

**PUBLIC SERVICE ACT**

R-013-2009

Registered with the Registrar of Regulations

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**PUBLIC SERVICE REGULATIONS, amendment**

The Commissioner, on the recommendation of the Minister, under section 49 of the *Public Service Act* and every enabling power, makes the annexed amendment to the *Public Service Regulations*, R.R.N.W.T. 1990, c.P-28, as duplicated for Nunavut by section 29 of the *Nunavut Act* (Canada).

**1. The *Public Service Regulations*, R.R.N.W.T. 1990, c.P-28, as duplicated for Nunavut by section 29 of the *Nunavut Act* (Canada), are amended by these regulations.**

**2. (1) The definition "employee's immediate family" in subsection 1(1) is amended by adding**

- (a) "stepfather, stepmother," **after** "mother,";
- (b) "brother-in-law, sister-in-law," **after** "mother-in-law,"; **and**
- (c) "grandchild," **after** "grandfather,".

**(2) The definition "professional" in subsection 1(1) is repealed.**

**(3) The following definition is added in alphabetical order to subsection 1(1):**

"day of rest" means a day, other than a holiday or a day of leave of absence, on which an employee is not ordinarily required to perform the duties of the position; (*jour de repos*)

**3. (1) Section 1.1 is repealed and the following substituted:**

1.1. (1) Subject to subsection (2) and subsection 49(2) of the Act, these regulations apply to every person employed in the public service.

(2) Where terms and conditions of employment are set out in a collective agreement or contract of employment, and an inconsistency exists between those terms and conditions and these regulations, those terms and conditions prevail to the extent of the inconsistency.

(3) Sections 25 to 32, 35, 38 and 48 and subsection 51(1) apply to Deputy Ministers.

**4. Section 10 is repealed and the following substituted:**

10. (1) An employee's immediate supervisor may require the employee to work in excess of the daily or weekly standard hours or on a holiday where, in the supervisor's opinion, the workload requires it.

(2) Where an employee, other than a senior manager or a counsel employed by the Department of Justice, is required to work 0.5 hours or more in excess of the daily or weekly standard hours, he or she shall be paid for the overtime at a rate of

- (a) 1.5 times his or her regular rate of pay for the first four consecutive hours of work;
- (b) 2.0 times his or her regular rate of pay for any additional time after the first four consecutive hours of work; and
- (c) 2.0 times his or her regular rate of pay for any time on the employee's second or subsequent day of rest, provided the days of rest are consecutive.

**5. Section 14 is repealed and the following substituted:**

14. A person who ceases to be an employee shall, within two weeks after ceasing to be an employee, be paid for any overtime or work on a holiday to which he or she was entitled under section 10 or 11 and for which he or she has not been paid or otherwise compensated.

**6. Subsection 15(2) is amended by striking out "once a month" and substituting "periodically".**

**7. (1) Subsection 18(1) is repealed and the following substituted:**

18. (1) Where an employee, other than a casual employee, is required to perform the duties of a higher position, the employee shall be paid acting pay for that period, being the lesser of the following:

- (a) 110 % of the employee's regular rate of pay; or
- (b) the maximum of the pay band for the higher position.

**(2) Subsections 18(2) and (3) are amended by striking out "or a senior manager" wherever it appears.**

**8. Section 21 is repealed and the following substituted:**

21. Where an employee completes one year of service in a position in a manner satisfactory to the employee's immediate supervisor, the employee, other than a senior manager, shall be paid at the next step of the pay band for the position, and, on completing each successive year of service in the position in a manner satisfactory to the employee's immediate supervisor, shall be paid at the next step of the pay band for the position, until he or she reaches the maximum of the pay band for that position.

**9. (1) Subsection 23(1) is amended by adding "part-time or" after "other than a".**

**(2) Subsections 23(2), (3) and (4) are repealed and the following substituted:**

(3) Annual vacation leave is earned by an employee, for each month in which the employee works or is paid for at least 10 days, at the following rates:

- (a) 1.79 days per month, on entering the public service;
- (b) 2.08 days per month, on completing two years of continuous service in the public service;
- (c) 2.5 days per month, on completing nine years of continuous service in the public service or in the public service of Canada or a combined total of nine years in both services;
- (d) 2.92 days per month, on completing 14 years of continuous service in the public service or in the public service of Canada or a combined total of 14 years in both services;
- (e) 3.05 days per month, on completing 19 years of continuous service in the public service or in the public service of Canada or a combined total of 19 years in both services.

