



Riverside School Board

By Law Name:	Delegation of Authority to the Director General
By Law Number:	4
Resolution Number:	Resolution number BXXX-XXXXXX replacing resolution number B646-20171219 replacing B536-20150616
Date Received at Executive Committee:	February 6, 2024
Date Received at Council:	February 20, 2024
Consultation Period:	February 22, 2024 to April 6, 2024
Date Approved by Council:	December 19, 2017

1. Preamble

- 1.1 The Council of Commissioners (the "Council") is the governing body of Riverside School Board (the "Board"). The Council is vested with the functions, rights, powers and obligations necessary to direct the affairs of the Board by virtue of the Education Act (R.S.Q., c. I-13.3, and Chapter V Division VI).
- 1.2 By the present by-law, the Council delegates certain functions, rights, powers and obligations to the Director General as authorized by Section 174 of the Education Act, for the purpose of enabling an efficient day-to-day administration and for ensuring continuity of authority and responsibility.
- 1.3 This by-law should be read in conjunction with the "Policy on the Purchase of Goods and Services" which contains additional related information.
- 1.4 In this text, the masculine gender is used simply for ease of expression.

2. Definitions

In the present by-law, the following words have the definition stated thereafter:

- Hire** To establish an employment tie between an individual and the Board.
- Re-assign** To transfer an employee to another position within the classification for which the maximum salary is identical.
- Suspend** To deprive an employee of employment, with or without a corresponding loss of salary. The suspension may be for a specified or an undetermined period of time.

Dismiss	To break the employment tie, for cause, in the course of the year or at the end of a term.
Executive Staff	Includes the Assistant Director General, Secretary General, and Directors of Services.
Senior Staff	Includes the executive staff, plus assistant directors, coordinators of services, principals, and vice principals, and centre directors and assistant centre directors.

3. General ~~p~~Provisions

- 3.1 The Council of Commissioners hereby delegates specified functions, rights, powers and obligations to the Director General.
- 3.2 This delegation is subject to the functions, rights, powers and obligations explicitly entrusted to the Executive Committee or to any other statutory body.
- 3.3 The Council retains all the functions, rights, powers and obligations not explicitly delegated to the Executive Committee, the Director General, executive staff or any other statutory body.
- 3.4 Delegation of functions, rights, powers and obligations includes complete authority on the subject delegated and extends to any action consequential to this authority and useful to its carrying out. The authority conferred to do something includes the right not to do it, or to do it in part.
- 3.5 All functions, rights, powers and obligations delegated herein are subject to and within the framework of the law and regulations of the Governments of Québec and Canada, of collective agreements, orders-in-council and decrees as well as all by-laws, policies, rules and regulations of the Board and all decisions of the Council, including adopted budgets.
- 3.6 The Director General may, at his discretion and within the administrative framework and policies of the Board, further delegate any of the functions and powers delegated to him herein, except as otherwise specified by Council. The Director General shall inform Council of any such delegation.
- 3.7 Delegation of authority does not limit or modify Council's requirements for information. The Director General is expected to exercise his discretion so as to provide appropriate information in a timely manner and to an acceptable and appropriate level of detail.
- 3.8 In the absence of the Director General, the Assistant Director General will assume the functions, rights, powers and obligations of the Director General, subject to all Board policies.
- 3.9 The Council reserves the right to recall, by Board resolution, any item delegated to the Director General.

4. Functions, Rights, Powers and Obligations Delegated

4.1 Instructional and Student Services Management

4.1.1 The Director General shall apply the school calendar adopted by the Council of Commissioners (Section 252).

4.1.2 The Director General shall make the decision to close any school(s), centre(s) or office(s) in emergency situations.

4.1.3 The Director General may take any other measure requiring immediate action to ensure the safety of students and staff or the continued functioning of the Board's schools and services and shall report to Council on actions taken under this paragraph at the next available opportunity.

4.1.4 The Director General may allow a school, subject to the approval of the Minister of Education, to replace a Ministry of Education program with a local one for any student who is unable to benefit from the Ministry of Education's curriculum (Section 222.1).

4.1.5 The Director General is responsible for approving inter-board agreements for individual students.

4.1.6 The Director General may sign an agreement with another school board to offer career training options, as a joint venture, upon adoption of a Board resolution and receipt of ministerial approval and funding.

4.1.7 The Director General has the authority to consider and render decisions on recommendations for expulsion, and requests for reinstatement and shall render a report to Council at the next meeting following each hearing.

4.2 Human Resources Management

4.2.1 The Director General ensures the negotiation of local collective agreements, local arrangements and local management policies for senior staff.

4.2.2 The Director General makes all decisions relating to settlement of grievances or disagreements as understood in collective agreements or management policies, up to the maximum amount specified by Board Policy.

4.2.3 After consulting with Governing Boards, the Director General establishes the criteria for the selection of a school or centre administrator.

4.2.4 The Director General has administrative authority over senior management personnel up to and including suspension with or without pay.

4.2.5 The Director General authorizes the coverage required by the "*Commission des normes de l'équité de la santé et de la sécurité du travail*" (CNESTT), when applicable and the settlement of claims in amounts not exceeding a maximum specified by the Policy.



