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Ontario Civilian Police Commission



PUBLIC ACCOUNTABILITY DOCUMENTS

*Adjudicative Tribunals Accountability,
Governance & Appointments Act, 2009*

Disponible en français

Table of Contents

Mandate and Mission Statement.....	3
Consultation Policy	4
Service Standard Policy	6
Ethics Plan	12
Member Accountability Framework.....	20

ONTARIO CIVILIAN POLICE COMMISSION MANDATE AND MISSION STATEMENT

MANDATE

The Ontario Civilian Police Commission (the “Commission”) is an independent oversight agency of the Ministry of Community Safety and Correctional Services which reports administratively to the Minister.

The Commission’s legislative authority is set out in the *Police Service’s Act*, R.S.O. 1990, c. P.15, as amended (the “Act”), and the *Interprovincial Policing Act*, R.S.O. 2009, c. 30.

The Commission is responsible for ensuring that adequate and effective police services are provided throughout Ontario. Its oversight powers are an important element of the civilian governance structure set out in the *Act*. To ensure compliance with the *Act*, the Commission has the authority to investigate policing related matters, hold different types of hearings, and make recommendations with regard to the delivery of police services in a community.

Police services and police services boards are ultimately accountable to the public through the Commission.

MISSION STATEMENT

As an independent oversight agency, the Commission is committed to serving the public by ensuring that adequate and effective policing services are provided to the community in a fair and accountable manner.

ONTARIO CIVILIAN POLICE COMMISSION CONSULTATION POLICY

CONSULTATION POLICY

This Policy is made pursuant to section 4 (1) of the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009*

Our Mission and Mandate

The Commission is an independent oversight agency committed to serving the public by ensuring that adequate and effective policing services are provided to the community in a fair and accountable manner.

The Commission's authority is set out in the *Police Services Act*, R.S.O., 1990, c. P.15, as amended (the "Act"), and the *Interprovincial Policing Act*, R.S.O. 2009, c. 30.

Our Commitment

The Commission will undertake meaningful consultations with both the public at large, and with its many stakeholders, about proposed changes to its core Policies and its *Rules of Practice*.

Our Consultations With the Public

When the Commission proposes to change one of its core policies, or to change its *Rules of Practice*, it will give the public notice of the proposed change in ads published in the Ontario Reports. In these ads the Commission will provide interested members of the public with the opportunity to obtain a copy of the proposed changes and to provide written comments for consideration by the Commission.

Our Consultations With Our Stakeholders

The Commission has many stakeholders. The Commission will undertake meaningful consultations with its stakeholders about proposed changes to its core Policies and its *Rules of Practice*. During such consultations each stakeholder will be provided with an opportunity to review the proposed changes and submit written comments for consideration by the Commission.

Presently the Commission's stakeholders include:

- The Minister of Community Safety and Correctional Services
- The Ministry of Community Safety and Correctional Services
- The Ontario Association of Chiefs of Police
- The Ontario Association of Police Services Boards
- The Chairs of all Municipal Police Services Boards in Ontario
- The Chiefs of Police of all Municipal Police Services in Ontario
- The Police Association of Ontario
- The Presidents of all Police Associations of Municipal Police Services in Ontario
- The Presidents of all Senior Officers Associations of Municipal Police Services in Ontario
- The Director of the Special Investigations Unit
- The Ontario Independent Police Review Director
- The Director of the Ontario Police College
- Lawyers appearing frequently as counsel for a party to Commission proceedings

ONTARIO CIVILIAN POLICE COMMISSION SERVICE STANDARD POLICY

SERVICE STANDARD POLICY

Introduction

The Ontario Civilian Police Commission (the “Commission”) is an independent quasi-judicial agency which carries out a combination of duties that are primarily adjudicative and investigative in nature. Its mandate is to ensure that adequate and effective policing services are provided to communities throughout Ontario in a fair and accountable manner.

The legislative authority of the Commission is set out in the *Police Services Act*, R.S.O. 1990, s. P.15, as amended, and the *Interprovincial Policing Act*, S.O. 2009, c. 30.

To fulfill its mandate the Commission has a variety of adjudicative, investigative, inquiry, directive and approval powers.

Performance Measures

1. Adjudication

The Commission conducts a wide range of appeals and hearings. The most common are disciplinary appeals. The Performance Measures for such appeals are as follows:

DISCIPLINARY APPEALS

<i>Objective</i>	<i>Measure</i>	<i>Monitoring</i>
Timely acknowledgement of appeals	<ul style="list-style-type: none"> • Acknowledgements sent out within 7 business days for 100% of appeals 	<ul style="list-style-type: none"> • Weekly review by Registrar
Timely receipt of Appellant's factum	<ul style="list-style-type: none"> • 90% of Appellant's factums received within 60 days of delivery of disciplinary hearing transcripts 	<ul style="list-style-type: none"> • Weekly review by Registrar
Timely receipt of Respondents' factums	<ul style="list-style-type: none"> • 90% of Respondents' factums received within 45 days of receipt of Appellant's factum 	<ul style="list-style-type: none"> • Weekly review by Registrar
Timely scheduling of hearings	<ul style="list-style-type: none"> • 100% of hearings scheduled and Notices of Hearing issued within 60 business days of the file being perfected 	<ul style="list-style-type: none"> • Weekly review by Registrar
Timely release of decisions	<ul style="list-style-type: none"> • 90% of decisions released within 90 business days from conclusion of hearing 	<ul style="list-style-type: none"> • Monthly review by Chair

The several other types of applications and hearings that the Commission performs can range from the simple to the complex and are fact driven. The Performance Measures for such proceedings are:

OTHER APPLICATIONS AND HEARINGS		
<i>Objective</i>	<i>Measure</i>	<i>Monitoring</i>
Timely scheduling of proceedings	<ul style="list-style-type: none"> • 75% of hearings scheduled within 90 business days of the file being perfected 	<ul style="list-style-type: none"> • Monthly review by Registrar
Timely posting of public notices (where required)	<ul style="list-style-type: none"> • 75% of notices published two weeks in advance of proceeding 	<ul style="list-style-type: none"> • Monthly review by Registrar
Timely release of decisions	<ul style="list-style-type: none"> • 75% of decisions released within 90 business days from conclusion of proceeding 	<ul style="list-style-type: none"> • Monthly review by Chair

2. Investigations, Inquiries, Recommendations and Directions

The Commission may on its own motion, at the request of identified parties or the direction of Lieutenant Governor in Council be called upon to investigate, inquire into and report a broad range of matters.

