

Bill No. 77 of 1954

A BILL RESPECTING THE PUBLIC SERVICE

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NOTE

This is a new Bill to be known as "*The Public Service Act, 1954*" which repeals and replaces *The Public Service Act, 1947*, being chapter 6 of the Statutes of Alberta, 1947.

Essentially this Bill is a redraft and a revision of the Act it repeals and replaces. However, there are certain substantive changes in its provisions.

Division 1 of the Public Service is extended to include the Chairman of the Public Service Commission, the Director of Water Resources, the Co-ordinator of Civil Defence, the Chairman of the Provincial Marketing Board, the Superintendent of Treasury Branches, the Special Counsel for Alberta at Ottawa, and the Agent-General for Alberta at London, England.

The name of the Civil Service Commission is changed to the Public Service Commission and the duties of the Commission are specifically provided for. The Chairman of the Commission is the executive member thereof and is to generally oversee the administration of this Act.

The second member of the Commission nominated by the Executive Council is to be the Director of Personnel and his duties are specifically set out.

The name of the Alberta Civil Service Joint Council is changed to "Joint Council", the functions of which are set out together with such other functions as the Lieutenant Governor in Council may assign.

This Bill comes into force on a date to be fixed by proclamation.

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. 77 of 1954

An Act respecting The Public Service

(Assented to \_\_\_\_\_, 1954)

**H**ER 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, 1954.*"

## Interpretation

Interpre-  
tation  
"Chairman"     **2.** In this Act, unless the context otherwise requires,  
                  (a) "Chairman" means the Chairman of the Public  
                  Service Commission appointed under the provisions  
                  of this Act;  
"Commis-  
sion"           (b) "Commission" means the Public Service Commis-  
                  sion appointed under the provisions of this Act;  
"Deputy  
Minister"       (c) "Deputy Minister" means a deputy of a Minister of  
                  the Crown presiding over a department;  
"Director of  
Personnel"       (d) "Director of Personnel" means the Director of  
                  Personnel appointed under this Act;  
"employee"       (e) "employee" or "employees" includes persons em-  
                  ployed by the Government or by the Legislative  
                  Assembly of the Province;  
"head of a  
department"     (f) "head of a department" or "head" means the  
                  member of the Executive Council for the time being  
                  presiding over a department;  
"Minister"       (g) "Minister" means the member of the Executive  
                  Council for the time being presiding over a  
                  department.

## Application

Application  
of Act     **3.** The Public Service of the Province for the purpose  
                  of this Act  
                  (a) includes  
                      (i) the Clerk of the Legislative Assembly, and  
                      (ii) the Provincial Auditor, and  
                      (iii) classes of employees in or under all depart-  
                      ments of the Government and the Legislative  
                      Assembly of the Province,

- (b) does not include employees or classes of employees specifically excluded by order of the Lieutenant Governor in Council.

4. (1) For the purposes of this Act, the Department of the Attorney General includes the offices and officials of the Registrars under *The Land Titles Act*, the Clerks and Deputy Clerks of the Supreme Court of Alberta, and all Courts of Justice.

Department of Attorney General

(2) Nothing contained in subsection (1) impairs or interferes with an already established authority or control of the courts and judges over their officers.

Authority of judges not affected

5. This Act applies to the permanent employees of the Legislative Assembly, but does not impair or otherwise affect the legal rights and privileges of the Legislative Assembly as respects the appointment or removal of its officers or servants.

Employees of Legislative Assembly

6. (1) The Public Service is divided into two main divisions, as follows:

Divisions of the Public Service

- (a) Division 1 which shall consist of the Deputy Ministers, the Clerk of the Legislative Assembly, the Legislative Counsel, the Clerk of the Executive Council, the Chairman of the Public Service Commission, the Director of Personnel, the Provincial Auditor, the members of the Board of Public Utility Commissioners, the members of the Provincial Board of Health, the members of the Workmen's Compensation Board, the members of the Alberta Liquor Control Board, the members of the Alberta Power Commission, the Director of Water Resources, the Co-ordinator of Civil Defence, the Chairman of the Provincial Marketing Board, the Superintendent of Treasury Branches, the Special Counsel for Alberta at Ottawa and the Agent-General for Alberta at London, England;

- (b) Division 2 which shall consist of employees not included in Division 1.

