

The Public Service Act

being

Chapter 8 of *The Revised Statutes of Saskatchewan, 1930*
(effective February 1, 1931).

FOR HISTORICAL REFERENCE ONLY

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 8

An Act respecting the Public Service

SHORT TITLE

Short title

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

1930, c.7, s.1; R.S.S. 1930, c.8, s.1.

INTERPRETATION

Interpretation

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

“Commission”

1 “**Commission**” means the Public Service Commission appointed under this Act;

“Employee”

2 “**Employee**” means a person employed in the public service of Saskatchewan;

“Head of the department”

3 “**Head of the department**” means the member of the Executive Council for the time being presiding over a department of the Executive Government of the province;

“Permanent head”

4 “**Permanent head**” or “**permanent head of the department**” means and includes a deputy minister, the Clerk of the Legislative Assembly and the Legislative Counsel, a commissioner or other official in charge of a bureau, the members of the Local Government Board, the Farm Loan Board and the Liquor Board, the commissioner or commissioners of the Saskatchewan Power Commission, the principal of a normal school, the superintendent of a mental hospital, and the warden of a jail;

“Promotion”

5 “**Promotion**” means a change from one class to another class having a higher maximum salary;

“Public Service”

6 “**Public service**” means the service of His Majesty in respect of the Executive Government of Saskatchewan, and includes service in or under the Local Government Board, the Farm Loan Board, the Liquor Board, the Saskatchewan Power Commission and any other board or commission to which the provisions of this Act are made applicable by the Lieutenant Governor in Council, as well as service in all the departments of the Executive Government of Saskatchewan.

1930, c.7, s.2; R.S.S. 1930, c.8, s.2.

PUBLIC SERVICE COMMISSION

Constitution

3(1) For the purpose of carrying out the provisions of this Act there shall be a commission called "The Public Service Commission," consisting of three members.

(2) One of the commissioners shall be appointed for a term of ten years and shall be chairman of the commission; and each of the remaining commissioners shall be appointed for a term of five years. All the commissioners shall be eligible for reappointment.

(3) Percival H. Shelton, of the city of Regina, in the Province of Saskatchewan, Civil Servant, is hereby appointed chairman of the commission, and P.G. Ward, of the city of Regina, and Violet Reilly, of the city of Regina, in the Province of Saskatchewan, are hereby appointed members thereof.

(4) Subsequent appointments to the commission shall be made by resolution of the Legislative Assembly; provided that in the event of a vacancy occurring in the office of commissioner when the Assembly is not in session, it may be filled by the Lieutenant Governor in Council until prorogation of the next following session of the Assembly.

1930, c.7, 5. 3; R.S.S. 1930, c.8, s.3.

Suspension of members

4(1) A commissioner may be suspended by the Lieutenant Governor in Council for misbehaviour or incompetence. In such case the Lieutenant Governor in Council shall cause a full statement of the grounds of suspension to be laid before the Legislative Assembly within seven days after such suspension, if the Assembly is then in session, or if the Assembly is not then in session, within seven days after the commencement of the next following session.

(2) A commissioner suspended under subsection (1) shall be restored to office unless the Legislative Assembly, within twenty-one days from the time when such statement has been laid before it, declares by resolution passed by a two-thirds vote of members voting on the same that he ought to be removed from office.

(3) A commissioner shall not be removable from office except by a resolution of the Legislative Assembly passed by a two-thirds vote of members voting thereon.

1930, c. 7, s.4; R.S.S. 1930, c.8, s.4.

Remuneration of members

5 The chairman of the commission shall receive, out of the consolidated fund of the province, a salary to be fixed by the Lieutenant Governor in Council. Each of the other commissioners shall be remunerated at the rate of \$10 for every meeting attended by him, with a minimum of \$1,000 per year, such remuneration to be paid monthly out of the said fund, subject to an adjustment at the end of the year.

1930, c.7, s.5; R.S.S. 1930, c.8, s.5.

Deputy chairman

6 The commission may elect a deputy chairman, who, in the absence of the chairman shall have all the powers and perform all the duties of the chairman. Two members of the commission shall form a quorum.

R.S.S. 1930, c.7, s.6; R.S.S. 1930, c.8, s.6.

Employment of members of commission in the public service

7(1) The chairman shall not hold any other office in the public service or engage in any other paid employment or business during his term of office.

(2) The rank and standing of the chairman shall be that of a deputy minister.

(3) The chairman shall for the purposes of *The Public Service Superannuation Act* be deemed to be a permanent employee in the public service.

(4) In the event of any one of the other members of the commission being employed in the public service, his remuneration as a member of the commission shall be deemed to be part of his salary for the purposes of *The Public Service Superannuation Act*. Such employee's contributions under *The Public Service Superannuation Act* shall, in so far as his remuneration under this Act is concerned, be based on an assumed amount of remuneration of \$1,000 per year, and an adjustment shall be made at the end of the year when the amount of his remuneration under this Act is determined.

1930, c.7, s.7; R.S.S. 1930, c.8, s.7.

Oath of office

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

1930, c. 7, s.8; R.S.S. 1930, c.8, s.8.

Employees of commission

9(1) The commission shall appoint such employees as it deems expedient for the purpose of assisting it in the performance of its duties.

(2) Such employees shall for all purposes be deemed to be employees in the public service within the meaning of this Act.

1930. c. 7, s.9; R.S.S. 1930, c.8, s.9.

