

TO:	CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING ON DECEMBER 13, 2016
FROM:	VERONICA MCALEA MAJOR MANAGING DIRECTOR, CORPORATE SERVICES AND CHIEF HUMAN RESOURCES OFFICER
SUBJECT:	SECTION 18(14) COUNCIL POLICY MANUAL

RECOMMENDATION

That on the recommendation of the Managing Director, Corporate Services and Chief Human Resources Officer, the following actions be taken:

- a) The attached proposed by-law (Appendix “A”) **BE INTRODUCED** at the Municipal Council Meeting on December 19, 2016 to revoke any Council Policy pertaining to benefits for common law spouses and all amendments thereto, as may have been approved by the Municipal Council by by-law or resolution or as otherwise stated on the City of London’s website, and
- b) The remainder of this Report **BE RECEIVED** for information purposes.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
--

Verbal Report to Council on December 6, 2016, regarding section 18(14) of the Council Policy Manual.

BACKGROUND

Municipal Council, at its session held on December 6, 2016 resolved, in part, “b) the Civic Administration be directed to report back at the December 13, 2016 meeting of the Corporate Services Committee with the necessary by-law to repeal Council Policy 18(14) “Benefits for Common-Law Spouses” as this Policy does not reflect applicable legislation”.

RESEARCH

- i) Council Resolutions

The last resolution of the Municipal Council relating to Section 18(14) is from 1986. The 1986 resolution amended a 1979 resolution. Having regard to the 1979 and 1986 resolutions, the following is an attempt to illustrate the last resolution of the Municipal Council relating to benefits for common-law spouses:

“That the policy be established whereby the Personnel Director shall require any Municipal employee who requests an extension of municipal employee benefits to his or her common-law spouse to provide appropriate documentation as a prerequisite to the implementation of such an arrangement, provided he or she qualifies under the following condition, namely, has cohabited with the same individual for a period of at least three months with any subsequent change in status requiring a waiting period of 12 months.

It is understood that if the applicant does not qualify under the above condition and/or fails for any other reason to provide the appropriate documentation, the City of London will not extend municipal benefits to the common-law spouse.”



ii) Policy Manual - Hard Copy

Council Policies were contained and consolidated within a hard copy binder referred to as the Policy Manual (the “Manual”). The last hard copy version of the Manual appears to have been issued in 2000.

The “Forward” to the 2000 Manual states:

“This Policy Manual is a compilation of “policies” that have been adopted (and in some cases, amended) by the Municipal Council of the City of London over a number of years.

The City Clerk’s Office maintains the currency of this document by issuing updated pages as new policies are created by the Council or as existing ones are amended.

From time to time a completely new edition of this Manual is published; and this present edition supersedes the one issued in August, 1999.

This Manual does not contain detailed “operating procedures” for many different services provided by Civic Departments nor does it reflect the many regulations contained in City by-laws. By-law information can be obtained from the City Clerk’s Office; information about any operating procedures that affect municipal services provided by Civic Departments can be obtained from the Department involved.”

The Manual also contains a “User Information” page which states, in part:

Dating of Policies

“The dates that appear at the end of each policy indicate the date when it was first adopted by Council and any later dates when the Council has amended it.

Previous Edition of Manual

The information that appears at the end of each policy in square brackets indicates the number that was assigned to that policy in the previous complete edition of this manual dated August, 1999.”

Attached at Appendix “B” is the version of 18(14) contained in the hard copy Policy Manual binders dated 2000. This version of 18(14) does not appear to have been approved by resolution of Council.

iii) Website Manual

In 2002, a manual was released on the Corporation’s website. The communication to staff at the time indicated that “the virtual Policy Manual will be updated whenever a policy is added, amended or deleted by Council”.

The home page to this site states, in part:

“The Policy Manual is a consolidation of policies that have been adopted (and in some cases, amended) by the Municipal Council of the City of London over a number of years.

This Manual does not contain detailed operating procedures for the many different services provided by Civic Departments nor does it reflect the many regulations contained in City By-laws. By-law information can be obtained from the City Clerk’s Office; information about any operating procedures that affect municipal service provided by Civic Departments can be obtained from the Department involved. Please note that all City policies are currently under review.



Wording

The wording of the policies contained in this manual may not be exactly as adopted or amended by Council. Without altering the original intent, policies may be updated by administration to reflect current structure, job titles, language, etc.

Dating of Policies

The dates that appear at the end of each policy indicate the date when it was first adopted by Council and any later dates when Council has amended it.”

The earliest printed version of the Website Manual for 18(14) that could be identified was from February 2003. That version appears to be identical in all respects to the current version of 18(14) on the website. The website version of 18(14) is attached at Appendix "C". This version of 18(14) does not appear to have been approved by Council.

iv) The Corporation’s Policies of Insurance

The Corporation’s various group insurance benefit plans have provided coverage for same sex spouses since at least early 2000.

CONCLUSION

Upon a review of this matter, it appears that section 18(14) of the Policy Manual, as currently posted on the Corporation’s website, does not reflect a Resolution of Council and as such is not a Policy approved by Council.

The last version of section 18(14) that was authorized by the Municipal Council appears to be from 1986, as outlined in section (i) above. That version of the policy did not reference that a common-law spouse be a member of the opposite sex or be represented in the community as husband and wife.

As noted above, the Corporation’s various group insurance benefit plans have provided coverage for same sex spouses since at least early 2000.

Notwithstanding the foregoing, Civic Administration is recommending that the Council Policy pertaining to benefits for common-law spouses be revoked as Civic Administration has practices and procedures in place to administer these benefits in accordance with the group insurance benefits plans that reflect current collective agreements and relevant legislation.

REVIEWED AND RECOMMENDED BY:	PREPARED BY:
VERONICA MCALEA MAJOR MANAGING DIRECTOR, CORPORATE SERVICES AND CHIEF HUMAN RESOURCES OFFICER	SUE MILLER MANAGER III, REWARDS AND RECOGNITION