(2) Division 2 shall be subdivided into such classes and grades as may be established by order in council on the recommendation of the President of the Council on the report of the Public Service Commission.

Subdivision of employees in Division 2 into classes

(3) An 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  
(a) shall be appointed by the Lieutenant Governor in Council, and

Clerk of the Legislative Assembly

(b) may hold office during pleasure.

Reasons for removal (2) When a Clerk of the Legislative Assembly is removed from his office a statement of the reasons for the 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

Oversight of departments 8. (1) The head of each department  
 (a) shall oversee and direct the employees of the department, and  
 (b) has general control of the business of the department, and  
 (c) shall perform such other duties as are assigned to him by the Lieutenant Governor in Council.

Transfer of powers and duties (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 or department.

Powers of Deputy Minister 9. (1) In the absence of a head, the Deputy Minister shall perform the duties of the head unless  
 (a) an acting head of the department is appointed, or  
 (b) the performance of any of the duties of the head is otherwise provided for by the Lieutenant Governor in Council.

(2) A Deputy Minister who acts during the absence of the head of the department shall exercise the powers vested in the head of the department regarding the control of other employees of the department.

### Public Service Commission

Public Service Commission 10. (1) There is hereby created a Public Service Commission composed of three members appointed by the Lieutenant Governor in Council.

Chairman (2) The Commission shall consist of  
 (a) a chairman and a second member, both of whom shall be nominated by the Executive Council, and  
 (b) a third member, who shall be nominated by the Provincial Executive of the Civil Service Association of Alberta.

(3) The Chairman and members on appointment to the Commission may hold office during pleasure of the Lieutenant Governor in Council.

Vacancy (4) A vacancy on the Commission arising from retirement or any other cause shall be filled forthwith in accordance with subsection (2).

Salaries (5) The salaries of the members of the Commission  
 (a) shall be fixed by order in council on the recommendation of the President of the Council, and

- (b) shall be charged to and paid out of the General Revenue Fund of the Province.

#### **Duties of Public Service Commission**

- 11.** (1) The Commission shall meet at least once a month or at any time on three days' notice given by the Chairman or a member. Duties of Commission
- (2) The Commission
- (a) shall investigate and report on methods and procedures for the recruitment and testing of applicants for employment in the Public Service and for the training of employees,
  - (b) shall prepare rules and regulations with respect to
    - (i) the attendance, conduct and discipline of employees,
    - (ii) the transfer and promotion of employees,
    - (iii) annual vacations and sick leave,
    - (iv) overtime employment,
    - (v) the payment of allowances for the subsistence and transportation of employees who are required to travel on official business,
    - (vi) the payment of cost-of-living bonuses,
    - (vii) any other matters pertaining to conditions of employment in the Public Service,
  - (c) shall prepare suitable schedules, based on the duties, responsibilities and requisite qualifications of each position, specifying the classification and salary scales
    - (i) of employees in Division 2 of the Public Service, and
    - (ii) of any other group of public employees whose salaries or wages are paid wholly or partially from provincial funds, when instructed to do so by the President of the Executive Council,
  - (d) shall prepare revisions of the schedules, as and when instructed to do so by the President of the Executive Council,
  - (e) shall prepare rules and regulations governing the application of the schedules,
  - (f) shall determine
    - (i) the classification of each new position created in the Public Service, and
    - (ii) all proposals for the re-classification of existing positions,
  - (g) shall investigate and report on any other matters, questions or proposals pertaining to employment in the Public Service or the organization of staffs or the improvement of administrative economy and efficiency, when instructed to do so by the President of the Executive Council.

(3) The findings, recommendations or decisions of the Commission shall be reported in writing by the Chairman to the President of the Council or, in the case of matters dealt with under clause (f) of subsection (2), to the head of the department concerned.

(4) The Lieutenant Governor in Council, on the recommendation of the President of the Council, may authorize the implementation of any rules, regulations or schedules prepared under the provisions of subsection (2).

**Assistants**      **12.** Subject to the other provisions of this Act, the Lieutenant Governor in Council

- (a) may appoint clerks and other assistants in the office of the Commission, and
- (b) may authorize the employment by the Commission of such expert and special assistants, as are necessary from time to time for the proper discharge of the duties of the Commission.

**Duties of Chairman**      **13.** (1) The Chairman shall be the chief executive member of the Commission and shall generally oversee the administration of this Act.

