



KITIGAN ZIBI ANISHINABEG

STAFFING, RECRUITMENT, AND RETENTION POLICY 2022



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1. INTRODUCTION

The Kitigan Zibi Anishinabeg Band Council is committed to providing a safe, healthy, respectful and harmonious working environment which fully abides by all applicable laws of the workplace.

Every employee will be expected to share these commitments and to work prudently and diligently to further the goals, objectives and aims of the Kitigan Zibi Anishinabeg.

The Kitigan Zibi Anishinabeg through its peoples shall strive to achieve a balanced society where every member has an equal opportunity to fulfill their individual potential, in a safe, sustainable environment on traditional lands, where the spiritual, cultural, physical and mental well being can be achieved and where the basic human needs can be attained.

2. APPLICATION

This Policy is the expression of the Kitigan Zibi Anishinabeg (KZA) as the employer and applies to all indeterminate, seasonal (with an expectation of recall) and teacher positions. There is a separate Human Resource Policy for employees in fixed-term specified period positions.

The Service Directors are mandated by the Band Council to ensure the implementation and adherence of all policies with respect to all employees under their authority.

The authority generally exercised by management with respect to employees is, in the case of a Service Director, delegated authority of the Band Council.

For purposes of clarification, interpretation of this Policy is provided by the Human Resources Advisor and determined by the Band Council.

Where circumstances or situations occur not covered in the policy the Canada Labour Code shall apply. KZA abides by the provisions of the Canadian Human Rights Act (R.S., 1985, c.H-6) and the principles set out in the Personal Information and Protection of Electronic Documents Act (2000, c. 5). This Policy does not discriminate between the genders and, unless dictated by context or explicit mention, use of the masculine equally designates women and men.

Please note some employees are subject to and protected by grandfather clauses.

2.1 EFFECTIVE DATE

This policy supersedes all previous employment and human resources directives, policies and guidelines. This policy also supersedes all former appeal guidelines referencing appeal procedures for employment. This Policy takes effect as approved by Band Council Resolution.

2.2 AMENDMENTS:

Service Directors may directly forward to the Human Resource Advisor any proposed amendments to this policy no later than December 31st of each year. Any modification or amendment to this Policy is subject to the approval of the Band Council by Resolution.

Amendments that require immediate action, change in operations or decisions to be affected must be in the form of a Band Council Resolution and then posted on the website as a formal "Notice of Amendment". Formally adopted amendments will be included in the next version of the policy.

