

The Public Service Act

Repealed

by Chapter P-42.1 of the *Statutes of Saskatchewan, 1998*
(effective March 1, 1999).

Formerly

Chapter P-42 of the *Revised Statutes of Saskatchewan, 1978*
(effective February 26, 1979) as amended by the *Statutes of
Saskatchewan, 1980-81, c.83; 1983, c.29; 1984-85-86, c.103;
1989-90, c.54; 1991, c.T-1.1; 1993, c.M-11.11 and 45; and 1996,
c.E-6.01.*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER P-42

An Act respecting the Public Service

SHORT TITLE

Short title

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

INTERPRETATION

Interpretation

2 In this Act:

- (a) **“agency”** means a branch of the executive government of the Province of Saskatchewan presided over by a permanent head;
- (b) **“casual employee”** means a person engaged to perform work of a casual or emergent nature, where the duration of the employment will not exceed a period of twenty-six working days in any period of two months;
- (c) **“chairman”** means the Chairman of the Public Service Commission;
- (d) **“class”** or **“class of positions”** means a group of positions involving duties and responsibilities so alike that the same qualifications may reasonably be required for, and the same schedule of pay can be equitably applied to, all positions in the group;
- (e) **“commission”** means the Public Service Commission;
- (f) **“demotion”** means a change of employment from one class to another having a lower maximum salary;
- (g) **“eligible person”** means a person who has passed an employment or promotional examination or is on a re-employment list;
- (h) **“employment examination”** means an examination conducted by the commission for positions in a particular class, admission to which is not limited to persons employed in the public service;
- (i) **“list”** means an employment list, a promotion list or a re-employment list;
- (j) **“part-time employee”** means a person employed for irregular hours of duty or for specific intermittent periods, or both, during a day, week or month and whose services are not required for the normal work day, week or month, as the case may be, and whose position has been designated as part-time by the chairman;
- (k) **“permanent employee”** means an employee in a position in the classified service who has successfully completed the probationary period for employment in that class and has been appointed by the commission to the permanent staff;

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- (l) **“permanent head”** means deputy minister, the Chief Planning Officer and any commissioner or other official in charge of a bureau, branch or agency who is directly responsible to a member of the Executive Council;
- (m) **“promotion”** means a change of employment from one class to another having a higher maximum salary;
- (n) **“promotional examination”** means an examination conducted by the commission for positions in a particular class, admission to which is limited to employees in the classified service or persons on a re-employment list;
- (o) **“public service”** means the service of Her Majesty in respect of the executive Government of Saskatchewan, and includes all persons employed or holding office under any agency other than those in the employ of Crown corporations, the Department of Telecommunications, the Liquor and Gaming Authority and the Workers’ Compensation Board;
- (p) **“re-employment list”** means a list of persons eligible for appointment to positions in some particular class because they were subject to a lay-off from positions in that same class;
- (q) **“war veterans”** means persons who have served in active armed forces, the auxiliary services or the merchant marine of Canada or any of her allies.

R.S.S. 1978, c.P-42, s.2; 1984-85-86, c.103, s.3;
1993, c.45, s.55.

PART I**Public Service Commission****Constitution**

3 For the purpose of carrying out the provisions of this Act there shall continue to be a commission called The Public Service Commission consisting of not less than three or more than five members.

R.S.S. 1978, c.P-42, s.3; 1972, c.95, s.3.

Organization

4(1) The members of the commission shall be appointed by the Lieutenant Governor in Council.

(2) Each member other than the chairman shall be appointed for a term ending six years from the date of the expiration of the term for which his predecessor was appointed, except that a person appointed to fill a vacancy occurring prior to the expiration of such term shall be appointed for the remainder of the term.

(3) Each member shall hold office until his successor is appointed.

(4) Each commissioner shall, before entering upon the duties of his office, take and subscribe, before the Clerk of the Executive Council, an oath in form A.

(5) A member of the commission other than the chairman is removable by the Lieutenant Governor on the address of the Legislative Assembly and such a member may at any time be suspended by the Lieutenant Governor in Council for cause assigned, and another person appointed to act in his stead until the Legislative Assembly at its next session has considered and taken action in the premises.