Annual report

10(1) The commission shall furnish to the Lieutenant Annual Governor in Council for presentation to the Legislative Assembly a yearly report on the condition and efficiency of the public service and of the commission's proceedings during the preceding fiscal year, and shall indicate the changes and measures considered necessary for the improved working of the service or any part thereof. The commission shall, in such report, draw attention to any breaches or evasions of this Act which may have come to its notice.

(2) Such report shall be presented to the Assembly within fifteen days after the beginning of the first session in each fiscal year.

1930, c. 7, s.10; R.S.S. 1930, c.8, s.10.

Record of public service

11(1) The commission shall keep a record of all persons in the public service.

(2) The record shall group employees under headings indicating the departments, bureaux, boards, commissions and institutions in or under which they are employed, shall record their salaries, the divisions, classes and grades to which they belong, their rank and duties, and shall give such other information as may be deemed necessary.

(3) The commission shall from time to time cause entries to be made in such records showing all promotions, reductions, resignations, suspensions, dismissals and deaths.

1930, c. 7, s.11; R.S.S. 1930, c.8, s.11.

Inspections and inquiries

12(1) For the purpose of ensuring the establishment and continuance of proper standards of efficiency and economy in the public service, the commission shall from time to time inspect the several departments, bureaux, offices, boards, commissions and institutions.

(2) The commission shall investigate the character of the work performed by every employee, and the efficiency, economy and general work of the staffs; and may for such purpose examine all such witnesses as it deems necessary, including the head of the department.

(3) If the commission at any time finds that a greater number of persons are permanently employed in or under any department, bureau, office, board, commission or institution than the commission deems necessary for the efficient working thereof, it may, if practicable, transfer such persons as are not required to any other department, bureau, office, board, commission or institution which requires additional assistance.

(4) If the persons so found to be in excess cannot be usefully and profitably employed in any other department, bureau, office, board, commission or institution, the commission may dispense with their services after giving them three months' notice. The commission shall keep a list of the persons whose services are so dispensed with, retaining the name of each person on such list for one year from the date on which he ceased to be employed in the public service. Persons whose names are on such list shall be given a preference by the commission for re-entry to the service to fill any subsequent vacancies which, in the opinion of the commission, they are capable of filling. Appointments to vacancies in such cases shall be treated by the commission as nearly as possible as if they were transfers or promotions of persons in the service.

(5) The commission shall, for the purpose of conducting any inquiry or investigation under this Act, have all the powers and authority which may be conferred upon commissioners under the provisions of sections 3 and 4 of *The Public Inquiries Act*, and all the provisions of the last mentioned sections shall apply to such inquiries or investigations, and to the witnesses summoned to the same and the evidence given thereat, as completely and effectually as if such inquiries or investigations had been conducted under the authority of a Commission issued under the said sections of *The Public Inquiries Act* and containing the full powers therein mentioned.

1930, c. 7, s.12; R.S.S. 1930, c.8, s.12.

Representations to commission prohibited

13(1) No person shall directly or indirectly endeavour to influence the commission or any member of the commission or any employee of the commission with respect to the appointment of himself or any other person to the public service, or with respect to the promotion of or an increase of salary to himself or any other employee.

(2) The provisions of subsection (1) shall not apply to applications for appointments or promotions made in writing to the commission.

(3) Every person who commits an offence against the provisions of subsection (1) shall be liable, on summary conviction, to a penalty not exceeding \$500.

(4) Any person who contravenes the provisions of subsection (1) with respect to the appointment of himself to the public service shall, in addition to being liable on conviction to a penalty under subsection (3), be deemed to be unworthy of the appointment, and it shall not be given to him.

(5) Every employee who contravenes the provisions of subsection (1) with respect to the promotion of or any increase of salary to himself, shall, in addition to being liable on conviction to a penalty under the provisions of subsection (3), be deemed to be unworthy of the promotion or increase requested and it shall not be given to him; and he shall be liable to immediate dismissal.

1930, c.7, s.13; R.S.S. 1930, c.8, s.13.

PART II
DIVISION OF THE PUBLIC SERVICE
AND
CLASSIFICATION OF EMPLOYEES

Divisions

14 The public service shall, for the purposes of this Act, consist of four principal divisions, namely:

- (a) the Administrative Division;
- (b) the Professional Division;
- (c) the Clerical Division; and
- (d) the General Division.

1930, c.7, s.14; R.S.S. 1930, c.8, s.14.

Administrative division

15(1) The administrative division shall include permanent heads of departments and all persons whose offices the Lieutenant Governor in Council, on the recommendation of the commission, declares by notification in *The Saskatchewan Gazette* to belong to that division.

(2) The commission may, whenever it appears advantageous to the public service so to do, certify to the Lieutenant Governor in Council that it is expedient to add any office to or abolish any office in the administrative division; and the Lieutenant Governor in Council may, in accordance with such certificate, add any office to the administrative division or abolish any office therein.

(3) Any person appointed to or holding an office so added to the administrative division shall thereupon be included in such division.

(4) The administrative division shall consist of a first class, a second class, and a third class.

(5) The persons in the administrative division, excepting those whose remuneration is fixed by Act of the Legislature, shall be paid salaries in accordance with such schedule or schedules as may from time to time be recommended by the commission and approved by the Lieutenant Governor in Council.

1930, c. 7, s.15; R.S.S. 1930, c.8, s.15.

Professional division

16(1) The professional division shall include all persons whose offices or duties require in the persons holding or performing them professional skill and training of a legal, medical, literary, technical, scientific or other special character. In cases where the skill required for the performance of duties may be acquired from ordinary office training and experience, employees shall not be deemed to belong to the professional division.

