COUNCIL OFFICE MANAGEMENT FRAMEWORK

Section One - Background

1. Preamble:

The *Council Office Management Framework* (hereinafter referred to as the "Framework") sets out the roles and responsibilities of the Mayor and Councillors ("Members") for managing the employees ("Member Staff") under their authority. The Framework outlines and affirms the City of Brampton Corporate policy requirements applicable to Member Staff working directly for Members.

This Framework also sets out the ethical operating framework for Member Staff and clarifies their responsibility under the existing *Code of Conduct for Members of Council.* While Member staff are employees of the City of Brampton, supporting the Members and their office and not City administration, the Framework provides clarity to the distinct roles that Member Staff fulfil in the effective functioning of the City of Brampton government.

2. Definitions:

Member – The Mayor and a City or Regional Councillor.

Member Staff - Individuals retained to work within the Mayor's Office and Councillor's Offices for Members including:

- All Full-time and Part-time contracted staff.
- Staff who are managed by the City Clerk's Office during the period where the seat of the Member is vacant.

City Clerk's Office- The City Clerk, or other designated staff in the City Clerk's Office.

Council Office – The offices of the Mayor, City Councillors and Regional Councillors.

Human Resources Division – Human Resources Division staff within the Corporate Support Services Department.

Code of Conduct - The Code of Conduct for Members of Council, as approved by Council and administered by the Integrity Commissioner.

Council Handbook - The manual for Members of Council, as amended from time to time, related to the carriage and control of their offices, service protocols, processes, as well as the day-to-day operational supports provided to Members of Council by Member Staff.

3. Corporate Policy Requirements:

These are the minimum, necessary policies, as amended from time to time, applicable to Member Staff in order that a Member can effectively manage their staff, and to ensure that the City is meeting its legislative obligations as the employer.

Application:

Member Staff are City of Brampton employees and are therefore subject to all legislative employment requirements and the City's policies and procedures. Consequently, Members have responsibility for managing the Member Staff and ensuring compliance with legislative

employment requirements, as well as all applicable City policies and procedures, in order to ensure that both they, and the City, are meeting all obligations and responsibilities as an employer.

The Framework applies to all Members Staff employed in the Mayor and Council Office. The Framework does not apply to non-employment relationships such as unpaid students, volunteers or independent contractors, service providers, consultants or vendors.

4. Purpose

The *Council Office Management Framework* aims to:

- Provide clear guidelines for Members with respect to the management of their Member Staff.
- Set out the key ethical framework for Members, and the Member Staff working in their offices to guide their day-to-day activities in support of the Member.
- Delineate the roles and responsibilities amongst Members, Member Staff, the City Clerk's Office and the City as employer of record.

5. Context and Principles:

The *Council Office Management Framework* is developed within the following context:

- Member Staff are political staff and a unique sub-group of City of Brampton non-union employees. The City, as the employer, has certain statutory requirements and corporate responsibilities, as do the Members as the immediate managers of Member Staff working in their offices.
- While they are City employees, Member Staff (i.e., Mayor's Office and Councillor's Office staff) are distinct from Union and Non-union City staff, and are governed by this *Council Office Management Framework* and applicable City policy, including the Employee Code of Conduct.
- The unique nature of Member Staff requires that a separate *Council Office Management Framework* be developed in order to ensure a common understanding of roles, responsibilities and authorities amongst Members, Member Staff, and City staff, and to distinguish between the administrative and political components of City of Brampton government.

The key principles used in developing the *Council Office Management Framework* are:

- *Integrity*
  Member Staff, in working for the Member, will uphold high standards of ethical behaviour consistent with those applicable to elected officials.
- *Accountability*
  Members are accountable for the management of Member Staff in compliance with applicable legislation and City policies and procedures.
  Member Staff are accountable to their individual Member for the performance of their duties and responsibilities.

- *Respect*

Member Staff will act with decorum and respect the Office the Member holds.
Member Staff will treat the public, the City of Brampton staff and each other with respect at all times.

6. Roles and Responsibilities

1. Members of Council

Members have the responsibility to manage their Member Staff in accordance with the *Council Office Management Framework,* the *Code of Conduct for Members of Council*, the Employee Code of Conduct, the Council Handbook and in compliance with applicable City employment related policies and guidelines, and the City's statutory obligations, including but not limited to the *Employment Standards Act*, *the Occupational Health and Safety Act*, *Workplace Safety and Insurance Act*, *Ontario Fire Code (under the Fire Protection and Prevention Act)*, *Ontario Human Rights Code*, *Accessibility for Ontarians with Disabilities Act*, and the federal *Income Tax Act*, as amended from time to time (please refer to Council Handbook webpage for links to the legislation).

