

An Act Respecting the Public Service.

(Assented to

His Majesty by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows :

SHORT TITLE

Short title

1. This Act may be cited as "The Public Service Act".

INTERPRETATION.

Head of department.

2 In this Act unless the context otherwise requires the expression "head of a department" or "head" means the member of the Executive Council for the time being presiding over a department.

"Employee"

3. The expression "employee" or "employees" in this and any other Act shall include all persons in the service of the Government and of the Legislative Assembly of the Province other than the clerk of the Legislative Assembly and the auditor appointed under The Treasury Department Act.

APPLICATION.

Public Service.

4. The Public service of the Province for the purposes of this Act includes and consists of the clerk of the Legislative Assembly and the Provincial Auditor and of all classes of employees in or under the following departments of the Government and of the Legislative Assembly of the Province heretofore appointed or hereafter to be appointed by the Lieutenant Governor in Council or other competent authority, namely :

- (a) The Office of the Executive Council ;
- (b) The Department of the Attorney General ;
- (c) The Department of the Provincial Secretary;
- (d) The Department of the Treasury ;
- (e) The Department of Public Works ;
- (f) The Department of Agriculture;
- (g) The Department of Education;
- (h) The offices of the Legislative Assembly.

Application

5. Save as hereinafter excepted this Act shall apply to such of the offices of the Registrar, Clerks and Deputy Clerks of the Supreme Court of the North West Territories as are in ~~Alberta~~^{the province}, and to the offices of the Registrar, Clerks and Deputy Clerks of all courts of justice hereafter established by law in ~~Alberta~~^{the province}. In so far as applicable and for the purposes of this Act the word "department" in this Act shall extend to and include the officers of the Supreme Court of the North West Territories at present exercising jurisdiction in Alberta, and to the officers of all courts of justice hereafter established by law, and the Attorney General, of the Province for the time being shall be the head thereof; but nothing herein contained shall impair or interfere with any already established authority or control of the courts and Judges over their officers.

Application to the employees of the Legislative Assembly.

6. This Act shall apply to the permanent employees of the Legislative Assembly, saving always all legal rights and privileges of the said Assembly as respects the appointment or removal of its officers or servants or any of them.

DIVISION OF THE PUBLIC SERVICE.

7. The public service shall be divided into two divisions :

- (a) The first or inside division shall consist of the employees

Inside
division.

of the employees comprising the several departmental
staffs at the seat of Government in the Province
enumerated in the fourth section of this Act.

Outside
division.

(b) The second or outside division shall
comprise all other employees of the Government
of the Province.

CLERK OF THE LEGISLATIVE ASSEMBLY

Appointment,
how made.

8. The clerk of the Legislative Assembly shall be
appointed by the Lieutenant Governor in Council and
shall hold office during pleasure ; but whenever such
pleasure is exercised in the direction of removing a
clerk of the Legislative Assembly from his office a
statement of the reasons for so doing shall be laid o
on the table of the Legislative Assembly within the
first fifteen days of the next following session
thereof.

MANAGEMENT OF DEPARTMENTS.

Oversight
of department.

9. The head of each department shall oversee and
direct the employees of the department ; and shall
have general control of the business thereof ; and
shall perform such other duties as are assigned to
him by the Lieutenant Governor in Council.

Powers of
deputy in
absence of head.

10. In the absence of any head, the deputy or
assistant to the head of the department shall perform
the duties of such head unless an acting head of the
department is appointed or the performance of such
duties is otherwise provided for by the Lieutenant
Governor in Council ; and any deputy or assistant
head so acting during such absence shall exercise
all the powers vested in the head as to the control
of the other employees of the department.

APPOINTMENTS.

Term of probation of employees.

11. Every employee entering the public service of the Province within the meaning of this Act shall be subject to a probation of six months; and his employment shall cease at the end of that period from the date of his first employment unless at or before the end of that period, the head signifies in writing that such person is considered by him as competent for the duty of that department; and if he is rejected the head of the department shall report to the Lieutenant Governor in Council the reasons for rejecting him.

How made.

12. All appointments to the public service shall be made by the Lieutenant Governor in Council on the application and report of the head of the department in which the person appointed is to be employed. All such appointments shall be during pleasure.

Acting.

13. It shall be lawful for the Lieutenant Governor in Council to appoint any member of the Executive Council to act as head of a department and also to appoint any acting officer or servant of any kind who shall have all the power and authority of the person for whom he is acting.

When to have effect.

(2). Such acting head of department, officer or servant shall act only in the absence from the post of duty or during illness or other physical disability of the person for whom he acts or in case of a vacancy in office.

OATHS

Employees to subscribe to oaths of allegiance and office.

14. All employees of the public service who have not already done so and every clerk of the Legislative Assembly, Provincial Auditor, or employee hereafter appointed before any salary is paid to him shall take and subscribe the oath of allegiance and also the

the oath contained in form A in the schedule hereto in addition to any other oath which may be provided by any other Act in that behalf.

Clerk of Executive Council to subscribe to oath of secrecy.

15. In the case of the clerk of the Executive Council and all employees under him and in the case of any officer or employee of whom the Lieutenant Governor requires the same there shall be added to the oath at the asterisks in the form of the oath in said form A of the schedule hereto the words contained in form B in the said schedule.

Persons before whom such oaths are to be taken.

