

<b>Policy Name:</b>	TEMPORARY VACANCIES (ACTING) AND WHILE SO EMPLOYED – NON-COMMISSIONED OFFICERS (NCO)		
<b>Policy #:</b>	AD 4.1.2	<b>Last Updated:</b>	2023-11-29
<b>Issued By:</b>	SUPPORT SERVICES BUREAU	<b>Approved By:</b>	SURREY POLICE BOARD
		<b>Review Frequency:</b>	AS REQUIRED

**RELATED POLICIES**

AD 6.3 *Promotional Process – Sworn Members*

AD 8.9 *Delegation of Financial Authority and Appointment of Signing Officers*

**1. PURPOSE**

- 1.1. To maintain a consistent rank structure within Surrey Police Service (SPS) during periods of absence of Non-Commissioned Officer (NCO) positions (Sergeant and Staff Sergeant).
- 1.2. To provide opportunities for Members to develop their personal and professional skills.
- 1.3. To provide opportunities to succession plan.
- 1.4. To protect SPS from liability.

**2. SCOPE**

- 2.1. This policy applies to all sworn Members for Sergeant and Staff Sergeant Temporary Vacancies and While So Employed (WSE) opportunities.

**3. POLICY**

- 3.1. Temporary Vacancies and WSE positions within NCO ranks may be filled by acting replacements, as authorized by the Chief Constable or Delegate. For the purpose of this Policy, the Chief Constable has delegated authority through the chain of command.

- 3.2. A Member who has been offered and has accepted the appointment by the Chief Constable or Delegate to temporarily perform or act in the duties of a rank higher than the rank the Member normally holds (either through a Temporary Vacancy or a WSE opportunity) is paid at the entry-level increment rate for the senior rank for each hour that they perform such duties after being so appointed.
- 3.3. SPS will make reasonable efforts to fill Temporary Vacancies.
- 3.4. A Member who is a Respondent Officer in an ongoing *Police Act* investigation, may be ineligible to fill a Temporary Vacancy or WSE position, subject to the Chief Constable's or Delegate's decision.
- 3.5. Members in an acting rank may exercise the authority and responsibility of that position as determined by the Chief Constable or Delegate. The Chief Constable or Delegate may restrict authorities of a Member acting in a rank depending on the duration of the Temporary Vacancy or WSE position, including but not limited to:
- i. Financial authority;
  - ii. Signing Authority;
  - iii. Access to Confidential Informant information;
  - iv. Access to Human Resources Files; and
  - v. Restricted SharePoint sites.
- 3.6. Subject to the determination of the Chief Constable or Delegate, a Member will retain all the authority and responsibility of their substantive position, in addition to the acting rank.
- 3.7. A Member working a Temporary Vacancy or WSE position may wear temporary rank epaulettes for the duration of the acting position on their working uniform (shirts, jackets) only. Members must not display an acting rank on the Dress Uniform.
- 3.8. The Chief Constable or Delegate may, in exceptional circumstances, select a Member to fill a Temporary Vacancy or WSE position when there is a need for a Member with specific knowledge, skills, and abilities for the position. The Chief Constable or Delegate will notify SPU, if this provision is applied.
- 3.9. When a vacancy exists in a Section/Unit/Team, a Member who is new to that Section/Unit/Team, may be required to work for a period of time in that Section/Unit/Team (as per the Business Rules of that Section/Unit/Team) prior to being eligible to fill a Temporary Vacancy or WSE position. A waiting period does not apply to a Member transferred to a Section/Unit/Team specifically for the purposes of filling a WSE position.

#### 4. PROCEDURE

- 4.1. The appointment of a Member to an acting position is confirmed by the Chief Constable or Delegate.
- 4.2. Each Section/Unit/Team will develop the Business Rules to implement this policy.
- 4.3. A Member may be required to modify their hours of work to fill a Temporary Vacancy position or WSE opportunity if they accept a Temporary Vacancy or WSE. SPS will not pay premiums/penalties for such voluntary shift changes. Float bank hours may be maintained for up to three (3) blocks unless the vacancy is anticipated to exceed three (3) blocks, in which case the Member will assume the new scheduled hours immediately upon transfer.
- 4.4. Members must hold a substantive position in the Section/Unit/Team where the vacancy exists
- 4.5. Payment for the Temporary Vacancy coverage will require submission of a Temporary Performance Form AD-4101 to the Timekeeper's email.

##### **Acting Sergeant Rank - Temporary Vacancy**

- 4.6. Staff Sergeants, Inspectors, Superintendents, and Deputy Chief Constables are the Chief Constable's Delegates to select Constables under their command to act as Sergeant.
- 4.7. Members are selected to fill Sergeant Temporary Vacancies subject to the following eligibility criteria:
  - i. A Member who has the highest ranking in a promotion competition for the vacant position and is currently awaiting promotion for the specific Sergeant vacancy (i.e., the Member has been awarded a promotion, but the date for the promotion is pending);
  - ii. A Member currently awaiting promotion for a different Sergeant vacancy. If more than one Member in the Section/Unit/Team meets these criteria, seniority will be the determining factor;
  - iii. A Member who has the highest ranking on an Eligibility List for the vacant Sergeant position;
  - iv. A Member on an Eligibility List for a different Sergeant vacancy. If more than one Member in the Section/Unit/Team meets these criteria, seniority is the determining factor;
  - v. A Member who has successfully completed the Qualification for Promotion process. If more than one Member in the Section/Unit/Team meets these criteria, seniority will be the determining factor.