2. Member Staff

Each Member Staff has the responsibility to become familiar with and abide by the *Council Office Management Framework* as detailed in this document.

Each Member Staff is responsible for abiding by the relevant City policies referenced in this Framework and appended to their employment contracts. This includes all applicable City policies listed on the City's Policy Library. These policies may be amended from time to time.

Member Staff will act responsibly, disclosing all actual or potential conflict of interest situations to the Member and behave in a manner that would not create the perception that the Member deliberately or inadvertently breached the *Code of Conduct for Members of Council* or applicable legislation.

3. City Clerk's Office

City Clerk's Office will facilitate onboarding of member staff to include but not be limited to Access and Privacy, Records Management and Accessibility.

City Clerk's Office, in conjunction with other Corporate Department and Divisions, provides day-to-day operational support and advice to Members in relation to the management of staff in their offices and assists the Members in meeting the City's legislative obligations as the employer of record.

4. City of Brampton

The City of Brampton is the employer of Member Staff and in this role is legally responsible for fulfilling its statutory requirements and other corporate responsibilities and obligations to protect City interests.

Section Two – Member Role in Management of Member Staff

Individuals employed in the offices of Members are City of Brampton employees. However, Member Staff are a special sub-group of City of Brampton non-union employees and are hired under a standardized fixed-term temporary contract of employment.

Member Responsibilities

Members, as supervisors/managers of employees working in their offices, have control and direction over their Member Staff and are responsible for the following:

- Managing Member Staff and their office in compliance with applicable City employment related policies and guidelines, and the City's statutory obligations.

  Details on compliance requirements with respect to applicable legislation and policies can be found in the Council Handbook, which is provided to all Members at the beginning of the term and which may be updated from time to time by the City Clerk's Office.

- In particular, a Member is responsible for:
  - Providing a safe work environment, including an environment free from harassment, discrimination and violence;
  - Ensuring Member Staff receive training on health and safety requirements and other matters, as needed;
  - Reporting Member Staff injury or misconduct or performance concerns to the City Clerk and/or Human Resources Division;
  - Annual performance management appraisals, as applicable; and
  - Scheduling and recording of Member Staff vacation and lieu time to promote wellness.

- Ensuring that Member Staff working in their offices comply with applicable City policies and guidelines. To that end, Members are encouraged to involve the City Clerk's Office and/or Human Resources Division where there is a staffing issue involving Member staff actions/behaviour and/or a corporate responsibility, obligation or liability (e.g. accommodation, human rights, respectful workplace, workplace violence, excessive absenteeism, misconduct, etc.) in order to provide assistance and guidance to the Member required for any corrective action involving the Member staff.

Member Role

The role of Members in the management of Member Staff includes the following components:

1. Staff Recruitment and Hiring

- The Clerk's Office, in conjunction with Human Resources, shall approve the basic form of the contract; however, the Member shall have the sole discretion in matters relating to the recruitment process and final decision-making responsibility for hiring including resume review, screening, testing, interviews, reference checks, selection and job offer, consistent with the intent of the Recruiting and Retaining Top Talent Policy.
- Members may engage Human Resources to assist in the recruitment process.
- Members are responsible for determining budget implications for hiring their staff.
- Members can share a Member Staff, if the Member Staff is in the same job classification and is paid their rate of compensation equitably between the participating Members, and based on an agreement between the participating Members. The employment contract is signed by the designated supervising Members and the Member Staff.

- Members are responsible for providing hiring information to the City Clerk's Office and Human Resources prior to the candidate starting work in their offices so that the employment contract and other documentation can be completed prior to the candidate beginning employment.

2. Compensation and Salary Expenditures

- Members are bound by all City policies related to the hiring of employees and as outlined in the Council Handbook.

Members decide on the position and determine the level of compensation for Member Staff in their office, as long as the salary for the Member Staff is within the salary range for the job classification of the employee as adopted by City Council and as per City hiring policies. Member decisions on salary outside the range or beyond the mid-point require a business case to be completed by the Member and placed on file with Human Resources.