Riverside School Board

- 4.2.6 The Director General appoints the Board's representatives on committees established according to collective agreements, laws and by-laws, except for representatives of the Council or where otherwise provided by law.
- 4.2.7 In general, the Director General determines the function(s) of the Board directorate and of other staff under his responsibility.
- 4.2.8 In some cases, such as for the Secretary General, certain specific functions are determined by the Education Act, the School Elections Act, or applicable regulations. The Director General, however, may allocate additional functions to these employees.
- 4.2.9 The Director General designates his replacement, on a temporary basis, from among the Board Directors in the event of the Assistant Director General's inability to act.
- 4.2.10 The Director General hires temporary staff, as required, within the budget under his/her area of responsibility.
- 4.2.11 The Director General authorizes loans of service for senior staff.
- 4.2.12 Notwithstanding the Policy on Leaves of Absence without Salary and Sabbatical Leaves with Deferred Salary, the Director General may grant a leave of absence or a sabbatical leave for any exceptional circumstance deemed valid.

The Director General reserves the right to terminate the employment of any employee who takes a leave for a reason other than for the one requested.

The Director General may delegate to the Director of Human Resources the responsibility for granting leaves of absence to employees of Riverside School Board.

Any related matter not covered by a collective agreement or regulation or by this policy must be brought to the Director General for approval.

4.3 Financial and Material Resources Management

- 4.3.1 Pre-authorization of expenses is required for service contracts with a value of more than ~~\$10K~~ \$10,000 for individuals and more than ~~\$25K~~ \$25,000 for businesses. The Council delegates this authority to the Director General up to a maximum of ~~\$100,000~~ \$133,800 which is the threshold under the "*LCOP*" (*Loi sur les contrats d'organismes publics "LCOP"/the Public Bodies Contracts Act*). Service contracts for more than ~~\$100,000~~ \$133,800 must be pre-authorized by Council.
- 4.3.2 The Director General ensures where necessary that the School Board has adequate insurance policy coverage to protect the Board's interests.
- 4.3.3 The Director General has signing authority for bonds, bond coupons, cheques and any other documents in accordance with resolutions in effect as adopted by the Council of Commissioners.



Riverside School Board

- 4.3.4 The Director General writes off, as required, accounts receivable for amounts up to the maximum amount specified by Board Policy.
- 4.3.5 The Director General leases movables and immovables required for the operation of the Board in all cases where the annual lease does not exceed the maximum amount specified by Board Policy.
- 4.3.6 The Director General signs a lease for movables or immovables in all cases where the amount of the annual lease does not exceed the maximum amount specified by Board Policy, subject to the powers of the governing boards.
- 4.3.7 As Chief Administrator of the School Board, the Council of Commissioners delegates to the Director General the authority to approve additional expenses of up to a maximum of ~~\$30,000~~ \$100,000 ~~of the 10%~~ for cost overrun ~~on~~ of an ongoing construction project as long as this amount is within the 10% referred to in the LCOP.
- 4.3.8 The Director General authorizes alterations, renovations or repairs to the Board's facilities, in all cases where the total cost of the contract, including materials, workmanship and professional services does not exceed the maximum amount specified by Board Policy.
- 4.3.9 Subject to Sections 294 and 295 of the Education Act, the Director General, with the Chairman of the Council of Commissioners signs all agreements entered into to organize transportation for all or some of the students from another school board or from a private teaching institution.
- 4.3.10 The Director General may delegate, to other management personnel in the Office of the Director General, the authority to approve expenses or to carry out commitments for sums not exceeding \$5,000 within the budget that is under their responsibility.

4.4 Corporate and General Management

- 4.4.1 In the absence of, or the inability to act of the Secretary General, the Director General signs the minutes of proceedings along with the Chairman or his replacement and signs any document or copy of document from the Board's archives.
- 4.4.2 The Director General signs, for and on behalf of the Board, any agreement, contract or act, agreed upon and established by resolution, under the authority of the Council or the Executive Committee, as the case may be.
- 4.4.3 The Director General contracts required legal counsel and services (such as lawyers, notaries, and bailiffs) on behalf of the Board and within the approved budget.
- 4.4.4 The Director General authorizes legal counsel to take any and all actions, or to initiate any measure deemed necessary in matters that could be sent before a tribunal or a court where the amount does not exceed the maximum amount specified by Board Policy.



Riverside School Board

- 4.4.5 The Director General takes action to resolve legal disputes where the costs, excluding fees, do not exceed the maximum amount specified by Board Policy.
- 4.4.6 The Director General signs contracts or agreements with another school board, an organization or an individual, for delivery of administrative or educational services to the Board, where the value of the services does not exceed the maximum amount specified by Board Policy.
- 4.4.7 The Director General ensures the legal representation of a member of the Council of Commissioners, the Executive Committee, the Parents' Committee, the SNAC Committee or a Governing Board who is prosecuted by a third party for an action taken during the exercise of his/her duties in accordance with the Education Act. (Sections 73, 108, 177.2, 182 and 196)
- 4.4.8 Where pertinent, the Director General consults with Governing Boards, School Board committees, unions and associations in accordance with all pertinent sections of the Education Act.
- 4.4.9 The Director General is considered the highest ranking authority for the purposes of the *Act to facilitate the disclosure of wrongdoing relating to public bodies* (Statutes of Québec 2016, Chapter 34).

5. Coming into Force

This by-law comes into force upon its adoption by Council and subsequent public notice, as provided for under Chapter V Division IX of the Education Act. It is to be available to be viewed by the public at the Board offices during regular working hours.