

The Public Service Regulations

Repealed

by chapter P-42.1 Reg 1 (effective March 1, 1999).

Formerly

Chapter P-42 Reg 3 (effective December 21, 1995) as
amended by Saskatchewan Regulations 47/96.

NOTE:

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

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CHAPTER P-42 REG 3

The Public Service Act

PART 1

Preliminary

Title

- 1** These regulations may be cited as *The Public Service Regulations*.

Interpretation

- 2** In these regulations:

- (a) “**Act**” means *The Public Service Act*;
- (b) “**chairperson**” means the chairman of the Public Service Commission.

12 Jan 96 cP-42 Reg 3 s2.

Application

- 3** These regulations apply to all employees in the classified division of the public service except employees who are within the scope of a collective bargaining agreement pursuant to section 56 of the Act respecting matters governed by that agreement.

12 Jan 96 cP-42 Reg 3 s3.

PART 2

Position Classification

Chairperson to provide criteria

- 4(1)** The chairperson shall provide written criteria to determine the classification of any position.

- (2)** The criteria is to include:

- (a) a set of standards, including a title and a description of the typical duties and responsibilities for each classification level; or
- (b) a combination of:
 - (i) a set of the weighted common job evaluation factors; and
 - (ii) a set of comparative descriptions that demonstrate how the weighted common job evaluation factors are applied to the duties and responsibilities of various types of positions.

12 Jan 96 cP-42 Reg 3 s4.

Interpretation of standards**5** For the purposes of interpretation:

- (a) standards are descriptive but not restrictive and are intended to indicate the kinds of duties and responsibilities that are allocated to classification levels;
- (b) standards are not to be construed as limiting either the assignment of duties and responsibilities or the power of any permanent head to assign, direct or control the work of any employee under that permanent head's supervision; and
- (c) the use of a particular expression or illustration respecting duties does not exclude other duties not mentioned.

12 Jan 96 cP-42 Reg 3 s5.

Allocation of positions**6** In determining the class to which any position is to be allocated, the commission shall consider:

- (a) the standards as a whole;
- (b) the duties, responsibilities and requirements of the assignment; and
- (c) the relationship of the position to established comparative or benchmark descriptions.

12 Jan 96 cP-42 Reg 3 s6.

Commission to be notified of changes**7** The permanent head shall advise the commission of any:

- (a) new positions created; and
- (b) material changes in the duties or responsibilities of an existing position.

12 Jan 96 cP-42 Reg 3 s7.

Request for classification review

8(1) A permanent employee has the right to apply to the commission for a classification review whenever he or she believes there has been a material change in his or her duties or responsibilities.

(2) An agency has the right to apply to the commission for a classification review of a position whenever the agency believes there has been a material change in the duties or responsibilities.

(3) An application for a classification review is to be on a form designated by the commission.

(4) The completed application is to be forwarded to the commission together with a current position description.

(5) A probationary, temporary or provisional employee or an employee to whom sections 60 to 63 apply is not entitled to request a classification review.

12 Jan 96 cP-42 Reg 3 s8; 5 Jly 96 SR 47/96 s3.

Allocation or reclassification

9(1) A permanent employee whose position is outside the scope of a collective bargaining agreement may appeal an allocation or reclassification or decision to the commission where the employee has received written notification of:

- (a) an allocation or reclassification of his or her position; or
 - (b) a decision on a classification review pursuant to section 10.
- (2) An appeal pursuant to subsection (1) must be made within 15 days of receiving the written notification.
- (3) An employee shall be notified in writing of the commission's decision following an appeal, and the decision of the commission is final and binding.

12 Jan 96 cP-42 Reg 3 s9.

Reclassification

10(1) Where the commission reclassifies a position as a result of a review, the reclassification is effective on the first day of the pay period immediately following the day on which the employee's application for a review was received by the commission.

(2) Notwithstanding subsection (1), where the commission is satisfied that the duties resulting in the reclassification had been previously assigned, the reclassification may be retroactive to the lesser of:

- (a) the date of the assignment of the duties; and
- (b) 60 days.

12 Jan 96 cP-42 Reg 3 s10.

PART 3**Pay Plan****ADOPTION AND ADMINISTRATION OF PLAN****Commission to consult**

11 Before recommending a plan of compensation concerning all classes of positions outside the scope of collective bargaining agreements to the Lieutenant Governor in Council, the commission shall consult with the permanent heads.

12 Jan 96 cP-42 Reg 3 s11.

Rate of pay on appointment

12(1) An employee, on his or her appointment, is to be paid at the minimum rate of pay for the class to which he or she is appointed except in the case of an appointment pursuant to section 26, 27 or 28 of the Act.

(2) Notwithstanding subsection (1) and sections 43 to 47, the chairperson may approve an appointment at a rate of pay above the minimum rate but not higher than the maximum rate where:

- (a) the candidate cannot be employed at the minimum rate; and
- (b) the candidate's qualifications clearly warrant a higher rate of pay.

(3) Where the chairperson approves an appointment at a rate of pay above the minimum rate, the chairperson may review the experience of the current employees in that class who are being paid at a rate less than the new appointee and may adjust the rate of pay for those who possess equivalent qualifications.

(4) Unless the chairperson determines otherwise, where an offer and appointing document stipulates that the rate on appointment anticipates an upward adjustment in the pay scale, the employee, notwithstanding subsection 14(1), is to be allocated to the same rate in the adjusted range, or to the next higher rate if there is no such rate, as that at which he or she was appointed.

12 Jan 96 cP-42 Reg 3 s12.

Appointment below minimum of range

13(1) Notwithstanding section 12 or sections 43 to 47, the commission, in order to fill a particular position, may:

- (a) approve a rate of pay below the minimum of the range; and
 - (b) approve the probationary appointment at that rate of a candidate who is one year or less short of the minimum qualifications for the class.
- (2) The commission shall revise the rate of pay of an employee appointed below the minimum of the range to the minimum of the range for that class:
- (a) no later than one year from the date on which the employee obtained the minimum qualifications for the class; or
 - (b) on any date earlier than the date mentioned in clause (a).
- (3) The date on which the employee's rate of pay is revised to the minimum of the range is the employee's annual increment date.

12 Jan 96 cP-42 Reg 3 s13.

ASSIGNMENT OF NEW PAY RANGE

Assignment of higher pay range

14(1) Subject to section 12, where a higher pay range is assigned to a class of positions, an employee is to receive the higher rate of pay that results when he or she is placed in the same step in the higher range that he or she occupied in the previous range.

(2) Where classes are combined and positions are reallocated to a class with a higher pay range without any change in the duties or responsibilities involved, an affected employee:

- (a) moves to the same step in the new pay range as he or she occupied in the previous range; and
- (b) retains the same increment date.

12 Jan 96 cP-42 Reg 3 s14.

Assignment of lower pay range

15(1) Where a lower pay range is assigned to a class of positions, the rate of pay of a permanent employee in a position in that class is not to be reduced.

(2) Where the rate of pay of the permanent employee exceeds the maximum of the lower pay range, that person:

(a) retains the rate and range of pay in effect prior to the assignment of the lower pay range; and

(b) is eligible to advance through the steps of the retained range on his or her increment date.

