

**PUBLIC SERVICE ACT**  
R-007-2021  
Registered with the Registrar of Regulations  
2021-02-26

**STAFFING REVIEW AND APPEALS REGULATIONS, amendment**

The Commissioner in Executive Council, on the recommendation of the Minister, under section 84 of the *Public Service Act*, S.Nu. 2013,c.26, and every enabling power, makes the annexed amendments to the *Staffing Review and Appeals Regulations*, Nu.Reg. R-023-2013.

**1. These regulations amend the *Staffing Review and Appeals Regulations*.**

**2. (1) The definition of "applicant" in subsection 1(1) is amended by replacing "subsection 4(1) or 7(1)" with "section 4 or 7".**

**(2) The definition of "lay-off" in subsection 1(1) is amended by replacing "priority hiring policy" with "directive".**

**3. (1) Subsection 4(1) is repealed and replaced by:**

4. (1) Subject to section 5, when an appointment has been made to a non-senior manager position in the public service after competition, an employee who is an unsuccessful candidate may appeal the appointment or the composition of an eligibility list.

(1.1) Subject to section 5, when an appointment has been made to a position in the public service after competition, an unsuccessful candidate may appeal the appointment or the composition of an eligibility list on the grounds of non-compliance with the Priority Hiring Policy, if the candidate

- (a) is eligible for priority consideration under the Priority Hiring Policy; and
- (b) has identified that eligibility prior to the day on which the appointment is made.

**(2) Subsection 4(2) is amended by replacing "subsection (1)" with "subsection (1) or (1.1) or having appeal rights under these regulations pursuant to a collective agreement".**

**(3) The following is added after subsection 4(2):**

(2.1) If a person appeals an appointment or the composition of an eligibility list under more than one of subsections (1) and (1.1) and a collective agreement, he or she shall do so in a single application.

**4. (1) Subsections 5(1) and (2) are amended by replacing "subsection 4(1)" with "section 4".**

**(2) The following is added after subsection 5(2):**

(3) No person, except a candidate who is eligible for priority consideration under the Priority Hiring Policy or a lay-off, is entitled to appeal an appointment under section 4 if the appointed candidate was eligible for priority consideration under the Priority Hiring Policy.

**5. Subsection 6(3) is amended by replacing "six days" with "four days".**

**Transitional**

**6. An appointment that was made prior to the coming into force of these regulations may be appealed in accordance with the regulations as they read immediately prior to the coming into force of these regulations.**

**7. If, on the coming into force of these regulations, notice to bargain collectively has been given under section 56(1) of the Act with respect to a bargaining unit and subsection 59(1) of the Act applies to the bargaining unit, the regulations as they read prior to being amended by these regulations apply to the members of the bargaining unit until the first day that subsection 59(2) of the Act applies to the bargaining unit.**