(2) The professional division shall consist of a senior class, an intermediate class, and a junior class.

(3) The commission may, at its discretion, create a senior A class, with salaries higher than those in the senior class.

(4) The persons belonging to each class shall, subject to passing any efficiency test or examination which the commission may prescribe, and subject to any provisions of this Act relating to good and diligent conduct, be paid graded salaries with annual increments in accordance with such schedule or schedules as may from time to time be recommended by the commission and approved by the Lieutenant Governor in Council.

1930, c. 7, s.16; R.S.S. 1930, c.8, s.16.

Clerical division

17(1) The clerical division shall include all chief clerks, court reporters, draftsmen, stenographers, typists, clerks and bookkeepers; all accountants and inspectors whose qualifications do not entitle them to belong to the professional division; and such other persons as the commission may from time to time direct to be included in the clerical division.

(2) The clerical division shall consist of a senior class, an intermediate class and a junior class.

(3) The commission may at its discretion create a senior A class, with salaries higher than those in the senior class.

(4) The persons belonging to each class shall, subject to passing any efficiency test or examination which the commission may prescribe, and subject to any provisions of this Act relating to good and diligent conduct, be paid graded salaries with annual increments in accordance with such schedule or schedules as may from time to time be recommended by the commission and approved by the Lieutenant Governor in Council.

1930, c.7, s.17; R.S.S. 1930, c.8, s.17.

General division

18(1) The general division shall include all employees not included in the administrative, professional and clerical division divisions.

(2) In the general division the employees shall be classified by the commission and paid in each class graded salaries or wages with annual increments in accordance with such schedule or schedules as may from time to time be recommended by the commission and approved by the Lieutenant Governor in Council.

1930, c.7, s.18; R.S.S. 1930, c.8, s.18.

Special classes in divisions

19 In any division the commission may, at its discretion, create a special class or classes to meet the needs of exceptional cases. The grades and salaries of such special class or classes shall be such as may be from time to time recommended by the commission and approved by the Lieutenant Governor in Council.

1930, c.7, s.19; R.S.S. 1930, c.8, s.19.

Computation of certain allowances

20(1) If a person is, under the terms of his employment, entitled to a living-out allowance, the amount of such allowance shall be determined by the commission and shall, for the purposes of this Act, be added to his salary or wages.

(2) If a person, under the terms of his employment, resides in free quarters, a fair and reasonable rent therefor shall be determined by the commission, and the amount thereof shall, for the purposes of this Act, be deemed to be a portion of his salary or wages.

1930, c.7, s.20; R.S.S. 1930, c.8, s.20.

Rateable reductions and increases in salary

21(1) Notwithstanding anything contained in this Act, before transmission of the message accompanying the estimates in any fiscal year, the Lieutenant Governor, on the recommendation of the Executive Council, may, by message to the Legislative Assembly, recommend a rateable reduction or increase, according to a specified rate, in the salary or wage of the persons employed in each class of any division.

(2) If any such rateable reduction or increase is adopted by the Legislative Assembly, the minimum and maximum salaries or wages of each of the respective classes shall be reduced or increased as the case may be according to that rate, and a proportionate reduction or increase of yearly increment shall be attached thereto; and such minimum and maximum salaries or wages and yearly increments shall remain at such reduced or increased sums until another recommendation is adopted by the Legislative Assembly in accordance with the provisions of this section.

1930, c.7, s.21; R.S.S. 1930, c.8, s.21.

Conditions affecting annual increments

22(1) Except in the case of promotion, no annual increment shall accrue to any salary until the person in receipt thereof has been in such receipt for a period of twelve months.

(2) The right to receive such increment in any year shall depend upon the good and diligent conduct of the person to whose salary the increment is attached, and, if in the opinion of the head of the department the person is not entitled thereto, he may issue an order to deprive such person of the increment, which in that case shall not be paid, unless the commission, on appeal, disallows the order.

1930, c.7, s.22; R.S.S. 1930, c.8, s.22.

Promotions to professional division

23 Any person in the clerical or general division may by acquiring the requisite skill or technical knowledge qualify himself for the professional division and may be transferred by the commission to the professional division.

1930, c.7, s.23; R.S.S. 1930, c.8, s.23.

Periodical classification of public servants

24(1) The commission shall forthwith proceed to classify and grade the persons employed in the public service to whom this Act applies, such classification and grading to be within the four principal divisions specified in this Part, and to be carried out according to fitness and to the character and importance of the work performed by or assigned to each employee.

(2) The commission shall reconsider the classification and grading of the persons employed in the public service at intervals of not more than five years, commencing from the first classification made after the coming into force of this Act.

1930, c.7, s.24; R.S.S. 1930, c.8, s.24.

Alteration of classification

25(1) If at any time any office or any particular work or division of work has become of greater importance, or the duties incident thereto more onerous or extensive, than at the date of the last classification and grading thereof, the permanent head of the department shall draw the attention of the commission thereto.

(2) The commission may thereupon, if it thinks proper, alter the classification or grading of such office or work and determine the salary appropriate thereto, and may either assign such office or work to the person previously employed therein, with the necessary change of class or grade, or may treat such office or work as vacant or new and appoint or promote thereto, under and subject to the provisions of this Act, such person as the commission thinks fit and qualified therefor.

(3) Anything done by the commission in exercise of the powers conferred by this section shall be specially referred to and explained in the yearly report of the commission.

1930, c.7, s. 25; R.S.S. 1930, c.8, s.25.

