

Bill No. 60 of 1947.

A BILL RESPECTING THE PUBLIC SERVICE

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NOTE.

This Bill amends and consolidates *The Public Service Act*, being chapter 31 of the Revised Statutes of Alberta, 1942, and *The Public Service Efficiency Act*, being chapter 32 of the Revised Statutes of Alberta, 1942. The Bill proposes to set up a Civil Service Commission of three members and creates a new office of Director of Personnel.

Sections 2 to 7 are substantially the same as sections 2 to 5 and section 7 of *The Public Service Act*, and sections 2 and 3 of *The Public Service Efficiency Act*.

Sections 8 and 9 are the same as sections 8 and 9 of the present *Public Service Act*.

Section 10 is new and creates the office of Director of Personnel with authority for the appointment of clerks and other assistants.

Section 11 sets out the duties of the said Director. Many of the duties set out in the section are at the present time duties imposed upon the Civil Service Commissioner by section 5 of *The Public Service Efficiency Act*.

Section 12 provides for the setting up of a three-member Civil Service Commission to be appointed by the Lieutenant Governor in Council, the Chairman and one other member to be nominated by the Executive Council and the other member to be nominated by the Provincial Executive of the Civil Service Association of Alberta.

The duties of the Civil Service Commission are set out in section 13 of the Bill.

Section 15 of the Bill deals with appointments to positions in Division 2 of the Public Service (see section 6). Subsection (2) provides that when a vacancy occurs the Director of Personnel shall submit to the Deputy Minister of the Department concerned a list of persons in the order of their ranking, eligible and qualified for the class of position which is vacant, which is to be considered by the Deputy Minister in reporting to the Minister the applicant who, in his opinion, is best suited to the position. Subsection (3) of section 15 provides that when a temporary employee has served a year, whether in one or more periods, he shall automatically become a permanent employee unless before the year is up, the Minister makes a recommendation based on the written report of the Deputy Minister that the employment be not made permanent.

Section 17 deals with promotions which shall be for merit and made by the Lieutenant Governor in Council upon the recommendation of the Minister based on a written report of the Deputy Minister. It is provided in subsection (3) that, other things being equal, the persons with the greatest length of service shall be given preference for the promotion.

Section 18 of the Bill deals with the authority of the Minister, or in his absence, the Deputy Minister, to suspend an employee. This section is similar to section 22 of *The Public Service Act*, but the words from "unless the Lieutenant Governor in Council" to the end are new.

Sections 20 to 23 are the same as sections 12 to 15 of the present *Public Service Act*.

Section 24 is the same as section 16 of the same Act.

Section 25 is substantially the same as section 18 of *The Public Service Act*.

Section 26 is the same as section 19 of the said Act with the words "without additional compensation" at the end of the section omitted.

Sections 27, 28 and 29 are the same as sections 20, 21 and 23 of the same Act.

Section 30 is similar to section 24 of *The Public Service Act* with one important change. The present section 24 authorizes leave of absence for any period not exceeding three weeks for each year of service. The proposed section 30 makes the period "not exceeding three weeks each year".

The Act is to come into force upon proclamation.

W. S. GRAY,  
*Legislative Counsel.*

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

# BILL

No. 60 of 1947.

An Act respecting the Public Service.

(Assented to \_\_\_\_\_, 1947).

**HIS MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

## SHORT TITLE.

1. This Act may be cited as "*The Public Service Act, 1947.*"

## INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
- (a) "Chairman" means the Chairman of the Civil Service Commission appointed under the provisions of this Act;
  - (b) "Commission" means the Civil Service Commission appointed under the provisions of this Act;
  - (c) "Deputy Minister" means a deputy of a Minister of the Crown presiding over a department;
  - (d) "Director of Personnel" means the Director of Personnel appointed under this Act;
  - (e) "Employee" or "Employees" includes all persons employed by the Government or by the Legislative Assembly of the Province;
  - (f) "Head of a department" or "head" means the member of the Executive Council for the time being presiding over a department;
  - (g) "Minister" means the member of the Executive Council for the time being presiding over a department.

## APPLICATION.

3. The Public Service of the Province, for the purpose of this Act, shall include the Clerk of the Legislative Assembly and the Provincial Auditor and all classes of employees in or under all departments of the Government and the Legislative Assembly of the Province, except such employees or classes of employees as may be specifically excluded by order of the Lieutenant Governor in Council.

4.—(1) For the purposes of this Act, the Department of the Attorney General shall include the offices and officials of

the Registrar, Clerks and Deputy Clerks of the Supreme Court of Alberta, and of all courts of justice.

(2) Nothing herein contained shall impair or interfere with any already established authority or control of the courts and judges over their officers.

5. 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.

6.—(1) The Public Service shall be divided into two main divisions as follows:

- (a) Division 1 shall consist of the following employees: Deputy Ministers, Clerks of the Legislative Assembly, Legislative Counsel, Clerk of the Executive Council, Director of Personnel, Provincial Auditor, members of the Board of Public Utility Commissioners, members of the Provincial Board of Health, members of the Workmen's Compensation Board, members of the Alberta Liquor Control Board;
- (b) Division 2 shall consist of employees not in Division 1.

