By-law 2: Delegation of Powers to the Director General

Category and code: BL – 2

Date of Coming into Force: December 1, 2018

Number of Pages: 6

Origin: Legal Department

Operator and Storage Site: Legal Department

History: Adopted by Resolution 98-06-22
         Amended by Resolution 2018-11-12
PART 1 – GENERAL PROVISIONS

Article 1
This by-law is established by virtue of Section 174 of the Education Act (L.Q., ch. 1-13.3).

Article 2
From the moment this by-law comes into force, it will replace all versions adopted previously.

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 and within the limits of the approved budget, 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 2 – 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 $100 000, 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 $100,000.

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 $100,000.

Article 32 The Director General signs leases for movables in all cases where the amount of the annual lease is equal to or under $100,000, 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 $100,000, 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 $100 000.

**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 3 – 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 December 1, 2018 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.