16. The clerk of the Executive Council shall take and subscribe the said oaths before the Lieutenant Governor or some one appointed by him to administer the same; in the case of persons residing or coming to reside at the seat of Government in the Province the oath shall be taken and subscribed before the clerk of the Executive Council; in other cases the oaths may be taken and subscribed before any person duly authorised to administer oaths in the Province, who shall forward the same to the clerk of the Executive Council.

Record of oaths.

17. The clerk of the Executive Council shall keep a record of all such oaths.

SALARIES.

Salaries.

18. All employees in the public service of the Province, the Clerk of the Legislative Assembly, and the Provincial Auditor shall receive such salaries respectively as may be assigned to them by order in council and voted by the Legislature.

ORGANISATION.

Precedence of officials,

19. The staff of each department shall be divided and rank as follows ;

(a) The deputy or assistant to the head of the Department.

(b) The chief clerk of each branch, bureau or sub-department provided the department is so divided;

(c) Clerks;

(d) Messengers.

Division of departments.

20. The Lieutenant Governor in Council may from time to time divide any department into as many branches, bureaus or sub-departments as may appear most convenient for the service; and one of the clerks in such department may be appointed chief clerk of such branch, bureau or sub-department.

GENERAL PROVISIONS AND REGULATIONS.

Officials required.

21. As soon as conveniently may be after the passing of this Act, the Lieutenant Governor in Council shall determine the number of officers or employees that are required for the working of each department and shall classify the same according to the arrangements so determined.

Extra clerical assistance and payment therefor.

22. No extra clerk or other employee shall (except under an order in council) be employed in any department unless for a period not exceeding ^{three months} for which he may be paid at a rate not exceeding two dollars and a half per day out of the appropriation of the department on the certificate of the head thereof; except only that if such extra clerk or employee be a person of special attainments and employed as such he may be paid at a rate not exceeding the ordinary charge for such services.

Employment of extra clerks.

(2) Any extra clerk or employee may (under an order in council made on the application and report of the head of the department that the same is requisite) be employed for a longer period than three months and he shall during such period be borne on the pay

pay list of the department. At the end of six months such extra clerk or employee shall only be retained in the department as a probationary clerk or employee if appointed as such in the manner required herein.

Hours of attendance.

23. The Lieutenant Governor in Council may regulate the hours of attendance of the employees in any department; and when the public service demands (in case of pressure or urgency) that additional time be given such additional time as the head or deputy head of any department may require shall be given by all the clerks and employees without additional compensation.

Transfer of clerks from one department to another.

24. The Lieutenant Governor in Council may transfer any clerk or employee from one department to another or assign any duties to any clerk or employee temporarily or otherwise.

Payment for extra services.

25. No allowance or compensation shall be made for any extra services whatsoever which any clerk or employee may be required to perform.

Suspension of officials.

26. The head of a department may suspend from the performance of his duty or from the receipt of his salary any employee guilty of improper conduct or negligence in the performance of his duties; and may subsequently remove such suspension; but no person shall receive any salary or pay for the time during which he was under suspension.

No applications for increase of salary to be made.

27. Any application for increase of salary made by any employee in the public service or by any other person on his behalf with such employee's consent or knowledge shall be considered as a tendering of the resignation of such employee.

28. The head of a department may at such times as may be convenient grant to each employee in the department leave of absence for recreation for any

any period not exceeding three weeks for each year of service; and the head of a department, may (in case of illness or other pressing necessity) grant such extended leave not exceeding twelve months and on such terms as the Lieutenant Governor in Council may think fit.

Leave of absence.

Rules and regulations may be made.

29. The Lieutenant Governor in Council may make rules and regulations for carrying the provisions of this Act into effect.

30. Where in any Ordinance of the North West Territories or Act of the Parliament of Canada with relation to any matter within the legislative jurisdiction of the Province of Alberta, reference is made to any public department, head of a department, officer or functionary of the Government of the North West Territories, such reference shall be taken to mean and to refer to and since the first day of September 1905 to have meant and to have referred to, the corresponding public department, head of a department, officer or functionary of the Government of Alberta, if any such exists or is hereafter by law established. Provided that nothing in this Act shall be taken to invalidate any Act or thing done by any head of department, officer or functionary, of the North West Territories under the authority of any such Ordinance or Act.

31. All enactments and provisions of law inconsistent with or repugnant to this Act are hereby repealed.

S C H E D U L E

FORM A

Oath of Office,

I (A.B.) do solemnly and sincerely swear that I will faithfully and honestly fulfill the duties which devolve upon me as _____ and that I will not ask or receive any sum of money, services, recompense, or matter or thing whatsoever, directly or indirectly, in return for what I have done or may do in the discharge of any of the duties of my said office, except my salary or what may be allowed me by law or by an Order of the Lieutenant Governor in CouncilSo help me God.

FORM B.

Addition to Oath for Clerk of Executive Council and
Others.

And that I will not, without due authority in that behalf, disclose or make known any matter or thing which comes to my knowledge by reason of my employment as (as the case may be).

No.

First Session, First Legislature
6 Edward VII, 1906.

BILL

An Act Respecting the Public
Service.

Received and read the

First time *Nov 19 1906*

Second Reading *Friday*

Third Reading.....

Mr. *Cartwright*

EDMONTON :

King's Printer,

A.D. 1906.