Depending on the number of issues and participants involved, such proceedings can be highly complex and resource-intensive.

The majority of investigations and inquiries flow from section 25 of the Act. The Performance Measures for section 25 requests are as follows:

SECTION 25 INVESTIGATIONS AND INQUIRIES		
<i>Objective</i>	<i>Measure</i>	<i>Monitoring</i>
Timely response to requests for Commission intervention	<ul style="list-style-type: none">• 90% of requests tabled at the following month's Commission meeting• decision on whether to initiate a fact finding review, to investigate or to inquire rendered on 75% of requests within 75 business days of request being tabled	<ul style="list-style-type: none">• Weekly review of outstanding requests by Senior Advisor• Monthly reporting on status by Senior Advisor to the Commission

<p>Timely collection of information in support of Commission direction</p>	<ul style="list-style-type: none"> • staff initiate action within 5 days of receiving direction • staff communicate investigative findings to the Commission 	<ul style="list-style-type: none"> • Monthly reporting on Status by Senior Advisor to the Commission
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At the conclusion of an investigation, a hearing or other Commission proceeding, matters may be disclosed that suggest the need for change or improvement. In some cases the Commission may make recommendations that are not binding or in other cases issue directions which are.

The Commission is committed to ensuring that any recommendations or directions are timely, relevant, focused and clear.

3. Approvals

The Commission receives requests for the approval of the appointment of First Nations Constables from the Commissioner of the Ontario Provincial Police. The Performance Measure for such approvals is as follows:

APPROVAL OF APPOINTMENTS OF FIRST NATIONS CONSTABLES		
<i>Objective</i>	<i>Measure</i>	<i>Monitoring</i>
Timely processing of requests for approval	<ul style="list-style-type: none">• 100% of requests for approvals to be processed within five business days after receipt	<ul style="list-style-type: none">• Weekly monitoring by Chair

ONTARIO CIVILIAN POLICE COMMISSION ETHICS PLAN

ETHICS PLAN

Introduction

The Ethics Plan for the Commission implements the Values of the Commission, which are:

- Fairness,
- Accessibility,
- Timeliness,
- Quality and Consistency,
- Transparency,
- Expertise,
- Optimum Cost, and
- Courtesy.

The Commission's Ethics Plan is prepared in accordance with O. Reg. 91/11 of the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009* which prescribes the content of ethics plans for members of the Commission.

Practice and Procedures

A. Part IV – Ethical Conduct and Part V – Political Activity, *Public Service of Ontario Act, 2006 (PSOA)*

The Commission shall ensure that all of its members are familiar with the requirements of the PSOA by:

- 1 Including in the competitive process for new appointments requirements to ensure that the candidates are aware of a member's responsibilities under the PSOA;
- 2 On appointment, providing each member with a copy of the relevant provisions of the PSOA and regulations made under it, and requiring that each member acknowledges receipt of the copy;
- 3 Providing each member with the internet link to the website of the Conflict of Interest Commissioner;
- 4 As soon as possible after appointment, training each member on his or her responsibilities under the relevant provisions of the PSOA;
- 5 Requiring each member to acknowledge in writing receipt of a copy of the Conflict on Interest Rules and training on the Conflict of Interest Rules, Part IV – Ethical Conduct and Part V – Political Activity;
- 6 Providing to each member as soon as is practicable notice and a copy of any amendments to the relevant statutory and regulatory provisions;
- 7 Requiring that each member annually sign an acknowledgement of awareness of the obligations under the PSOA on the member, in a form satisfactory to the Ethics Executive;
- 8 Notifying the members when the Annual Report of the Conflict of Interest Commissioner is publicly available.

B. Code of Conduct

The Commission shall ensure that its members are familiar with the code of conduct which forms part of the member accountability framework for the Commission by:

- 1 Including in the competitive process for new appointments steps to ensure that the candidates are aware of the Commission's code of conduct for members;
- 2 Providing each member with a copy of the Commission's code of conduct for members, electronic and hard copy ;
- 3 Requiring each member to acknowledge in writing receipt of the copies of the Commission's code of conduct for members;
- 4 As soon as is practical after appointment, training a new member on his or her responsibilities under the code of conduct for members;
- 5 As soon as is practicable, providing each member with notice of and a copy of any amendments to the code of conduct for members; and,
- 6 On an annual basis, requiring that each member acknowledge in writing in a form satisfactory to the Ethics Executive his or her awareness of the obligations of members under the code of conduct for members.

C. Training

The Commission shall include in the professional Development Plan for its members the requirement that annually each member will take a minimum of two hours of ongoing training on the Ethics Plan. Each member will be required to certify in writing that this training has been completed.

D. Other Tools

The Commission may develop internal policies and requirements consistent with its member accountability framework to assist members in meeting their obligations under the accountability framework.

ONTARIO CIVILIAN POLICE COMMISSION MEMBER ACCOUNTABILITY FRAMEWORK

MEMBER ACCOUNTABILITY FRAMEWORK

1. CODE OF CONDUCT

(a) Purpose and Application

This Code of Conduct sets out the standards of conduct governing the professional and ethical responsibilities of members of the Commission from the beginning of their term of appointment and ongoing obligations as an appointee. It addresses the principles of good conduct, collegial responsibility and personal conduct. Appointees are responsible for applying an appropriate standard of conduct and acting in an ethical and professional manner.

The principles set out in this Code of Conduct are founded on the professional and ethical values of public service, which are set to uphold the public trust.

This Code of Conduct does not refer to appointees' legislated obligations regarding a conflict of interest or political activity rights and obligations found in the *Public Service of Ontario Act, 2006* and its regulations. Also, it is not intended to conflict with any legal or professional requirements.

(b) Principles of Conduct

Compliance with Laws

Members shall act in accordance with all applicable laws and should comply with the spirit and intent of the law.

Members shall not commit or condone an unethical or illegal act or urge or permit another Member to do so.

Members should be familiar with legislation, policies and directives that apply to their work and the work of the Commission in order to comply with or facilitate others' compliance with applicable laws.

