

# *The Civil Service Act*

*being*

Chapter 7 of *The Revised Statutes of Saskatchewan, 1920*  
(assented to November 10, 1920).

**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 7

### An Act respecting the Civil Service

#### SHORT TITLE

##### Short title

- 1 This Act may be cited as *The Civil Service Act*.

1913, c.6, s.1; R.S.S. 1920, c.7, s.1.

#### INTERPRETATION

##### Interpretation

- 2 In this Act, unless the context otherwise requires the expression:

##### “Head of department”

1. “**Head of department**” means and shall include every member of the Executive Council for the time being presiding over any department of the Executive Government of the province;

##### “Deputy head of department”

2. “**Deputy head of department**” means and shall include every deputy of every head of department, and such other appointments as the Lieutenant Governor may by order in council decide;

##### “Officer”

3. “**Officer**” means and shall include every member of the civil service, who, in his office and employment, and for the performance of the duties thereof, requires professional skill and training of a legal, medical, literary, technical, scientific or other special character:

Provided that no officer shall be considered technical where the skill required for the performance of his duties may be obtained from ordinary office training and experience;

##### “Clerk”

4. “**Clerk**” means and shall include every person employed in an established clerical capacity in the civil service other than the capacity of a deputy head of department, an officer, a chief clerk or a stenographer;

##### “Stenographer”

5. “**Stenographer**” means and shall include every female member of the civil service employed solely as an amanuensis;

##### “Employee”

6. “**Employee**” means and shall include every member of the permanent civil service not employed in any of the offices, employments or capacities above defined.

1913, c.6, s.2; R.S.S. 1920, c.7, s.2.

## CIVIL SERVICE AND MEMBERSHIP

**Civil service membership**

**3** The civil service shall for the purposes of this Act include, and the members of the civil service shall consist of:

1. All persons employed and holding office at the pleasure of the Crown in or under the several departments, branches and institutions of the Executive Government of the province who are paid a yearly salary, either by commission, lump sum or otherwise and appointed to employment or office by the Lieutenant Governor by orders in council upon conditions prescribed in such orders:

Provided that only British subjects shall be or become members of the civil service, except where expert technical knowledge is required in which case the Lieutenant Governor may by order in council appoint a person who is not a British subject for such employment as may be necessary;

2. Members of the civil service shall for the purposes of this Act be classified as deputy heads of departments, officers, chief clerks, clerks, stenographers and employees.

1913, c.6, s.3; R.S.S. 1920, c.7, s.3.

## LEGISLATIVE ASSEMBLY OFFICERS

**Appointment how made**

**4** The Clerk of the Legislative Assembly, and the Legislative Counsel and Law Clerk of the Assembly, shall be appointed by the Lieutenant Governor in Council and shall hold office during pleasure; but whenever either of these officers is removed from his office a statement of the reasons for so doing shall be laid on the table of the Legislative Assembly within the first fifteen days of the next following session thereof.

1913, c.6, s.4; R.S.S. 1920, c.7, s.4.

**Application to employees of Assembly**

**5** This Act shall apply to all officers, clerks and employees of the Legislative Assembly, saving always all legal rights and privileges of the said Assembly as respects the appointment or removal of its officers or servants or any of them.

1913, c.6, s.5; R.S.S. 1920, c.7, s.5.

## PROVINCIAL AUDITOR

**Provincial Auditor**

**6** Subject to the provisions of *The Treasury Department Act* this Act shall apply to the Provincial Auditor who shall be deemed to be a member of the civil service.

1913, c.6, s.6; R.S.S. 1920, c.7, s.6.

## CIVIL SERVICE COMMISSIONER

### **Appointment of Commissioner and his duties**

7(1) The Lieutenant Governor may by order in council appoint a Civil Service Commissioner hereinafter called the “commissioner”, who shall hold office during pleasure; but whenever the said commissioner is removed from his office a statement of the reasons for so doing shall be laid on the table of the Legislative Assembly within the first fifteen days of the next following session thereof.

(2) The commissioner shall be a member of the civil service and shall receive such salary as may be fixed by order in council and voted by the Legislative Assembly.

(3) Subject to the approval of the Lieutenant Governor in Council the commissioner may from time to time make and carry into effect all such rules and regulations as may be deemed advisable respecting:

- (a) the conditions under which persons may be admitted to the civil service;
- (b) the classification of clerks, stenographers and employees;
- (c) the salary to be paid to any group of officers or to any class of persons in the civil service including the minimum and maximum salary and annual increase;
- (d) the promotion of members of the civil service and their transfer from one department to another;
- (e) the examination of applicants for admission to the civil service;
- (f) all such other matters and things as shall, tend to improve the status of the civil service and the efficiency of the members thereof.

1913, c.6, s.7; R.S.S. 1920, c.7, s.7.