(6) Each member of the commission other than the chairman shall receive such remuneration for each day devoted to the work of the commission as the Lieutenant Governor in Council may determine and shall be entitled to reimbursement for necessary travelling and other expenses.

R.S.S. 1978, c.P-42, s.4.

Chairman

5(1) The Lieutenant Governor in Council may appoint a person as a member and chairman of the commission who shall hold office as such member and chairman at the pleasure of the Lieutenant Governor in Council.

(2) The chairman shall be a person who has had experience in the field of personnel administration and is familiar with its principles and methods. He shall receive an annual salary to be determined by the Lieutenant Governor in Council.

(3) The chairman shall be the executive officer of the commission and shall direct and supervise all its administrative and technical activities.

(4) The chairman shall:

(a) develop, in co-operation with permanent heads, training and educational programs for employees in the public service;

(b) investigate from time to time the operation and effect of this Act and of the regulations and report his finding and recommendations to the Lieutenant Governor in Council;

(c) investigate and report at least annually to the Lieutenant Governor in Council upon the degree to which uniformity of treatment of employees in the public service has been attained, under collective bargaining agreements or otherwise, with respect to pay, hours of work, attendance, holidays, sick leave, severance pay, gratuities and other conditions of employment relating to pay, hours of work and working conditions;

(d) keep an adequate record of all persons and personnel transactions in the public service;

(e) perform any other lawful act that he may consider necessary or desirable to carry out the purposes and provisions of this Act or that may be delegated to him by the commission.

(5) The chairman may, subject to any conditions he considers appropriate, authorize any member of the staff of the commission or a permanent head to perform any duties or to exercise any powers imposed or conferred upon him by this Act and he may rescind any such authorization.

R.S.S. 1978, c.P-42, s.5.

General duties of commission

6(1) The commission shall:

- (a) appoint, under this Act, such employees of the commission and such special assistants as may be necessary to carry out effectively the provisions of this Act;
 - (b) represent the public interest in the improvement of personnel administration in the public service;
 - (c) make any investigation that it may consider desirable concerning personnel administration in the public service, and review any action by the chairman;
 - (d) perform such other acts as the Lieutenant Governor in Council may from time to time direct.
- (2) The commission shall make to the Lieutenant Governor in Council an annual report, and such special reports as it considers desirable regarding personnel administration in the public service and recommendations for improvement with respect thereto.
- (3) The annual report shall be laid before the Legislative Assembly within 15 sitting days from the commencement of the session following the end of the year for which the report is made.

R.S.S. 1978, c.P-42, s.6; 1991, c.T-1.1, s.39.

Meetings

- 7(1)** The commission shall meet at the call of the chairman and notice of each meeting shall be given in writing by the chairman. At least one meeting shall be held in each month except in the months of July and August.
- (2) Two member shall constitute a quorum.
- (3) The commission shall adopt its own rules of procedure and shall keep a record of its proceedings, and the chairman shall act for the commission between meetings.

R.S.S. 1978, c.P-42, s.7.

Regulations

8(1) Subject to the approval of the Lieutenant Governor in Council, the commission may make regulations:

- (a) governing the recruitment, selection, transfer, promotion, lay-off, dismissal, resignation and demotion of persons to or from positions in the classified service;
- (b) governing the classification and allocation of positions to classes in the classified service;
- (c) governing hours of work, holidays, attendance, leave of absence, vacation, sick and special leave, other allowances and retiring gratuities, for positions in the classified service;
- (d) generally for the purpose of carrying out the provisions of this Act according to their true intent and of supplying any deficiency therein.

(2) Before submitting regulations to the Lieutenant Governor in Council the commission may extend to any trade union representing employees in the public service an opportunity to peruse and examine the proposed regulations for the purpose of making any recommendations for changes therein.

(3) All regulations shall have the same effect as if enacted herein.

(4) **Repealed.** 1989-90, c.54, s.5.

R.S.S. 1978, c.P-42, s.8; 1989-90, c.54, s.5.