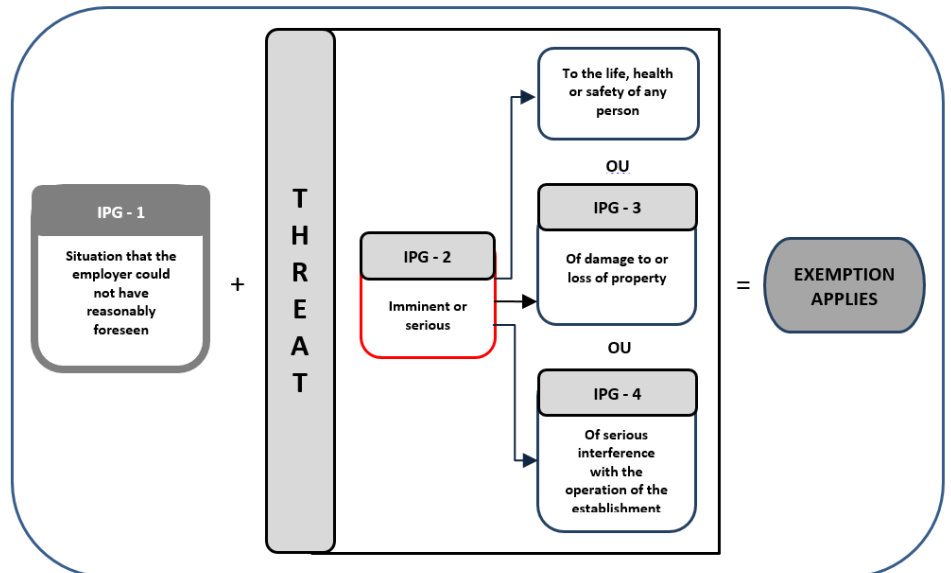
3. DEFINITIONS

BAND COUNCIL	is the duly elected Kitigan Zibi Anishinabeg Band Council.
45 WEEK POSITIONS	employees who are in 45 week positions and have a temporary lay-off of less than 90 days. They are considered to be in indeterminate positions.
CONTINUOUS OPERATIONS	do not run on a fixed, Monday to Friday, 8 am to 4 pm work schedule. These types of operations run "continuously", without stopping their operations for holidays or weekends. Therefore, special provisions exist in the law to accommodate these operations.
EMPLOYEE	an employee is a person employed by KZA.
ESSENTIAL SERVICES	can be defined as but is not limited to income and social security, electricity services, water supply services, road maintenance, elderly or medical access services, communication services, police (law enforcement), firefighting services and the provision of food to pupils of school age and the cleaning of schools.
FULL-TIME EMPLOYEE	hired to <u>work thirty-five (35) to forty (40) hours per week.</u>

- IMMEDIATE FAMILY** Current spouse or common law partner, parent/step-parent, child/step-child, sibling, grandparent, grandchild, great grandchild, uncle/aunt, niece/nephew, first cousin, father-in-law, mother-in-law, brother/sister-in-law, son/daughter-in-law or a person living in the same household or raised in the same household for over one continuous year and considered to be part of the family.
- INDETERMINATE POSITION** are positions with a start date but no end date. Employees can be full-time employees, part-time employees, teachers, and those who are hired 45 weeks with a temporary layoff of no less than 90 days in these positions.
- PART-TIME EMPLOYEES** hired to work a minimum of 20 hours per week or less than thirty-five (35) hours per week.
- REPORTING FOR WORK** includes: being called back to work after having left the workplace following the completion of regularly scheduled hours; being called in to work outside regularly scheduled hours (e.g. days off, vacation or public holiday); and/or being called in to work when there are no regularly scheduled working hours.
- SAFETY-SENSITIVE POSITION** can be defined as one that, if not performed in a safe manner, can cause direct and significant damage to property, and/or injury to the employee, others around them, the public and/or the immediate environment.
- SEASONAL POSITION** are positions where an employee is hired for 26 weeks (with an expectation of recall) (usually summer/winter seasons).
- SENIORITY** is related to an employee's years of consecutive service to the employer.

SERIOUS INTERFERENCE OF OPERATIONS

only applies if it has previously been established that a situation that the employer could not have been reasonably foreseen had occurred and there was evidence of an imminent or serious threat.



SERVICE DIRECTOR

is a Director of any one of the Employer’s Service Sectors.

SERVICE SECTORS

Kitigan Zibi Police Sector, Kitigan Zibi Education Sector; Kitigan Zibi Health and Social Services Sector; Kitigan Zibi Community Services Sector; Finance Department or any other entity designated as such by the Band Council.

SPOUSE AND COMMON LAW SPOUSE

means a person who is cohabiting with an individual in a conjugal or common-law relationship; having lived together for a period of at least one year.

SUPERVISOR

is any person who has been assigned supervisory responsibilities for the work performance of another person or group of people.

TEACHERS

teachers are in teaching positions whose annual salaries are pro-rated over one year.

4. ISSUE RESOLUTION

4.1 RESPONSIBILITY OF THE PROGRAM/SERVICE COORDINATORS/SUPERVISORS:

The program or services Coordinators and Supervisors are responsible for implementing the policy. When there are issues/concerns that are not in their ability to resolve in their day-to-day operations, to bring these to the attention of the Director.

4.2 RESPONSIBILITY OF THE ASSISTANT DIRECTOR:

The responsibility of the Assistant Director is to assist in applying the policy in every program and service. The Assistant Director also assumes the role of Director in their absence or when there is a conflict of interest while managing grievances or complaints. The Assistant Director is responsible for assisting in resolving issues/concerns brought to the attention of the Director by the program/service person.