Fairness / Courtesy

Members have an obligation to comply with procedural fairness and natural justice requirements and to act impartially in the conduct of proceedings, including in matters of law and Member attitude and demeanour.

Members should treat each person with dignity and respect and in a manner that builds trust.

Accessibility

Members should treat those who appear before the Commission fairly, without discrimination or favouritism.

Members should be aware and respectful of social and cultural differences. In the course of their duties, they should act in a manner that promotes an appreciation of diversity.

Members must be sensitive to potential barriers to accessibility.

Members should conduct hearings or reviews within our Rules of Practice such that those who appear before the Commission understand procedures and practices and can participate equally, whether or not they are represented.

Timeliness

Members should take all reasonable steps to ensure that proceedings are concluded in a timely manner, and to the extent possible avoiding unnecessary delays and cancellations of proceedings.

Parties are entitled to a decision as soon as possible after the proceeding.

Members should meet the timeliness standards established by the Commission.

Quality and Consistency

Members should be fully prepared for a proceeding and ensure that proceedings are orderly.

Members should maintain the integrity of the hearing or review process.

Members should ensure that decisions are prepared in accordance with the Commission's guidelines on form and language, and meet the Commission's standards for quality decision-making.

Members should recognize the public interest through consistency and predictability in the exercise of their independent decision-making authority by considering relevant facts and evidence as well as law and jurisprudence.

Transparency

Members should ensure that proceedings are conducted in a manner that is transparent and seen to be fair.

Members should act in a transparent and accountable manner regarding their personal and professional actions, in such a fashion that actions would bear close public scrutiny.

Expertise / Competence

Recognizing they are part-time Members, Members should commit the time and effort required for the work of the Commission.

Members should maintain a high level of professional competence and knowledge required to discharge their obligations and duties.

Members should, to the extent possible and within reason, remain current in the field by participating in Commission discussions and ongoing professional development.

Members should contribute their unique skills, experience and knowledge to the Commission.

Optimum Cost

Where appropriate, members should provide parties with opportunities to resolve issues before them without a formal hearing.

Members should ensure that proceedings are streamlined to the best extent possible without sacrificing fairness.

Members should respect the use and treatment of public funds.

Integrity

Members should act with honesty, integrity and high ethical standards.

Members shall not engage in conduct that exploits their position as a member.

Members should conduct themselves personally and professionally in a manner consistent with the nature of their responsibilities and the maintenance of public confidence in the administration of justice.

Collegiality

Members should foster a collegial working environment and conduct themselves in a manner that reinforces the integrity and professionalism of the Commission among appointees and with staff.

Members should conduct themselves in a manner that demonstrates respect for the views and opinions of colleagues.

Members should share their knowledge and expertise with other appointees as requested and appropriate.

Members should not comment publicly on another Member's decision or conduct.

Objectivity / Impartiality

Members should approach every proceeding and every issue arising in a proceeding with an open mind, and avoid doing or saying anything to cause any person to think otherwise.

Members should be independent in decision-making.

In the conduct of Commission proceedings, Members' decisions should be based on an application of the relevant law to the evidence presented in each case.

Confidentiality

Members shall consider the privacy interests of individuals in the conduct of hearings and decisions, and act in accordance with applicable laws.

Members must not disclose information that the Commission considers to be confidential.

Members must not take advantage of confidential information obtained through official duties to obtain a personal benefit.

Members should follow the Commission's protocols and rules for communicating in the media and should not communicate with the media regarding a decision.

The Chair has the sole right and discretion in this regard.

2. POSITION DESCRIPTIONS

(a) CHAIR

(i) Purpose

Within the Commission, the Chair is responsible for the overall strategic direction and performance of the Commission. The Chair provides leadership to the Commission to ensure that it operates in keeping with its mandate, as defined in the governing legislation and within approved governance and accountability requirements of the government.

(ii) Key Duties

Law and Procedure

- Establishes and monitors regulatory and adjudicative processes including the efficient assignment of cases and effective case-management practices.
- Leads the process of setting the Commission's goals, designing and establishing the Commission's adjudicative process, and establishing and reporting on measures of service quality and performance.
- Oversees that the establishment of Commission policies and procedures are within the legal, political and economic framework of the government.
- Provides oversight to internal processes and procedures that ensure efficiency, quality and timeliness in the resolution of disputes and rendering of decisions.
- Supervises the Commission's decision-making processes, ensuring effective decisions that communicate the reasons for the decision.
- Arranges for and chairs meetings of the Vice-Chair and Members to discuss emerging issues, build support for policy and process change, engage in professional sharing and development, and promote clarity and predictability in the exercise of independent decision-making.
- Provides oversight, or may personally assume cases or assignments that are complex or high profile, which involve new or novel considerations of law, multiple parties or stakeholders, or that have significant public interest.

Strategic Leadership

- Mentors and develops Vice-Chairs and Members by providing oversight and advice, and discussing and encouraging professional development of and among appointees.
- Represents the Commission and is the key liaison / spokesperson in dealings with the government, the public and sector stakeholders to maintain constructive relationships with each group.
- Ensures independence in adjudicative functions by setting standards of interaction and acting as the liaison to the public, stakeholders and government.
- Remains current in developments in administrative law and related matters and by attending professional development and educational sessions in Ontario, Canada and other jurisdictions.
- Responds to changes in demand for services, public expectations, legislative or regulatory change and government directives.
- Liaises with government (Minister, Deputy Minister) and stakeholders (groups and individuals) and participates in and attends related organizations (Bar Associations, federal and provincial counterparts, professional groups and associations).
- Maintains open, effective and regular communication with the senior management group of the Commission so that plans and initiatives are understood and effectively executed.
- Makes recommendations to government / Minister regarding impact of proposed policies (where appropriate).
- Ensures strategic plans are fiscally prudent, reflect the Commission's mandate, and take into account protection of the public interest, risk identification and mitigation, and opportunities to implement needed change.
- Acts with integrity and honesty. Actions are guided by the best interests of the Commission and the public.

