




HAMILTON POLICE SERVICE

RECOMMENDATION REPORT

TO:	Chair and Members Hamilton Police Services Board
BOARD MEETING DATE:	July 27, 2023
SUBJECT:	Approved Backfill – Sworn Officers on WSIB
REPORT NUMBER:	23-070
SUBMITTED BY:	Frank Bergen, Chief of Police
SIGNATURE:	

RECOMMENDATION

That the Board support the increase of the Hamilton Police Service (HPS) approved headcount by sixteen (16) full-time Sworn Members to backfill officers currently included in the HPS authorized headcount who are absent on WSIB and who will meet the lock-in threshold timing by the end of 2023.

EXECUTIVE SUMMARY

- The Sworn Collective Agreement does not have language or the requirement to backfill Members who have been absent from work for twenty-four (24) months continuously with no expected return to work. This is notably different in the Civilian Collective Agreement, and in standard practices. This has negatively impacted staffing, contributing to overtime and a decline in Member wellness. The lock-in timing referenced above is the final review of loss of earnings benefits by the WSIB, meaning the Member will remain on WSIB with no prospect of returning to work in any capacity.
- As of May 30, 2023, HPS has 6 Sworn Officers locked in through WSIB and 10 Sworn Officers on track to be locked-in. There are currently thirteen (13) Constables and three (3) Sergeants who are eligible to meet the lock-in timing in 2023. Of those 16 Officers, 6 have completed the lock-in process and 10 are expected to lock in by the end of the year. These officers have not been permanently backfilled and have no prospect of returning to work.

Vision: To be a trusted partner in delivering public safety.

Mission: To serve and protect in partnership with our communities.

Our Values: Compassionate, Dedicated, Inclusive, Integrity, Innovative, Professional, Teamwork

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Sworn Members absent are replaced by call-ins and overtime. The HPS spent \$6.63M in overtime in 2021 and \$6.89M in 2022.

Due to recruitment and OPC constraints, these additional costs (wages and benefits of sixteen (16) Members) will not be realized until January 2024. The estimated increase to our operating budget in 2024 will be \$1,758,000.

Hiring full-time officers to backfill will reduce the pressures on overtime and assist in Member wellness.

Staffing: Increase the approved Sworn Constable headcount by thirteen (13) and Sworn Sergeants by three (3).

Legal Implications: N/A

INFORMATION

Patrol Divisions have a minimum staffing requirement to ensure effective response, public safety and safety of our Members. This language is embedded into our Collective Agreement, and has not changed since 2013. This is notable, as the population and demographics of Hamilton have changed over this same period of time.

When Sworn Members are absent from work (through annual leave, sick leave, maternity leave, parental leave or WSIB) they are not permanently backfilled. This often causes a call-in on overtime to meet the requirements of our Collective Agreement. The HPS has done everything creatively possible to offset the impact of Members being absent from work including temporarily moving Members from other support or investigative divisions to the front line, collapsing units and shifting staffing on a daily basis. This simply is no longer sustainable. We need to begin replacing Members who are absent from work with no prospect of returning to HPS.

The purpose of this report is to focus on Members who will meet the lock-in threshold for WSIB or occupational absences. Though we are seeking to backfill sixteen (16) Sworn Members, it is important to illustrate the full picture and impact of Members off work on WSIB.

Vision: To be a trusted partner in delivering public safety.

Mission: To serve and protect in partnership with our communities.

Our Values: Compassionate, Dedicated, Inclusive, Integrity, Innovative, Professional, Teamwork

As of May 30, 2023, Sworn Members on WSIB were categorized as follows:

WSIB Status	Total Sworn Members	Already Locked-In	2023 Expected Lock-Ins
< 2 Year Absent (0-24 months)	22	0	0
2-3 Years Absent (25-47 months)	22	0	0
4-5 Years Absent (48-60 months)	10	0	0
> 5 Years Absent	16	6	10
TOTAL	70	6	10

In addition to the sixteen (16) being requested, as of May 30, 2023, there are an additional thirty-two (32) officers who have been off work on WSIB for greater than two (2) years and another twenty-two (22) officers who have been off work for less than two (2) years. Combining these figures, seventy (70) members represent 8% of our sworn workforce. This number has grown in large part due to additional WSIB legislation, specifically the Presumptive First Responder PTSD legislation.

In contrast, HPS backfills for certain Members on long-term disability (LTD) when they are not expected to return to work, but does not do so for comparable WSIB absences. This is due to the cost difference between backfilling for a Member on LTD and doing so for a Member on WSIB. Under our LTD program, HPS pays annual insurance premiums to an insurance provider. In the event of an LTD claim, the insurance company is responsible for paying the Member during the claim period. As a result, HPS can backfill that Member without increasing or exceeding the budget for that position. As a Schedule 2 employer, HPS does not pay premiums to WSIB and instead is responsible for continuing to pay the Member directly while they are off work. Therefore, backfilling an authorized position for a Member on WSIB means that HPS would need to compensate both Members at the same time.

The frequency of call-ins, overtime or running short on a squad has a negative impact on Member wellness. This reality is affecting our culture and the morale of our Members. In 2022, there were 2,266 call-ins just to maintain the minimum staffing levels identified in the Collective Agreement. The cost to HPS was approximately \$2.1M in 2022. This is not sustainable. We need to begin replacing Members who are absent from work with no prospect of returning to HPS.

In order to help with front line staffing issues, 48 Sworn Members were temporarily moved back to the front line in 2022. These Members will begin to transition back to their permanent positions in September 2023, as important work continues to increase and we have effectively created workload issues in our support units. Essentially we have been managing staffing in crisis response or reactive mode over many years and we have undoubtedly crossed the point where this is no longer sustainable and we need to add resources.

Vision: To be a trusted partner in delivering public safety.

Mission: To serve and protect in partnership with our communities.

Our Values: Compassionate, Dedicated, Inclusive, Integrity, Innovative, Professional, Teamwork

As each Member vacates their WSIB benefit period in the future, the backfilled Member would take their place in the core authorized sworn headcount, and the approved backfill position would be removed from the approved backfill list.

By supporting these 16 approved WSIB Backfills for the long term, HPS anticipates a reduction in call-ins and an increase in Member wellness as we continue to strive to fulfill our mission to serve and protect in partnership with our community.

ALTERNATIVES FOR CONSIDERATION

Status Quo with no approval to backfill will continue with staffing by relying on call-ins and Member wellness challenges will increase.

Backfill 48 Members total (all Members over 2 years on WSIB), in line with disability management best practice. This alternative would require a phased-in approach over a number of years due to staffing, OPC and budgetary constraints.

APPENDICES AND SCHEDULES ATTACHED

Not applicable

c: Leanne Sneddon, Director – Human Resources
 Sanela Dzaferi, Director – Finance