4.8. If no Members in that Unit/Team meet the above criteria, an on-duty Member in the same Section who has successfully completed the Qualification for Promotion process may be transferred to fill a Sergeant Temporary Vacancy.

4.9. If no Members meet the above criteria, the Chief Constable or Delegate will determine if a callout is required for a Substantive or Qualified Sergeant. If a callout is not required, the following eligibility criteria apply:

- i. A Member who has successfully completed the Sergeant Exam and completed all training required in the Qualified for Promotion process. If more than one Member in the Section/Unit/Team meets these criteria, seniority will be the determining factor;
- ii. A Member who has successfully completed the Sergeant Exam. If more than one Member in the Section/Unit/Team meets these criteria, seniority will be the determining factor;
- iii. The most Senior Member who has reached the rank of First Class Constable.

#### **Acting Staff Sergeant Rank - Temporary Vacancy**

4.10. Inspectors, Superintendents, and Deputy Chief Constables are the Chief Constable's Delegates to select Sergeants under their command to act as Staff Sergeant.

4.11. For the purpose of s. 4.12 only, seniority in rank is based on promotion date to the Sergeant rank and does not include While So Employed (WSE) time or time as a Sergeant outside SPS. Employee Services Section (ESS) will maintain a list of promotion dates available to all Members.

4.12. Subject to the eligibility criteria set out below, Sergeants who are most senior in rank in the Section/Unit where the vacancy exists are selected to fill Staff Sergeant Temporary Vacancies. If the next senior in rank Sergeant(s) in the Section/Unit is/are within one year of the most senior in rank Sergeant, the position will be filled on a rotational basis between the Sergeants:

- i. A Sergeant who is currently awaiting promotion for the specific Staff Sergeant vacancy (i.e., they have been awarded a promotion, but the date for promotion is pending);
- ii. A Sergeant who is currently awaiting promotion to a different Staff Sergeant position;
- iii. A Sergeant who meets the minimum requirements to apply to the Staff Sergeant rank;
- iv. A Sergeant assigned to the Section/Unit where the vacancy exists; and
- v. If no substantive Sergeant is available, the Chief Constable's delegate will ensure adequate supervision through a callout or other means.

#### **While So Employed (WSE)**

4.13. If a Temporary Vacancy extends or is reasonably anticipated to extend past ninety (90) days, the Temporary Vacancy will be deemed a WSE temporary promotion to a higher rank.

- 4.14. Anticipated WSE vacancies of twelve (12) months or longer require notice to Members of an available WSE opportunity, including the required job qualifications. ESS will provide notice and follow the Lateral Transfer Procedures. If there is a Member awaiting promotion or is on an eligibility list for that position, they are offered the first opportunity.
- 4.15. If a Member successfully competes for a WSE position, they vacate their substantive position. The Employer will decide how to best fill the vacancy.
- 4.16. ESS will inform the Surrey Police Union regarding anticipated Sergeant and Staff Sergeant WSE vacancies.
- 4.17. Members who are in a WSE position and subsequently promoted to the substantive rank with continuous WSE service will receive credit for the period of continuous WSE time for increment purposes. Members will complete a twelve (12) month probation period after their promotion is confirmed.
- 4.18. While in a WSE role, a Member waives all rights to overtime, call out, etc. in their previous rank.

## **APPENDIX A: DEFINITIONS**

“Business Rules” means a document that provides direction and operational guidance to Members, Supervisors, and support staff assigned to a specific Section/Unit/Team.

“Collective Agreement” means the current collective bargaining agreement between the Surrey Police Board and the Surrey Police Union.

“Eligibility List” means the list of Members maintained by the Employee Services Section who are ranked by score and awaiting promotion.

“ESS” means Employee Services Section.

“Member” means a sworn Police Officer appointed by the Surrey Police Board.

“NCO” means a Non-Commissioned Officer at the rank of Sergeant or Staff Sergeant.

“Officer” means the rank of Inspector, Superintendent, Deputy Chief Constable, Chief Constable.

“Qualified Member” means a Member who has successfully completed the Qualification for Promotion process.

“Respondent Officer” means a Member who is the subject of a *Police Act* investigation.

“SPS” means Surrey Police Service.

“Temporary Vacancy” means a vacancy in a position that is anticipated to be less than 90 consecutive workdays.

“While So Employed” (WSE) means acting in rank in a while so employed capacity for a continuous period of 90 consecutive workdays or longer.

**APPENDIX B: REFERENCES**

*Collective Agreement Between the Surrey Police Board and the Surrey Police Union, 2022-2024*

*Police Act, R.S.B.C. 1996, c. 367*