PART II

Classification and Pay

CLASSIFICATION

Unclassified division

9 The unclassified division of the public service shall comprise the positions of:

- (a) permanent heads;
- (b) members of boards or commissions;
- (c) the Secretary of the Executive Council, the Clerk of the Executive Council and secretarial or clerical assistants or staff for committees to the Executive Council or for members of the Executive Council;
- (d) technical or administrative advisers or assistants to the Executive Council or members of the Executive Council;
- (e) provincial magistrates, officers of elections and election employees;
- (f) **Repealed.** 1984-85-86, c.103, s.4.
- (g) persons employed in a professional or scientific capacity to make or conduct a temporary and special inquiry, investigation or examination on authority of the Lieutenant Governor in Council;
- (h) special examiners and other part-time examination assistants appointed under the authority of the commission for the conduct of examinations under the provisions of this Act;
- (i) persons whose positions are designated by the chairman as part of the labour service;
- (j) part-time employees.

R.S.S. 1978, c.P-42, s.9; 1984-85-86, c.103, s.4.

Classified division

10 The classified division of the public service shall comprise all other positions now existing or hereafter created in the public service, together with such positions in the unclassified service as the Lieutenant Governor in Council may direct.

R.S.S. 1978, c.P-42, s.10.

Classification plan

11(1) The commission shall ascertain the duties and responsibilities of all positions in the classified service and shall prepare and may from time to time amend a classification plan.

(2) The classification plan shall set forth for each class of positions an official class title and a statement of the duties and responsibilities of the class.

R.S.S. 1978, c.P-42, s.11.

Allocation of positions

12(1) The commission shall allocate each position in the classified service to the appropriate class therein on the basis of its duties and responsibilities.

(2) Any employee may appeal from the decision of the commission respecting the allocation of his position, in accordance with the regulations or the collective bargaining agreement to which he is subject.

R.S.S. 1978, c.P-42, s.12.

Status of employees affected by allocation of positions

13(1) When a position is first allocated, or is subsequently reallocated because of a change in the classification plan by which a class of positions is divided, altered, or classes are combined, the incumbent of the position, if a permanent employee, shall be deemed to have thereby gained status as a permanent employee in the class to which the position is reallocated.

(2) When a position is found to have been improperly allocated the position may be reallocated and the incumbent of the position, if a permanent employee, shall be deemed to have thereby gained status as a permanent employee in the class to which the position is reallocated, or, with the approval of the commission, the employee may be transferred or promoted without further tests of fitness to any position of the class to which the position was previously allocated while held by him, or his name may be placed on the re-employment list for that class.

(3) When a position is reallocated to another class in the classification plan due to permanent and substantial changes in the duties or responsibilities of that position, the chairman may authorize a promotional examination to fill the reallocated position notwithstanding that an appropriate promotion list is in existence.

R.S.S. 1978, c.P-42, s.13.

Use of class titles

14(1) The class titles set forth in the classification plan shall be used to designate positions in the classified service in all official, financial, and personnel records, vouchers, communications and collective bargaining agreements.

(2) No persons shall be appointed to or employed in a position in the classified service under a class title that has not been approved by the commission.

R.S.S. 1978, c.P-42, s.14.

PAY

Plan of compensation and pay ranges

15 The commission shall recommend to the Lieutenant Governor in Council a plan of compensation concerning all classes of positions outside the scope of collective bargaining agreements and the Lieutenant Governor in Council shall determine pay ranges for all such classes of positions.

R.S.S. 1978, c.P-42, s.15.

Pay rates inclusive

16 The pay rate for any position or class of positions in the public service shall be deemed to include remuneration for any duties occasioned by membership on a board or commission or by fulfilling the office of secretary thereof.

R.S.S. 1978, c.P-42, s.16.

PART III

Appointments, Promotions, Transfers, Dismissals, etc.**By whom appointments made**

17(1) Appointments to all positions in the unclassified service, other than appointments under section 26, shall be made by the Lieutenant Governor in Council or in such manner as the Lieutenant Governor in Council may direct and shall be reported to the commission within thirty days in accordance with the regulations.

(2) Appointments to positions in the classified service, other than appointments under section 25, shall be made by the commission, and shall be made on the basis of seniority, merit and fitness, to be ascertained by qualification examinations where practicable.

R.S.S. 1978, c.P-42, s.17.