(3) The permanent employee to whom subsection (2) applies is not entitled to any economic adjustment until the maximum of the lower range is greater than the maximum of the retained range.

(4) Where the rate of pay of a permanent employee to whom subsection (1) applies is equal to or less than the maximum of the lower pay range:

(a) that person is to be placed in the lower pay range; and

(b) that person's rate of pay:

(i) remains the same until his or her increment date; and

(ii) is to be increased on his or her increment date to the next higher step in the lower pay range.

12 Jan 96 cP-42 Reg 3 s15.

Lower pay range re probationary employee

16(1) Where a lower pay range is assigned to a class of positions, the rate of pay for an employee on initial probation or a permanent employee on probation in a position in that class is to be determined in accordance with subsection (2).

(2) Where the rate of pay of the person:

(a) exceeds the maximum of the lower pay range, that person's rate of pay is to be reduced to the maximum of the lower pay range; or

(b) is within the range of the lower pay range, that person's rate of pay:

(i) remains the same until his or her increment date; and

(ii) is to be increased on his or her increment date to the next higher step in the lower pay range.

12 Jan 96 cP-42 Reg 3 s16.

New increment date

17 Where, pursuant to section 14, the movement of an employee to the minimum step in a higher pay range results in an adjustment of more than 10%, the employee's increment date:

(a) if adjusted on the first working day of the month, is the first day of that month; or

(b) if adjusted after the first working day of the month, is the first day of the following month.

12 Jan 96 cP-42 Reg 3 s17.

RECLASSIFICATION

Reclassification to higher range re permanent employee

18(1) Where, as the result of a material change in its duties or responsibilities a position is reclassified to a class with a higher pay range, the position is to be considered vacant and, pursuant to subsection 13(3) of the Act, a promotional examination may be conducted notwithstanding the existence of an appropriate promotional list.

(2) Where the incumbent is appointed to the reclassified position, he or she is to be paid as on a promotion.

(3) If, for reasons other than those set out in subsection (1), a position is reclassified to a class with a higher pay range, the chairperson shall determine the rate to be paid to the employee.

12 Jan 96 cP-42 Reg 3 s18.

Reclassification to lower range re permanent employee

19(1) Where a position is reclassified to a class with a lower pay range and the incumbent is permanently employed in that position, the employee's rate of pay is not to be reduced.

(2) Where the rate of pay of a person to whom subsection (1) applies exceeds the maximum of the lower pay range, that person:

- (a) retains the pay range in effect prior to the reclassification; and
- (b) is eligible to advance through the steps of the retained range on his or her increment date.

(3) A person to whom subsection (2) applies is not entitled to any economic adjustment until the maximum of the lower range is greater than the maximum of the retained range.

(4) Where the rate of pay of a person to whom subsection (1) applies is equal to or less than the maximum of the lower salary range:

- (a) that person is to be placed in the lower pay range; and
- (b) that person's rate of pay:
 - (i) remains the same until his or her increment date; and
 - (ii) is to be increased on his or her increment date to the next higher step in the lower pay range.

12 Jan 96 cP-42 Reg 3 s19.

Reclassification to higher range re probationary employee

20(1) Where, as a result of a review initiated by the commission or any agency, a position is reclassified upward during the initial probationary period of the incumbent, the employee's rate of pay is to be adjusted to the minimum of the new range if the present rate is not within the new range.

(2) If the employee's present rate is within the new range but is not at a step in the new range, his or her rate is to be adjusted to the next higher step.

(3) The increment date will be adjusted to the first of the month following the effective date of the reclassification.

12 Jan 96 cP-42 Reg 3 s20.

Reclassification to lower range re probationary employee

21(1) Where a position is reclassified to a class with a lower pay range, the rate of pay for an employee on initial probation or a permanent employee on probation in the position is to be determined in accordance with subsection (2).

(2) Where the rate of pay of the person:

(a) exceeds the maximum of the lower salary range, that person's rate of pay is to be reduced to the maximum of the lower pay range; or

(b) is within the range of pay of the lower pay range, that person's rate of pay:

(i) remains the same until his or her increment date; and

(ii) is to be increased on his or her increment date to the next higher step in the lower pay range.

12 Jan 96 cP-42 Reg 3 s21.

Promotion following downward reclassification

22 Where, within two years of the downward reclassification of an employee's position, the employee is promoted into his or her former class or into another class at the same level or at a lower level than his or her former class, notwithstanding sections 43 to 47, he or she is entitled to return to the former step in the higher range subject to any increments that he or she would have received had he or she remained in the higher position.

12 Jan 96 cP-42 Reg 3 s22.

Temporary reclassification

23(1) When the duties and responsibilities of a position change on a non-permanent basis, the commission may:

(a) temporarily reclassify the position; and

(b) determine the salary in accordance with sections 43 to 47.

(2) The original term of the temporary reclassification is not to exceed one year.

(3) While on temporary reclassification, an employee is to retain his or her entitlement to an annual increment in the range of his or her home class.

- (4) While on temporary reclassification, an employee is eligible, on a pay adjustment date, to an equivalent step in the range for his or her home class.
- (5) For the purposes of subsections (3) and (4), the promotion formula is to be reapplied to the adjusted rate to determine the employee's salary in the higher range.

12 Jan 96 cP-42 Reg 3 s23.

RATE OF PAY INCREASES

Annual increment entitlement

24 Subject to section 26, a probationary or permanent employee is entitled annually, or as provided in his or her pay range, to an increment within his or her pay range.

12 Jan 96 cP-42 Reg 3 s24.

Increment may be withheld

25(1) A permanent head may withhold an increment mentioned in section 24 on the basis of an assessment of the employee's performance if the permanent head:

- (a) provides the employee with written notice in advance of the increment date of the permanent head's intention to withhold the increment and the reasons for withholding the increment; and
 - (b) sends a copy of the notice to the commission.
- (2) An employee, within 10 working days of receiving the notice, may appeal in writing to the commission and the commission, after hearing the appeal and any evidence that the permanent head or the employee may present, may direct that the increment not be withheld.
- (3) Where the services of an employee whose increment was withheld becomes satisfactory, the permanent head may grant the increment on any date that the permanent head considers appropriate except that the reinstatement is not retroactive.
- (4) An employee's increment date does not change because of the withholding of an increment.

12 Jan 96 cP-42 Reg 3 s25.

Increment date following leave of absence

26(1) Where an employee returns to work after not more than 90 consecutive days' lay-off or leave of absence without pay, his or her increment date does not change.

(2) Where an employee returns to work after more than 90 consecutive days' lay-off or leave of absence without pay, he or she is eligible to receive, subject to section 27, an increment after 12 months of actual service, less credit towards an increment earned before the leave of absence or lay-off was taken, and:

- (a) the date on which he or she becomes entitled to the increment is his or her new increment date; or

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(b) where the leave was under the Government-sponsored educational program or for illness covered by *The Workers' Compensation Act, 1979*, the increment date does not change regardless of the length of the leave of absence.