Commission Governance

- Participates in the preparation and execution, and complies with, the Memorandum of Understanding with the Minister responsible for the Commission.
- Provides input to government policy development and recommends legislative changes to the government, when appropriate and warranted.
- Attends or makes presentations to the legislative committees as requested.
- Establishes Commission operational policy and procedures within the legal, political and economic framework of the government.
- Notifies the Minister of vacancies of Members' positions, and makes recommendations for appointments or re-appointments that respect and promote the principles of equity, diversity, quality, merit and regional representation.
- Ensures the Minister is provided with an annual report of the Commission and brings it forward for approval and tabling before the Legislature.
- Keeps the Minister informed in a timely fashion of issues affecting the Commission and its stakeholders.
- Oversees and reviews the preparation of budgets and the allocation of resources.
- Ensures that public funds are used within approved financial controllership parameters.
- Develops, monitors and reports on the Commission's annual budget and business plan to ensure plans are within approved expenditures and expected results are on target. Explains any variance and makes appropriate adjustments.

- Directs the preparation of reports on business, operational and performance measurement plans.
- Establishes performance measures and targets for the Commission that are both realistic and challenging.
- When necessary, directs corrective action be taken, arranges for audits as needed, and cooperates with any periodic review directed by the Minister.
- Ensures appointees are aware of their obligations and that they act in compliance with the Commission's Code of Conduct and Conflict of Interest rules. Ensures a process is in place to allow disclosure in keeping with the requirements set out in the *Public Service of Ontario Act, 2006*.
- Oversees the development of the Commission's service complaint-handling procedures.

(iii) Qualifications

The Chair will typically have all the qualifications of a Member plus the following, specifically by attending Ontario, Canadian and North American professional development and educational meetings, seminars and conferences.

- An experienced leader with ability to set strategic direction, articulate and work towards a vision and oversee the implementation of plans and strategies to deliver efficient, effective and high quality services.
- Thorough understanding of the administrative justice system, including the relevant legal principles.
- Comprehensive knowledge of the legislation under the Commission's jurisdiction and related laws and legal processes or the ability to acquire such knowledge.

- In-depth understanding of the professional, institutional, policy and community context in which the Commission operates, or the ability to acquire such understanding.
- Understanding the Commission's rules of practice and supporting procedures.
- Knowledge of the continuum of dispute resolution practices to design new or change existing processes.
- Superior dispute resolution and analytical skills to resolve complex matters involving multiple interests, under public scrutiny.
- Effective communication and interpersonal skills to positively influence and communicate with staff, stakeholders and the public.
- Understanding of government values and a commitment to working within government's agency accountability structure.
- Understanding of sound financial and operational business processes and practices.
- Commitment to the protection of the public interest within the mandate of the Commission.
- Commitment to respect diversity and to maintain fair, transparent processes that meet the highest professional standards of the Commission's Code of Conduct.
- Knowledge of and commitment to sound governance practices.

(b) VICE-CHAIR

(i) Purpose

- To act as a substitute Chair, either in the Chair's absence or as requested by the Chair.
- Carries out additional leadership duties as requested by the Chair, relating to the functioning, responsibilities and governance of the Commission and its appointees.
- Leads initiatives or takes on cases that may be high profile and complex, both as requested by the Chair.

(ii) Key Duties

All of which shall be performed recognizing that the Vice-Chair is a part-time appointee.

Leadership and Commission Governance

In addition to the key duties outlined in the Member position description, a Vice-Chair:

- Performs an additional role of overseeing and providing advice to the Chair and other Members regarding the processes, practices and policies of the Commission.
- In the Chair's absence, is responsible for carrying out duties delegated by the Chair.
- Leads sub-committees and special projects as requested by the Chair, and reports back to the Chair.
- Acts as an additional key point of contact to appointees and staff of the Commission in the Chair's absence and performs the responsibilities of the Chair when the Chair is not available.

- Collaborates with the Chair to develop and implement processes and practices that support the Commission's operations to enhance effectiveness and efficiency.
- As requested by the Chair, takes on cases or assignments that may have a higher profile, are more complex and may involve multiple parties or stakeholders.
- Leads special projects and initiatives as assigned by the Chair, such as the development / implementation of new practices.
- With the Chair, mentors new appointees and provides oversight and advice to ensure quality and clarity.
- Maintains current knowledge in the Commission's field of expertise and participates in professional development opportunities.
- Performs other responsibilities as agreed to with, or as delegated by the Chair.
- Acts with integrity and honesty. Actions are guided by the best interests of the Commission and the public.

(iii) Qualifications

The Vice-Chair will have all the qualifications of a Member plus the following:

- Leadership ability to oversee the implementation of a strategic vision by ensuring appropriate plans are put into operation to deliver efficient, effective and high quality services.
- In-depth understanding of the professional, institutional, policy and community context in which the Commission operates.
- Understanding of the Commission rules of practice and supporting procedures.

- Comprehensive practical knowledge of the continuum of dispute resolution practices to mentor and coach others, and to recommend options for change.
- Advanced dispute resolution and analytical skills to resolve complex matters involving multiple interests, under public scrutiny.
- Effective communication and interpersonal skills to positively influence and communicate with staff and stakeholders.
- Commitment to respect diversity, and to maintain fair, transparent processes that meet high professional standards and the Commission's Code of Conduct.
- Understanding of government values and a commitment to working within government's agency accountability structure.
- Knowledge of and commitment to governance practices.
- Understanding of financial and operational business processes and practices.
- Commitment to the protection of the public interest within the mandate of the Commission.

(c) MEMBER

(i) Purpose

Within the Commission, the Member is responsible for the resolution of disputes among parties appearing before the Commission pursuant to the *Police Services Act* by using a variety of dispute resolution methods including mediation and adjudication of disputes by rendering written / oral decisions.

(ii) Key Duties

All of which shall be performed recognizing that the Vice-Chair is a part-time appointee.

Law and Procedure

The Member may carry out this responsibility alone as a single adjudicator or as part of a panel. A Member:

- Prepares for and conducts hearings or reviews, and makes rulings and / or writes decisions.
- Conducts hearings and reviews, or other duties as assigned by the Chair, in accordance with the governing statute and other applicable laws as well as within the policies, procedures and rules of practice developed by the Commission.
- Hears submissions and evidence presented by appellants / parties to a dispute, and ensures that all issues are dealt with at the hearing or review.
- Actively listens to comprehend interests and positions, which are sometimes difficult to ascertain.
- Makes rulings necessary for the proper and expeditious conduct, control and completion of the hearing or review.

