

No. 103

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5th Session, 13th Legislature, Alberta  
7 Elizabeth II, 1959

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## **BILL 103**

A Bill respecting the Public Service Commissioner

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HON. MR. HINMAN

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## **Explanatory Note**

General. This Bill will enact a new Act to replace the present Public Service Commission under The Public Service Act with a Public Service Commissioner whose duties, functions and powers will be set out herein. The Commissioner will head up the new Personnel Administration Office herein prescribed and authorized. That office will be divided into an establishment and training branch, a classification and organization branch, and an administration and records branch. The purpose of this new office is to obtain greater administrative efficiency in the internal operation of the public service. It is complementary to the present The Public Service Act.

### **2. Definitions.**

### **3. Public Service Commissioner.**

### **4. Appointments.**

### **5. Personnel Administration Office.**

### **6. Duties of Commissioner.**

# BILL

No. 103 of 1959

An Act respecting the Public Service Commissioner

(Assented to \_\_\_\_\_, 1959)

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

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

**2.** In this Act

- (a) "Commissioner" means the Public Service Commissioner appointed under this Act;
- (b) "Joint Council" means the Joint Council established under *The Public Service Act*;
- (c) "Minister" means the member of the Executive Council charged with the administration of this Act.

**3.** There shall be a Public Service Commissioner with the powers and duties specified by this Act.

**4.** The Lieutenant Governor in Council may appoint a Commissioner and such officials, assistants, clerks and employees as are from time to time required, and provide for their remuneration.

**5.** The Commissioner shall establish a Personnel Administration Office and may divide its functions among three branches, that is to say:

- (a) an establishment and training branch;
- (b) a classification and organization branch;
- (c) an administration and records branch.

**6.** Subject to this Act, the Commissioner shall

- (a) prepare and publish such notices as are requisite for the advertising of vacant positions in the public service,
- (b) conduct tests and examinations for the purpose of appraising the qualifications of applicants for employment or promotion in the public service,



- (c) prepare and maintain lists of eligible candidates for employment, re-employment and promotion in the public service,
- (d) prepare such rules of procedure as may be required with respect to the recruitment and selection of employees in the public service,
- (e) assist and advise any department, branch, board or commission of the public service with regard to the organization of its affairs and the conduct of its business operations,
- (f) investigate and prepare reports upon the staff establishment, staff organization or business methods of any department, branch, board or commission of the public service,
- (g) assist and advise departments with respect to the organization and conduct of staff training programs and devise and carry out such general training schemes as may be necessary,
- (h) assist and advise boards and commissions of the public service with respect to the recruitment, selection and training of employees,
- (i) prepare in schedule form the scales of pay to be applicable to the various classes of positions within departments or under any board or commission, and from time to time recommend such adjustments in the pay scales or in their application as may appear expedient,
- (j) prepare such rules of procedure as may be considered necessary with regard to the classification and reclassification of positions and the application of pay schedules,
- (k) investigate and prepare reports upon the payment of subsistence allowances to employees who are required to travel on official business,
- (l) investigate and prepare reports upon overtime duty and the rates of remuneration therefor in any department of the public service,
- (m) prepare and keep records of the employment, attendance, qualifications and salary of each employee in the public service,
- (n) obtain from each department periodic reports upon the efficiency of each employee therein,
- (o) prepare for and recommend to the Lieutenant Governor in Council such regulations in respect of annual vacations, sick leave, educational leave, and the attendance, conduct and discipline of employees in the public service as may be deemed advisable,
- (p) assist in the administration of *The Public Service Act*, *The Public Service Pension Act* and *The Temporary Provincial Employees Retirement Act* in such manner as may be required by the Minister, and

**7. Annual report.**

**8. Designation of civil service positions.**

**9. Classification of departmental positions.**

**10. Classification Appeal Board.**

- (q) keep such records and do such other things as may be necessary for the proper administration of Acts and other affairs assigned to the Minister by this Act or the Lieutenant Governor in Council.

**7.** The Commissioner shall prepare an annual report to the Minister on the operations of the Personnel Administration Office for the preceding calendar year which shall be laid before the Legislative Assembly at the next ensuing session of the Legislature.

**8.** The Commissioner shall designate the status of each position in the public service

- (a) as a permanent position, where the duties thereof are full time and of a permanent or indefinitely continuing nature,
- (b) as a temporary position, where the duties thereof are full time but of limited or uncertain duration,
- (c) as a part time position, where the duties thereof are only required to be performed during part of the normal work day or work shift or on less than the full number of work days in a week or month, or
- (d) as a seasonal position, where the duties thereof are only required to be performed during a specific season in a year.

**9.** (1) The Commissioner shall cause a survey to be made of the duties and responsibilities of each position in a department, other than seasonal positions or the position of Deputy Minister, and shall prepare and maintain a plan of classification in schedule form showing the classes of positions in the public service and the class to which each position in the department is allocated.

(2) When so instructed by the Minister, the Commissioner shall cause a plan of classification to be prepared of the positions or any specified positions under any board or commission of the public service.