12 Jan 96 cP-42 Reg 3 s26.

Annual increment date

27 The annual increment date of an employee is:

- (a) if the employee was appointed on the first working day of the month, the first day of that month; or
- (b) if the employee was appointed after the first working day of the month, the first day of the next month following.

12 Jan 96 cP-42 Reg 3 s27.

Provisional service

28 Notwithstanding any other provision in these regulations, uninterrupted provisional service that is continuous with probationary service in the same position is to be counted as probationary service for increment purposes if the provisional employee, when appointed:

- (a) is eligible to take the qualifying commission examination; and
- (b) qualifies on the first available opportunity.

12 Jan 96 cP-42 Reg 3 s28.

Range movement

29 Where an employee qualifies to go from a lower range to a higher range in the same class, the employee's pay is to be adjusted, effective the first day of the month following successful completion of the course requirements, to the equivalent step in the higher range and:

- (a) the adjustment is not to be greater than two steps of the employee's current range unless that two-step adjustment would not bring the employee to the minimum of the higher range;
- (b) if, by movement to the minimum of the higher range, the adjustment exceeds 10%, the employee's increment date is to be determined in accordance with section 27; and
- (c) the onus is on the employee to submit satisfactory evidence establishing his or her higher qualifications and the effective date of those qualifications.

12 Jan 96 cP-42 Reg 3 s29.

Extra increments

30(1) The chairperson, on the recommendation of a permanent head, may authorize one or more increments within the pay range to an employee at any time to take effect on the first day of any month following approval.

(2) In a case where an employee's rate of pay is adjusted upward by two or more increments, a new increment date is to be determined in accordance with section 27.

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(3) The chairperson, on the recommendation of a permanent head, may authorize one to three increments beyond the pay range for the position to an employee at any time to take effect on the first day of any month following approval.

12 Jan 96 cP-42 Reg 3 s30.

Periods of part-time employment

31 Where a part-time employee's periods of employment are not interrupted by resignation, dismissal or an interval of non-employment greater than 180 days:

- (a) service by the part-time employee after March 31, 1976 in the same class is cumulative; and
- (b) the part-time employee is entitled to an increment within the part-time employee's pay range effective on the first pay period following:
 - (i) the completion by the part-time employee of the equivalent of 260 full working days; or
 - (ii) if the part-time employee is in a class designated by the commission as an accelerated movement class, the completion by the part-time employee of the equivalent of 130 full working days.

12 Jan 96 cP-42 Reg 3 s31.

TOTAL REMUNERATION

Pro rata payment

32 An employee working fewer than the regularly established hours per day, days per week or weeks per month is to be paid pro rata according to the time actually worked unless that employee absents himself or herself because of sick leave, vacation leave or other authorized leave with pay.

12 Jan 96 cP-42 Reg 3 s32.

Employees entitled to full month's salary

33 An employee, whether on original recruitment or on return to work following leave of absence without pay, lay-off, suspension or reinstatement, is entitled to salary for a full month in those instances where the employee commences or resumes employment on the first day of the month on which employees pursuant to these regulations work.

12 Jan 96 cP-42 Reg 3 s33.

PAY RATES AND OVERTIME

Commission to designate classes re overtime

34 The commission shall designate the positions or classes of positions that are eligible for compensation for overtime worked in accordance with these regulations.

12 Jan 96 cP-42 Reg 3 s34.

Overtime to be authorized

35(1) Employees in positions or classes of positions eligible for compensation for overtime worked are not to work overtime unless authorized to do so in the form of written orders supplied to the employee by the permanent head or by a person authorized by the permanent head.

(2) In emergency situations, overtime may be authorized verbally but a written authorization order must be issued to the employee on the next working day following the day on which the overtime was verbally authorized.

(3) Following the completion of an overtime assignment, the employee must:

- (a) certify on the order the number of hours worked; and
- (b) return the order to the authorizing department official for certification and transmission to the payroll authority.

12 Jan 96 cP-42 Reg 3 s35.

Overtime for office employees

36 In the case of office employees working a standard 36-hour week, overtime worked:

(a) on a regular working day in excess of one half-hour is to be paid at a rate of one and one-half times the employee's hourly rate for the first four hours worked and at double time for all hours worked in excess of four hours on the day, except that:

(i) if an employee is requested to work overtime after having left the place of work, overtime is to be paid for each hour or portion of an hour worked or for a minimum of two hours, whichever is greater; and

(ii) an employee called to work more than once during the two-hour minimum period is not to receive any further overtime credits until the two-hour period has elapsed; and

(b) on a regular assigned day of rest is to be paid at the rate of double time for each hour or portion of an hour worked or for a minimum of two hours, whichever is greater.

12 Jan 96 cP-42 Reg 3 s36.

Time off in lieu of overtime

37(1) The permanent head or person designated by the permanent head may grant time off at the appropriate rate in lieu of payment for overtime worked pursuant to section 36.

(2) If time off in lieu of payment cannot be granted by the end of the third month following the month in which the overtime was earned, the employee is to be paid in accordance with section 36, based on the rate of pay that would have been paid at the time the overtime was worked.

12 Jan 96 cP-42 Reg 3 s37.

Employees working modified hours

38(1) In the case of office employees working 72 hours in a two-week period and employees working a regulated 37 1/3 hour average week, overtime is to be paid or time off in lieu of pay granted in accordance with section 36 or 37 but subject to sections 115 to 117.

(2) An employee working overtime on a scheduled earned day off is to be paid at a rate of one and one-half times the employee's hourly rate for those hours worked.

12 Jan 96 cP-42 Reg 3 s38.

Overtime for field employees

39(1) In the case of field employees, excluding the instructional group, overtime worked is to be paid at a rate of one and one-half times the hourly rate for all authorized hours worked in a month in excess of eight times the number of days in that month, excluding Saturdays, Sundays, designated holidays and scheduled earned days off.

(2) For the purpose of pay calculation, any approved sick leave or vacation leave or any other approved leave with pay is to be included as actual hours worked in that period, except that:

(a) in no case is the number of hours included as actual hours worked to exceed eight hours per day; and

(b) where an employee works part days, the number of hours included as actual hours worked when combined with approved leave with pay is not to exceed eight hours per day.

(3) Subsection (2) does not apply respecting any day that an employee is not scheduled to work.

12 Jan 96 cP-42 Reg 3 s39.

Time off in lieu for field employees

40(1) The permanent head or a person designated by the permanent head may grant time off at the appropriate rate in lieu of payment for overtime worked pursuant to section 39.

(2) If time off in lieu of payment cannot be granted by the end of the twelfth month following the month in which the overtime was earned, the employee is to be paid in accordance with section 39 based on the rate of pay that would have been paid at the time the overtime was worked.

12 Jan 96 cP-42 Reg 3 s40.

Instructional group overtime

41 In the case of field employees in the instructional group, overtime is to be paid at the rate of 1/200th of the employee's normal annual salary for each day of student instructional contact in excess of 200 days worked in an instructional year.

12 Jan 96 cP-42 Reg 3 s41.

TRANSFERS AND PROMOTIONS

Where employee transferred

42 Where an employee is transferred, his or her rate of pay and increment date do not change except that, where the employee's rate of pay in the old position is between two steps in the new position, the old rate on transfer is to be increased to the next higher step in the new pay range.