- Reviews and analyzes all evidence and submissions thoroughly and makes decisions based on the evidence and consideration and application of relevant law.
- Makes rulings and issues written decisions that are independent and free of outside influence.
- Issues decisions in a timely manner, within the time frames established by the Commission.
- Issues clear, well-written, soundly reasoned decisions, which are understandable and can be implemented by the appellants / parties to a dispute.
- Where the parties agree or where the law or the Commission's Rules of Practice permits, acts as a mediator among parties by listening to the parties' positions, defining underlying issues and interests, focusing the parties' attention on what a workable settlement would be and facilitating a resolution between the parties.
- Participates in pre-hearing dispute resolution procedures to define and clarify issues in dispute.
- Identifies opportunities to resolve the dispute or specific issues in the dispute before moving on to a hearing.
- Participates in initial training and stays current in the field by engaging in on-going professional development, participating in scheduled and ad-hoc meetings of the Commission and its Members, as well as participating on committees and work groups related to the work of the Commission.
- Participates in meetings of the Commission, and when requested to do so by the Chair or the Chair's designate, in training and mentoring sessions and in committees established for the administration of the Members' role.
- Complies with policies and practices set out by the Commission to meet financial accountability and administrative requirements.

- Works constructively and contributes to a collegial atmosphere at the Commission by sharing knowledge, time and experience with other Commission appointees.
- Maintains positive, productive and appropriate relationships with stakeholders and all parties appearing before the Commission.

Integrity and Fair Practices

- Ensures equal access, fair treatment and due process in dispute resolution and hearing and review practices.
- Deals with conflict and diverging interests while maintaining decorum, due process, and professional and respectful interactions among all participants.
- Recognizes and deals appropriately with situations that may involve an issue of bias or conflict of interest in accordance with the Commission's Code of Conduct and Conflict of Interest rules.
- Acts with integrity and honesty. Actions are guided by the best interests of the Commission and the public.

(iii) Qualifications

Members are required to have the following abilities, skills and knowledge in order to carry out their responsibilities effectively:

- Experience in interpreting and applying legislation with specific knowledge of the Commission's governing Act and related law.
- Understanding of the professional, institutional and community context within which the Commission operates.
- Understanding of the justice system and administrative law and the concepts of fairness / natural justice.
- Demonstrated analytical, conceptual, problem-solving, decision-making and writing skills.

- Ability to listen and communicate clearly and effectively.
- Ability to formulate reasoned decisions and communicate them orally and in writing in a timely manner.
- Well-developed dispute resolution skills.
- Impartiality and sound judgement to fairly assess cases involving issues regarding conflicting verbal / written evidence and the assessment of credibility.
- Commitment to ongoing professional development to enhance expertise and remain current in the field.
- Good organizational skills to manage a heavy workload with complex, on-going processes.
- Self-confidence / self-control and sensitivity to the diverse interests of appellants in order to maintain effective control in confrontational and stressful situations.
- Commitment to respect diversity, and to maintain fair, transparent processes that meet high professional standards.
- Computer literacy.
- Ability and willingness to travel.

3. CORE COMPETENCIES

(a) CHAIR

(i) Competency – Strategic Leadership

Definition:

Strategic leadership involves approaching initiatives from a strategic perspective, championing new initiatives and working towards their achievement to deliver quality services to the public and the protection of the public interest. It is expressed by inspiring, motivating and leading others, guiding the organization by linking long-range vision and concepts to daily work, and articulating a simple understanding to a sophisticated awareness of the impact of internal and external factors on strategies and choices. It also includes adapting strategies when change is required and taking action to ensure adequate support and resources.

Elements: (How the skill / attribute is demonstrated for effective performance in the position.)

- Sets strategic direction. Manages the present. Plans for the future.
- Articulates the vision and oversees the implementation of plans, monitors key programs for quality and delivers high quality services.
- Inspires confidence in staff, stakeholders, the Commission's community and the Ministry, and ensures they are aware of the strategic framework (vision, mission and goals) of the Commission.
- The business plan supports the strategic direction and considers necessary policy, human and financial resource implications.
- Demonstrates active leadership by ensuring quality control of key agency programs and practices.
- Dispute resolution processes have identifiable service performance measures.

- Processes are in place to ensure staff and appointees remain current, share excellence and have access to required professional development.
- The Commission is seen to be a centre of expertise in its field. Decisions are clear, reasoned in law and jurisprudence, and effectively resolve issues.
- Staff and members of the Commission understand their role in fulfilling the vision, goals and objectives of the Commission.
- Looks to the future. Can discuss emerging theories, concepts and trends, identify possible approaches, and articulate the merits of each in relation to the community and legislating context of the agency.
- Considers the impact of strategies on all internal and external factors (environmental scan). Associated risks and opportunities are identified and managed.

(ii) Competency – Impact / Influence

Definition:

Impact / influence is the ability to influence, persuade or convince others to adopt a specific course of action impacting plans, processes, practices and people. It involves influencing others by leading by positive example, setting high standards and charting a clear and steady course. It also involves the use of effective strategies, persuasive techniques and facilitation skills to achieve desired results in sometimes high-impact, high-risk and complex situations.

Elements: (How the skill / attribute is demonstrated for effective performance in the position.)

Generally:

- Uses complex influence strategies to anticipate, identify and respond effectively to different points of view to build support and agreement.

- Builds informal and formal support for ideas. Selects information to have specific effects and uses expert facilitation and knowledge of group process and individual preferences to lead discussions and overall processes.

Internally:

- Builds support for excellence in all key Commission functions by overseeing and taking corrective action to ensure quality, timeliness in mediation, clarity in decision-making and the interpretation of applicable laws.
- Creates excellence and influences others by providing opportunities for professional development of and among members.
- Sets and monitors realistic but challenging Commission performance measures and recommends necessary revisions.
- Protects independence in Commission decision-making by setting processes to handle complaints and communicating standards of interaction and a code of ethical conduct for decision-makers.