(3) The Commissioner may conduct such investigations as may be necessary in connection with the preparation and maintenance of a plan of classification.

**10.** (1) The Lieutenant Governor in Council shall appoint a Classification Appeal Board consisting of

- (a) the Commissioner who shall be chairman of the Board, and
- (b) two members nominated by the Joint Council, one of whom shall be a representative of the Civil Service Association of Alberta.

(2) Any employee who is dissatisfied with the classification given to his position may in the manner prescribed by regulations appeal the classification to the Classification Appeal Board.

(3) A decision of the Classification Appeal Board is final.

**11.** Reference to positions.

**12.** Departmental personnel officers.

**13.** Regulations.

**14.** Consequential amendments.

**15.** Commencement.



**11.** All official documents, records, estimates, vouchers and communications relating to a position in the public service shall designate the position as classified pursuant to this Act.

**12.** In each department there shall be a departmental personnel officer who shall

- (a) keep such records as may be required for the purposes of the department with respect to positions of any employees in the department, and
- (b) assist and advise the Deputy Minister and the heads of branches and any employee of the department in matters relating to personnel administration and the application of this Act and the regulations made hereunder.

**13.** (1) The Lieutenant Governor in Council may make regulations

- (a) governing the appointment of seasonal employees,
- (b) respecting annual vacations, sick leave, educational leave, and the attendance, conduct and discipline of employees,
- (c) authorizing the implementation of any rules, regulations or schedules prepared by the Commissioner, and
- (d) prescribing procedures to be followed by the Commissioner and the Personnel Administration Office in carrying out the duties imposed by this Act.

(2) *The Regulations Act* applies to regulations made pursuant to this section.

**14.** *The Public Service Act*, being chapter 263 of the Revised Statutes, is amended in the manner and to the extent enumerated in the Schedule hereto, being amendments consequential upon the passing of this Act.

**15.** This Act comes into force on the day upon which it is assented to.

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## SCHEDULE

### Consequential Amendments

#### AMENDMENTS TO THE PUBLIC SERVICE ACT, BEING CHAPTER 263 OF THE REVISED STATUTES

- (a) Section 2 of the said Act is amended
  - (i) by striking out clauses (a) and (b) and by substituting the following:
    - (b) "Commissioner" means the Public Service Commissioner appointed under *The Public Service Commissioner Act*;
  - (ii) by striking out clause (d);



- (b) Section 6 of the said Act is amended
  - (i) as to subsection (1), clause (a) by striking out the words "Chairman of the Public Service Commission, the Director of Personnel" and by substituting the words "Public Service Commissioner",
  - (ii) by striking out subsections (2) and (3);
- (c) Sections 10 to 14 of the said Act are repealed;
- (d) Section 15 of the said Act is struck out and the following is substituted:

**15.** (1) A person to be appointed to a position in the public service shall be selected in accordance with the regulations under *The Public Service Commissioner Act*.

(2) The Commissioner shall certify in writing as to the qualifications and eligibility of each person selected for appointment to a position in the public service other than a seasonal position, and the appointment shall be made only by the order of the Lieutenant Governor in Council upon the recommendation of the Minister.

(3) Where a vacant position in the public service is to be filled by promotion and two or more employees are qualified to fill the position, preference shall be given to the employee whose service is longest, all other things being equal.

- (e) Section 17 of the said Act is repealed;
- (f) Section 20 of the said Act is amended by striking out the words "Public Service Pension Board" and by substituting the word "Commissioner";
- (g) Section 29 of the said Act is struck out and the following is substituted:

**29.** Subject to such regulations as may be made by the Lieutenant Governor in Council every person employed in the public service may be granted:

- (a) annual vacation not exceeding four weeks' duration in the case of an employee who has been employed for a period or periods of not less than twenty-four years and not exceeding three weeks in the case of any other employee;
- (b) sick leave not exceeding twelve months;
- (c) educational leave for the purpose of enabling an employee to take any course of professional, technical or special training,
- (d) in case of pressing necessity, such leave of absence not exceeding twelve months as the circumstances may warrant.

- (h) Section 30 of the said Act is amended
  - (i) by striking out the words "Director of Personnel" and by substituting the word "Commissioner",



- (ii) by striking out the word "Director" in clause (b) and by substituting the word "Commissioner";
- (i) Section 31 of the said Act is amended
  - (i) as to subsection (1) by striking out the word "may" and by substituting the word "shall",
  - (ii) as to subsection (2) by striking out clause (c) and by substituting the following:
    - (c) to act as a board of appeal in any case of alleged unjust dismissal, suspension or demotion of an employee and to report thereon to the President of the Executive Council,
    - (c1) to examine and report to the President of the Executive Council upon any regulations, rules of procedure or schedules prepared by the Commissioner pursuant to *The Public Service Commissioner Act*, and
  - (iii) as to subsection (4) by striking out the words "Chairman of the Commission" and by substituting the word "Commissioner".

No. 103

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FIFTH SESSION

THIRTEENTH LEGISLATURE

7 ELIZABETH II

1959

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## **BILL**

An Act respecting the Public  
Service Commissioner

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. HINMAN

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