(4) Annual vacation leave is earned by a senior manager at the following rates for each month in which the senior manager works or is paid for at least 10 days:

- (a) 2.21 days per month, on entering the public service;
- (b) 2.5 days per month, on completing two years of continuous service in the public service;
- (c) 2.92 days per month, on completing nine years of continuous service in the public service or in the public service of Canada or a combined total of nine years in both services;
- (d) 3.05 days per month, on completing 14 years of continuous service in the public service or in the public service of Canada or a combined total of 14 years in both services;
- (e) 3.5 days per month, on completing 19 years of continuous service in the public service or in the public service of Canada or a combined total of 19 years in both services.

**10. Section 25 is repealed and the following substituted:**

25. An employee's immediate supervisor, who is satisfied that the employee is unable to perform the duties of his or her position because of sickness or injury off the job, may grant the employee

- (a) leave of absence with pay to the extent that the employee has earned sick leave; or
- (b) leave of absence without pay, where the employee has not earned sick leave.

**11. Section 28 is amended by striking out "stating the type of illness, and".**

**12. Paragraph 29.1(1)(a) is amended by striking out "three" and substituting "four".**

**13. (1) That portion of section 31 preceding paragraph (a) is struck out and the following substituted:**

31. An employee's immediate supervisor may grant the employee special leave with pay for a maximum period of five days, to the extent that it has been earned, in the following circumstances:

**(2) Paragraph 31(e) is repealed and the following substituted:**

- (e) where granting the leave would be of general value to the public service, such as where the employee
  - (i) takes an examination which will improve his or her position or qualifications in the public service,
  - (ii) attends his or her university convocation, if he or she has been continuously employed for at least one year,
  - (iii) attends a course in civil defence training, or
  - (iv) requires a medical examination for enlistment in the Armed Forces or in connection with a veteran's treatment program.

**14. The following is added after section 39:**

Leave - miscellaneous

39.1. An employee who is on a leave or under suspension is not entitled to any form of leave with pay during the period of leave or suspension.

**15. Section 51 is amended by striking out "38" and substituting "39".**

**16. Form 1 in the Schedule is amended by striking out "*or name of deity*" and substituting "*or equivalent phrase*".**

**17. The French version of each provision listed in Column 1 of the Schedule is amended by striking out the word or words set out in the same row of Column 2 of the Schedule, wherever they appear, and substituting the word or words set out in the same row of Column 3 of the Schedule.**