**Director of Personnel**      (2) The second member referred to in clause (a) of subsection (2) of section 10, who shall be known as, and appointed to hold the office of, Director of Personnel, shall exercise immediate supervision over the clerks and assistants of the Commission and

- (a) shall administer this Act and any rules and regulations made hereunder,
- (b) shall test and pass upon the qualifications of applicants for employment or promotion in the Public Service,
- (c) shall prepare lists of eligible applicants for employment or promotion in the Public Service,
- (d) shall prepare and publish such notices as are requisite for the advertising of vacant positions in the Public Service,
- (e) shall keep records of the appointment, attendance, illness, classification and salary of each employee in the Public Service,
- (f) shall maintain and prepare such records, reports and statistics with respect to employees and employment in the Public Service as the Commission deems necessary,
- (g) shall secure and compile such information or data with regard to working conditions in other fields of employment as the Commission requires.

(3) In the absence of the Director of Personnel or of the Chairman, the one present shall perform the duties of the one absent.

**14.** (1) The 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 on its transactions during the preceding year. Annual report of Commission

(2) The report mentioned in subsection (1) shall be laid before the Legislative Assembly at the next ensuing session of the Legislature. Report laid before 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 on recommendation of the Minister. Appointment to position in Division 2

(2) When a vacancy occurs in a department the names of persons eligible and qualified to fill the vacant position shall be submitted by the Director of Personnel to the Deputy Minister in the order of their ranking according to any examinations held or their qualifications. Filling of vacancies

(3) The Deputy Minister shall report to the Minister as to the person who, in the opinion of the Deputy Minister, is best suited to fill the vacant position, and the Lieutenant Governor in Council upon the recommendation of the Minister may authorize his employment. Selection of appointees

(4) The initial employment of every person in Division 2 of the Public Service shall be deemed to be temporary, and when a person who occupies a position of a permanent nature has been employed for a period or periods totalling one year, he is no longer a temporary employee but becomes a permanent employee unless the Minister, before the expiry of the said period or periods, makes a recommendation based on the report in writing of the Deputy Minister against the permanent employment of that person. Temporary employment to be permanent after one year

**16.** (1) The Lieutenant Governor in Council Appointment of acting head of department, etc.

(a) may appoint a member of the Executive Council to act as the head of a department, and

(b) may appoint an acting officer of any kind in the Public Service.

(2) An acting head of a department or an acting officer appointed under subsection (1) has the power and authority of the person for whom he is appointed to act. Power of acting head or officer

(3) An acting head of a department or an acting officer shall only act in the absence from duty of the person for whom he acts or in case of a vacancy.

### Promotions

**17.** (1) The promotion of an employee to a position in which he is required to do work of greater importance and responsibility than he has done before may be authorized by Promotion of an employee

the Lieutenant Governor in Council upon the recommendation of the Minister based on a report in writing of the Deputy Minister.

Requirements for promotion

- (2) An employee shall not be promoted unless
- (a) the position which he is to fill has been classified under the provisions of clauses (c) or (f) of subsection (2) of section 11,
  - (b) his work has been such as to justify the promotion, and
  - (c) the Director of Personnel certifies in writing that he is qualified to fill the position.

Seniority to be recognized

(3) When a vacant position in the Public Service is to be filled and two or more employees are qualified to fill the position, preference shall be given to the employee whose service is longest.

### Suspensions

Suspension of an employee

**18.** (1) The Minister or in his absence the Deputy Minister

- (a) may suspend from the performance of his duty an employee guilty of improper conduct, misconduct or negligence in the performance of his duties, or
- (b) may remove a suspension made under clause (a).

No salary for suspended employee

(2) No salary or wages shall be paid to an employee for any time or part of any time during which he is under suspension unless the Lieutenant Governor in Council is of the opinion that the suspension was unjust, or made in error, or that the punishment inflicted was too severe.

Removal of permanent employees

**19.** (1) No provision in this Act impairs the power of the Lieutenant Governor in Council to remove or dismiss an employee.

(2) No employee whose appointment is permanent shall be removed from office except by authority of the Lieutenant Governor in Council.

### Retirement

Retirement

**20.** When an employee attains the age of sixty-five years he shall retire from the Public Service unless the Lieutenant Governor in Council on the recommendation of the Public Service Pension Board arranges for the continuation of the services of the employee for a limited period or until a replacement is made.