Procedure when salary exceeds maximum amount

26 If at any time the commission finds that any employee is in receipt of a greater salary than the maximum determined by the commission to be fairly appropriate to the work performed by or assigned to that person, such case shall be dealt with by the commission in one or other of the following ways:

1. If, in the opinion of the commission, such person is fitted for or capable of performing work of a class equivalent to the amount of his salary, and such work is available in the same or another department, bureau, office, board, commission or institution, the commission may assign such work to that person;

2. If, in the opinion of the commission, such employee is unfitted for or incapable of performing work of a class equivalent to the amount of his salary or if such work is not available, the commission may reduce the salary of the employee to the maximum determined by the commission to be appropriate to the class of work actually performed by or assigned to him;
3. If, in the opinion of the commission, any employee should be transferred from the clerical division to the general division, the commission may transfer that employee accordingly;
4. If a reduction of salary is certified by the commission to be made on the ground only that no work equivalent to the salary previously received by the employee affected is at the time of such reduction available, and the employee affected elects to continue in the public service at such reduced salary, such employee shall, notwithstanding such reduction, remain eligible for promotion as from the class or grade to which his salary before reduction was incident, and shall be entitled to employment on the class of work to which his previous salary was appropriate as soon as a vacancy occurs therein, in preference to any other employee of the same or of a lower class or grade whose salary has not been reduced.

1930, c.7, s.26; R.S.S. 1930, c.8, s.26.

Appeal from decision of commission

27(1) Any employee dissatisfied with a decision of the commission in regard to classification or grading affecting him, or in regard to the classification of the work performed by him or assigned to him, or in regard to salary or promotion, may forward to the commission, within thirty days after such decision has been notified to him, a notice to the effect that he intends to appeal and wishes the matter in question to be referred to the joint council provided for in Part V.

(2) The commission shall thereupon without delay forward to the secretary of the joint council a certified copy of the decision complained of and a certified copy of the notice of intention to appeal.

1930, c.7, s.27; R.S.S. 1930, c.8, s.27.

PART III

ADMISSION TO THE SERVICE

Probationary period

28(1) Except as hereinafter provided, every person admitted to the public service shall in the first instance be admitted by the commission on probation only, and shall be continued in such probationary position for a period of not less than six months. During the period of such probation or at the expiry thereof the commission may confirm or annul the appointment.

(2) The period of probation for persons appointed to positions in gaols and mental hospitals shall be twelve months.

1930, c.7, s.28; R.S.S. 1930, c.8, s.28.

Employees to be British subjects, etc.

29 No person shall be admitted to the public service unless he is a natural-born or naturalised British subject and has resided in the province for at least one year immediately prior to said appointment.

1930, c.7, s.29; R.S.S. 1930, c.8, s.29.

Conditions governing permanent appointments

30 No appointment of any person not already in the permanent public service to any permanent office or position therein shall be made except at the instance of the commission, and upon the written request of the permanent head of a department.

1930, c.7, s.30; R.S.S. 1930, c.8, s.30.

Same

31 No appointment of any person not already in the public service to any permanent office or position therein shall be made unless the commission is satisfied that:

- (a) such appointment is required; and
- (b) there is no person in the public service fit or qualified and available for such appointment; and
- (c) a competitive examination under the provisions of this Act has been held and the person proposed to be appointed is the most successful candidate; or
- (d) having regard to the nature of the appointment, competitive examination is not required or may be dispensed with under the provisions of this Act.

1930, c.7, s.31; R.S.S. 1930, c.8, s.31.

Age on entering service

32(1) No person who is not already in the public service shall be appointed:

- (a) to the professional division if his age is less than twenty-one or more than fifty years;
- (b) to the clerical division if his age is less than seventeen or more than thirty-five years;
- (c) to the general division if his age is less than seventeen or more than fifty years.

(2) In determining the age of a person for the purposes of this section, the age of his last birthday previous to appointment shall be taken.

(3) In any special case and for valid reasons the commission may:

- (a) extend the maximum age for entry to the professional division or the general division from fifty to fifty-five years;
- (b) order that the provision of clause (b) of subsection (1) as to maximum age shall not apply;

but in all such cases the commission shall draw attention to the facts in its next yearly report.

(4) The provisions of this section shall not apply to any veteran of the Great War as defined in section 35.

1930, C.7. s.32; R.S.S. 1930, c.8, s.32.

Medical examination before admission

33 No person shall be admitted to the public service unless he undergoes a medical examination satisfactory to the commission.

1930, c.7, s.33; R.S.S. 1930, c.8, s.33.

Preference given to war veteran

34(1) In all competitive examinations, candidates who are veterans of the Great War shall be entitled to bonus marks equal to ten per cent, of the marks earned by them.

(2) In cases where no competitive examination is held, if other qualifications are approximately equal, a preference shall be given by the commission to veterans of the Great War.

1930, c.7, s.34; R.S.S. 1930, c.8, s.34.

War veteran defined

35 By a veteran of the Great War is meant a person who was ordinarily resident in Saskatchewan at the time of enlistment and who served in the naval, military or air forces of the Crown or a woman so resident who engaged in nursing or other services with those forces for the purposes of the Great War, in either case for at least six months, or who, having so served for a shorter period, was discharged on account of injury sustained or ill health arising during such service.

1930, c.7, s.35; R.S.S. 1930, c.8, s.35.

Married women

36 No married woman shall be admitted to or continued in the public service unless the commission certifies that there are special circumstances which make the appointment or the continuance of the appointment desirable.

1930, c.7, s.36; R.S.S. 1930, c.8, s.36.