4.3 RESPONSIBILITY OF THE DIRECTOR:

The responsibility of the Director is to apply the policy in every program and service. The Director is responsible for resolving issues/concerns brought to their attention by the program/service person. Should issues or concerns be outside of their ability or authority to resolve, they will bring these to the attention of the Portfolio holder or the Band Council.

4.4 RESPONSIBILITY OF THE HUMAN RESOURCE ADVISOR:

The responsibility of the Human Resource Advisor is to ensure that KZA complies with federal labour standards and the human resource and staffing policies by seeking information from labour, legal and other external government agencies and providing KZA with clarification and advice.

4.5 RESPONSIBILITY OF THE PORTFOLIO HOLDER:

Council may establish portfolios whereby an individual Councilor will be delegated specific responsibilities in a specified area of Council's jurisdiction. Portfolio holders will be advisors to Council and will not direct staff. The Portfolio Holder is responsible for bringing major issues to be resolved to KZA Band Council.

4.6 RESPONSIBILITY OF THE BAND COUNCIL:

Band Council is responsible for approval of new and revised policy and works to resolve major issues or concerns.

5. STAFFING AND RECRUITMENT

The Human Resources Advisor and/or Service Directors are responsible for appointing members of a Selection Committee. The role of a Selection Committee is to select and make recommendations for the hiring of competent professional, technical and administrative staff. These staff members are hired to deliver quality services within the approved allocated budgets. In selecting and hiring staff, special care will be taken to avoid real or potential conflicts of interest.

5.1 JOB POSTINGS AND JOB DESCRIPTIONS:

Every job posting must have a current job description stating: its main functions and duties; reporting levels; required education/training and required work experience. All job descriptions and job postings must be reviewed by the appropriate Services Director and approved by Band Council. In the creation of job descriptions, the Service Director will also take into consideration any limitations that may cause or lead to discriminatory practices and make an effort to eliminate those factors.

5.2 HIRING PROCEDURE:

In an effort to bridge the gap between an historically under-represented population in the labour force, the KZA have made and will make management decisions to invest in its human resources with our time, energy and funding. The recruitment process is intended to provide applicants with a fair and equitable opportunity in obtaining employment.

Step One

Preference will be given to suitable candidates who are registered KZA band members. (Preferential Hiring Policy applicable)

If no registered band member meets the required qualifications, job qualifications, responsibilities, duties may be lowered and in consequence the salary as well. In this case, training and mentoring process may be recommended to provide a candidate the opportunity to acquire the basic qualifications. This process must clearly be outlined in a conditional letter of offer or employer/employee agreement.

Step Two

If no KZA member meet the required qualifications, a second posting will include other First Nations.

Step Three

If no First Nation Candidate meet the requirement qualifications, a third posting will be open at large to Non-First-Nations who are legally able to work in Canada.

5.3 RECRUITMENT:

Unless otherwise stipulated, when a position becomes vacant or is newly created, it is to be filled by a competitive process. The Service Director can also recommend to the Band Council not to fill the position due to reorganization or budgetary restrictions. All reorganization requires the written approval of the Band Council with a clear indication of the division of tasks and task re-assignment.

5.4 ADVERTISING OF COMPETITIONS:

All competitions shall be advertised in at least one of the following two (2) ways:

- a. Advertisement in local, regional or national newspapers (depending on the availability of funding);
- b. In newsletters, flyers, community radio, electronic information systems and other standard means of recruitment.

The job posting shall be for a minimum of ten (10) working days.

5.5 SELECTION PROCESS:

The selection process will be conducted with the highest degree of equity and fairness. The selection process is intended to recruit the most suitable and competent employee(s) who can best serve the interests of KZA as well as provide quality services to its members. Every effort shall be made to avoid real or apparent conflicts of interest or nepotism.

To avoid any possible conflict of interest and to ensure objectivity, immediate family members as defined in the Human Resource Policy; individuals who reside with a candidate; close friendships or obvious feuds cannot sit as a member of the Selection Committee nor participate in the selection process.