### Oaths

Oaths to be taken by employees

**21.** Before a salary is paid to him each employee appointed by order in council, and each Clerk of the Legislative Assembly and the Provincial Auditor shall take and subscribe the oath of allegiance and the official oath prescribed by *The Oaths of Office Act*.



**22.** In the case of the Clerk of the Executive Council and all employees under him, and 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. Additional oath for certain employees

**23.** (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 the oaths. Before whom oaths are to be taken

(2) In all other cases the oaths shall be taken and subscribed

- (a) before the Clerk of the Executive Council, or
- (b) before a person duly authorized to administer oaths in the Province who shall forward the said oaths to the Clerk of the Executive Council.

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

#### **Salaries**

**25.** Employees in the Public Service of the Province shall receive such salaries respectively as are assigned to them by order in council and voted by the Legislative Assembly. Salaries of employees

#### **Organization**

**26.** (1) The Lieutenant Governor in Council may divide a department into as many branches as appears most convenient for the Service. Division of department into branches, etc.

(2) One of the employees in each branch may be appointed as the chief officer of the branch.

(3) The Lieutenant Governor in Council

- (a) may transfer any clerk or employee from one department to another, or
- (b) may assign any duties to a clerk or employee temporarily or otherwise.

#### **General Provisions and Regulations**

**27.** (1) The Lieutenant Governor in Council may regulate the hours of attendance of the employees in a department. Hours of attendance of employees

(2) If by reason of pressure of work or urgency the service of the public requires that periods of time be worked by clerks and employees in addition to normal working hours, such additional time as the head or Deputy Minister of a department requires shall be worked by the clerks and employees.

- Compensation for extra services **28.** Unless otherwise ordered by the Lieutenant Governor in Council no allowance or compensation shall be made for extra services that a clerk or employee is required to perform in a department.
- Leave of absence **29.** The head of a department  
 (a) may at such times as are convenient grant to each employee in the department after completion of one year of service leave of absence for recreation for a period of not more than three weeks in each year,  
 (b) 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 thinks fit.
- Proof of age **30.** Every employee shall within one year of the commencement of his employment deliver to the Director of Personnel  
 (a) a birth certificate, setting out the day of the employee's birth, or  
 (b) where a birth certificate as mentioned in clause (a) is not procurable, a statutory declaration or such other proof of age as is acceptable to the Director.
- Alberta Public Service Joint Council **31.** (1) The Lieutenant Governor in Council may authorize the establishment of a Joint Council consisting of three members of the Executive Council and three persons appointed by the Civil Service Association of Alberta.
- Functions of Joint Council (2) The functions of the Joint Council  
 (a) shall be to consider any suggestions or requests made by or on behalf of employees with respect to their salaries or pensions or any other working conditions applicable to employees generally or any particular class of employees and to make recommendations thereon to the President of the Executive Council,  
 (b) shall be to consider any grievance submitted by or on behalf of an employee or employees and to recommend to the President of the Executive Council or to the head of the department or other governmental agency concerned suitable measures for the remedying of such grievances as appear to be justified,  
 (c) shall be to act as a board of appeal in any cases of alleged improper classification or unjust dismissal, suspension or demotion of an employee and to report thereon to the President of the Executive Council,  
 (d) shall be such other functions as may be assigned to the Joint Council by the Lieutenant Governor in Council.

(3) One of the members of the Executive Council shall be the Chairman of the Joint Council, and one of the persons appointed by the Civil Service Association of Alberta shall be the Vice-chairman of the Joint Council.

(4) The Chairman of the Commission and the Executive Secretary of the Civil Service Association of Alberta may participate without voting power in the meetings of the Joint Council.

(5) The Joint Council shall meet on the second Monday of each calendar month and at such other times as are necessary for the expeditious conduct of its business, but the holding of any meeting may be waived or postponed by prior agreement between the Chairman and the Vice-chairman of the Joint Council.

**32.** *The Public Service Act, 1947*, being chapter 6 of the Statutes of Alberta, 1947, is hereby repealed. <sup>Repeal</sup>

**33.** This Act comes into force on a day to be fixed by Proclamation of the Lieutenant Governor in Council. <sup>Coming into force</sup>

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SCHEDULE

Form A

(Section 22)

(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).*”

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SECOND SESSION  
TWELFTH LEGISLATURE  
3 ELIZABETH II  
1954

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**BILL**

An Act 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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