12 Jan 96 cP-42 Reg 3 s42.

Promotion of permanent employee

43 On the promotion of a permanent employee, a salary increase of 8% is to be granted except that:

- (a) where the increase of 8% produces a rate below the minimum of the range for the higher-paid position, the salary is to be adjusted to the minimum of the range;
- (b) where the increase of 8% produces a rate between two steps in the range of the higher-paid position, the salary is to be adjusted to the higher of the two steps; and
- (c) in no case is the rate following promotion to be more than the maximum of the range for the higher position.

12 Jan 96 cP-42 Reg 3 s43.

Increment date

44(1) The increment date of a permanent employee who is promoted:

- (a) where the salary increase is 10% or less, remains the same;
 - (b) where the salary increase is more than 10%, is to be changed to the first day of the month if the appointment is made on the first working day of the month, or on the first day of the following month if the appointment is made after the first working day of the month; or
 - (c) where the employee is promoted from the maximum step in his or her range, is to be changed to the first day of the month if the appointment is on the first working day of the month, or on the first day of the following month if the appointment is made after the first working day of the month.
- (2) Where the promotion is to a class that is subject to accelerated movement, the increment date is to be established in accordance with section 27, and the employee is entitled to increments pursuant to section 24.

12 Jan 96 cP-42 Reg 3 s44.

Promotion from in-scope to out-of-scope

45 Where a permanent employee is promoted from an in-scope to an out-of-scope position, the commission shall determine the salary and increment date of the employee.

12 Jan 96 cP-42 Reg 3 s45.

Application of promotional formula

46(1) Where an employee's increment date or an adjustment in salary occurs on the same date as the promotion or reclassification, the employee is to receive the increment or adjustment before the promotional formula is applied.

(2) A permanent employee, on promotion to a position with established qualifications for education and experience, is entitled to the greater of:

- (a) the rate provided by promotional formula; and
- (b) the rate that his or her qualifications would yield as an out-of-service applicant.

12 Jan 96 cP-42 Reg 3 s46.

Provisional promotion

47(1) Where an employee is promoted provisionally, his or her increment date does not change.

(2) If the employee is not at the maximum of his or her regular range and if he or she does not receive an increase in the higher range in excess of the promotion formula set out in these regulations, the employee is eligible for an increment on his or her increment date.

(3) If an employee is promoted provisionally or is promoted to a higher position and does not qualify in the probationary period, on return to the former position the employee reverts to his or her former pay rate subject to any increments that he or she would have received had he or she remained in that position.

12 Jan 96 cP-42 Reg 3 s47.

DEMOTION**Demotion - permanent status**

48(1) Where, for any reason, an employee voluntarily takes a demotion from a class in which the employee holds permanent status, the increment date does not change.

(2) On the demotion, the employee's rate of pay is adjusted as follows:

- (a) where the rate prior to demotion is above the maximum established for the class into which he or she is taking demotion, it is to be reduced to the maximum;
- (b) where the rate prior to demotion is within the range of pay established for the class into which he or she is taking demotion, it is to remain the same until his or her increment date and is to be increased at that time to the next higher step in the range.

12 Jan 96 cP-42 Reg 3 s48.

Demotion - probationary status

49(1) Where, for any reason, a permanent employee voluntarily takes a demotion from a class in which he or she holds probationary status, the employee reverts to the step at which he or she was being paid in the pay range of his or her former class subject to any increments he or she would have received had he or she remained in that class.

(2) The resulting rate is the basis for determining the pay rate at which he or she is to be paid in the class into which he or she is taking a demotion.

12 Jan 96 cP-42 Reg 3 s49.

Demotion - initial probation

50 Where, for any reason, an employee on initial probation voluntarily takes a demotion, his or her appointment is to be terminated and he or she is to commence a new appointment in the lower class.

12 Jan 96 cP-42 Reg 3 s50.

Involuntary demotion

51(1) Where an employee is involuntarily demoted, his or her rate of pay is to be reduced to the rate next lower in the range of pay established for the class into which he or she is demoted, and the employee remains at that rate until his or her increment date in the position from which he or she was demoted.

(2) Where a demotion is for the purpose of reducing staff, clauses 48(2)(a) and (b) apply.

12 Jan 96 cP-42 Reg 3 s51.

Promotion after demotion

52(1) An employee who retains his or her salary rate on a demotion and who is promoted within two years after that demotion:

(a) retains his or her increment date and pay rate in effect on the date of promotion; and

(b) is not entitled to the benefit of the promotional formula unless the promotion is to a position with a higher range maximum than the position from which that employee was demoted.

(2) An employee who does not retain his or her salary rate on demotion and who is subsequently promoted to a position at his or her former level is entitled to the promotional formula as long as the new rate does not exceed the rate to which he or she would have progressed had he or she not been demoted.

12 Jan 96 cP-42 Reg 3 s52.

RE-EMPLOYMENT AFTER LAY-OFF

Re-employment with same pay range

53 Where an employee is re-employed after a lay-off in a position where the pay range is the same as the pay range for the position held prior to the lay-off, the employee is to be paid at the same step in the range that he or she had achieved at the time of the lay-off, and his or her increment date is to be determined in accordance with subsection 26(2).

12 Jan 96 cP-42 Reg 3 s53.

Re-employment with lower pay range

54 Where an employee is re-employed after a lay-off in a position where the pay range is lower than the pay range for the position held prior to the lay-off, his or her increment date is to be determined in accordance with subsection 26(2) and he or she is to be paid as follows:

- (a) if there is an equivalent rate, at that rate;
- (b) if there is no equivalent rate, at the next higher rate in the range for the new position;
- (c) if the equivalent rate exceeds the maximum of the range for the new position, at the maximum of the range for the new position.

12 Jan 96 cP-42 Reg 3 s54.

Re-employment with higher pay range

55 Where, following a competition, an employee is re-employed in a position having a higher pay range than the position held prior to the lay-off, he or she is to have his or her salary adjusted as on promotion.

12 Jan 96 cP-42 Reg 3 s55.

PAYMENTS AND DEDUCTIONS WHERE EMPLOYEE LEAVES SERVICE

Entitlement

56 An employee who leaves the public service is to be paid in lieu of earned but unused vacation leave at the rate of pay applicable to that employee on his or her termination date.

12 Jan 96 cP-42 Reg 3 s56.

Excess leave taken

57(1) An employee leaving the service who has taken vacation leave or sick leave in an amount in excess of the amount earned is liable to repay the excess.

(2) The excess may be deducted from money owing to the employee or held for the employee by the Government.

12 Jan 96 cP-42 Reg 3 s57.

Payments where employee dies

58 In the event of the death of an employee, the following are to be paid to the employee's estate:

- (a) any amount normally due pursuant to these regulations; and
- (b) the amount of the employee's salary for the month in which the death occurs.

12 Jan 96 cP-42 Reg 3 s58.

Deductions where employee dies

59 Notwithstanding section 57, in the event of the death of a permanent employee, no deductions from amounts owing to the estate are to be made respecting over-expended vacation and sick leave except sick leave granted pursuant to section 141.