(2) The employees of the Public Service included in Division 2 shall be subdivided into such classes and grades as may be decided upon from time to time by order in council upon the recommendation of the President of the Council on the report of the Director of Personnel.

(3) Any employee may be transferred from one class of Division 2 to another class upon the recommendation of the Minister, based on the report in writing of the Deputy Minister, and accompanied by a certificate of qualification from the Director of Personnel.

#### CLERK OF THE LEGISLATIVE ASSEMBLY.

7.—(1) The Clerk of the Legislative Assembly shall be appointed by the Lieutenant Governor in Council and shall hold office during pleasure.

(2) Whenever a Clerk of the Legislative Assembly is removed from his office, a statement of the reasons for such removal shall be laid on the table of the Legislative Assembly within the first fifteen days of the first session after his removal.

#### MANAGEMENT OF DEPARTMENTS.

8.—(1) 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.

(2) The Lieutenant Governor in Council may transfer any duties, powers or functions from one member of the Executive Council or department to another member of department.

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

#### DIRECTOR OF PERSONNEL.

10.—(1) There shall be an officer to be called the Director of Personnel appointed by the Lieutenant Governor in Council.

(2) Subject to the provisions of this Act, the Lieutenant Governor in Council may appoint such clerks or other assistants in the office of the Director of Personnel as may be deemed necessary, and may authorize the employment by the Director of Personnel of such expert and special assistants from time to time as may be deemed necessary in the discharge of the duties of the Director of Personnel.

#### DUTIES OF THE DIRECTOR OF PERSONNEL.

11.—(1) The duties of the Director of Personnel shall be as follows:

- (a) to administer the provisions of this Act and the Rules and Regulations made thereunder;
- (b) to prepare and recommend to the President of the Council, such new Regulations or amendments to Regulations as may from time to time be deemed necessary in respect of the qualifications for appointment to the public service, tests or examinations of applicants for employment; training, promotion or transfer of employees and the conduct, discipline and general conditions of service of employees;
- (c) to test and pass upon the qualifications of candidates for admission to or promotion in the public service, and to issue certificates with respect thereto as required by this Act, or the Regulations thereunder;
- (d) to report in schedule form with regard to the grading, classification and scale of salaries in Division 2 of the public service, which schedule shall also provide for fixed increases in salary until the maximum amount is reached;
- (e) upon the request of a head of a department, to investigate and report upon any matter affecting the administrative methods of any department, or upon the conduct of the employees therein;

- (f) to obtain the assistance of competent persons for the preparation of examination papers, and for the conducting of examinations and tests;
- (g) to prepare lists of eligible applicants for positions of various departments of Government;
- (h) to keep records of attendance, illness and other records pertaining to employees in the public service;
- (i) to recommend to the President of the Council, such action as will promote the co-ordination of the work in the different departments or the reduction or reorganization of the staff of any department with a view to greater economy and efficiency in administration;
- (j) such other duties as may be assigned to him by the Lieutenant Governor in Council.

#### CIVIL SERVICE COMMISSION.

**12.**—(1) There shall be a Civil Service Commission composed of three members, appointed by the Lieutenant Governor in Council, as follows:

- (a) the chairman of the Commission to be nominated by the Executive Council who shall be the executive member of the Commission;
- (b) a commissioner to be nominated by the Provincial Executive of the Civil Service Association of Alberta;
- (c) a commissioner, to be nominated by the Executive Council.

(2) The chairman and commissioners, upon appointment as provided in subsection (1) shall hold office during pleasure of the Lieutenant Governor in Council.

(3) Any vacancy upon the Commission, arising from expiry of the term of office or from any other cause, shall be filled forthwith in accordance with the provisions of subsection (1).

(4) The salaries of the members of the Civil Service Commission shall be fixed by order in council upon the recommendation of the President of the Council, and shall be charged to and paid out of the General Revenue Fund of the Province.

#### DUTIES OF THE CIVIL SERVICE COMMISSION.

**13.** The Civil Service Commission shall meet at least once a month, or at any time upon three days' notice, calling for a meeting being given by the chairman, or a commissioner, and the duties of the Commission shall be as follows:

- (a) when so directed by the President of the Council to hold inquiries and to investigate suggestions, complaints and recommendations with respect to any department or any employee or employees connected therewith;

- (b) to review from time to time the existing classifications in the various departments as prepared by the Director of Personnel, and to report thereon to the President of the Council;
- (c) to act as a board of appeal in the cases of alleged unjust dismissal, suspension or demotion, or as to any alleged improper classification, or reclassification of positions in the public service and report thereon to the Lieutenant Governor in Council;
- (d) to consider and report upon any suggested or desirable changes in the statutes or regulations affecting any department when directed so to do by the President of the Council;
- (e) such other duties as may be assigned to it by the Lieutenant Governor in Council.

14. The Civil Service Commission shall prepare annually and present to the Lieutenant Governor in Council on or before the thirty-first day of January, in each year, a report upon its transactions during the preceding year, and the report shall be laid before the Legislative Assembly at the next ensuing session of the Legislature.