Regulations governing examinations

37(1) The commission shall, subject to the approval of the Lieutenant Governor in Council, make regulations for the competitive examination of persons desirous of admission to the public service.

(2) Such regulations shall prescribe:

- (a) the character and standard of examinations as to acquirements and efficiency to which candidates are required to submit themselves;
- (b) the times and places where the examinations shall be held and the manner of holding the same; and
- (c) the maximum and minimum age of candidates for such examinations as the commission may determine.

(3) For the purposes of this Act the Lieutenant Governor in Council may, on the recommendation of the commission, appoint as many fit persons as may from time to time be required to be examiners to conduct examinations, and may provide for their remuneration.

(4) The commission shall arrange the places and times where and when candidates are to comply with the requirements of this section and the regulations, and present themselves for examination, so that all persons shall have reasonable facility for competing for employment in the public service or passing such examinations.

(5) The commission shall from time to time as additions to the public service are required give public notice thereof in *The Saskatchewan Gazette*, stating the number of appointments proposed to be made, the division, class, grade and salary, the time and place of examination, and the nature of the examination.

(6) The commission shall give the like notice in at least one daily newspaper published in each of the cities of Regina, Saskatoon and Moose Jaw, and may, at its discretion, give such notice in other newspapers published or circulating in the province.

1930, c.7, s.37; R.S.S. 1930, c.8, s.37.

Publication of appointments

38 Notice of all permanent admissions to the public service shall be published as soon as is practicable in *The Saskatchewan Gazette*.

1930, c.7, s.38; R.S.S. 1930, c.8, s.38.

Applications of Part III

39 This Part, except sections 29 and 38, shall not apply to deputy ministers or members of boards or commissions.

1930, c.7, s.39; R.S.S. 1930, c.8, s.39.

PART IV

GENERAL CONDITIONS OF SERVICE

APPOINTMENTS, ETC., BY COMMISSION

Appointments

40(1) Deputy ministers, and members of boards and commissions shall be appointed by the Lieutenant Governor in Council. All other employees in the public service shall be appointed by the commission.

(2) Every appointment, promotion, transfer or dismissal of an employee in the public service made by the commission under this Act shall have the same force and effect as if made by the Lieutenant Governor in Council.

(3) Wherever in any Act it is provided that any appointment to the public service shall be made by the Lieutenant Governor in Council or by a head or permanent head of a department or by any commission or board to which this Act applies, such appointment shall hereafter be made in accordance with the provisions of this Act and not otherwise.

(4) The authority to appoint a person to a position in the public service shall include authority to appoint some other person to act for and in the place of such person in his absence. The acting official so appointed shall have all the power and authority of the official for whom he is acting, during the absence of such last mentioned official, or in case of a vacancy of office.

1930, c.7, s.40; R.S.S. 1930, c.8, s.40.

PROMOTIONS

Vacancies filled by promotion

41(1) Vacancies in the public service shall be filled, as far as is consistent with the best interests of the service, by promotion.

(2) Promotions shall be made for merit by the commission upon such examination, reports or recommendation as the commission may prescribe.

(3) In making promotions the commission shall, in all cases, consult with the permanent head of the department concerned and shall take into account special qualifications, special knowledge and aptitude, as well as, and in priority to, seniority in the class or in the service.

1930, c.7, s.41; R.S.S. 1930, c.8, s.41.

Examinations for promotions

42 The commission shall, from time to time, as may appear necessary, cause examinations for promotions to be held by the examiners appointed under the provisions of section 37, and shall register the names of the persons who have passed the required examinations, with particulars of the standing of the candidates at such examinations.

1930, c.7, s.42; R.S.S. 1930, c.8, s.42.

Persons entitled to examination for promotion

43 The employees entitled to be examined with respect to their fitness for promotion to any position shall be employees of such class or classes, or employees of such seniority or employees residing in such localities as the commission may prescribe. Reasonable notice shall be given by the commission to eligible employees when a vacancy occurs which is to be filled by promotion.

1930, c.7, s.43; R.S.S. 1930, c.8, s.43.

Refusal of promotion by employee

44 The commission may in any case allow any employee to decline any offered promotion without prejudice to his right to any future promotion.

1930, c.7, s.44; R.S.S. 1930, c.8, s.44.

TRANSFERS

Conditions governing transfers

45(1) The commission shall, by regulation made with the approval of the Lieutenant Governor in Council, provide for the transfer of employees from one branch of the public service to another in cases where promotion is not involved.

(2) The employees eligible for transfer in any particular case shall be employees of such class or classes, or employees of such seniority, or employees residing in such localities, as the commission may prescribe. Upon the happening of a vacancy which may be filled by transfer, reasonable notice shall be given by the commission to eligible employees.

(3) The commission shall, in all cases, consult with the permanent heads of the departments concerned before making a transfer.

1930, c.7, s.45; R.S.S. 1930, c.8, s.45.

PARTICIPATION IN POLITICS

Prohibition

46(1) No employee shall be debarred from voting at any Dominion or Provincial election, if, under the laws governing the election, he has the right to vote; but no employee shall engage in partisan work in connection with any such election, or contribute, receive or in any way deal with money for party funds.

(2) Any person violating any of the provisions of this section shall be dismissed from the public service without notice and without compensation in lieu of notice.

1930, c.7, s.46; R.S.S. 1930, c.8, s.46.

