BY-LAW NO. 5 (2016)

Delegation of Certain Functions and Powers to the Director General

Section I  General Provisions

Article 1  The present By-Law determines the functions and powers that the Council of Commissioners delegates to the Director General of the English Montreal School Board in accordance with Section 174 of the Education Act.

Article 2  The functions and powers delegated by this By-Law must be exercised within the context of all applicable laws, regulations, collective agreements, policies and procedures of the English Montreal School Board, and within the approved budgets set out by the Council of Commissioners.

Article 3  The Council of Commissioners reserves the right to modify this By-Law.

Article 4  The Director General is accountable to the Council of Commissioners for all decisions and actions undertaken pursuant to the present By-Law and must report on a regular basis, or upon request of the Council of Commissioners.

Section II  General Administration

The Council of Commissioners delegates to the Director General the following powers:

Article 5  Ensure that the exemptions outlined in Section 15 of the Education Act are properly implemented and to approve such exemptions.

Article 6  Take any measure requiring immediate action, including authorizing expenses to ensure the safety of students, staff and the general public, or the continued functioning of the Board's schools, centres, property and services.

Article 7  Except for agreements concluded pursuant to Sections 213 and 214 of the Education Act, approve any contract or agreement for administrative or educational purposes with another school board, an organization or an individual, for delivery of administrative or educational services to the Board or to its students and staff.

Article 8  Sign, for and on behalf of the Board, any agreement, contract or act, agreed upon and established by resolution, under the authority of the Council of Commissioners or the Executive Committee, as the case may be.

Article 9  Approve the amount to prevent or settle disputes relating to grievances, labour relations matters, and any other legal matters where the settlement amount is less than $40,000.
Article 10  Authorize legal proceedings on behalf of the Board where the litigation value is less than $40,000.

Article 11  Develop and administer the school/centre calendars and the calendars applicable to any facility of the Board.

Article 12  Shut down schools, centres, offices or any facility in emergency situations.

Article 13  Pursuant to Article 2, approve contracts for the acquisition of goods and/or services (including service contracts subject to Bill 15) under $100,000 (excluding taxes), with the exception of transportation contracts.

Article 14  In July, and in August when it is impossible for the Executive Committee to meet during these months, approve as per the Board’s Tendering Policy and if applicable, any other law and regulation, the awarding of construction/renovation contracts for previously approved projects over $25,000 (excluding taxes).

Section III  Human Resources Management

Article 15  Pursuant to the orientations given by the Council of Commissioners, conclude the negotiations of local agreements, local arrangements for syndical groups and local management working conditions for administrators. In all cases, the result of the negotiations shall be submitted for approval to the Council of Commissioners.

Article 16  Administer all applicable collective agreements.

Article 17  Administer all rules, procedures, regulations and laws relating to the working conditions of administrators.

Article 18  Take all decisions with respect to the temporary assignment and/or replacement of any administrator.

Article 19  Impose a letter of warning, a letter of reprimand or a suspension not exceeding ten (10) days to all senior administrators of the Board (i.e. Principal, Vice-Principal, Director, Assistant Director and Coordinator).

Article 20  Suspend, promote, re-assign, re-classify or impose any disciplinary or administrative sanction to all personnel, except senior administrators (i.e. Principal, Vice-Principal, Director, Assistant Director and Coordinator).

Article 21  Take all decisions with respect to the hiring of all personnel of the Board, except for the senior administrators (i.e. Principal, Vice-Principal, Director, Assistant Director and Coordinator).

Article 22  Take all decisions with respect to the dismissal, termination of appointment, non-renewal of appointment or non-reengagement of non-tenured unionized employees.

Article 23  Grant leaves of absences, with or without salary, in conformity with Board policies and procedures as well as with applicable collective agreements, decrees, laws or regulations.

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Article 24  Declare surplus all personnel, in conformity with applicable collective agreements, decrees, laws or regulations.

Article 25  Take all decisions with respect to assignment, transfer and classification of personnel, except for tenured senior administrators (i.e. Principal, Vice-Principal, Director, Assistant Director and Coordinator).

Article 26  Approve the staffing requirements for each school, centre and department, in accordance with the staffing plan.

Article 27  Take all the necessary decisions in the event that disruptive tactics are used in one of the English Montreal School Board’s establishments.

Section IV  Material Resource Management

Article 28  Authorize as per the Board’s Tendering Policy the awarding of construction/renovation contracts for previously approved projects, when the amount of the contract is equal to or less than $25,000 (excluding taxes).

Article 29  Approval of change orders for construction/renovation contracts awarded per Article 28 as follows; change orders not exceeding $10,000 (on a cumulative basis) with respect to contracts whose total value (i.e. original contract plus change orders to date) is equal to or less than $25,000 (excluding taxes).

Article 30  Authorize leases (i.e. as a tenant) for movables and immovables in all cases where the annual amount of the lease does not exceed $50,000 (excluding taxes).

Article 31  Authorize leases (i.e. as a landlord) for all or part of EMSB-owned buildings where the annual amount does not exceed $50,000 (excluding taxes).

Section V  Educational Services

Article 32  Take all measures to ensure that students’ achievements are evaluated in accordance with any applicable rules, regulations or laws.

Article 33  Take all measures to ensure that criteria or conditions established by the Minister to recognize prior learning are properly applied.

Article 34  Adapt educational services for students with special needs.

Article 35  Approve derogation requests for early entry to kindergarten.

Article 36  Ensure that basic school regulations, programs of studies or any other requirements established by the Minister are properly implemented.

Article 37  Authorize any exemption from the basic school regulations, programs of studies or any other requirements established by the Minister.
Article 38  Request the authorization of the Minister to replace a program with a local program pursuant to the conditions determined by the Minister.

Article 39  Authorize the enrolment or the transfer of any student within the Board’s schools, centres and the hors-réseau schools.

Section VI  Coming into Force and Rescinding of By-Law

Article 40  The present By-law repeals and replaces all By-laws or parts of By-laws and amendments which are incompatible with the present By-law.

Article 41  The present by-law comes into force on March 30, 2016 according to law.

(s) Angela Mancini   (s) Nathalie Lauzière

Angela Mancini  Nathalie Lauzière
CHAIRMAN    SECRETARY GENERAL