Oaths

18(1) Every member of the public service shall take and subscribe the oath of allegiance and also an oath in form B in addition to any other oath which may be provided in any other Act in that behalf. This subsection shall not apply to part-time or casual employees unless the commission otherwise directs.

(2) 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 them, and in the case of other persons, the oaths shall be taken and subscribed before one of the members of the commission, or before any other person duly authorized to administer oaths in the province, who shall forward the oaths to the commission.

R.S.S. 1978, c.P-42, s.18.

Medical examination

19(1) The commission or the permanent head may require that any applicant being considered for employment, or any employee being considered for permanent appointment, undergo a medical examination and, where the results of that medical examination establish to the satisfaction of the commission or the permanent head that the health of that person is adequate for him to perform the duties that may be assigned to him, that person shall be eligible for employment or permanent appointment, as the case may be.

(2) The person being examined shall select a physician from a list of physicians designated from time to time by the commission to conduct such medical examinations.

(3) All expenses for such examinations shall be borne by the commission or the permanent head requesting the examination.

R.S.S. 1978, c.P-42, s.19.

Vacancies

20 Vacancies in the classified service shall be filled only by:

- (a) appointment of an eligible person;
- (b) provisional appointment under section 24;
- (c) casual appointment under section 25;
- (d) transfer or demotion of a permanent employee; or
- (e) trainee appointment under section 30.

R.S.S. 1978, c.P-42, s.20.

Promotional lists and employment lists

21(1) The commission shall, subject to the regulations, establish and maintain such promotional lists and employment lists for the various classes of positions in the classified service as it deems necessary to meet the needs of the service.

(2) On each such list, the eligible persons shall be ranked in the order of their final ratings in the examination given for the purpose of establishing the list.

(3) A person in the classified service who desires to accept employment in the unclassified service or with a corporation established under *The Crown Corporations Act* or any former *Crown Corporations Act* shall obtain an indefinite leave of absence. Upon termination in good standing of that employment and upon request in writing to the chairman, the name of that person shall be placed on an appropriate list for re-employment in the class of positions in which he was employed and at the same salary as when he left the classified service.

(4) Promotional and employment lists shall remain in force for not less than six months nor more than three years except that the chairman may at any time, subject to the regulations, consolidate two or more lists for the same class of positions or cancel any list after six months.

(5) War veterans who meet the minimum qualifications, shall receive a ten per cent credit of their earned ratings on employment examinations.

R.S.S. 1978, c.P-42, s.21.

Appointment of person certified from lists

22(1) When a permanent head proposes to fill a vacancy in the classified service, he shall submit to the chairman a requisition on a prescribed form.

(2) The commission shall thereupon appoint from among the three highest ranking eligible persons on an appropriate list the person whom it deems best qualified to fill the vacancy.

(3) In determining the list from which appointments shall be made preference shall be given first, to eligible persons on the reemployment lists; secondly, to those on the promotional lists, and lastly, to those on the employment lists.

(4) In the absence of a list appropriate to the class of positions in which the vacancy exists, the chairman shall forthwith hold a qualification examination to select the best qualified person to fill the vacancy.

(5) The acceptance or refusal by any person of a provisional, temporary or casual appointment shall not affect his standing on any list.

R.S.S. 1978, c.P-42, s.22.

Probationary period

23(1) The commission shall establish, for each position or class of positions, a probationary period sufficient to test the ability of the employee to perform the duties of his position.

(2) A probationary period established in accordance with subsection (1) may, with respect to an individual employee, be extended by the commission for any reason it deems necessary.

(3) During the probationary period the permanent head shall report to the chairman on forms approved by him, such service ratings as the chairman may require.

(4) The permanent head may remove an employee for unsatisfactory service at any time during the probationary period after the first two months thereof and in such case the permanent head shall forthwith report to the commission and to the employee removed his action and the reason therefor.

(5) No more than three employees shall be removed successively from the same position during their respective probationary periods without the approval of the chairman.

(6) The permanent head may remove an employee within the first two months of his probationary period with the approval of the chairman.

(7) Provisional, temporary or casual employment shall not be considered as part of the probationary period in case of subsequent probationary appointment.

(8) No employee shall be paid for work performed after the expiration of his probationary period unless, prior to the performance of such work, the permanent head has notified the chairman that the employee will be confirmed as a permanent employee.

