



Commission scolaire English-Montréal

English Montreal School Board

BY-LAW NO. 5 (2018)

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 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.

- 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 Approve change orders not exceeding \$10,000 (on a cumulative basis) for construction/renovation contracts.
- 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 according to the Law.

(s) *Angela Mancini*

Angela Mancini
Chairman

(s) *Nathalie Lauzière*

M^e Nathalie Lauzière
Secretary General

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