



Hamilton

**REPORT 11-001
NON-UNION COMPENSATION SUB-COMMITTEE**

**3:00 p.m.
April 4, 2011
Room 192
City Hall
71 Main Street West
Hamilton, Ontario**

Present: Mayor B. Bratina
Councillors L. Ferguson, M. Pearson, R. Powers,

Also Present: Councillors C. Collins
Chris Murray, City Manager
Rob Rossini, General Manager, Finance and Corporate
Services
Helen Hale Tomasik, David Godwaldt, Human Resources
Peggy Chapman, Mayors Chief of Staff
A. Grozelle, Legislative Assistant, Clerk's Office

**THE NON-UNION COMPENSATION SUB-COMMITTEE PRESENTS REPORT 11-001
AND RESPECTFULLY RECOMMENDS:**

- 1. Non-Union Standby and Call-Out Policy (HUR11005) (City Wide) (Item 5.1)**
 - (a) That the revised Non-Union Standby and Call-Out Policy attached as Appendix A to Report 11-001 be approved; and
 - (b) That Appendix C of the Report HUR110005 remain confidential and restricted from public disclosure, pursuant to Section 8.1, subsection (d) of the City's Procedural By-Law and Section 239 of the Ontario Municipal Act subsection (d) and in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

2. Non-Union Compensation Update HUR11004 - (City Wide) (Item 6.1)

- (a) That report HUR11004 be received for information purposes; and
- (b) That Report HUR11004 respecting the Non-Union Management & Professional Exempt Group Compensation remain confidential and restricted from public disclosure, pursuant to Section 8.1, subsection (d) of the City's Procedural By-Law and Section 239 of the Ontario Municipal Act subsection (d) and in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

FOR THE INFORMATION OF COMMITTEE

(a) APPOINTMENT OF CHAIR (Item A)

- (i) On a Motion Councillor Lloyd Ferguson was appointed as Chair of the Non-Union Compensation Sub-Committee for the 2010 -2014 term of Council
- (ii) On a Motion Councillor Maria Pearson was appointed as Vice-Chair of the Non-Union Compensation Sub-Committee for the 2010 -2014 term of Council

(b) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised that there were no changes to the agenda

The agenda of the April 4, 2011 Non-Union Compensation Sub-Committee was approved as presented

(c) DECLARATIONS OF INTEREST (Item 2)

None

(d) APPROVAL OF MINUTES (Item 3)

(i) Clerks Report – February 16, 2011 (Item 3.1)

The Clerks report of February 16, 2011 was received.

(e) PRIVATE AND CONFIDENTIAL (Item 6)

The Sub-Committee move into Closed Session, at 3:29 p.m. respecting Item 6.1 Non-Union Compensation Update, Report HUR11004 pursuant to Section 8.1, subsection (d) of the City's Procedural By-Law and Section 239 subsection (d) of the Ontario Municipal Act as amended as the subject matter pertains to labour relations and employee negotiations.

Chair Ferguson advised those in attendance that following the Closed Session the Sub-Committee would reconvene in Open Session to deliver their recommendations.

On a Motion the Sub-committee reconvened in Open Session at 4:00 p.m. and delivered the following recommendations.

(i) Non-Union Compensation Update (HUR11004) (City Wide)(item 6.1)

For disposition on this item refer to Item 2.

(ii) Non-Union Compensation Update HUR11006 - (City Wide) (Item 6.2)

The Committee provided direction to staff in Closed Session.

There being no further business the Sub-committee adjourned at 4:03 p.m.

Respectfully submitted,

Lloyd Ferguson, Chair
Non-Union Compensation
Sub-Committee

Andy Grozelle
Legislative Assistant
April 4, 2011

Corporate Policy		Content Updated: 2009-10-02
Human Resources		Supersedes Policy: February 13, 2002
Policy No: HR-**-09		SMT Approved: 2011-02-04
Page 1 of 3		Council Approved: YEAR-MM-DD

Standby & Call-Out Policy

POLICY STATEMENT	The City of Hamilton recognizes that due to the requirement to provide 24/7 service and be responsive to legislated or time sensitive demands beyond regularly scheduled work hours in some business areas, some non-union and management employees may be required to be placed on standby and/or be called in to work. Positions that are required for standby and call-out are designated by the General Manager and confirmed through a business case submitted to Human Resources. Human Resources maintains a list of non-union and management employees who are eligible for standby and call-out pay and reviews the list on an annual basis.
PURPOSE	The purpose of this policy is to ensure accurate and authorized payments for standby, and/or call-out for non-union employees and management. This policy defines standby and call-out duties, eligibility, guarantees and response times. . It also confirms the Corporate remuneration practice for non-union individuals who work on a standby/call-out basis.
SCOPE	This policy applies to all permanent, temporary or contract full-time non-union employees of the City of Hamilton who have successfully completed their probationary period. This policy excludes unionized employees.
DEFINITIONS	
Standby	An employee is considered to be on standby when all these conditions are met: <ul style="list-style-type: none"> • The employee is required to be available to report to a work location within one hour of notification, outside of his or her regular work day/week • The employee is required to be available to resolve work related problems via another means (such as telephone, computer or fax) outside of his or her regular work day/week • The employee is required to carry and respond to a communication device (such as a cell phone or pager) as an alternative to being scheduled to work • The employee is required to respond to emergency situations based on a 24 hour/7 day week rotational system • The employee cannot engage in any activity that would impair judgment or prohibit a response while on standby. • The position is designated and authorized by a General Manager or Designate in consultation with Human Resources to be placed on Standby.
Call-out	A call-out occurs when employee(s) are called in to their workplace or are required to respond to a work location outside of normal work hours, whether or not they have been on standby status.
TERMS & CONDITIONS	<p style="text-align: center;"><u>Standby</u></p> <p>Eligibility Non-union employees may be entitled to standby and call out payments provided they meet all the above outlined conditions.</p> <p>Management employees may also be eligible for additional payments for standby or call out for limited situations. Where designated by the General Manager and where an appropriate business case has been made and confirmed by Human Resources, such designated positions will be entitled to standby and call-out payment.</p>