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(9) If an employee is removed from his position during or at the end of his probationary period and the chairman determines that he is suitable for appointment to another position, his name may be restored to the appropriate list, and if such employee was a permanent employee in another position in the classified service immediately prior to his appointment he shall be reinstated in a position of the class in which he was a permanent employee.

R.S.S. 1978, c.P-42, s.23.

Provisional appointments

24(1) When a permanent head desires to fill a vacancy in the classified service, and the commission cannot appoint an eligible person because there is no appropriate list or because there is not a sufficient number of persons on an appropriate list who are willing to accept appointment under the conditions specified, the commission may authorize the permanent head to fill the vacancy by provisional appointment.

(2) A provisional appointee shall not be employed in a position for more than one year.

(3) No provisional appointment shall be renewed, and no person shall receive more than one provisional appointment in any period of twelve months.

R.S.S. 1978, c.P-42, s.24.

Casual appointments

25(1) In order to prevent stoppage of public business or loss or serious inconvenience to the public, a permanent head may notwithstanding section 17 appoint any qualified person to perform the duties of a position in the classified service.

(2) A person so appointed shall be employed only during an emergency or as casual help during a brief period of exceptional work pressure or on brief special work assignments beyond the normal routine of the department and such employment shall in no case exceed a total of twenty-six working days in any period of two months.

R.S.S. 1978, c.P-42, s.25.

Part-time appointments

26(1) The chairman may authorize the permanent head to appoint any qualified person to fill a position that the chairman has designated as a part-time position.

(2) The chairman may cancel the authorization given under subsection (1) at any time, and the employment of the part-time employee shall thereupon be terminated subject to the regulations.

R.S.S. 1978, c.P-42, s.26.

Labour service

27 The chairman may designate any position or class of positions as part of a group to be known as the labour service.

R.S.S. 1978, c.P-42, s.27.

Temporary appointments

28(1) When need exists for the filling of a position in the classified service for a period not exceeding one year, a temporary appointment shall be made for the required period from an appropriate list of eligible persons.

(2) Upon the recommendation of the permanent head and upon the approval of the commission a temporary appointment may be extended for an additional period subject to the limitations and conditions provided in the regulations.

R.S.S. 1978, c.P-42, s.28.

Transfers

29(1) A permanent head may at any time transfer an employee from one position to another position in the same class.

(2) Transfers between classes having the same maximum salary may be made by a permanent head with the prior approval of the chairman.

(3) The commission may transfer an employee from a position in one agency to another with the approval of the permanent head of the agency to which the transfer is made.

R.S.S. 1978, c.P-42, s.29.

Trainee appointments

30 Subject to the regulations the commission may authorize the appointment of students or other suitable persons to serve as interns, apprentices or students-in-training.

R.S.S. 1978, c.P-42, s.30.

Variation of appointing procedures

31 For positions involving unskilled or semi-skilled labour or domestic, attendant or custodial work, when the character or place of the work makes it impracticable to supply the needs of the public service by initial appointments made in accordance with this Act, the commission may adopt, or authorize the use of, such other procedures as it determines to be appropriate in order to meet the needs of the service, while assuring the selection of such employees on the basis of merit and fitness.

R.S.S. 1978, c.P-42, s.31.

Service standards and ratings

32(1) In co-operation with permanent heads, the chairman shall establish, and may from time to time amend, standards of performance and output for employees in each class of position in the classified service or for groups of classes, and a system of service ratings based upon such standards.

(2) Any employee shall be given reasonable opportunity to inspect the records of the commission that show his service ratings.

R.S.S. 1978, c.P-42, s.32.

Lay-offs

33(1) The permanent head may lay off a permanent employee in the classified service whenever he deems it necessary by reason of shortage of work or funds, or the abolition of a position or other material changes in duties or organization.

(2) When a permanent employee in the classified service is laid off pursuant to subsection (1) he shall be placed upon the reemployment list set up by the commission in accordance with the regulations for the class in which he was working when laid off.

(3) Prior to the giving of notice of any lay-off, a list of employees to be laid off shall be submitted to the chairman.

R.S.S. 1978, c.P-42, s.33.