Externally:

- Has a profile within the Commission community and acts as the key spokesperson and liaison for the Commission to create understanding and impart information that may be contentious or to create buy-in.
- Imparts stakeholder issues, conveys stakeholder perspectives and identifies possible solutions or opportunities that meet the needs of both the Commission community and the Ministry.
- Makes sound and convincing recommendations to the government / Minister responsible for the Commission regarding impact of proposed policies.
- Impacts case effectiveness, quality and timeliness of case resolution by controlling the assignment of cases considering specific member abilities and knowledge. Pays particular attention to the assignment

of high-impact / high-profile cases with new or novel points of law, high public interest or impact, and may assume cases personally or assign expert decision-makers.

(iii) Competency – Partnership / Relationship Building

Definition:

Partnership / relationship building is working cooperatively with all partners / alliances / stakeholders to solve common issues, meet mutual goals and build synergies. It includes leveraging existing relationships and partnerships, building a more effective network of existing contacts, or developing and solidifying new partnerships. It also involves an awareness that change is more effectively made together, and that a mutual interests-based relationship that operates on trust forms the foundation for success in delivering results.

Elements: (How the skill / attribute is demonstrated for effective performance in the position.)

Generally:

- Understands rules of engagement and knows when and how to involve the right group of stakeholders, government officials, interested parties and partners.
- Engages in the activities of professional associations, sector associations, and federal and provincial counterparts.
- Proactively liaises with stakeholders to identify opportunities to build or mend relationships or seek resolution to common issues.
- Stakeholders are appropriately engaged to provide input into Commission plans and processes, build or repair relationships, or work on common goals.
- Creates an environment of trust, where stakeholders understand that they can bring sensitive issues to the Chair and matters will be handled with competency, tact and discretion.

(iv) Competency – Integrity / Ethics / Values

Definition:

Integrity / ethics / values is the willingness to hold oneself and others accountable for acting in ways, both privately and publicly, that are consistent with stated values, principles and professional standards.

Elements: (How the skill / attribute is demonstrated for effective performance in the position.)

- Sets the ethical tone and values of the Commission in internal and external interactions, and encourages others to act ethically and in keeping with Commission values.
- Actions are guided in the best interests of the Commission and the public.
- Takes action based on values even when cost or risk is at stake.
- Has developed personal and professional credibility to the degree that the Commission's values and standards are evident.
- Facilitates and encourages openness and honesty even when it is difficult for others to do so.
- Emphasizes the importance and impact of integrity and ethics to the roles and responsibilities of the Commission.
- Incorporates principles of equity, due process and equal access in Commission processes.
- Facilitates equal access and respects social and cultural differences for all who appear before the Commission.
- Supports, respects and promotes the principles of diversity and regional representation.
- Stands by and accounts for Commission decisions that are consistent with relevant law and evidence even if they are unpopular or controversial.

- Develops and communicates the Commission's Code of Conduct and Conflict of Interest rules and monitors for compliance.
- Gains respect in the Commission community for independent, neutral and expert advice and decision-making.

(v) Competency – Professional Awareness

Definition:

Professional awareness is the depth and breadth of the knowledge, skill and experience particular to the position. It involves knowledge of laws, practices, processes, professional skills, stakeholders and the culture specific to the Commission environment.

Elements: (How the skill / attribute is demonstrated for effective performance in the position.)

- Can articulate points of law of relevance to the Commission as well as supporting jurisprudence.
- Possesses an extensive knowledge of the legal / procedural and regulatory framework in which the Commission and its stakeholders function.
- Understands the continuum of alternative dispute resolution processes and designs.
- Demonstrates in-depth understanding of the subject matter within the Commission's jurisdiction.
- Keeps a current knowledge of the associated stakeholder communities including their issues, interest and trends.
- Encourages and creates opportunities for appointees to engage in continuous learning, professional sharing and development.
- Champions a full array of dispute resolution practices to employ the most effective methods(s) of resolving a dispute.

- Effectively conducts, and personally assumes the most sensitive or complicated reviews or hearings.

(vi) Competency – Commission Governance

Definition:

Agency governance is the knowledge and skills required to effectively govern the affairs of the Commission in keeping with the Commission's legal framework and mandate. It also involves acting to achieve public service values such as transparency, efficiency and effectiveness and the accountability and governance requirements of the government.

Elements: (How the skill / attribute is demonstrated for effective performance in the position.)

- Leverages knowledge and experience to build a modern, sustainable agency.
- Understands and participates in the government context in which the Commission functions to oversee policy, budget and resource allocations.
- Complies with requirements set out in the Agency Establishment & Accountability Directive.
- Establishes or affirms the Memorandum of Understanding with the Minister and upholds the agreement by compliance.
- Ensures that the Minister / Ministry is provided with an annual business plan, which directs resources to deliver on priorities, is sustainable overtime and reflects a prudent use of public funds.
- Directs the affairs of the Commission in keeping with its mandate, governing statute and in accordance with the approved business plan.

- Directs the development of an annual report that accounts for the Commission's performance that is transparent and useful to the Commission's community.
- Informs the Minister / Ministry of issues and initiatives impacting the Commission's mandate and its stakeholder community.
- Supports the development of Commission appointees by providing oversight and advice, and discussing and encouraging professional development of and among appointees.
- Has knowledge of and a commitment to sound governance practices.

(vii) Competency – Managing for Results

Definition:

Managing for results is the ability to plan for and achieve measurable results and reach successful outcomes at an individual, agency and community level. It involves a steady focus on desired outcomes, setting challenging goals, making difficult decisions, and anticipating and addressing potential obstacles or conflicts to achieve excellence in results.

Elements: (How the skill / attribute is demonstrated for effective performance in the position.)

- Ensures that the Commission meets its statutory obligations and carries out its mandate effectively and efficiently.
- Provides oversight of practices and processes to ensure the quality of rulings and decisions and that hearings uphold tenets of natural justice.
- Has established practices that oversee the quality and timely delivery of key programs including case management, hearing functions, dispute resolution practices and resolution of matters by decision.