Corporate Policy

Human Resources

Policy No: HR-**-09

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Content Updated: 2009-10-02

Supersedes Policy: February 13, 2002

SMT Approved: 2011-02-04

Council Approved: YEAR-MM-DD

Only the General Manager can assign and authorize standby. Employees on standby must adhere to all organizational policies and procedures, including the terms and conditions outlined in this policy.

Standby Pay

Non-union employees who are designated to be on standby duty shall be paid:

- One (1) hour, either banked or paid, per weekday of standby service;
- Two (2) hours either banked or paid, per weekend day of standby service;
- Two (2) hours either banked or paid, per statutory holiday of standby service.

Manager level and above who are designated to be on standby will be considered on a case by case basis through consultation between the General Manager and Executive Director of Human Resources.

If contact cannot be made with the non-union or management employee who is on standby status or if that employee fails to perform the work required, that non-union employee is ineligible for standby pay.

Call-out

A non-union employee is considered to be on a call-out when the employee is required to respond to a substantial work-related request outside of their regular work day, including work-related requests which do not require the employee's attendance at a work location.

If an employee is called to do work and the work-related request or problem is resolved from home, the employee does not receive a call-out payment unless the time required is greater than ½ hour.

Call-out Pay (Designated positions)

Non-union employees shall be paid:

- Straight time for all hours worked above the job's regular hours per day or per week up to 44 hours per week from Monday through Sunday.
- Time and one-half for all hours worked in excess of 44 hours per week from Monday through Sunday.
- Time and one-half for all hours worked on a statutory or designated holiday.

Management employees shall be paid:


- Straight hourly rate for all hours worked as a result of being called into work from standby.

Time for call out payments includes time spent traveling to and from the appropriate work location.

Call out Guarantee

When an employee is required to report to a work location to resolve the request or problem the City guarantees a one-hour minimum call-out payment.

Response Time

<p>Corporate Policy</p> <p>Human Resources</p> <p>Policy No: HR-**-09</p> <p>Page 3 of 3</p>		<p>Content Updated: 2009-10-02</p> <p>Supersedes Policy: February 13, 2002</p> <p>SMT Approved: 2011-02-04</p> <p>Council Approved: YEAR-MM-DD</p>
	<p>Employees have a maximum of one hour to respond to a work-related problem or request. Response time is the time in which the employee must investigate and report on the request or problem. Failing to respond to a standby call results in the forfeiture of standby pay for the day on which the standby call was made.</p> <p>Payment Options (For Standby and Call-out)</p> <p>An employee entitled to standby and call-out compensation may:</p> <ul style="list-style-type: none"> • Receive payment for hours worked or • Bank compensation as lieu time to a maximum of two weeks regular hours, provided the employee and the department agree <p>Time off must be taken in the calendar year in which it is earned. Time not taken shall be paid out at year-end or, where applicable, when an employee changes departments.</p>	
<p>RESPONSIBILITIES</p>	<p>The following positions and/or departments are responsible for fulfilling the responsibilities detailed in this Policy as follows:</p> <ul style="list-style-type: none"> • All designated non-union positions required to be on standby must be authorized by the General Manager. • All designated management positions required to be on standby must be accompanied by a business case and authorized by the General Manager and confirmed by Human Resources. • All overtime hours worked must be authorized by the employees immediate supervisor and documented accordingly 	
<p>COMPLIANCE</p>	<p>Failure to comply with this Policy and its associated Procedures will result in the employee not being compensated.</p>	
<p>RELATED DOCUMENTS</p>	<p>The following related documents are referenced in this Policy:</p> <ol style="list-style-type: none"> 1. Employment Standards Act 2. Non-union Overtime Policy 3. Non-Union Overtime & Standby/Call-In Pay Pandemic Emergency Policy 	
<p>HISTORY</p>	<p>This policy replaces previous Standby Duty & Call-Out Policy, August 13, 2003 The policy was reviewed and revised in 2009 based on inputs from Directors from all departments The policy was discussed at SMT on October 15, 2009, approved in principle by SMT on March 25, 2010 pending submission of business cases to HR, with final approval by SMT on February 4, 2011</p>	