Suspensions

34(1) The permanent head may, for disciplinary purposes, suspend without pay a permanent employee in his agency for such length of time as he considers appropriate not exceeding thirty days in any twelve month period and such suspension shall be reported in detail to the commission.

(2) With the approval of the commission, a permanent employee may be suspended for a longer period pending the investigation or trial of any charges against him.

R.S.S. 1978, c.P-42, s.34.

Dismissals and demotions

35(1) A permanent head may dismiss or demote any employee in his agency when he considers it to be in the interest of the public service to do so.

(2) No dismissal or demotion of a permanent employee shall take effect unless, at least thirty days before the effective date thereof, the permanent head gives to the employee a written notice together with the reasons therefor and files a copy of the statement with the commission.

(3) A permanent employee may be dismissed for misconduct immediately upon receipt of written notice.

(4) A permanent employee who is dismissed or demoted shall have the right of appeal provided under section 37 or 38.

(5) The commission may remove an employee if it finds, after giving him notice and an opportunity to be heard, that the employee was appointed as a result of fraud or error.

R.S.S. 1978, c.P-42, s.35.

Publication of promotions, transfers, etc.

36 Notice of the permanent appointment, promotion, transfer, resignation or dismissal of every permanent employee in the public service shall be published as soon as is practicable in the *Gazette*.

R.S.S. 1978, c.P-42, s.36.

PART IV Appeals

Appeal by employee to commission

37(1) A permanent employee who holds a position in the classified service not within the scope of a collective bargaining agreement and who is dismissed or demoted may appeal to the commission within thirty days after dismissal or demotion.

(2) Upon such appeal, both the employee and the permanent head concerned shall have the right to be heard by the commission and to present evidence.

(3) At the hearing technical rules of evidence shall not apply.

(4) If the commission determines that the dismissal or demotion of an employee by the permanent head was not for sufficient cause, the commission may make:

- (a) an order directing that the employee be reinstated in his position without loss of pay;
- (b) an order directing that the employee's name be placed upon an appropriate re-employment list;
- (c) a recommendation for settlement based on unjust dismissal;
- (d) a recommendation respecting costs;
- (e) any recommendation the commission deems just and equitable.

(5) An appeal to the commission may also be taken, in the manner provided by subsection (1), by a permanent employee who is suspended or laid off and, if the commission finds that the suspension or lay-off was unjustified, the employee shall be reinstated without loss of pay.

R.S.S. 1978, c.P-42, s.37.

Appeal under collective bargaining agreement

38 A permanent employee who holds a position in the classified service within the scope of a collective bargaining agreement and who is dismissed or demoted or has any other grievance or complaint, may appeal under such procedures as may be established by the applicable collective bargaining agreement.

R.S.S. 1978, c.P-42, s.38.

PART V Examinations

Examinations competitive

39(1) The commission shall, subject to the regulations, conduct qualification examinations for the purpose of establishing promotion and employment lists and for the purpose of selecting a qualified employee from among applicants for a vacancy in the classified service.

(2) The examinations shall be of such character as to fairly determine the qualifications, fitness and ability of the persons tested to perform the duties of the class of positions to be filled, but no examination shall be so conducted as to elicit information concerning the political or religious opinions or affiliations of an applicant.

R.S.S. 1978, c.P-42, s.39.

Examination officers

40 The commission may engage persons to conduct medical or other examinations, to participate on oral examination boards, or to prepare and rate examinations.

R.S.S. 1978, c.P-42, s.40.

Admission to examinations

41(1) Subject to the regulations the chairman shall determine the qualifications for admission to examinations.

(2) The commission may reject the application of any person for admission to an examination or any person on a list for a position if he finds that the person lacks any of the required qualifications, or is physically unfit to perform effectively the duties of the position in which he seeks employment, or is addicted to the habitual excessive use of drugs or intoxicating liquor, or has been dismissed from the public service for delinquency, or has made a false statement of material fact, or practised or attempted to practise any fraud or deception in his application or examination or in attempting to secure appointment, or if the commission has credible information that he is not worthy of employment in the public service.

R.S.S. 1978, c.P-42, s.41.

