

BY-LAW 2/98

(adopted by virtue of Resolution 98-06-22)

A BY-LAW TO DELEGATE POWERS AND FUNCTIONS TO THE DIRECTOR GENERAL

PART 1 - GENERAL PROVISIONS

- Article 1 This by-law is established by virtue of Section 174 of the Education Act (L.Q., ch. I-13.3).
- Article 2 From the moment this by-law comes into force, it will replace all by-laws pertaining to Delegation of Powers to the Director General, including By-Law 2-97 adopted by the Provisional Council of School Board 50-08 on December 18, 1997.
- Article 3 The present By-Law determines the rights, powers and obligations delegated to the Director General by the Council of Commissioners of the Lester-B.-Pearson School Board.
- Article 4 The Council of Commissioners retains all the rights, powers and obligations not explicitly delegated to the Executive Committee, the Director General, the *cadres* or any other statutory body.
- Article 5 Delegation of rights, powers and obligations explicitly entrusted to the Director General is subject to rights, powers and obligations explicitly entrusted to the Executive Committee or to the *cadres* or any other statutory body.
- Article 6 Delegation of rights, powers and obligations to the Director General or any other statutory body 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 upon the Director General to do something includes the right not to do it or to do it in part.
- Article 7 The Director General must exercise, within the limitation clause above, the delegation of rights, powers and obligations included in the present By-Law, subject to and within the framework of budgetary rules, policies, collective agreements, norms, methods and procedures adopted by the Board, as well as within the framework of other government laws and by-laws, Board's by-laws and resolutions and contracts binding the Board.

PART II - RIGHTS, POWERS AND OBLIGATIONS

The Council of Commissioners confers upon the Director General the following rights, powers and obligations:

Instructional Management

- Article 8** The Director General is responsible for the development and application of the school calendar.
- Article 9** The Director General is responsible for the decision to close schools in emergency situations.
- Article 10** The Director General may take any other measure requiring immediate action to ensure the efficient functioning of the Board's schools.
- Article 11** The Director General may exempt from a subject in the curriculum a student who requires support measures. (Section 222.1, E.A.)
- Article 12** The Director General may allow a school, subject to the Minister's approval, to replace a Ministry of Education's program with a local one for any student who is unable to benefit from the Ministry of Education's curriculum. (Section 222.1, E.A.)

Student Services Management

- Article 13** The Director General has the authority to adapt educational services for handicapped students with special needs. (Section 234, E.A.)
- Article 14** The Director General has the authority to process derogation requests for kindergarten, elementary and secondary levels. (Section 241.1 - 241.3, E.A.)

Human Resources Management

- Article 15** In the present By-Law, the following words have the definition stated hereafter:
- Hire: To establish an employment tie between the individual and the school board
- Re-assign: To transfer an employee to another position within his/her classification for which the maximum salary is identical

Suspend: To deprive an employee of his/her employment and corresponding salary for an undetermined period of time. Exceptionally, the suspension could be of an administrative nature, without salary loss.

Dismiss: To break the employment tie, with reason, in the course of the year or at the end of a term.

- Article 16** The Director General administers the current collective agreements.
- Article 17** The Director General applies the government's rules and regulations relating to working conditions for administrators and in-school administrators of anglophone school boards.
- Article 18** The Director General takes all the decisions relating to settlement of grievances or disagreements as understood in collective agreements, as well as legal disputes up to a maximum of \$50,000.
- Article 19** The Director General grants, when required, leaves of absence of one month or less, with or without salary.
- Article 20** The Director General hires and dismisses all personnel with the exception of the administration staff.
- Article 21** The Director General transfer management personnel and non teaching professionals.
- Article 22** The Director General suspends, when required, an employee or *cadre* belonging to any employment classification, according to current collective agreements.
- Article 23** The Director General assigns, re-assigns, or nominates the professionals, the technical and administrative support staff, and maintenance support staff.
- Article 24** The Director General serves notices of dismissal, termination of appointment, nonrenewal of appointment and non reengagement, including those related to surplus personnel, for all employment classifications, except senior administrators, department, school or center *cadres*.
- Article 25** The Director General proceeds with lay-offs and non reengagement because of surplus.
- Article 26** The Director General appoints the Board's representatives on committees established according to collective agreements, laws and by-laws.

Article 27 The Director General designates vacation and summer shut-down periods.

Financial Resources Management

Article 28 The Director General prepares and submits to the Ministry of Education any request for additional, complementary or specific allowance, grant or credit, from any source.

Article 29 The Director General grants contracts for goods and services, when the value of these contracts is equal to or under \$50,000, subject to the powers delegated to schools and centers principals, as well as *cadres*.

Physical Resources Management

Article 30 The Director General leases movables required for the operation of the Board, in all cases where the amount of the lease is equal to or under \$50,000.

Article 31 The Director General leases immovables required for the operation of the Board, in all cases where the amount of the lease is equal to or under \$50,000.

Article 32 The Director General signs leases for movables in all cases where the amount of the annual lease is equal to or under \$50,000, subject to the powers delegated to the governing boards.

Article 33 The Director General signs leases for immovables in all cases where the amount of the annual lease is equal to or under \$50,000, subject to the powers delegated to the governing boards.

Article 34 The Director General authorizes alterations, renovations or repairs to the Board's facilities, in all cases where the total cost of the work, including materials, workmanship and professional services does not exceed \$50,000.

General Management

Agreements

Article 35 The Director General signs contracts or agreements for administrative or educational purposes with another school board, an organization or an individual, for delivery of administrative or educational services to the Board.

Insurance

Article 36 The Director General purchases insurance to cover the Board's movables and immovables or damages not otherwise covered.

Article 37 The Director General authorizes the limit of coverage required by CSST's retrospective regime and the settlement of claims under \$50,000.

Other Business

Article 38 In the case of absence or inability of the Secretary General to act, the Director General signs the minutes recorded during the meetings of the Council of Commissioners, as well as any document or copy of document from the Board's archives.

Article 39 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.

PART III - FINAL PROVISIONS

Article 40 The Director General must submit a report of actions taken by virtue of this delegation to the Council of Commissioners.

Article 41 The present By-Law takes effect on the 15th of July, 1998 and remains in effect until such date it may be repealed, replaced or modified, in whole or in part, by a duly adopted By-Law of the Board.

Chairman

Secretary General