- Ensures that operational processes demonstrate a balance of effectiveness and efficiency, due process and public interest, and are sustainable over time.
- Oversees the establishment and monitoring of systems and procedures that plan and measure results.
- Oversees the development of, and monitors and reports on, the Commission's annual budget and business plan to ensure plans are within approved expenditures and expected results are on target. Can explain variances and make appropriate adjustments to meet targets.
- Implements operational policies to improve Commission performance.
- Sets, communicates and meets performance targets that are both realistic and challenging to meet the Commission's vision and objectives.
- Maintains steady control and focus on the image and reputation of the Commission for timeliness, clarity and quality.
- Makes recommendations for appointments or re-appointments that respect and promote the principles of equity, diversity, quality, merit and regional representation.
- Manages the Commission within a risk / opportunity-based framework.
- Achieves results among varying and often conflicting obligations.

(b) VICE-CHAIR

(i) General

A Vice-Chair typically has all of the competencies of a Member plus three additional competencies: Leadership, Agency Governance and additional elements of Professional Awareness as follows.

(ii) Competency – Leadership

Definition:

Leadership is the ability and commitment to achieve agency objectives by overseeing and steering the right courses of action to ensure the implementation of strategic plans and attainment of performance objectives. It includes knowledge of and leadership in the implementation of policies, processes and practices that align the operations with the strategic plan. It also involves the mentoring, coaching and development of others.

Elements: (How the skill / attribute is demonstrated for effective performance in the position.)

- Acts on behalf of and in conjunction with the Chair to provide leadership to the Commission.
- Identifies emerging policy issues and recommends strategies.
- Keeps the Chair informed of the need for change to processes or practices to enhance effectiveness and efficiency, or meet changing stakeholder needs.
- Participates on various internal and external committees as a representative of the Commission.
- Ensures that the protection of the public interest, the principles of natural justice and the mandate of the Commission are honoured in Commission policies, practices and procedures.

- Counsels and advises appointees on new policies, processes and practices.
- Maintains current knowledge in the Commission's field of expertise and participates in professional development opportunities.
- Mentors new appointees and provides them with professional development and training.
- Provides assistance to others to enhance dispute resolution skills and efforts.

(iii) Competency – Commission Governance

Definition:

Agency Governance involves knowledge and skills required for participation in the effective governance of the Commission and acting to achieve public service values such as transparency, efficiency and effectiveness. It also includes assisting with the achievement of agency governance standards, government requirements or directives.

Elements: (How the skill / attribute is demonstrated for effective performance in the position.)

- Understands and participates in the government / governance context in which the Commission functions.
- Assists the Chair by providing oversight in matters of Commission governance and accountability.
- Possesses a working knowledge of the corporate policy, business planning, financial and governance framework and supporting procedures pertaining to the Commission.
- Develops, implements and monitors new processes and practices (Commission's procedures, protocols and rules) to govern the agency within best practices.

- Proposes innovative approaches to improve the Commission’s operation.
- Inspires confidence and commitment to the attainment of objectives.
- Keeps the Chair informed of emerging matters of process or practices to enhance effectiveness and efficiency.
- Monitors Commission performance measures and provides sound advice to the Chair regarding change required to policies, practices and processes.
- Assists in the achievement of the Commission’s business plans.

(iv) Competency – Professional Awareness

Definition:

Professional awareness is the depth and breadth of the knowledge, skill and experience particular to the position. It involves knowledge of laws, practices, processes, professional skills, stakeholders and the culture specific to the agency environment.

Elements: (How the skill / attribute is demonstrated for effective performance in the position.)

- Employs an in-depth knowledge of the relevant law and regulatory environment to provide mentorship on difficult cases, ensuring clear and accurate advice and proper consideration is given in decisions rendered by the Commission.
- Assumes cases that are particularly high-impact / high-profile or that require consideration of new or novel points of law.
- Can explain the trends, cycles and factors that can impact the Commission’s stakeholders, processes, practices and policies.
- Can analyze the financial and operational impact of new policies, practices and processes.

- Able to adapt policies, processes and practices to effect desired change, e.g. enhance service delivery.
- Cognizant of social, cultural and political issues impacting the Commission.
- Maintains current knowledge in the Commission's field of expertise and participates in professional learning and development opportunities.

(c) MEMBER

(i) Competency – Professional Judgement

Definition:

Professional judgement is the exercise of critical thinking, analysis and assessment of implications, identification of patterns, making connections of underlying issues, and the ownership of the outcome. Effectively exercised, it leads to fair, efficient processes and brings clarity and resolution to complex and ambiguous situations or issues.

Elements: (How the skill / attribute is demonstrated for effective performance in the position.)

- Uses professional experience to make assessments of facts, data, credibility and situations.
- Applies professional knowledge to analyze issues, clarify positions and determine workable options or reach reasoned decisions.
- Applies sound judgement assessing cases of conflicting verbal / written evidence or the assessment of credibility.
- Facilitates open dialogue such that underlying issues and interests are revealed.

- Assimilates information and applies law and legal principles to specific facts, evidence and positions. Makes clear and reasoned rulings / decisions.
- Employs optimal timing and circumstances for either refraining from or making a decision or employing an alternative method of dispute resolution.
- Maintains effective control over processes and keeps a steady focus on desired outcomes.
- Hearings or reviews are conducted in accordance with the governing statute and the policies, procedures and rules of practice developed by the Commission.
- Rulings are made to ensure the proper and expeditious conduct, control and completion of hearings or reviews, which also uphold rules of natural justice.
- Knows how to organize work and priorities in a manner that meets competing needs of due and fair process and timely resolution of matters.

(ii) Competency – Listening / Understanding

Definition:

Listening / understanding is the ability to gather facts and pertinent information to gain understanding before drawing conclusions or taking action. It involves active listening and comprehension of verbal and non-verbal signals to enhance understanding and accurately assess situations to help resolve issues, problems, conflicts and disputes. It also involves the ability to encourage others to elaborate on matters and interests.

Elements: (How the skill / attribute is demonstrated for effective performance in the position.)

- Understands that the complexities of issues are uncovered in a variety of ways including through actions, unstated interests and pressures and emotions as well as stated positions or evidence.
- Practises active listening to comprehend interests as well as positions.
- Employs effective questioning to elicit further information or gain greater understanding or clarity.
- Assimilates multiple sources of information to make informed decisions that effectively uncover and address the issues.
- Conducts hearings or reviews that set the tone for equal, active and open dialogue and information exchange.
- Knows when it is necessary and appropriate to seek out information or interests that may be difficult to ascertain.
- Understands the impact of one's own actions and emotions and demonstrates self-control and steady focus in situations of tension and conflict.
- Listening and understanding is evidenced when those who appear before the Commission feel they had an opportunity to express their positions and when decisions reflect concerns and resolve issues.