Public notice of examinations

42 The chairman shall give public notice of each employment and promotion examination, at least one week in advance of the examination by any of the following methods:

- (a) publishing a brief abstract of the notice in the *Gazette*;
- (b) publishing a brief abstract in one or more daily newspapers of general circulation in the province;
- (c) any other methods of publication that he considers appropriate.

R.S.S. 1978, c.P-42, s.42.

Results of examinations

43(1) The rating of each examination shall be compiled and the resultant list established not later than ninety days after the date on which the examination is held, unless that time is extended by the chairman for reasons that he shall record in the official records of the commission.

(2) Each person competing in an examination shall be given written notice of his final earned rating and of his relative standing on the list, or of his failure to attain a place on the list and shall, subject to the regulations, be entitled to inspect his ratings and test papers.

R.S.S. 1978, c.P-42, s.43.

PART VI General

44 Repealed. 1984-85-86, c.103, s.5.

45 Repealed. 1983, c.29, s.34.

Power to make exclusions from operation of Act

46(1) The Lieutenant Governor in Council may exclude from the operation of the Act, or may transfer to the unclassified division of the public service any position or positions of a professional, technical or administrative character, and make such regulations as are deemed advisable prescribing how the position or positions are to be dealt with.

(2) The commission shall in its yearly report set forth the positions so excluded or transferred.

(3) The Lieutenant Governor in Council may, where it is deemed expedient in the public interest to do so, include within the operation of this Act any position excluded therefrom pursuant to subsection (1) or transfer to the classified division of the public service any position transferred therefrom pursuant to subsection (1).

(4) The Lieutenant Governor in Council may, on the recommendation of the commission that it is in the public interest to do so, transfer any agency or any branch, division, section or other organizational unit of any agency in the classified division of the public service to the unclassified division.

R.S.S. 1978, c.P-42, s.46.

Evidence

47 The commission and each member of the commission has the power to administer oaths, subpoena witnesses and compel the production of books and papers and may exercise all other powers of a commissioner under *The Public Inquiries Act*.

R.S.S. 1978, c.P-42, s.47.

Production of departmental records

48 All officers and employees shall furnish any records or information which the chairman may request for the purposes of this Act.

R.S.S. 1978, c.P-42, s.48.

Custody of records

49 Every employee having the possession, custody or control of any books, records, documents, accounts, vouchers, reports or anything belonging to or relating to his office and not being private property shall, as part of the duties of his office, give up possession of and deliver the same to his successor in office or to a person appointed by the Lieutenant Governor in Council or the commission to demand and receive the same.

R.S.S. 1978, c.P-42, s.49.

Political activities

50(1) No person in the public service shall:

- (a) be in any manner compelled to take part in any political undertaking, or to make any contribution to any political party, or be in any manner threatened or discriminated against for refusing to take part in any political undertaking; or
- (b) directly or indirectly use or seek to use the authority or official influence of his position to control or modify the political action of any other person; or
- (c) during his hours of duty engage in any form of political activity; or
- (d) at any time take such part in political activities as to impair his usefulness in the position in which he is employed.

(2) A person in the public service who desires to become a candidate for public office, shall be entitled to leave of absence for thirty days prior to the date of the election.

(3) Notwithstanding anything in this or any other Act, where a person to whom section 10.1 of *The Legislative Assembly and Executive Council Act* applies is declared elected as a member of the Legislative Assembly:

- (a) he shall be deemed to have resigned his office or place of profit under the Government or his employment in the public service of the province on the day immediately prior to the day on which he was elected, unless:
 - (i) as a result of a recount held or an appeal therefrom under *The Election Act, 1996* the returning officer declares to be elected a candidate not being that person; or
 - (ii) the election is set aside; or
 - (iii) as a result of a trial under *The Controverted Elections Act* or an appeal from the determination of the judge at the trial, the judge certifies in his report to the Chief Electoral Officer that a candidate not being that person is entitled to the seat in the Assembly;

in which event he shall be deemed to have been on leave of absence without pay from the day immediately prior to the day on which he was elected until the day on which the other candidate is declared to be elected or on which the election is set aside or on which the other candidate is certified to be entitled to the seat in the Assembly, as the case may be;

- (b) his election shall not be invalid nor shall his seat be vacant nor shall any action be taken to have his election declared invalid or to have his seat declared vacant, by reason only of the fact that he is a person to whom section 10.1 of *The Legislative Assembly and Executive Council Act* applies.

