

CONFIDENTIAL ATTACHMENT #1

Proposed Amendment to the Human Resources Management and Ethical Framework for Members' Staff

The Framework is proposed to be amended to replace the provision that "Members' staff are employed subject to fixed-term temporary employment contracts with the City" with the following provisions:

Terms and Conditions of Employment:

1. Council Members' staff are a special sub-group of City of Toronto non-union employees falling under one of the following employment arrangements:

- a. Indefinite term full-time employees
- b. indefinite term part-time employees
- c. fixed-term full-time employees; and
- d. fixed-term part-time employees.

Indefinite term full-time employees

1.1 An employee hired by a Member of Council to work full-time hours in the Member's office on an indefinite contract of employment. There is no fixed termination date in the employment contract, nor is there any guaranteed length of employment. These employees receive benefits and entitlements, including automatic pension enrolment and health and dental benefits, upon hire.

Indefinite term part-time employees

1.2 An employee hired by a Member of Council to work part-time hours in the Member's office on an indefinite contract of employment. There is no fixed termination date in the employment contract, nor is there any guaranteed length of employment. These employees may receive benefits and entitlements including optional pension enrolment and health and dental benefits after meeting qualification criteria.

Fixed-term full-time employees

1.3 An employee hired by a Member of Council to work full-time hours in the Member's office for a specified time for special projects or where specified services are required. The contract duration is for a short period of time of a year or less, specifies the termination date, and does not extend beyond the Council term. For any contract extensions resulting in employment beyond one year, the employee is transitioned to an indefinite term full-time employment contract. These fixed-term employees may receive benefits and entitlements after meeting qualification criteria.

Fixed-term part-time employees

1.4 An employee hired by a Member of Council to work part-time hours in the Member's office for a specified time for special projects or where specified services are required. The contract duration is for a short period of time of a year or less, specifies the termination date, and does not extend beyond the Council term. For any contract extensions resulting in employment beyond one year, the employee is transitioned to an indefinite term part-time employment contract. These employees may receive benefits and entitlements after meeting qualification criteria.

Termination and Severance Pay

2. Members are responsible for termination decisions with respect to individuals working in their offices and can terminate staff without cause at any time, subject to the provisions of the applicable Employment Contract, City employment and severance policies, and statutory requirements. Prior to a termination decision being made, Members must consult with the City Clerk's Office to ensure compliance with all statutory requirements and other obligations in order to limit the City's liability as the employer.

Termination without cause during normal Member office operations - Severance

2.1 Indefinite term staff who are terminated without cause during the term of Council are eligible to receive termination and severance pay of 3 weeks per completed years of service, subject to a maximum cap of 52 weeks' pay. This amount is inclusive of termination and severance amounts payable under the Employment Standards Act ("ESA") and of any working notice which is given. Members' staff who are terminated before completing one year of service with the City will receive termination pay in accordance with the ESA. Fixed-term employees terminated without cause prior to the end of their contract will receive any entitlements required by law and in accordance with the terms of their contract.

Termination at the end of the Council term following a municipal election

2.2 The employment relationship between Members of Council and Members' staff does not extend beyond the end of the Council term if the Member does not return to Council following the municipal election. The critical municipal election dates, including Nomination Day, Election Day and the last day of the Term of Council, are set out in the Municipal Elections Act.

Termination at the end of the Council term when the Member is not seeking re-election

2.3 Where a Member is not seeking re-election, written notice will be provided to that Member's staff on the day after Nomination Day that their last day of employment will be the last day of the current Council term.

Termination at the end of the Council term when the Member is not re-elected

2.4 Where the Member is not re-elected, written notice will be provided to that Member's staff on the day the Clerk certifies the municipal election results following Election Day that their last day of employment will be the last day of the current Council term.

Mid-term Council vacancies due to resignation or death of a Member

2.5 Following the resignation or death of a Member of Council, Member's staff employed in the vacant office will continue to be employed through the duration of the vacancy. During the vacancy, City Clerk's Office will provide administrative management of the Member's staff. When the vacant Member's seat is filled through by-election or appointment, the new Member will have the option to retain or replace the staff in their office. In the event of staff replacement, termination and severance will proceed in accordance with the above.

Termination with cause

2.6 Member's staff may be terminated for cause at any time without notice of termination or severance pay, unless otherwise minimally required under the ESA.

End of employment for fixed-term employee at end of contract

2.7 Fixed-term employees are not entitled to severance or termination pay at the end of their contract.

Transition

Transition timeline

3.1 For existing staff, the change to the indefinite contracts will start on the first day of the new Council term, November 15, 2022.

Severance Provision for long serving staff

3.2 Existing long-serving Members' staff with at least 17.3 years of service at the end of this Council term on November 14, 2022, and who become indefinite term employees on November 15, 2022, will have their long service recognized through a customized individual maximum severance cap, in place of the general severance cap of 52 weeks' pay applicable to all other indefinite term employees set out in paragraph 2.1 above.