring Committee and to clarify the Committee's composition, quorum, delegated authority, procedures and reporting obligations;

NOW THEREFORE the Board hereby enacts as follows:

1. Definitions

1.1 "Act" means the Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, as amended.
1.2 "Board" means the Kingston Police Service Board.
1.3 "Committee" means the Hiring Committee established under this by-law.
1.4 "Senior Position" means a position identified in Section 220(1) of the Act.

2. Establishment and Purpose

2.1 The Board hereby continues the Hiring Committee as a committee of the Board under section 42(1) of the Act.

2.2 The Committee shall assist the Board in carrying out recruitment and selection processes for the Chief of Police and any Deputy Chief of Police.

2.3 The Committee may oversee a recruitment and selection process for a senior position only where the Board has assigned that process to the Committee by resolution.

2.4 For greater certainty, section 220 of the Act identifies positions subject to restrictions respecting police-associated membership. It does not, by itself, assign appointment or employment authority for those positions to the Committee.

3. Composition and Term

3.1 The Committee shall be composed of the Chair of the Board and at least two (2) other members of the Board, appointed by resolution of the Board.

3.2 The Chair of the Board shall chair the Committee. If the Chair is absent, the members present shall elect an acting chair from among themselves for that meeting.

3.3 A Committee member's appointment continues until the earliest of:

(a) the expiry of the members term on the Board;

(b) the member's resignation from the Committee;

(c) the Board's revocation of the appointment; or

(d) the dissolution of the Committee.

3.4 The Board may appoint another member to fill a vacancy on the Committee and my dissolve the Committee at any time.

4. Quorum and Voting

4.1 A majority of the appointed Committee members constitutes quorum.

4.2 The Committee shall not exercise delegated authority or make a recommendation unless quorum is present.

5. Delegated Authority

5.1 The Committee is authorized to oversee and administer an assigned recruitment and selection process, including:

(a) establishing the qualifications, experience, competencies and selection criteria for the position;

(b) determining the recruitment, advertising, application, screening and evaluation methods;

(c) selecting and engaging recruitment consultants or other professional supports in accordance with applicable Board policies, procurement requirements and approved budgets;

(d) reviewing applications and assessing candidates against the approved criteria;

(e) establishing the interview framework, questions and assessment process;

(f) shortlisting and interviewing candidates;

(g) obtaining reference, background or other appropriate pre-employment checks;

(h) consulting the Chief of Police where appropriate, including during a Deputy Chief of Police recruitment;

(i) obtaining external legal advice concerning proposed contracts; and

(j) recommending a preferred candidate and proposed terms of appointment to the Board.

5.2 The Committee may invite a consultant, legal counsel, the Chief of Police, a subject-matter expert or another person to attend or assist with all or part of the meeting. An invited person is not a Committee member, shall not be counted for quorum and has no vote.

6. Powers reserved to the Board

6.1 Unless the Board expressly provides otherwise by by-law, the following matters remain subject to consideration and approval by the Board:

(a) the appointment of the Chief of Police or a Deputy Chief of Police;

(b) the remuneration and working conditions of the Chief of Police or a Deputy Chief of Police;

(c) the appointment or employment of a person to a senior position;

(d) the final terms and execution of an employment agreement; and

(e) any expenditure exceeding an approved budget or the Committee's authorized spending limit.

7. Meetings and Administration

7.1 Committee meetings shall be conducted in accordance with the Act, including the notice, open-meeting and closed-meeting requirements applicable to committees of police service boards, and with the Board's procedural by-law, as applicable.

7.2 Before holding a meeting, the Committee shall consider whether any part of the meeting may or shall be closed to the public in accordance with Section 44 of the Act.

7.3 The Board Administrator shall act as secretary to the Committee and shall provide notice, prepare agendas and minutes, maintain records and support the Committee's work.

7.4 Committee members and all persons assisting the Committee shall protect personal, confidential, privileged and employment-related information and shall comply with all applicable legal and Board requirements.

8. Reporting and Accountability

8.1 At the conclusion of a recruitment and selection process, the Committee shall submit its recommendation to the Boad for final consideration and approval.

8.2 The Committee's report shall identify the recommended candidate and proposed terms of appointment or employment and may include any other information necessary for the Board's decision, subject to applicable privacy and confidentiality requirements.

8.3 Where a recruitment was authorized to fill one position, the process shall not be used to fill an additional position unless the Board gives separate authorization.

8.4 The Committee shall maintain appropriate records demonstrating a fair, transparent, equitable and merit-based process.

9. Compliance

9.1 The Committee shall comply with the Act and its regulations, other applicable legislation, and all applicable Board by-laws and policies.

10. Repeal and Replacement

10.1 This by-law repeals and replaces By-Law 24-01, as previously amended.

10.2 Despite section 10.1, any lawful action taken under the previous version of By-law 24-01 remains valid.

11. Effective Date

11.1 This by-law is enacted by the Kingston Police Service Board on (Date) by Resolution (Number) and takes effect immediately upon its passing.

"original signed by Chair"

Chair

"original signed by Board Administrator

Board Administrator