If any applicant feels that there is a conflict of interest during the staffing process, a written letter must be provided to the Service Director. Where a Service Director is in conflict a written letter to the Band Council Portfolio Holder.

5.6 CONFLICT OF INTEREST:

When an applicant declares a conflict of interest at the interview process, the interview will continue with the three interviewers. If required, Band Council will decide whether or not the interviewers' calculation will be included in the assessment.

6. ASSIGNMENTS, APPOINTMENTS AND TRANSFERS

In addition to the competitive process acting assignments, secondments, deployments, appointments without competition, change of tenure and eligibility lists can be used to staff positions. These processes allow for greater flexibility, help in succession planning and ensure efficient and effective operations.

All of these options must be recommended and justified by Directors and the Human Resource Advisor and approved by the Band Council.

A competition must be held if the candidate is under direct supervision of the person they report to; if they are immediate family; or if there is or can be a perceived conflict of interest.

6.1 ACTING ASSIGNMENT:

An acting assignment is a situation where an employee is required to temporarily perform the duties of a higher classification level for the period specified in the acting assignment agreement.

During an acting assignment, the employee is subject to the terms and conditions, applicable to the higher classification level.

Acting pay shall be paid to employees acting for more than 3 days and shall be paid from the date the employee began the acting assignment. The Acting assignment shall not be more than 18 months.

Directors should always consider using rotational acting based on employee seniority especially since acting assignments provide employees with opportunities for training/learning, career development and knowledge transfer.

6.2 SECONDMENT:

A secondment is a temporary lateral (same group and level) movement of an employee to perform the functions of a position that already exists or to take on a special project. It helps to facilitate lateral career development opportunities for employees. They provide for the temporary movement of employees within and across sectors to meet temporary operational needs, for training/learning, career development and knowledge transfer. The secondment shall not be more than 18 months.

6.3 DEPLOYMENT:

A deployment is a "lateral transfer of a person from one position to another". The deployment of a person may not

1. constitute a promotion, or
2. change a person's period of employment from a specified term to indeterminate.

6.4 APPOINTMENT WITHOUT COMPETITION:

Wherever it is in the best interests of the people and the KZA, all positions will be filled through the competition process. However, there are circumstances where appointments without competition are both necessary and justified. When required, appointments may be used for filling vacancies in management and key positions that require immediate productivity.

The following guidelines must be followed to ensure that the practices are consistent and controlled.

In exceptional circumstances, an employee may be appointed without competition if:

- The position must be filled immediately to complete projects that are priorities and which could not be successfully completed on time, if the employee were to be hired through the competitive process.
- The position is sufficiently specialized that there is a limited body of potential candidates to do the work and only one individual can be identified to take on the job.
- There are no potential candidates for the specialized position and a candidate with all the required qualifications is available on short notice.
- A candidate who is available from within or who is a former employee, either of whom would have the benefit of experience and knowledge that would allow them to be immediately productive without the need for a protracted period of training or orientation.

6.5 CHANGE OF TENURE:

A change in tenure may occur where there is a change in your employment type. The more common change in employment tenure is:

- term to indeterminate

After 18 months of consecutive employment, Directors must take action to determine employment tenure.

A change of employment tenure may affect rate of pay. It may also affect net pay. A change in net pay will occur as a result of becoming eligible to participate in various mandatory plans or benefits.

6.6 ELIGIBILITY LISTS:

Eligibility lists are a cost-effective and efficient method of staffing similar positions. The Human Resource Advisor maintains the eligibility list. Once an eligibility list is established, the list may be used to fill subsequent similar vacancies that may otherwise be filled through a competition. If an eligibility list is to be used, it must be included in the job posting.

An eligibility list is an inventory of applicants who have applied on a staffing competition and may be qualified to fill future similar vacancies. Candidates on the eligibility list can remain in effect for 12 months.

An eligibility list is:

- Prequalified applicants who have been tested and interviewed.

Once an eligibility list has been established, and reference checks are positive, a candidate can only be chosen by order of priority based on the scores received in the competitive process.