#### APPOINTMENTS.

15.—(1) No person shall be appointed to any office, clerkship or other position in Division 2 of the public service save by order of the Lieutenant Governor in Council upon recommendation of the Minister.

(2) In case a vacancy occurs in a department, the names of persons eligible and qualified for the class of position shall be submitted by the Director of Personnel to the deputy minister in the order of their ranking, according to the examinations held or to qualification, for the consideration of the deputy minister in reporting to his Minister the applicant who, in his opinion, is best suited for the position.

(3) Whenever an employee has been temporarily employed for a period or periods of time totalling one year, he shall no longer be a temporary employee unless prior to the expiration of the year or of the combined periods comprising a year the Minister makes a recommendation based on the report in writing of the Deputy Minister against the permanent employment of such person.

16.—(1) The Lieutenant Governor in Council may appoint any member of the Executive Council to act as the head of any department and may 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.

(2) The acting head of a 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.



### PROMOTIONS.

**17.—**(1) Promotions shall be for merit by the Lieutenant Governor in Council upon the recommendation of the Minister, based on the report in writing of the deputy minister, accompanied by a certificate of qualification from the Director of Personnel.

(2) No person shall be promoted unless he is to do work of greater importance and responsibility than he has hitherto done, or unless his work in his office has been such as to justify the promotion.

(3) In dealing with an application for promotion in a department, the length of service and seniority of persons eligible for the promotion shall be given due consideration, and other things being equal, the persons with the greatest length of service will be given preference for the position.

### SUSPENSIONS.

**18.** The Minister, or in his absence, the deputy minister, may,—

(a) suspend from the performance of his duty, any employee guilty of improper conduct, misconduct or negligence in the performance of his duties; or

(b) remove such suspension;

but no person shall receive any salary or pay for any time or part of the time during which he was under suspension, unless the Lieutenant Governor in Council, upon the report of the Civil Service Commission is of the opinion that such suspension was unjust, or made in error, or that the punishment inflicted was too severe.

**19.** No provision herein shall impair the power of the Lieutenant Governor in Council to remove or dismiss any employee, but no employee whose appointment is of a permanent nature shall be removed from office except by authority of the Lieutenant Governor in Council.

### OATHS.

**20.** Every employee appointed by Order in Council, and every clerk of the Legislative Assembly and Provincial Auditor, before any salary is paid to him, shall take and subscribe the oath of allegiance and the official oath prescribed by *The Oaths of Office Act*.

**21.** 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 in Council requires the same, there shall be added to the official oath immediately before the words "So help me God", the words set out in Form A of the Schedule to this Act.



**22.—**(1) The Clerk of the Executive Council shall take and subscribe the oaths before the Lieutenant Governor or some one appointed by him to administer them.

(2) In all other cases the oaths shall be taken and subscribed before the Clerk of the Executive Council or before any person duly authorized to administer oaths in the Province, who shall forward the same to the Clerk of the Executive Council.

**23.** The Clerk of the Executive Council shall keep a record of all oaths taken under the provisions of this Act.

#### SALARIES.

**24.** All employees in the public service of the Province, the Clerk of the Legislative Assembly, the Legislative Counsel, and the Provincial Auditor shall receive such salaries respectively as may be assigned to them by Order in Council and voted by the Legislative Assembly.

#### ORGANIZATION.

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

#### GENERAL PROVISIONS AND REGULATIONS.

**26.** The Lieutenant Governor in Council may regulate the hours of attendance of the employees in any department; and when the service of the public demands in case of pressure or urgency, that additional time be given, such additional time as the head or deputy minister of any department may require shall be given by all the clerks and employees.

**27.** 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.

**28.** Unless otherwise ordered by the Lieutenant Governor in Council, no allowance or compensation shall be made for any extra services whatsoever which any clerk or employee may be required to perform.

**29.** For the purpose of securing the greatest measure of co-operation between the Government in its capacity of employer and the members of the public service in matters affecting the service, the Lieutenant Governor in Council may constitute a joint council, which shall be known as the Alberta Civil Service Joint Council and shall consist of six

members to be appointed as to one-half by the Lieutenant Governor in Council and as to the other half by the Civil Service Association of Alberta, and the Joint Council shall have such functions and shall conduct its proceedings in such manner as may be from time to time prescribed by the Lieutenant Governor in Council.

**30.** 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 period not exceeding three weeks each year after completion of one 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.

**31.** The Lieutenant Governor in Council may make rules and regulations for giving effect to the provisions of this Act.

**32.** *The Public Service Act*, being chapter 31 of the Revised Statutes of Alberta, 1942, and *The Public Service Efficiency Act*, being chapter 32 of the Revised Statutes of Alberta, 1942, are hereby repealed.

**33.** This Act shall come into force upon a day to be fixed by Proclamation of the Lieutenant Governor in Council.

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## SCHEDULE.

### FORM A.

#### (Section 21.)

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. 60

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FOURTH SESSION  
TENTH LEGISLATURE  
11 GEORGE VI  
1947

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**BILL**

A Bill respecting The Public  
Service.

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. HOOKE.

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EDMONTON:  
A. Shnitka, King's Printer  
1947