- Members could change job descriptions for any job classification as a group only which would require approval by Council Resolution. Human Resources will evaluate the job description to determine the appropriate salary range in consideration of the City pay bands and internal equity for comparable work across the City.
- Annual performance increases are provided at the Member's discretion. The Member may use the City's Talent and Learning Management System, or other process, to conduct performance appraisals. Member decisions on a salary increase beyond the range approved for other Non-Union employees for any given year require a business case to be completed by the Member and placed on file with Human Resources
- Members fund their Member Staff compensation and benefits from a Member Budget envelope, assigned to each individual Member annually by Council. Members cannot exceed their Council approved budget for staffing their office, unless authorized to do so by Council Resolution.
- Members are responsible for reviewing and approving the annual salary expenditures of their Member Staff, which will be reported in and attributable to each Member in the *Annual Remuneration and Expenses for Members of Council Report.*

3. Terms and Conditions of Employment

- Member Staff are employed subject to fixed-term temporary employment contracts with the City and the terms and conditions of their employment are standardized and stipulated therein. The length of the employment contract is determined by the Member but cannot exceed the term of Council.
- Members are responsible for approving hours of work (subject to a regular maximum of 35 working hours per week), including payroll/timesheets, overtime, attendance, vacation, lieu time, unpaid leave of absence, and expense claims for their staff.
- Member Staff will be eligible for Lieu Time as outlined in their employment agreement.
- Member Staff will be eligible for Benefits consistent with Corporate non-union staff benefits.
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- Any paid leaves, absences, back-fills and other extraordinary employee-related expenses may be assumed by the Member's budget envelope and/or the Corporation, depending on the circumstances.
- Members are responsible for managing the performance of Member Staff and may engage assistance from the City Clerk's Office and/or Human Resources.

3. Employee Experience

- As managers of Member staff, the Members are responsible to familiarize themselves with the City's Respectful Workplace Policy HRM-150 and make every effort to provide their staff a vibrant, healthy, safe, and compassionate work environment where the Member Staff is treated fairly, with respect, civility and free from harassment and discrimination.

  As employees of the City, Member Staff could report incidents or complaints of Workplace Harassment and Discrimination, specific to a Member of Council, to their Member, City Clerk's Office, Integrity Commissioner, and/or Human Resources. The Member, City Clerk's Office, and/or Human Resources will pass on the information related to the incident or complaint, specific to a Member of Council, to the Integrity Commissioner who will handle those matters in accordance with the *Code of Conduct for Members of Council*. Member Staff reports or complaints of Workplace Harassment and Discrimination involving other persons, excluding Members of Council, would be reported and addressed as per existing City policy and procedures, with the appropriate involvement and guidance by Human Resources.

4. Termination

- Members are responsible for termination decisions with respect to Member Staff working in their offices and can terminate them without cause any time during the employment contract period, subject to the requirements below. Termination decisions must be carried out in accordance with the provisions of the applicable Employment Contract, City policy and statutory requirements.
- A Member must consult with the City Clerk's Office and Human Resources to ensure compliance with the statutory requirements and other obligations in order to limit the City's liability as the employer prior to making a decision to terminate a Member Staff.
- Prior to proceeding with the termination of the Member Staff, the termination form must be completed by the Member, detailing the business case for separation, and will be forwarded to Finance and Human Resources to complete Financial and Human Resources implications, and processing in accordance with City policy and procedures.
- Such statutory notice, severance or common law expenses attributable to the Member Staff upon separation may be assumed by the Member's budget envelope and/or the Corporation, depending on the circumstances.

5. Duties and Limitations

- Commitment to Member

  Member Staff shall only perform administrative and communications functions related to the employing and supervising Member, unless an agreement is in place with other Members to share the Member Staff.
- Substituting for Member

Member Staff shall not substitute for the Member at Council or Committee meetings or other external boards or committees to which the Councillor has been appointed.

- Appointments to City boards and committees
  Member Staff shall be ineligible for selection by Council to boards, agencies, committees and authorities appointed by Council, but may accept appointments by bodies other than those made by Council.

Section Three – Ethical Framework for Member Staff

Members have carriage and control of, and are fully responsible for, the conduct and management of Member Staff working in their offices. Members are responsible for ensuring that Member Staff working in their offices understand the expectations of this Framework and follow it at all times.

This Framework applies to all individuals employed in the Member offices.

Member Staff are expected to conduct themselves with personal integrity, ethics, honesty and diligence in performing their duties.