PENALTIES FOR OFFENCES

Penalties

47(1) If any employee:

- (a) commits a breach of the provisions of this Act or the regulations made thereunder; or
- (b) is guilty of misconduct, or of habitually using intoxicating liquors to excess; or
- (c) is guilty of wilful disobedience to or disregard of a lawful order made or given by a person having authority to give such order; or
- (d) is negligent or careless in the discharge of his duties; or
- (e) is inefficient or incompetent, and such inefficiency or incompetency appears to arise from causes within his own control;

he shall be liable to dismissal or such other punishment as may be determined upon under the provisions of this section.

(2) If an employee in the administrative division is charged with any of the offences enumerated in subsection (1), the head of the department may suspend him and shall report the matter to the commission.

(3) If an employee in any of the other divisions is charged with any of the offences enumerated in subsection (1), the permanent head of the department may suspend him and shall report the matter to the commission.

(4) In any of such cases, and also in case the commission receives credible information from any other source that the conduct of any employee renders him unfit to continue in the public service, the commission shall initiate an inquiry into the case. Such inquiry shall be conducted in the manner prescribed by section 12, and the commission shall, for the purpose of such inquiry, have all the powers and authority referred to in subsection (5) of the said section.

(5) If any such charge is found to be not proved, the commission shall remove any suspension which may have been ordered, and in such case the employee shall not be deprived of salary in respect of the period of suspension.

(6) If any such charge is admitted or proved, the commission may, according to the nature of the offence, reprimand or caution the employee concerned and thereupon remove the suspension; or may reduce such employee to a lower grade or class in the service, or may dismiss such employee or require him to resign; and unless the commission otherwise orders, such employee shall forfeit all salary except such as may have accrued before his suspension.

1930, c.7, s.47; R.S.S. 1930, c.8, s.47.

TERMINATION OF EMPLOYMENT

Notice

48 In all cases other than those provided for in sections 46 and 47, if it is determined by the commission that the employment of any person on the permanent staff in the public service should be terminated, such person shall receive three months' written notice or three months' salary in lieu of notice.

1930, c.7, s.48; R.S.S. 1930, c.8, s.48.

INQUIRIES BY COMMISSION

Notice

49 For the purpose of any inquiries or investigations by the commission under this Act, if the address for the time being of any employee is unknown to the commission and cannot be ascertained after reasonable inquiry, all notices, orders or communications shall be mailed to his last known address, and such mailing shall be deemed sufficient service on him. If, after service of a notice to appear, an employee does not attend at the time and place therein stated, the inquiry or investigation may be held in his absence.

1930, c.7, s.49; R.S.S. 1930, c.8, s.49.

Power to engage counsel

50 At any inquiry or investigation held under the provisions of section 47, the person charged shall be entitled to be represented by counsel or agent.

1930, c.7, s.50; R.S.S. 1930, c.8, s.50.

Records

51 The commission shall keep a complete record of all such inquiries and investigations, including the depositions of all witnesses who gave evidence thereat, and such records and depositions shall be available for subsequent reference.

1930, c.7, s.51; R.S.S. 1930, c.8, s.51.

BUSINESS ACTIVITIES OF EMPLOYEES

Prohibitions

52(1) Except with the express permission of the commission, which permission may be at any time withdrawn, no employee shall:

- (a) accept or continue to hold or discharge the duties of or be employed in any paid office in connection with a banking, insurance, mining, mercantile or other commercial business, whether the same is carried on by a corporation, company, firm, or individual;
- (b) engage in or undertake any such business, whether as principal or agent; or
- (c) engage in or continue in the private practice of any profession or trade.

(2) If an employee is the holder of any such office or is engaged in any such business, profession or trade he shall at once notify the fact to the commission.

1930, c.7, s.52; R.S.S. 1930, c.8, s.52.

OATHS

Employees

53(1) Every member of the public service, before any salary is paid to him, shall take and subscribe the oath of allegiance and also the oath (form B) in addition to any other oath which may be provided in any other Act in that behalf.

(2) The Clerk of the Executive Council shall take and subscribe the said oaths before the Lieutenant Governor or someone appointed by him to administer the same. 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 one of the members of the commission; 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 commission.

1930, c.7, s.53; R.S.S. 1930, c.8, s.53.

TEMPORARY EMPLOYEES

Appointment and remuneration

54(1) Whenever, in the opinion of the permanent head of a department, a temporary pressure of work renders temporary assistance necessary, and the commission, on being so informed, is unable to provide such assistance from other branches of the service, the commission shall appoint such persons as appear to it best qualified for such work.

(2) The commission shall establish lists of persons eligible for such temporary employment.

(3) Such persons appointed for temporary work may be employed for any period not exceeding three months, and if necessary may, with the approval of the commission, be employed at the end of such period for any further period not exceeding three months, but shall not be so employed for more than three periods of three months each successively.

(4) The services of any person employed temporarily may be dispensed with at any time by the commission.

(5) Temporary employees shall be paid out of moneys voted by the Legislative Assembly for the purpose.

1930, c.7, s.54; R.S.S. 1930, c.8, s.54.

Experts

55 The commission may authorise the temporary employment, without a competitive or other examination, of persons possessed of professional, scientific, technical or other expert knowledge, whose services are required for work of an exceptional character, and the salary or other remuneration to be paid to any person so employed shall be such as the Lieutenant Governor in Council, on the recommendation of the commission, may prescribe.

1930, c.7, s.55; R.S.S. 1930, c.8, s.55.

Records

56 The commission shall keep a record of all persons temporarily employed in the public service, and a list of persons temporarily employed during the fiscal year shall be included by the commission in its yearly report to the Lieutenant Governor in Council for presentation to the Legislative Assembly.