12 Jan 96 cP-42 Reg 3 s59.

TEMPORARY PERFORMANCE OF HIGHER DUTIES

Employee to receive increase in pay

60(1) In this section and sections 61 to 63, "**temporary performance of higher duties**" means the assignment of an employee to perform the duties of a position within a class having a higher maximum rate of pay.

(2) If the assignment:

- (a) is for 90 continuous days or less, the employee shall receive payment pursuant to subsection (3); and
- (b) continues for more than 90 days, the temporary performance of higher duties assignment:
 - (i) may be extended for not more than 30 days; or
 - (ii) an employee's position may be temporarily reclassified in accordance with section 23.

(3) Subject to section 63, an employee assigned to temporarily perform higher duties shall receive payment for each regular day of assignment at a rate that provides an increase of 5% over the employee's current rate, and in no case is the rate to be less than the minimum or more than the maximum of the range for the higher class.

(4) If the increase of 5% produces a rate:

- (a) below the minimum of the range for the higher-paid position, the salary is to be adjusted to the minimum of the range; and
- (b) between two steps in the range of the higher-paid position, the salary is to be adjusted to the higher of those two rates, but the rate is not to exceed the maximum of the range for the higher class.

(5) Notwithstanding section 3, this section and sections 61 to 63 apply to persons appointed by Order in Council.

12 Jan 96 cP-42 Reg 3 s60.

Where assignment longer than 90 days

61 Subject to subsection 60(2), any temporary performance of higher duties over 90 continuous days is on the basis of temporary reclassification pursuant to section 23.

12 Jan 96 cP-42 Reg 3 s61.

Employee eligible for increments

62 Where an employee is engaged in temporary performance of higher duties, the employee is eligible to receive normal increments and economic adjustments in his or her usual class and the supplementary payment for temporary performance of higher duties is to be recalculated on the revised rate of pay.

12 Jan 96 cP-42 Reg 3 s62.

Where no payment to be made

63(1) No payment is to be made to an employee when temporary substitution in a specific higher position is indicated in the employee's class specification as part of the employee's duties and responsibilities.

(2) No employee who is required to perform the duties of another employee who is on an earned day off or a scheduled day off is to receive pay for temporary performance of higher duties.

12 Jan 96 cP-42 Reg 3 s63.

PART 4**Examinations****APPLICATION AND ADMISSION****Who may take examinations**

64(1) Promotional examinations, whether written or panel, are open to employees in the public service and persons on a service-wide re-employment list.

(2) All employees are eligible to participate in employment examinations that are open to the public where those employees possess the minimum qualifications.

12 Jan 96 cP-42 Reg 3 s64.

Nature of examination

65 All employment and promotional examinations are competitive, and the means or measures used to test persons may include:

- (a) any statement or any investigation of education, experience or record of accomplishment;
- (b) any test of knowledge, skill, capacity, intelligence or aptitude; and
- (c) any inquiry into the personal suitability of the candidate.

12 Jan 96 cP-42 Reg 3 s65.

Applications

66(1) An applicant is to include the following in an application:

- (a) the information requested in the examination announcement;
 - (b) the applicant's relevant experience and ability.
- (2) Eligible persons who have submitted applications on or before the last date for filing as notified in the examination announcement are to be admitted to compete in the examination for which they have applied.
- (3) Each applicant whose application has been accepted for any examination is to be notified of the date, time and place of the examination, and that notice is the applicant's authorization to take the examination.

12 Jan 96 cP-42 Reg 3 s66.

CONDUCT OF EXAMINATION**Time and place**

67 Examinations are to be held at those times and places that, in the chairperson's opinion, best meet the convenience of applicants, practicability of administration and the needs of the service.

12 Jan 96 cP-42 Reg 3 s67.

Postponement or cancellation

68(1) In the event that an insufficient number of candidates as determined by the chairperson have made application for any examination, the chairperson:

- (a) may postpone the last filing date and the date of the examination or cancel the examination; and
 - (b) shall provide reasonable notice of that cancellation or postponement.
- (2) The chairperson may postpone or cancel any examination for cause if reasonable notice is provided.

12 Jan 96 cP-42 Reg 3 s68.

RATING OF EXAMINATION**How results may be rated**

69(1) Appropriate selection techniques, procedures and assessment methods are to be used in rating the results of examinations and determining the relative ranking of the competitors.

- (2) In all examinations, the minimum rating by which eligibility may be achieved is to be set by the chairperson.
- (3) The final examination rating may be based on all factors of the examination, including educational requirements, experience and other qualifying elements as shown in the candidate's application or other verified information.

12 Jan 96 cP-42 Reg 3 s69.

Minimum rating

70(1) All competitors may be required to obtain at least a minimum rating in each part of the examination in order to receive a final passing grade or to be rated on the remaining parts of the examination.

(2) The chairperson may determine, in advance of the establishment of a list of eligible persons, the maximum number of competitors to be placed on the list.

12 Jan 96 cP-42 Reg 3 s70.

Failure to qualify

71(1) A competitor who fails to qualify as an eligible person for the class for which an examination was taken, with the approval of the chairperson, may be rated with reference to his or her eligibility for a lower class for which an examination is in process if the competitor has signified his or her willingness to accept an appointment to a position of a lower class.

(2) If the competitor is found eligible, his or her name may be entered on the list of eligible persons for that lower class.

12 Jan 96 cP-42 Reg 3 s71.

PLACEMENT ON LISTS AND REVIEWS**Placement of names**

72(1) Names of eligible persons are to be placed on the employment list in the order of their final rating.

(2) In ties in final ratings, names are to be placed on the list in the order of the rating in the part of the examination given the greatest weight.

(3) Any remaining ties are to be broken by placing the names alphabetically.

12 Jan 96 cP-42 Reg 3 s72.

Right of review

73(1) Within 30 days of the date on which notice of a person's rating in an examination is sent, a competitor may make a written request to the chairperson for a review of the rating.

(2) If the chairperson considers the reasons in the request satisfactory, the chairperson shall review the rating and shall change the rating if satisfied that the original rating was incorrect.

(3) If errors affecting the ratings of other competitors are disclosed, the chairperson may extend the review to those ratings, but those errors do not invalidate or in any way affect any appointment already made as a result of the original rating.

12 Jan 96 cP-42 Reg 3 s73.

Counselling

74 An employee who has undergone an examination has the right to receive counselling from a commission consultant regarding the employee's strengths and weaknesses as revealed by the results of the examination.

12 Jan 96 cP-42 Reg 3 s74.

PART 5
List of Eligible Persons
 RE-EMPLOYMENT LIST

Service-wide re-employment list

75 A re-employment list is to be maintained by the commission and is to be made up and exhausted in the following order:

- (a) persons who:
 - (i) were in the classified service and were laid off because of the necessity to reduce staff; or
 - (ii) are returning from indefinite leave as a result of prolonged illness or disability and have received long-term disability or workers' compensation benefits;
- (b) persons displaced by reversion pursuant to section 108;
- (c) persons who have been dismissed or demoted and who, on appeal pursuant to section 37 of the Act, have been absolved of all discredit in connection with the dismissal or demotion;
- (d) persons who have returned from leave with the unclassified service or with a corporation established pursuant to *The Crown Corporations Act, 1993* in accordance with subsection 21(3) of *The Public Service Act*;
- (e) persons within the meaning of subsection 94(4) who have failed a probationary period.