1. Duties and Responsibilities of Member Staff in relation to the *Code of Conduct*

a. Member Staff often act on behalf of or in the name of the Member, including representing the Member at events or in communication with constituents. Member Staff must be familiar with the *Code of Conduct for Members of Council* so that they ensure that their actions on behalf of their Member of Council are in compliance with the principles and requirements within the *Code of Conduct*. The *Code of Conduct* effectively extends to Member Staff and external service providers/contractors hired by Members. Actions taken by Member Staff or service providers/contractors on behalf of a Member may result in that Member found to have contravened the *Code of Conduct,* based on an investigation by the Integrity Commissioner, and resulting decision by City Council.

b. As part of the *Code of Conduct*, Member Staff must be familiar with all City policies that apply to Members, including but not limited to:
   i. the Council Expense Policy
   ii. the Policy on Recruiting and Retaining Top Talent

c. Each Member is responsible for ensuring that Member Staff do not put the Member in contravention of the *Code of Conduct*.

d. In situations where the Member is uncertain about the application of the *Code of Conduct* to Member Staff, they should consult with the City Clerk and/or Integrity Commissioner.

2. Lobbying

a. Member Staff are considered public office holders and must be familiar with the requirements and restrictions as it relates to lobbying (see Lobbyist Registry for further information).

b. Member Staff should consult with the appropriate City Clerk's Office staff and/or the Lobbyist Registrar if they have any questions regarding lobbying.

3. Conflict of Interest

Member Staff must not place themselves or their Member in a direct or perceived conflict of interest.

Member Staff should always consult with the Member if there is a conflict or potential conflict in a specific situation.

In addition of the *Municipal Conflict of Interest Act* provisions and principles, a conflict of interest includes, but is not limited to, a situation in which a Member Staff has private interests that could compete with, or that may be perceived to compete with, their duties and responsibilities as a Member Staff. The *Code of Conduct for Members of Council* also provides guidance on potential conflicts of interest for Members and their offices. The Integrity Commissioner can be consulted by the Member for advice regarding a possible conflict of interest by the Member or their office.

A conflict of interest can be a situation where the Member Staff use their position for private gain or expectation of private gain, non-monetary or otherwise. A conflict may also occur when the private interest benefits the Member Staff's family, friends, or an organization in which the Member Staff or their family or friends have a financial interest.

Private (or personal) interest means a relationship, obligation, duty, responsibility or benefit unique to the Member Staff or a person related to the Member Staff.

Conflict of interest may include, but is not limited to the following situations:

a. *Preferential Treatment*

Member Staff must not use their positions to give anyone preferential treatment that would advance their own interest or that of any party where such advance is contrary to the interests of the City.

b. *Gifts*

Member Staff must not accept, arrange to accept or request to be given a reward, gift, advantage or benefit of any kind from any person or entity that influences or could be perceived to influence the performance of their duties.

Member Staff may accept a gift of nominal value given as an expression of courtesy or hospitality, provided this does not influence, or be perceived to influence, the performance of their duties. All gifts should be disclosed on the Gift Registry however it is mandatory to disclose gifts of a value of $50 or more.

A Member may decide that no gifts may be accepted under any circumstances and will communicate this to their Member Staff.

A Member Staff, who receives a gift in the performance of their duties, will immediately notify the Member.

c. *Employment of Relatives*

Member Staff will abide by the City's Recruiting and Retaining Top Talent Policy, which defines policies pertaining to the hiring of relatives.

d. *Use of City Property*

Member Staff must not use, or permit use of any City property, including facilities, equipment, supplies, technology and other resources, for activities not associated with the performance of their duties.

e. *Use or Disclosure of Confidential Information*

Member Staff may not, during the term of their employment or any time thereafter, directly or indirectly use or disclose any confidential information obtained during their employment with the Member, unless they are required by law or authorized by Council or the Member in writing and in advance. The obligation to maintain confidentiality continues after the employment term ends.

Confidential information includes, but is not limited to, privileged information, draft by-laws or staff reports, third party information, personal information, technical, financial or scientific information and any other information collected, obtained or derived for or from any records that a Member staff may come into contact with while employed in the office of the Member.

f. *Closed Session Council or Committee Meetings*

Member Staff are not entitled to receive closed session meeting information or attend closed session meetings of Council or its committees, unless authorized by Council.

g. *Disclosure of Financial Interests*

Member Staff who have a financial interest or are involved in a decision-making process related to a City contract, sale or business transaction, or has family members, friends or business associates with such interest, must disclose their interest to the Member and remove themselves from any decision-making process.

h. *Appearing Before City Committees*

Member Staff may not appear before a City committee on behalf of a private citizen or third party, other than for themselves or a family member.

Member staff must identify themselves as such if they are making a delegation to a City committee, unless they appear as a private citizen on matters that do not relate to their employment.

i. *Engaging in Outside Work*

Member Staff may not engage in any outside work or business activity that conflicts with their duties in the Member Office, or could benefit from confidential information obtained during the

course of their employment. Member staff must dedicate their full attention and commitment to the Member's office and their duties during working hours.

