

Bill No. 27 of 1952.

A BILL TO AMEND THE CIVIL SERVANTS WAR
SERVICE ACT

NOTE.

This Bill amends *The Civil Servants War Service Act*, being chapter 11 of the Statutes of Alberta, 1951.

These amendments have been necessitated by the fact that enlistments are now in the armed forces of Canada for an indefinite period and no longer in a special force for relatively short periods. Also, it now appears that members of such armed forces contribute a portion of their pay to a pension fund similar to the federal civil service pension fund. Under *The Civil Servants War Service Act* as it stood, an employee could thus create an equity in two pension funds at the same time.

The change in the enlistment policy makes it difficult to obtain temporary provincial government employees to replace those enlisting for indefinite periods and it is therefore deemed advisable to limit the period for which leaves of absence may be granted. As a result of the amendment the maximum leave of absence that may be granted is six years.

Clause (c) of section 4 is amended by substituting a new clause (c). The effect of the amendment is simply to provide that the employee shall be re-employed in his former position if he applies within six years of the commencement of his leave of absence, and complies with the conditions already in the Act. The clause remains unchanged otherwise, though the arrangement of the clause has been varied.

Section 4, clause (d) and section 5 have each been re-drafted similarly to provide for the six year limitation period placed on a leave of absence by the addition of section 3a to the Act.

A new subsection (2) has been added to section 4 which provides that unless an employee enlists in an armed force no bonus is to be paid him when he enlists.

Section 6 has been amended by substituting a new subsection (1) and the addition of a new subsection (1a). The effect of the amendment to subsection (1) is to make it permissible for an employee to remain a contributor to the pension fund of the Province only where the employee during his enlistment is not also contributing to an armed forces pension fund.

Subsection (1a) has been added to section 6 to permit an employee on discharge from the armed forces to regain the pension privileges lost to him while he was contributing to an armed forces pension fund.

This Bill comes into force upon assent and is retroactive to the 9th day of August, 1950, the date upon which *The Civil Servants War Service Act* came into force.

J. W. RYAN,
Acting Legislative Counsel.

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

BILL

No. 27 of 1952.

An Act to amend The Civil Servants War Service Act.

(Assented to , 1952.)

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

1. *The Civil Servants War Service Act*, being chapter 11 of the Statutes of Alberta, 1951, is hereby amended.

2. Section 3 is amended by striking out the words "active naval, military or air forces" and by substituting the words "armed forces". Section 3 amended

3. The following new section 3a is added immediately after section 3: New section 3a

"3a. Upon receiving an application for leave of absence from an employee, the Director of Personnel may grant the employee leave of absence for the period of his enlistment or for a period of six years, whichever period is the lesser." Period of leave of absence

4. Section 4 is amended,— Section 4 amended

- (a) by renumbering the section as subsection (1);
- (b) by striking out clauses (c) and (d) of subsection (1) and by substituting the following:

"(c) Where the employee,—

- "(i) was employed otherwise than temporarily; or
- "(ii) if being a temporary employee at the time of his application for leave of absence, was temporarily employed in a position which is ordinarily filled by a permanent employee and has been so employed for at least a year; or
- "(iii) was engaged upon permanent seasonal work on salary or wage basis and has been so employed for at least six months during each season for two consecutive years;

he shall be entitled to re-employment in the same or similar capacity as that in which he was employed prior to enlistment if;

- "(iv) he receives an honourable discharge from the armed forces of Canada or the United Nations; and

- “(v) he applies for re-employment within three months after his discharge and not later than six years from the date of commencement of his leave of absence; and
- “(vi) he satisfies the Director of Personnel that he is mentally and physically fit for such employment;
- “(d) an effort will be made to re-employ temporary employees, other than those engaged to replace employees who have enlisted in the armed forces if,—
 - “(i) an application for re-employment is made by the employee within three months from the date of his honourable discharge and not later than six years from the date of commencement of his leave of absence; and
 - “(ii) the employee satisfies the Director of Personnel that he is mentally and physically fit for such employment.”.
- (c) by adding immediately after subsection (1) the following new subsection:
 - “(2) Notwithstanding clauses (a) and (b) of subsection (1), money in the nature of a bonus or additional salary shall not be paid to an employee unless he enlists in an armed force or a component of an armed force deemed to be on active service.”.

Section 5
amended

5. Section 5 is amended,—

- (a) by renumbering the section as subsection (1);
- (b) by striking out the words “his service,” where they occur in subsection (1), and by substituting the words “the armed forces or the expiration of six years from the date of commencement of his leave of absence,”;
- (c) by adding immediately after subsection (1) the following new subsection:
 - “(2) If an employee applies for re-employment within six years from the date of commencement of his leave of absence, he shall be deemed to be an employee until he is re-employed or until his application has been disapproved by the Director of Personnel under the provisions of section 4 respecting mental and physical fitness for employment.”.

Section 6
amended

6. Section 6 is amended by striking out subsection (1) and by substituting the following:

Pension
contributions

“6. (1) An employee, as defined in *The Public Service Pension Act*,—

- “(a) whose application for leave of absence under this Act has been approved; and
- “(b) who enlists as a member of the armed forces of Canada or the United Nations; and

“(c) who is not contributing to any pension scheme, plan or fund of Canada or the United Nations by reason of service in the armed forces of Canada or the United Nations;

may continue to make contributions to the General Revenue Fund at the rate of five per cent of the combined salary and cost-of-living bonus which was payable to him immediately prior to his enlistment.

“(1a) Where an employee who contributed to a pension scheme of Canada or the United Nations while serving in the armed forces of Canada or the United Nations is re-employed pursuant to section 4, he may pay his contributions to the General Revenue Fund for the period of his enlistment at the rate prescribed in subsection (1) in such manner and upon such terms and conditions as the Pension Board may direct.”.

7. This Act shall come into force on the day upon which it is assented to and upon so coming into force it shall be deemed to have been in force at all times on and after the ninth day of August, 1950. Coming into
force

No. 27.

FIFTH SESSION
ELEVENTH LEGISLATURE

1 Elizabeth II

1952

BILL

An Act to amend The Civil Servants
War Service Act.

Received and read the

First time

Second time

Third time

HON. MR. HOOKE.