12 Jan 96 cP-42 Reg 3 s75.

Filling positions

76(1) In filling any position in the public service, the commission shall examine the qualifications of persons whose names appear on the re-employment list.

(2) A person found to be qualified for a position in his or her former class or an equivalent or lower class is to be certified to that position.

12 Jan 96 cP-42 Reg 3 s76.

REMOVAL AND REINSTATEMENT OF NAMES

Removal of names from lists

77(1) The chairperson may remove names from the re-employment list for any of the following reasons:

- (a) appointment through certification from a list to fill a permanent position in an employee's former class or in another class at an equivalent or higher rate of pay;
- (b) failure to reply within 10 days to a written inquiry from the chairperson or permanent head relating to availability for appointment;
- (c) refusal to accept an appointment under conditions previously indicated as acceptable;

- (d) failure to report for duty within the time prescribed by the permanent head, that time not to be less than 30 days;
 - (e) failure to notify the commission of a change of address;
 - (f) receipt of information that establishes to the satisfaction of the commission that a person is unsuitable or unqualified for employment;
 - (g) expiry of two years from the date of first being placed on the list.
- (2) For the purposes of clause (1)(e), the return of a letter by the postal authorities from the last address on record is deemed to be sufficient grounds for removal of the name from the eligible list.

12 Jan 96 cP-42 Reg 3 s77.

Reinstatement of name on list

- 78(1) An eligible person whose name is removed from the list pursuant to section 77 may make a written request to the chairperson to have his or her name restored.
- (2) The chairperson shall advise the eligible person of any action taken by the chairperson as a result of the request.

12 Jan 96 cP-42 Reg 3 s78.

Restrictions on certification

- 79(1) Where an eligible person submits a statement restricting the conditions under which he or she is available for employment, his or her name is to be withheld from all certifications that do not meet the conditions he or she has specified.
- (2) An eligible person may file a new statement at any time during the life of the list to modify any prior statement respecting the conditions under which he or she will be available for employment.

12 Jan 96 cP-42 Reg 3 s79.

PART 6

Certification and Appointment

Appointment of eligible persons

- 80(1) Where a vacancy in a position occurs and it is not filled by a transfer or demotion, the commission shall certify at least one and not more than three eligible persons.
- (2) The permanent head shall select one person to be appointed to fill the vacancy from among the persons certified.
- (3) The permanent head may reject all certified persons or may cancel the request to fill the position within 10 days of receiving the names of the persons certified where the permanent head submits written reasons for the rejection or cancellation that are acceptable to the commission.

12 Jan 96 cP-42 Reg 3 s80.

Multiple vacancies

81 Where more than one vacancy is to be filled, the name of one additional person is to be certified for each additional vacancy.

12 Jan 96 cP-42 Reg 3 s81.

Withdrawal of certification

82(1) Where a selection is not reported within 10 days of certification, the chairperson may withdraw the certification and certify the name of the eligible person included in that certification in a certification on the next requisition received for the appropriate class of employment.

(2) The commission may withdraw any certification where it determines, following investigation, that the certification was made as a result of misrepresentation, omission or error.

12 Jan 96 cP-42 Reg 3 s82.

Permanent appointment

83 A probationary employee receives permanent status where:

- (a) the permanent head recommends permanent status on the prescribed form accompanied by certification and evidence of satisfactory probationary service; and
- (b) the commission approves.

12 Jan 96 cP-42 Reg 3 s83.

Temporary appointment

84(1) A temporary appointment may be extended for up to two years on the recommendation of the permanent head and with the prior approval of the chairperson.

(2) No temporary employee whose appointment has been extended is to be employed as a temporary employee by the same agency for more than two years in any three years.

(3) Notwithstanding subsection (1) or (2), a temporary employee hired in term projects cost-shared by the province and other levels of government and authorized by Treasury Board may have his or her temporary appointment extended annually to the completion date of the project:

- (a) on the recommendation of the permanent head or designate; and
- (b) with the prior approval of the commission.

(4) No person who has had a temporary appointment is to receive a provisional appointment in the same position within six months of the termination of the temporary appointment.

12 Jan 96 cP-42 Reg 3 s84.

Provisional appointment

85 Where a permanent employee has received a provisional appointment and in the opinion of his or her permanent head the employee's performance is unsatisfactory, the employee:

- (a) is to vacate the position;
- (b) is entitled to revert to his or her former position at the former step in the pay range subject to any increments that he or she would have received in that position; and
- (c) is subject to section 154.

12 Jan 96 cP-42 Reg 3 s85.

Where no competition necessary

86 Where in the commission's opinion it would not be practical, advantageous or in the public interest to hold a second competition at the end of a provisional period during which the provisional appointee satisfied the qualification requirements, the incumbent may be appointed to the position on a probationary basis without further competition.

12 Jan 96 cP-42 Reg 3 s86.

Casual appointment

87 Where possible, a casual appointment is to be made at the lowest rate for the class to which the position may be properly allocated.

12 Jan 96 cP-42 Reg 3 s87.

Trainee appointee

88(1) Where an agency wishes to establish a training position, the agency shall submit an outline of the proposed duties and the commission shall:

- (a) classify the position; and
- (b) establish the length of the training period.

(2) All appointments to training positions are to be made by the chairperson on the recommendation of the permanent head.

(3) No trainee shall obtain any other position until he or she qualifies through open competition during or at the end of the training period.

12 Jan 96 cP-42 Reg 3 s88.

Part-time positions and appointments

89 Notwithstanding section 3:

- (a) where the chairperson has designated a position as part-time, no person is to be paid for services rendered in that position, including any overtime, for more than 90% of the normal hours for that position over a three-month period; and
- (b) a permanent head, when requesting the designation of a position as part-time, shall provide full particulars on the duties to be performed, and the commission, as far as is practicable, shall allocate the position to a class and pay range in use in the classified service.

12 Jan 96 cP-42 Reg 3 s89.

P-42 REG 3**PUBLIC SERVICE****Labour service positions and appointments**

90 Notwithstanding section 3, an appointment to a position in the labour service is not to be made unless:

- (a) the position is allocated to a class already existing in the labour service; or
- (b) the commission has designated the position as coming within the labour service and has established an appropriate rate of pay.

12 Jan 96 cP-42 Reg 3 s90.

Appointment of a superannuate

91(1) Where a person who has been superannuated pursuant to *The Public Service Superannuation Act* is appointed to a position in the public service, the permanent head shall immediately notify the Public Service Superannuation Board in writing of the date of the appointment.

(2) No person shall approve payment of money for personal services to a person who is a superannuate pursuant to *The Public Service Superannuation Act* unless the Public Service Superannuation Board has been given notice pursuant to subsection (1).