4. Political Activity

a. Political Activity is defined as:

- supporting or opposing a political party and/or candidate before or during an election;
- seeking nomination or being a candidate in an election;
- seeking appointment to a municipal council or school board; or
- canvassing or campaigning on a Brampton municipal referendum question.

Political activity is applicable to municipal, school board, provincial and federal elections and Brampton municipal referendum questions.

b. Member Staff must comply with the requirements of the *Municipal Elections Act*, and applicable City policy, when seeking election or appointment to Brampton City Council:

- Member Staff who seek election to Brampton City Council must take an unpaid leave of absence starting prior to the date on which they file the nomination papers and continuing until voting day.
- Member Staff who seek appointment to Brampton City Council must take an unpaid leave of absence starting from the date on which they file the appointment application to the date City Council makes the appointment decision.

c. Member Staff must not use any City resources for any election-related or campaign purposes. City resources include any staff, facility, equipment, supplies or other resources as defined in the City's Use of City Resources Policy.

d. Member Staff who are planning to engage in political activity outside their working hours as defined in this Framework should disclose this information to the Member of Council and seek guidance and advice from their Member as required.

5. Disclosure of Wrongdoing and Reprisal Protection

The City of Brampton is committed to protecting its assets and to the principles of accountability, transparency, honesty and respect. As part of its ongoing efforts to demonstrate its commitment to responsible, sound and ethical operating practices, the City has established a framework to prevent, detect and report incidents of fraud; and a process to investigate and report on fraudulent acts. The Corporate Fraud Prevention Policy is a component of this Framework.

The Fraud Hotline provides all City staff with a convenient, secure, confidential and anonymous way to report possible incidents of fraud, waste and other questionable activities. The Hotline is administered by an independent third party provider.

For further information on Member Staff responsibility as it relates to Fraud, Member Staff are advised to visit the Fraud section and FAQs on the internal portal.

6. Information Management

The definition of a record is “any recorded information.” This definition encompasses both traditional formats such as printed materials and newer formats such as electronic files, emails, text messages, social media posts, web content, voicemails and video recordings. Records may be created and accessed using a range of platforms such as pen and paper, computer, tablets and smartphones. Members are responsible for managing their records, regardless of format or platform as outlined in the Council Handbook and A Guide to Access and Privacy for Members.

Records created and maintained by Members tend to be either political records or corporate records. Political and corporate records should be filed and maintained separately. Member Staff need to understand the difference between these types of records to ensure appropriate storage of these records.

a. Political Records
   Records that document a Member’s relationship with their constituents as an elected representative are considered political records. An example of a political record is a letter from a constituent complaining about inadequate service or infrastructure. Political records are the property of the Member, and are not generally subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

   - Political records often contain the personal information of constituents and other confidential information. Member Staff are responsible to ensure that all confidential information (including personal information) is appropriately secured from inappropriate use or disclosure.
   - Political records can become corporate records. For example, if a Member forwards an email from a constituent to staff for action, the email becomes a corporate record. *Note: consent of the constituent is required before information can be shared*.
   - Contact information obtained from a constituent in relation to a specific request or complaint, must not be reused to communicate with the constituent on other matters without the express written consent of the constituent. Member-specific applications are available to Members’ and their staff to manage constituency contacts and records.

b. Corporate Records
   Records that document the City’s business activities (i.e. the provision of municipal programs and services) are corporate records. Corporate records should be stored in the designated Member library and file system, whether physical records or digital records. This may include use of the City’s digital records management system known as the Brampton Records and Information Management System (BRIMS). Records contained within BRIMS are subject to public access in most cases under MFIPPA. The Records and Information Management Team within the City Clerk’s Office is available to assist Member Staff with corporate records and information management.

c. Member Staff should ensure that contact information obtained from constituents is not stored and reused to communicate further with the constituent without their express written consent.

d. Member Staff should restrict access to confidential and sensitive personal information received by the Member to only those who need to see it in order to protect personal information.

7. Information Technology

a. Member Staff are bound by the City's Information Technology Use Policy and must abide by requirements to protect and safeguard the integrity and security of the City's computer network and infrastructure.

b. Member Staff must not download or upload any applications or software on City equipment without seeking the prior approval of the City Clerk's Office so that the City's computer infrastructure is not compromised.

c. Member Staff must not connect any personal equipment to the City's network for personal use.

d. Occasional personal use of the City's equipment is permitted during business hours provided these are not for personal gain or election campaign purposes.

e. Member Staff access to social media sites is subject to the Member's direction and approval.