1930, c.7, s.56; R.S.S. 1930, c.8, s.56.

GENERAL

Publication of promotions, transfers, etc.

57 Notice of any promotions, transfers, resignations and dismissals of employees in the public service shall be published, as soon as is practicable, in *The Saskatchewan Gazette*.

1930, c.7, s.57; R.S.S. 1930, c.8, s.57.

No compensation for reduction in salary

58 Except as in this Act provided, no employee in the public service shall be deemed to be entitled to any compensation by reason of any reduction in his salary or in consequence of his services being dispensed with.

1930, c.7, s.58; R.S.S. 1930, c.8, s.58.

Bonus on death of employee

59 If an employee dies after having been at least two years in the public service and if upon his death no pension is payable to his widow or children under the provisions of *The Public Service Superannuation Act*, an amount equal to two months' salary shall be paid to his widow or such dependent as the commission may determine.

1930, c.7, s.59; R.S.S. 1930, c.8, s.59.

Recognition of exceptional services

60(1) In any case in which exceptional ability, zeal or invention has been proved by exemplary service to the province, the commission may grant an advance to a higher grade or class.

(2) In any such case, in lieu of such advance, a gratuity may be granted by the Lieutenant Governor in Council on the recommendation of the commission, subject to confirmation by vote of the Legislature on the estimates.

1930, c.7, s.60; R.S.S. 1930, c.8, s.60.

Custody of records

61 Every employee 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 of and deliver the same to his successor in office or to any person appointed by the Lieutenant Governor in Council or the commission, 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 penalty not exceeding \$200.

1930, c.7, s.61; R.S.S. 1930, c.8, s.61.

PART V

JOINT COUNCIL

Constitution and duties

62(1) There shall be a joint council for the purpose of hearing and determining appeals under the provisions of section 27 and generally for the purpose of hearing and adjudicating upon complaints of employees with respect to matters arising in the course of their duties, and upon appeals of persons dismissed.

(2) The joint council shall consist of the following members: Three members shall be appointed by the Lieutenant Governor in Council, of whom one shall be a member of the Executive Council, and five shall be elected by the employees of the public service in the manner hereinafter set forth, provided that not more than three members elected by the employees shall sit at a hearing of any appeal or complaint. The members elected to represent the employees shall by mutual agreement decide which two of them shall not sit at such hearing, and if they fail to agree, they shall make the decision by lot.

(3) Of the members representing the employees, one shall be elected by and from the employees in the mental hospitals, gaols and other similar institutions; one shall be elected by and from the employees in or under the Liquor Board; one shall be elected by and from the employees of the Department of Telephones and Telegraphs, the Saskatchewan Power Commission and any other public utility branches of the public service, and two members shall be elected by and from the remainder of the public service.

(4) Only employees on the permanent staff shall be entitled to vote in the election of members of the joint council. Each permanent employee shall be entitled to one vote. The voting shall take place in such manner as may be prescribed by regulations of the commission.

(5) Persons appointed to the joint council shall hold office during pleasure. Persons elected thereto shall hold office for three years, and shall be eligible for re-election.

1930, c.7, s.62; R.S.S. 1930, c.8, s.62.

Officers, meetings and regulations

63(1) As soon as is practicable after the election of the joint council the members thereof shall meet for the purpose of electing a chairman and a vice chairman, and appointing a secretary, who shall not be a member of the council. Four members shall constitute a quorum, provided that at least two of those present shall be representatives of the government and two shall be representatives of the employees.

(2) The joint council shall hold regular monthly meetings and also such special meetings as may be required.

(3) The joint council shall have authority to make rules and regulations regarding procedure in lodging appeals and complaints and also regarding procedure at meetings, and may alter such rules and regulations from time to time. Copies of all such rules and regulations shall, as soon as practicable after the passing thereof, be sent to all employees in the public service.

1930, c.7, s.63; R.S.S. 1930, c.8, s.63.

Decisions

64 The joint council may decide questions brought before it by a majority vote of those present.

1930, c.7, s.64; R.S.S. 1930, c.8, s.64.

Notice of hearing and powers of council

65(1) A person against whom a complaint is made shall receive reasonable notice of the time and place fixed by the joint council for the hearing thereof, and shall, at the same time, be furnished with a copy of the complaint. The person against whom the complaint is made shall be entitled to every reasonable facility for making his defence. The provisions of sections 49, 50 and 51 shall apply, with the necessary modifications, to appeals and complaints before the joint council.

(2) For the purpose of hearing and adjudicating upon any appeal or complaint, the joint council shall have all the powers and authority referred to in subsection (5) of section 12.

1930, c.7, s.65; R.S.S. 1930, c.8, s.65.

Adjudication

66 When the joint council has finally adjudicated upon an appeal or complaint, it shall immediately send a copy of its adjudication to the commission for such action as may be required. A copy of this adjudication shall also be sent immediately to the Clerk of the Executive Council.

1930, c.7, s.66; R.S.S. 1930, c.8, s.66.