12 Jan 96 cP-42 Reg 3 s91.

Appointments other than by competitive examination

92 Notwithstanding any other provision in this Part, the commission may employ any process of recruitment and selection that, in its opinion, will enable it to appoint suitably a qualified person to a position in an agency if the commission is satisfied that a competitive examination is not practicable or in the public interest for any of the following reasons:

- (a) the urgency of making the appointment;
- (b) the unusual or exceptional qualifications required of applicants for the position;
- (c) the unusual or exceptional qualifications possessed by an applicant for the position;
- (d) a known shortage of qualified applicants;
- (e) the importance of achieving employment equity in the agency;
- (f) the former employer of the employees to be appointed has merged with the executive government as a result of government initiative or action.

12 Jan 96 cP-42 Reg 3 s92.

PART 7

Probationary Period

Initial employment and duration

93(1) Persons appointed to positions excluded from collective bargaining agreements must serve a probationary period of one year unless otherwise determined by the commission.

(2) Where the same classification exists both in and out of the scope of the bargaining unit, the probationary period is of the same duration as the period for in-scope positions.

(3) Where leave without pay of more than 30 days has been taken during a probationary period, certification, at the discretion of the permanent head, may not be effected until a period of either six months or 12 months, whichever is appropriate, of actual service has been completed.

(4) On the recommendation of the permanent head, a probationary period mentioned in subsection (1) may be extended by the chairperson for any reason the chairperson considers appropriate respecting an individual employee.

12 Jan 96 cP-42 Reg 3 s93.

Promotion re permanent employee

94(1) A permanent employee who has been promoted must serve a probationary period equivalent to the period mentioned in section 93.

(2) An employee who does not qualify in the probationary period reverts to his or her former position at his or her former step in the pay range subject to any increments that the employee would have received had he or she remained in that position.

(3) Sections 148 to 159 apply to an employee mentioned in subsection (2).

(4) A permanent employee who is on probation, on a further promotion, commences another probationary period.

12 Jan 96 cP-42 Reg 3 s94.

Promotion re probationary employee

95(1) Where an employee is promoted during his or her initial probationary period:

- (a) the employee's initial probationary appointment is terminated; and
- (b) the employee commences a new probationary appointment.

(2) If the employee fails to complete the probationary period in the new position, his or her employment in the public service is terminated.

12 Jan 96 cP-42 Reg 3 s95.

Transfer

96(1) Where a permanent employee is transferred within his or her agency to another position in the same class or is re-employed from a re-employment list in another position in his or her former class in his or her former agency, no probationary period is required.

(2) Notwithstanding subsection (1), an employee who voluntarily transfers to another position in the same class in a different work setting may be required by his or her agency to serve a probationary period.

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(3) Where the employee serves the probationary period and does not qualify, the employee reverts to his or her former position at his or her former step in the pay range subject to any increments he or she would have received had he or she remained in that position.

12 Jan 96 cP-42 Reg 3 s96.

Transfer re probationary employee

97(1) The appointment of an employee who transfers voluntarily during his or her initial probationary period is terminated and the employee commences a new probationary appointment.

(2) Where an employee is transferred involuntarily during the initial probationary period to a position in the same class in the same agency, he or she shall complete the probationary period for the first position while serving the second.

(3) If the employee mentioned in subsection (2) fails during the probationary period, the employment is terminated.

12 Jan 96 cP-42 Reg 3 s97.

Transfer re permanent employee

98(1) A permanent employee who is on probation and who transfers voluntarily commences another probationary period.

(2) Where the permanent employee fails during the probationary period, the employee reverts to the position in which he or she last held permanent status at his or her former step in the pay range subject to any increments he or she would have received had he or she remained in that position.

(3) A permanent employee who is on probation and who is transferred involuntarily to another position in the same class in the employee's agency shall complete the balance of his or her probationary period in the new position.

(4) A permanent employee who is transferred involuntarily to a position in another class within the employee's agency or to a position in the same class or a different class in another agency may be required to serve a probationary period at the discretion of the permanent head of that agency.

(5) Where the transfer mentioned in subsection (4) is the result of an agency being amalgamated with another agency, an employee in the agency who is on probation shall complete the balance of the probation in the amalgamated agency.

(6) Subject to section 154, an employee to whom subsection (3) or (4) applies who does not qualify in the probationary period reverts back to his or her former position at his or her former step in the pay range subject to any increments that he or she would have received had he or she remained in that position.

12 Jan 96 cP-42 Reg 3 s98.

Demotion

99(1) No probationary period is required to be served by a permanent employee who has been involuntarily demoted to a position in the same series in the same agency or to a position in a class in the same agency in which he or she previously attained permanent status.

- (2) The designated series in each instance is to be determined by the chairperson.
- (3) In cases other than those mentioned in subsection (1), a permanent employee who does not qualify in the probationary period reverts to his or her former position at his or her former step in the pay range subject to any increments that he or she would have received had he or she remained in that position.
- (4) Section 154 applies to an employee mentioned in subsection (3).

12 Jan 96 cP-42 Reg 3 s99.

Reclassification

- 100(1)** No probationary period is required for an employee who holds permanent status in a position that has been reclassified.
- (2) Where a position is reclassified during the initial probationary period of the incumbent employee, that employee commences a new probationary period in the reclassified position.
- (3) Where a position is reclassified and the incumbent is a permanent employee on a probationary appointment, the employee commences a new probationary period in the reclassified position.

12 Jan 96 cP-42 Reg 3 s100.

Re-employment from re-employment list

- 101(1)** A permanent employee who is re-employed from a re-employment list to a position in a different class in the employee's former agency or to a position in the same class or a different class in another agency may be required to serve a probationary period for the period stipulated for that class at the discretion of the permanent head of the employing agency.
- (2) An employee re-employed from a re-employment list who does not qualify in his or her probationary period returns to his or her place on the re-employment list.

12 Jan 96 cP-42 Reg 3 s101.

Reversion

- 102(1)** A permanent employee who is on probation may request to revert to a vacant position in the employee's former agency in the same class as his or her former class and at the employee's former step in the pay range subject to any increments that the employee would have received had the employee remained in that class.
- (2) An employee who wishes to revert shall make a written request to the permanent head of the employee's current agency.
- (3) An employee who makes a request to revert is to be certified to the position mentioned in the request where:
 - (a) the permanent head to whom the request was made recommends the certification; and
 - (b) the commission considers the employee to be qualified for the position.

12 Jan 96 cP-42 Reg 3 s102.

PART 8
Demotion, Separation and Lay-off

Demotion

103 A permanent head may demote an employee to a position in another agency with:

- (a) the prior approval of the chairperson; and
- (b) the concurrence of the permanent head of the agency to which the employee is to be demoted.

12 Jan 96 cP-42 Reg 3 s103.

Resignation

104(1) Any employee who wishes to resign is to give 30 days' written notice.

(2) An employee who fails to give the required notice is to be struck from the payroll effective the date that the employee absents himself or herself without leave.

12 Jan 96 cP-42 Reg 3 s104.

Lay-off

105(1) A permanent employee whose position is abolished has the right to have his or her name placed on the re-employment list by written notice to the commission within seven days of receiving notice that his or her position has been abolished.

(2) An employee who elects to have his or her name placed on the re-employment list is entitled to have his or her name kept on the list for not more than two consecutive years from the day on which his or her position was abolished.