R.S.S. 1978, c.P-42, s.50; 1980-81, c.83, s.41;
1993, c.M-11.11, s.37; 1996, c.E-6.01, s.288.

Business activities

51 Except with the express permission of the commission, which permission may be at any time withdrawn, no employee shall engage in or undertake any business or private practice of any profession or trade, whether as principal or agent.

R.S.S. 1978, c.P-42, s.51.

Certification of payment

52(1) No disbursing or auditing officer shall make or approve or take any part in making or approving any payment for personal services to any person holding a position in the public service unless the commission or its authorized agent has certified to the official concerned that that person has been appointed and employed in accordance with this Act and the regulations.

(2) Any person or persons approving the payment of moneys for personal services to a person appointed or employed in contravention of any provision of this Act or of the regulations, by signing or countersigning a voucher or payroll for the payment, shall be jointly and severally liable for the moneys so paid and the commission may maintain an action therefor and any moneys recovered shall be transferred to the Minister of Finance and become part of the consolidated fund.

R.S.S. 1978, c.P-42, s.52.

Fraud

53 No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provision of this Act or in any manner commit or attempt to commit any fraud preventing the impartial execution of this Act and the regulations.

R.S.S. 1978, c.P-42, s.53.

Penalties

54(1) A person who violates any provision of this Act or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding \$200 or to imprisonment for a term not exceeding three months, or to both fine and imprisonment.

(2) A person who is convicted of an offence against this Act or the regulations shall, for a period of five years, be ineligible for appointment to or employment in a position in the public service, and if he is an employee in the public service he shall forfeit his position.

R.S.S. 1978, c.P-42, s.54.

Members of boards and commissions

55 Nothing in this Act impairs the rights of the members of any board or commission, to which this Act may be made applicable by the Lieutenant Governor in Council, under any Act by virtue of which their appointments were made.

R.S.S. 1978, c.P-42, s.55.

Power to enter into collective bargaining agreement

56 Such member of the Executive Council as may be designated by the Lieutenant Governor in Council for the purpose may, subject to the provisions of this Act with respect to the classification plan, on behalf of the Crown enter into a collective bargaining agreement, within the meaning of *The Trade Union Act*, with a trade union representing a majority of the employees in any unit of employees in the public service that has been determined under that Act to be an appropriate unit for the purpose of bargaining collectively.

R.S.S. 1978, c.P-42, s.56.

c. P-42

PUBLIC SERVICE

Expenditures

57 All sums required for the purposes of this Act shall be paid from moneys appropriated by the Legislature for the purpose.

R.S.S. 1978, c.P-42, s.57.

SCHEDULE

FORM A

[Section 4]

OATH OF COMMISSIONER

I, _____, solemnly and sincerely swear:

1 that I will faithfully and honestly fulfil the duties which devolve upon me as _____ of the Public Service Commission of Saskatchewan.

2 that I will not ask or receive any sum of money, service, 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 remuneration, as provided for in *The Public Service Act*, and any amendments thereto, or such other remuneration as may be allowed me by law or by a resolution of the Legislative Assembly of Saskatchewan.

3 that I will not, during my term of office, engage in any partisan political activities, whether by subscribing to or soliciting or collecting moneys for any political purpose, or canvassing for votes in any dominion or provincial election or in any other manner whatsoever.

4 that I will not be a party to making any appointments, promotions, transfers, increases of salary or dismissals, except as permitted by *The Public Service Act*, or any amendments thereto or any Act that may be substituted for the same, and that I will not entertain any representations regarding any appointments, promotions, transfers, increases of salary or dismissals except as aforesaid.

5 that I am in full agreement with the application of merit principles to public employment.

FORM B

[Section 18]

OATH OF OFFICE

I, A.B., do solemnly and sincerely swear that I will faithfully and honestly fulfil the duties which devolve upon me as an employee in the public service of Saskatchewan, 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 my duties as such employee, except my salary or what may be allowed me by law or by an order of the Lieutenant Governor in Council, 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 such employment. So help me God.