## ORGANISATION OF DEPARTMENTS

### **Deputy heads of departments, officers and chief clerks**

8 There may be in each department of the Executive Government aforesaid, a deputy head, officers and chief clerk, and in each subdivision or branch of any department authorised by any Act of the Legislature, officers and a chief clerk who shall perform such duties and exercise such authority as may be assigned and delegated to them by any Act of the Legislature or by order of the Lieutenant Governor in Council.

1913, c.6, s.8; R.S.S. 1920, c.7, s.8.

### **Vacancies**

9 Upon vacancies occurring for permanent clerks and stenographers in any branch of the civil service or when from any cause additional permanent clerks or stenographers are required it shall be the duty of the deputy head or clerk in charge of the office concerned to apply to the commissioner stating his requirements; the commissioner shall then recommend a suitable person to fill such vacancy from the permanent service by way of transfer or promotion or from the list of applicants in his possession, in which latter case the vacancy shall be filled on probation.

1913, c.6, s.9; R.S.S. 1920, c.7, s.9.

**Probation**

**10** All such appointments, excepting those made from the permanent service and except in the case of clerks or stenographers who shall have been more than four months on the temporary staff, shall be probationary during four months from the date of appointment; at the end of that period it shall be the duty of the deputy head or clerk in charge of the office concerned to report to the commissioner upon the desirability or otherwise of making such appointment permanent; the commissioner shall thereupon either recommend the appointment or give notice to the applicant that his services are no longer required.

1913, c.6, s.10; R.S.S. 1920, c.7, s.10.

**Temporary employees' salaries**

**11** Temporary clerks, stenographers or probationers may be employed in the service provided that no payment for salary of a temporary officer, clerk or stenographer shall be certified to by the Provincial Auditor unless the same is authorised by the commissioner.

1913, c.6, s.11; R.S.S. 1920, c.7, s.11.

**Temporary appointments**

**12** All deputy heads and clerks in charge of any department or branch shall notify the commissioner whenever it is necessary to secure the services of temporary officers, clerks or stenographers stating the nature of the services required and the estimated length of such service; and upon receipt of such notification the commissioner shall provide the temporary assistance required.

1913, c.6, s.12; R.S.S. 1920, c.7, s.12.

**Monthly report**

**13** Every deputy head, and clerk in charge of any department or branch shall notify the commissioner monthly, giving the names of all temporary officers, clerks or stenographers in his department, stating the nature of the work performed, the date on which the temporary service commenced, the authority for such appointment, the probable date when such employment will cease and the salary paid.

1913, c.6, s.13; R.S.S. 1920, c.7, s.13.

## MANAGEMENT OF DEPARTMENTS

**Duties of deputy heads**

**14** It shall be the duty of the deputy head of each department and he shall have authority, subject always to the head of the department, to oversee and direct the other officers, clerks, stenographers and employees in the department and to report as to their efficiency; he shall have the general supervision of the business of the department and such other powers and duties as may be or are assigned to him by the Lieutenant Governor in Council or by statute; and in the absence of the minister may suspend from his duties any officer, clerk or servant of the department who refuses or neglects his duty or fails to obey the directions of such deputy head of the department.

1913, c.6, s.14; R.S.S. 1920, c.7, s.14.

## OATHS

**Oath of allegiance**

**15** Every member of the civil service before any salary is paid to him shall take and subscribe the oath of allegiance and also the oath contained in form A in addition to any other oath which may be provided by any other Act in that behalf.

1913, c.6, s.15; R.S.S. 1920, c.7, s.15.

**Oath of secrecy**

**16** In the case of the Clerk of the Executive Council and all clerks, stenographers and employees under him and in the case of any officer, clerk, stenographer or employee of whom the Lieutenant Governor requires the same there shall be added to the oath at the asterisks in the form of the oath (form A) the words contained in form B.

1913, c.6, s.16; R.S.S. 1920, c.7, s.16.

**Persons before whom such oaths are taken**

**17** 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 the same; the commissioner shall take and subscribe the oath before the Clerk of the Executive Council; in the case of other persons residing or coming to reside at the seat of government in the province the oath shall be taken and subscribed before the commissioner; in other cases the oaths may be taken and subscribed before any person duly authorised to administer oaths in the province, who shall forward same to the commissioner.

1919-20 c.8, s.1; R.S.S. 1920, c.7, s.17.

## GENERAL PROVISIONS

**Civil service appointments how made**

**18** All appointments to the civil service shall be made by the Lieutenant Governor in Council on the application and report of the commissioner; all such appointments shall be during pleasure save as is herein otherwise provided.

1913, c.6, s.18; R.S.S. 1920, c.7, s.18.

**Powers of acting officials**

**19(1)** It shall be lawful for the Lieutenant Governor in Council to appoint any acting officer or servant of any kind who shall have all the power and authority of the person for whom he is acting.

(2) Such acting officer or servant shall act only in the absence from the post of duty or during illness or other physical disability of the person for whom he acts or in case of a vacancy of office.