PART VI

REGULATIONS

Power of commission to make regulations

67(1) The commission may, with the approval of the Lieutenant Governor in Council, make regulations for carrying out the provisions of this Act, and in particular, but without prejudice to the generality of the foregoing for all or any of the following purposes:

- (a) the arrangement of the public service in its prescribed divisions and the facilitation of the working thereof; prescribing the classification and grading of employees; the determination of the order and conditions of promotion; the regulation of the transference or exchange of duties, work, or offices; appeals to the joint council; the determination of amounts or rates of salary, wages, or allowance appropriate to work, duties, offices, classes or grades; and the payment of salaries, wages or allowances;
 - (b) determining the nature or character and standard of examinations or tests which candidates for employment or promotion in the public service shall undergo, and for the recognition of examinations passed by employees before the commencement of this Act;
 - (c) determining who are fit and proper persons to be employed in temporary employment, and arranging for the employment of such persons; and causing the names of persons desiring temporary employment to be enrolled in a register kept for that purpose;
 - (d) regulating the hours of attendance and the conditions on which leave of absence for recreation or on account of sickness or for other proper cause may be granted, and the duration of such leave;
 - (e) regulating the performance of and payment for extra services, and the payment of gratuities on retirement;
 - (f) determining the dates, times, or periods of time at or within which shall be done all acts and things directed by this Act to be done, and in respect of which no dates, times or periods of time may be herein specially provided;
 - (g) regulating the nature and extent of allowances to be made to employees in respect of travelling and other necessary expenses; and generally for the maintenance of discipline, order, economy, and efficiency in the service, and the carrying out of the objects and provisions of this Act;
 - (h) facilitating and securing the better selection of suitable persons for appointment and promotion as employees belonging to the general division, and retaining the services of those of such persons who are found most fit;
 - (i) providing for the services of those not so retained being either dispensed with or transferred to another department or branch of the public service, as may be thought desirable;
 - (j) generally, to enable full effect to be given to the provisions of this Act.
- (2) Such regulations may be made either generally or with respect to any particular case or class of cases.

(3) No regulations made hereunder shall in any manner alter or affect duties which by any Act now or hereafter in force are or may be required to be performed.

1930, c.7, s.67; R.S.S. 1930, c.8, s.67.

Publication of regulations

68 All regulations made under the authority of this Act shall be published in *The Saskatchewan Gazette* as soon as is practicable.

1930, c.7, s.68; R.S.S. 1930, c.8, s.68.

PART VII

APPLICATION OF ACT

Act applies to all employees

69 Subject to the aftermentioned provisions of this Part, this Act shall apply to all employees in the public service.

1930, c.7, s.69; R.S.S. 1930, c.8, s.69.

Members of boards and commissions

70 Subject to the provisions of subsection 1 of section 40, this Act shall apply to all members of boards and commissions created by or under the authority of any Act of the Legislature, who are required to devote their whole time to the work of such boards and commissions; provided that nothing herein contained shall impair the rights of the present members of such boards and commissions under the several Acts by virtue of which their appointments were made.

1930, c.7, s.70; R.S.S. 1930, c.8, s.70.

Employees of department of telephones and power commission

71 In the application of this Act to employees of the Department of Telephones and Telegraphs and the Saskatchewan Power Commission the authority to make regulations regarding appointments, promotions, transfers, classification, grading, salaries, suspensions, dismissals, resignations, leave of absence for recreation and on account of sickness, and hours of attendance shall belong to the Public Service Commission and the Deputy Minister of Telephones and Telegraphs or the Saskatchewan Power Commission, as the case may be, and not solely to the Public Service Commission.

1930, c.7, s.71; R.S.S. 1930, c.8, s.71.

Employees of Legislative Assembly

72(1) The Clerk of the Legislative Assembly and the Legislative Counsel and Law Clerk of the Legislative Assembly shall be subject to the provisions of this Act, but when either of these employees is removed from his office a statement of the reasons for so doing shall be laid on the table of the Legislative Assembly forthwith if the Assembly is then in session, or, if the Assembly is not then in session, within fifteen days after the commencement of the next session of the Assembly.

(2) The application of this Act to other employees of the Legislative Assembly shall be subject to all legal rights and privileges of the Assembly as regards the appointment or removal of its employees or any of them.

1930, c.7, s.72; R.S.S. 1930, c.8, s.72.

Provincial Auditor and employees

73 This Act shall apply to the Provincial Auditor and the employees in his office, who shall be deemed to be members of the public service; subject, however, to the provisions of *The Treasury Department Act* relating to the removal from office of the Provincial Auditor.

1930, c.7, s.73; R.S.S. 1930, c.8, s.73.

Secretaries of members of Executive Council

74(1) This Act shall not apply to any person holding the position of secretary or assistant secretary to a member of the Executive Council. Such persons may be appointed by the Lieutenant Governor in Council and shall be paid such salaries as may be voted by the Legislative Assembly.

(2) On the termination of the tenure of office of a member of the Executive Council, the commission may, if a suitable vacancy exists in any branch of the public service, appoint to such vacancy any person holding the position of secretary or assistant secretary to such member, and the commission may, at its discretion, dispense with any qualifying examination or test; but no person shall be so appointed unless he is eligible under the provisions of sections 29, 32 and 33.

1930, c.7, s.74; R.S.S. 1930, c.8, s.74.

Power of commission to make exclusions from operation of Act

75(1) In any case where the commission decides that it is not practicable nor in the public interest to apply this Act to any position or positions, the commission may, with the approval of the Lieutenant Governor in Council, exclude such position or positions in whole or in part from the operation of the Act, and make such regulations as are deemed advisable prescribing how such position or positions are to be dealt with.

(2) The commission shall in its yearly report set forth the positions so excluded in whole or in part and the reasons therefor, together with the regulations prescribed and approved for dealing with such positions.

1930, c.7, s.75; R.S.S. 1930, c.8, s.75.

SCHEDULE

FORM A

(Section 8)

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.

FORM B

(Section 53)

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.