(iii) Competency – Decision-Making

Definition:

Decision-making involves independent analysis and evaluation of data and evidence as well as reasoned thinking and application of relevant law. It requires advanced oral and written communications skills needed to explain one's position in the face of resistance, adverse reaction or tight deadlines and to articulate clearly the desired course of action or decision.

Elements: (How the skill / attribute is demonstrated for effective performance in the position.)

- Weighs all evidence and submissions thoroughly.
- Issues clear decisions that reflect a thorough analysis of the issues, and balances perspectives and details reasons.
- Where a panel conducts a hearing, participates in post-hearing panel discussion between co-members.
- Decides independently, but knows when it is appropriate to consult the opinions and, where appropriate, the advice of others.
- Clearly articulates views and defends positions on complicated and controversial issues.
- Issues decisions in a timely manner, within the time frames established by the Commission.
- Provides reasons and demonstrates clarity in oral and written rulings such that the parties understand and carry out what is decided.
- Makes reasoned decisions based on the evidence and interpreting and applying the relevant law to the evidence.

(iv) Competency – Integrity / Ethics / Values

Definition:

Integrity / ethics / values refers to the willingness to hold oneself and others accountable for acting in ways, both privately and publicly, that are consistent with stated values, principles and professional standards, even when risk is associated.

Elements: (How the skill / attribute is demonstrated for effective performance in the position.)

- Takes action based on values even when cost or risk is at stake.
- Conducts affairs with professional integrity such that rules of engagement are known and the Commission's values and expected standards of interaction are clear.
- Sets the expectations of interactions among parties and insists on professional and respectful interactions in all proceedings.
- Treats all who appear before the Commission in a respectful manner.
- Acts in accordance with organizational values, even when challenged or in stressful situations.
- Maintains impartiality and objectivity in serving the public good.
- Stands by and accounts for value-based decisions and actions even if they are unpopular or controversial.
- Is aware of and respects social and cultural differences of all who appear before the Commission.
- Recognizes and questions own personal biases, identifies situations of power imbalance, and adopts value-based strategies to address them.
- Complies with the Commission's Code of Conduct and Conflict of Interest rules. Recognizes and discloses any potential conflict of interest in a timely manner and acts to eliminate any possible concern of bias.

(v) Competency – Professional Awareness

Definition:

Professional awareness is the depth and breadth of the knowledge, skill and experience particular to the position. It involves knowledge of laws, practices, processes, professional skills, stakeholders and the culture specific to the agency environment.

Elements: (How the skill / attribute is demonstrated for effective performance in the position.)

- Possesses an in-depth knowledge of the relevant law, legal framework and procedures relevant to the Commission's policies, protocols and rules.
- Thoroughly understands the subject matter within the Commission's jurisdiction.
- Maintains current knowledge of the associated stakeholder communities, their issues and interests, as well as the regulatory and legal framework governing their activities.
- Understands and applies a full array of dispute resolution practices to employ the most effective method(s) of resolving a dispute, in keeping with the governing statute.
- Understands and effectively conducts hearings and reviews, makes clear rulings, ensures all issues are dealt with and that the parties are heard and treated fairly.
- Manages proceedings such that all who appear before the Commission understand procedures and practices and can participate equally.
- Applies relevant laws, policies, procedures and rules.
- Establishes work practices that deal effectively with a high volume caseload.

- Understands government processes that pertain to Commission appointees, including the independent nature of the Commission's relationship with its ministry.
- Participates in professional learning and development opportunities.

(vi) Competency – Conflict Management

Definition:

Conflict management is the knowledge and ability to anticipate, recognize and effectively resolve disputes. It includes facilitating open and constructive discussions and where possible win-win solutions, or as necessary, rendering a decision to bring resolution to matters.

Elements: (How the skill / attribute is demonstrated for effective performance in the position.)

- Sets tone of interactions that are respectful and productive.
- Employs an array of dispute resolution techniques.
- Maintains control and keeps a steady focus on resolution of matters.
- Detects and addresses conflict in its early stages.
- Diffuses stressful disagreements and hostile or emotionally charged situations.
- Actively listens to determine common interests and considers situations from multiple perspectives.
- Effectively restates positions and asks questions tactfully to identify key issues or values that are at the centre of the conflict.
- Helps to identify areas of agreement and manages the process toward resolution.

- Facilitates parties to re-think current views and beliefs and facilitates discussion of options to create mutual gain.
- Creates an environment among parties that facilitates positive, respectful relationships.
- Mediates between the parties' interest to discover a mutually agreeable solution.
- Assists the parties to develop a workable course of action to implement an agreement.
- Knows when to insist, when to effect a negotiation or compromise, how to build consensus to bring closure to a matter, and when it is necessary to render a decision.

3. LEARNING AND DEVELOPMENT

(a) CHAIR

There are competencies with a definition and elements of the position, which together describe effective performance in the position. To complete a self-directed learning and development analysis, consider both the competency definition and the individual elements. Using position-specific competencies to identify individual learning and development helps to focus efforts and track progress. When completed, this document will contain personal information that should be treated confidentially.

- Read the elements for each competency. In the space provided below each of the competency elements, make note of any learning needs to enhance skills or development opportunities where expertise may be used in new ways. If identifying development opportunities, provide detail of what the development opportunity might be and note examples of excellence in action that demonstrate the abilities.

- The chart at the end of this tool may be used to summarize individual learning or development priorities. In the case of the Chair of an agency, the identified learning and development priorities may be finalized into an individual learning and development plan in consultation with the relevant Minister or delegate.

Examples of individual learning activities may include:

- job shadowing
- mentoring or coaching
- web-based courses
- self-directed studies
- conference sessions
- internal training sessions (created by internal agency resources such as legal, Vice-Chairs etc.)
- external training courses (community college, OPS)
- association, sector or industry-based learning events

Examples of developmental opportunities may include:

- chairing a committee
- leading a specific task or project
- designing / delivering sessions for other appointees on specific issues or skills
- presenting at a professional conference
- mentoring or coaching others
- participating in temporary or special assignments