1912, c.6, s.19; R.S.S. 1920, c.7, s.19.

**Rewards for meritorious services**

**20** Beyond any automatic gradations of salary which may be fixed by regulations under this Act the Lieutenant Governor in Council may encourage efficiency by granting for past services such advance in classification or special gratuity or increases of salary as the merits of the case call for, when exceptional ability, zeal or invention has been proved by exemplary service to the province; subject always to confirmation by the annual voting in the estimates by the Legislature.

1913, c.6, s.20; R.S.S. 1920, c.7, s.20.

**Duties**

**21** Members of the civil service shall perform such duties and exercise such authority as may be assigned and delegated by any Act of the Legislature or by the Lieutenant Governor in Council or by any head of department.

1913, c.6, s.21; R.S.S. 1920, c.7, s.21.

**Salaries are voted**

**22** Every member of the civil service shall receive such salary as may be fixed by the Lieutenant Governor in Council and included in the estimates voted by the Legislature.

1913, c.6, s.22; R.S.S. 1920, c.7, s.22.

**Temporary salaries how paid**

**23** In case of the employment of officers, clerks, stenographers or employees, temporarily or on probation, their salaries shall be paid out of the appropriation made for the administration of any Act of the Legislature to which such salaries should be charged; or out of the general expense of the department to which they are attached.

1913, c.6, s.23; R.S.S. 1920, c.7, s.23.

**Payment for extra services**

**24** Unless otherwise ordered by the Lieutenant Governor in Council upon the recommendation of the commissioner no allowance or compensation shall be made for any extra services whatsoever which any member of the civil service may be required to perform.

1913, c.6, s.24; R.S.S. 1920, c.7, s.24.

**Suspension from duty**

**25** The head of a department may suspend from the performance of duty or from the receipt of salary any member of the civil service guilty of improper conduct or negligence in the performance of duty and may subsequently remove such suspension; but no person shall receive any salary or pay for the time during which he was under suspension unless the same is authorised by order in council.

1913, c.6, s.25; R.S.S. 1920, c.7, s.25.

**Application for increase**

**26** Any application for increase of salary made by any member of the civil service or by any other person on his behalf with such member's consent and knowledge shall be considered as a tendering of the resignation of such member.

1913, c.6, s.26; R.S.S. 1920, c.7, s.26.



**Leave of absence**

**27** The deputy head of any department may at such times as may be convenient grant to each member of the service in his department leave of absence for recreation with full pay for any period not exceeding three weeks in any year: and the head of the department may upon the recommendation of the commissioner in the 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 may think fit.

1913. c.6, s.27; R.S.S. 1920, c.7, s.27.

**OFFICIAL PROPERTY****Every provincial officer to deliver certain property to his successor**

**28** Every police magistrate, justice of the peace and every deputy head of department, officer, clerk, stenographer or employee of the province whether temporarily or permanently employed 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 and deliver the same to his successor in office or to any person appointed by the Lieutenant Governor in Council to demand and receive the same; and every such person refusing or neglecting to deliver up the same shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding \$200.

1913, c.6, s.28; R.S.S. 1920, c.7, s.28.

**GENERAL REGULATIONS****Lieutenant Governor may make regulations**

**29** The Lieutenant Governor in Council may from time to time make such rules and regulations not inconsistent with this Act as may be deemed advisable for all or any of the following purposes:

- (a) for prescribing the duties of the civil service commissioner;
- (b) for defining and establishing of offices or branches in any department of the civil service, and fixing the status and prescribing the qualification and the duties of officers and the members of the civil service subject always to the provisions of any Act of the Legislature for the time being in force;
- (c) for prescribing the hours of service, the duties and the method of service of the members of the civil service subject always to the provisions of any Act of the Legislature for the time being in force;
- (d) for prescribing and fixing the status, authority and duties of deputy heads of departments as a class, or of each deputy head of department and of officers and chief clerks as one class or separate classes or of each officer or chief clerk subject always to the provisions of any Act of the Legislature for the time being in force;
- (e) for prescribing the conditions of employment of clerks, stenographers and permanent employees, and, if thought fit, for prescribing a period of probation for the ascertainment of competency and efficiency;

## CIVIL SERVICE

(f) for fixing and prescribing vacations for members of the civil service and defining the authority of each head of department to grant leave of absence from time to time to any member of the civil service employed in such department;

(g) for prescribing and completing any other arrangement that may be found necessary to carry into effect the provisions of this Act.

1913, c.6, s.29; R.S.S. 1920, c.7, s.29.

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## SCHEDULE

## FORM A

(Section 15)

## 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 \_\_\_\_\_, 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 the duties of my said office, except my salary or what may be allowed me by law or by an order of the Lieutenant Governor in Council. \*\*\* So help me God.

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## FORM B

(Section 16)

## 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 or (*as the case may be*).