**SCHEDULE***(section 17)*

<b>COLUMN 1 Provisions Amended</b>	<b>COLUMN 2 Word or Words Struck Out</b>	<b>COLUMN 3 Word or Words Substituted</b>
<ul style="list-style-type: none"> <li>• <b>subsection 1(1), definition</b> "employé à temps partiel"</li> </ul>	"employé à temps partiel"	"fonctionnaire à temps partiel"
<ul style="list-style-type: none"> <li>• <b>subsection 1(1), definition</b> "employé occasionnel"</li> </ul>	"employé occasionnel"	"fonctionnaire occasionnel"
<ul style="list-style-type: none"> <li>• <b>subsection 1(1), definition</b> "grief"</li> </ul>	"d'un employé, d'un groupe d'employés ou d'une association d'employés"	"d'un fonctionnaire, d'un groupe de fonctionnaires ou d'une association de fonctionnaires"
<ul style="list-style-type: none"> <li>• <b>subsection 1(1), definitions:</b> <ul style="list-style-type: none"> <li>• "heures normales"</li> <li>• "mutation"</li> <li>• "promotion"</li> <li>• "rétrogradation"</li> </ul> </li> </ul>	"employé"	"fonctionnaire"
<ul style="list-style-type: none"> <li>• <b>subsection 1(2)</b></li> </ul>	"Lorsqu'un employé, à l'exception d'un employé occasionnel"	"Lorsqu'un fonctionnaire, à l'exception d'un fonctionnaire occasionnel"
<ul style="list-style-type: none"> <li>• <b>subsection 1(3)</b></li> <li>• <b>sections 6 and 11</b></li> <li>• <b>subsections 15(1) and (2)</b></li> <li>• <b>the portion of subsection 18(2) preceding paragraph (a)</b></li> <li>• <b>subsection 18(3)</b></li> <li>• <b>section 27</b></li> <li>• <b>subsection 30(1)</b></li> <li>• <b>the portion of section 38 preceding paragraph (a)</b></li> </ul>	"employé"	"fonctionnaire"
<ul style="list-style-type: none"> <li>• <b>sections 2, 5, 9 and 43</b></li> </ul>	"employés"	"fonctionnaires"
<ul style="list-style-type: none"> <li>• <b>section 8</b></li> <li>• <b>paragraph 18(2)(a)</b></li> <li>• <b>subsection 23(1)</b></li> <li>• <b>paragraph 38(a)</b></li> </ul>	"de l'employé"	"du fonctionnaire"
<ul style="list-style-type: none"> <li>• <b>sections 12 and 17</b></li> </ul>	"L'employé"	"Le fonctionnaire"
<ul style="list-style-type: none"> <li>• <b>section 13</b></li> <li>• <b>the portion of section 28 preceding paragraph (a)</b></li> <li>• <b>paragraph 28(a)</b></li> <li>• <b>subsection 29(1)</b></li> <li>• <b>paragraph 31(c)</b></li> <li>• <b>subparagraph 31(d)(iii)</b></li> <li>• <b>subsections 45(1) and 46(1)</b></li> <li>• <b>paragraph 48(b)</b></li> </ul>	"l'employé"	"le fonctionnaire"
<ul style="list-style-type: none"> <li>• <b>section 16</b></li> </ul>	"à l'employé"	"au fonctionnaire"

<ul style="list-style-type: none"> <li>• the portion of paragraph 31(d) preceding subparagraph (i)</li> <li>• subsection 46(2)</li> </ul>		
<ul style="list-style-type: none"> <li>• subsection 29(2)</li> </ul>	"en vertu du paragraphe (1), sera déduit"	"en vertu du paragraphe (1) sera déduit"
<ul style="list-style-type: none"> <li>• paragraph 31(b)</li> </ul>	"l'employé"	"du fonctionnaire"
<ul style="list-style-type: none"> <li>• subparagraph 31(d)(ii)</li> </ul>	"si l'employé quitte sa résidence" <b>and</b> "attribuables à l'employé"	"si le fonctionnaire quitte sa résidence" <b>and</b> "attribuables au fonctionnaire"
<ul style="list-style-type: none"> <li>• the portion of section 38 following paragraph (b)</li> </ul>	"cet employé"	"ce fonctionnaire"
<ul style="list-style-type: none"> <li>• section 41</li> </ul>	"tout employé qui formule" <b>and</b> "supérieur immédiat de l'employé"	"tout fonctionnaire qui formule" <b>and</b> "supérieur immédiat du fonctionnaire"
<ul style="list-style-type: none"> <li>• section 42</li> </ul>	"l'employé peut obtenir l'avis d'une association d'employés"	"le fonctionnaire peut obtenir l'avis d'une association de fonctionnaires"
<ul style="list-style-type: none"> <li>• subsection 44(1)</li> </ul>	"Tout employé qui formule", "règlements d'application, peut présenter" <b>and</b> "de la connaissance par l'employé"	"Tout fonctionnaire qui formule", "règlements d'application peut présenter" <b>and</b> "de la connaissance par le fonctionnaire"
<ul style="list-style-type: none"> <li>• subsection 44(2)</li> </ul>	"de la décision à l'employé dans les quatorze jours"	"de la décision au fonctionnaire dans les 14 jours"
<ul style="list-style-type: none"> <li>• subsection 45(2)</li> </ul>	"l'employé dans les quatorze jours"	"le fonctionnaire dans les 14 jours"
<ul style="list-style-type: none"> <li>• subsection 46(2)</li> </ul>	"trente jours"	"30 jours"
<ul style="list-style-type: none"> <li>• section 49</li> </ul>	"Pour les fins de l'article 34(4)"	"Pour l'application du paragraphe 34(4)"
<ul style="list-style-type: none"> <li>• schedule, Form 1</li> </ul>	"(nom de l'employé)"	"(nom du fonctionnaire)"