(3) An employee whose name is to be placed on the re-employment list is to provide the commission with written notice of any class, pay, geographic or other restrictions that he or she wishes to place on his or her availability for re-employment.

(4) Where an employee whose name is on the re-employment list rejects three offers of employment, the employee's name is to be removed from the list.

12 Jan 96 cP-42 Reg 3 s105.

Retirement or death

106 The retirement or death of an employee must be reported to the commission by the permanent head responsible for that employee in the manner prescribed by the commission.

12 Jan 96 cP-42 Reg 3 s106.

Reinstatement following suspension

107 An employee who has been suspended pursuant to section 34 of the Act is to be reinstated retroactive to the date on which the suspension began where:

- (a) no charges are laid;

- (b) charges are withdrawn or not proven; or
- (c) no disciplinary action is taken.

12 Jan 96 cP-42 Reg 3 s107.

PART 9

Reinstatement and Appeals

Reinstatement rights

108(1) An employee who has not completed an initial probationary period does not possess reinstatement rights.

(2) A permanent employee displaced through the application of the reversion provisions in the Act has the right to revert to his or her former position at his or her former step in the pay range subject to any increments that he or she would have received had he or she remained in that position.

(3) If there is no former position for the employee mentioned in subsection (2), the employee's name is to be placed on the re-employment list and section 154 applies to that employee.

12 Jan 96 cP-42 Reg 3 s108.

Restoration of name to eligible list

109(1) Where an eligible person has requested the chairperson to restore his or her name on a list of eligible persons pursuant to section 78 and the chairperson has refused, the eligible person may appeal in writing to the commission within 15 days.

(2) The commission shall consider the appeal and provide direction to the chairperson respecting how the matter is to be disposed of.

(3) An eligible person shall be notified in writing of the commission's decision following an appeal and the decision of the commission is final and binding.

12 Jan 96 cP-42 Reg 3 s109.

PART 10

Hours of Work and Leave of Absence

HOURS OF WORK AND HOLIDAYS

Hours of work

110 Hours of work are to be determined by the Government.

12 Jan 96 cP-42 Reg 3 s110.

Permanent head to maintain records

111(1) A permanent head is responsible for maintaining adequate records of the attendance of employees of his or her agency.

(2) Employees exempted by their permanent head are not required to record their attendance.

(3) Subsection (2) does not authorize any employee to absent himself or herself from duty during office hours without leave.

12 Jan 96 cP-42 Reg 3 s111.

Tardiness

112(1) Where an employee is habitually late in arriving for duty or absents himself or herself without leave during office hours, that tardiness or absence is to be taken into consideration respecting the granting of special leave, promotion and salary increases.

(2) Unless there are circumstances that the permanent head may reasonably accept as extenuating, an employee who is late more than once each week may be reprimanded and suspended with loss of salary of one-quarter day.

12 Jan 96 cP-42 Reg 3 s112.

Holidays

113 Leave of absence with pay is permitted for New Year's Day, Good Friday, Victoria Day, Canada Day, Saskatchewan Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day and one additional day each year designated by the chairperson.

12 Jan 96 cP-42 Reg 3 s113.

Transfer of holidays

114 For employees whose regular weekly days off are Saturday and Sunday on a permanent basis, the following rules of transfer of holidays apply where a holiday mentioned in section 113 falls on either of those two days:

- (a) where any holiday falls on a Sunday, the following Monday is deemed to be a holiday;
- (b) where any holiday falls on a Saturday, the chairperson shall designate either the preceding Friday or the following Monday a holiday;
- (c) where either Christmas Day or Boxing Day falls on a Saturday or Sunday, the chairperson, subject to clause (a), shall designate another working day or days to be a holiday or holidays.

12 Jan 96 cP-42 Reg 3 s114.

Holiday on assigned day off

115(1) Where a holiday falls on an employee's assigned day off and the employee is required to work that holiday, the employee:

- (a) is to be paid, in addition to the regular pay, at the rate of time and one-half for all hours worked; and
- (b) is to receive a day off in lieu of the assigned day off.

(2) The day off mentioned in clause (1)(b) is to be mutually arranged between the employee and the employee's supervisor.

12 Jan 96 cP-42 Reg 3 s115.

Holiday on working day

116(1) An employee who is required to work on a holiday is entitled to leave of absence with pay of one and one-half days in lieu of the holiday.

(2) If the leave of absence with pay cannot be granted within three months, the employee is to be paid, in addition to his or her regular pay, at the rate of one and one-half times the regular pay for the holiday worked.

(3) By agreement between the employee and the employee's supervisor, the three-month period may be extended.

(4) Time off in lieu of payment for part of a day is as follows:

(a) for one-quarter day or less, three-eighths of a day;

(b) for more than one-quarter but not more than one-half, three-quarters of a day;

(c) for more than one-half but not more than three-quarters, one and one-eighth days;

(d) for more than three-quarters but not more than one day, one and one-half days.

12 Jan 96 cP-42 Reg 3 s116.

Overtime on holidays

117 An employee who is required to perform overtime work on a holiday is to be paid at the rate of two and one-half times his or her regular pay for each hour in excess of normal hours worked.

12 Jan 96 cP-42 Reg 3 s117.

ANNUAL VACATION LEAVE**Entitlement during first year**

118(1) During the first fiscal year of employment, permanent and probationary employees are entitled to vacation leave credits as follows:

(a) where an employee commences employment on the first working day of the month, he or she is entitled from that day to the following March 31 to a vacation leave with pay of one and one-quarter days for each completed month of service;

(b) where an employee commences employment on a day other than the first day of the month, he or she is entitled from the first of the following month to the following March 31 to a vacation leave with pay of one and one-quarter days for each completed month of service.

(2) The vacation leave mentioned in subsection (1) may be taken in whole or in part only after it is earned, but, subject to section 126, an agency, at an employee's request, may grant leave that would be earned by the following March 31.

(3) Where an employee does not receive direction by his or her agency to take vacation leave by March 31, the employee is to be paid in lieu of the leave at his or her normal rate of pay on the same basis that it was earned.

12 Jan 96 cP-42 Reg 3 s118.

Entitlement for temporary and provisional employees

119(1) Temporary employees are to receive vacation pay at the rate of 6% of total earnings, payable with each cheque.

(2) Provisional employees are entitled to vacation leave with pay of one and one-quarter days for each completed month of service and are entitled to take vacation leave only to the extent that it has been earned.

12 Jan 96 cP-42 Reg 3 s119.

Entitlement following one year

120(1) An employee is entitled to take three weeks' vacation leave with pay during the first complete fiscal year following the date of employment and each year following the first fiscal year up to but not including the fiscal year in which the employee completes eight years of service.

(2) Vacation leave pursuant to subsection (1) is earned at the rate of one and one-quarter days for each completed month of service.

12 Jan 96 cP-42 Reg 3 s120.

Entitlement after eight years

121(1) An employee is entitled to take four weeks' vacation leave with pay during the fiscal year in which he or she completes eight or more years of service with the Government or any board, commission or Crown corporation of the Government and each year after the eighth year up to but not including the fiscal year in which the employee completes 15 years of service.

(2) Vacation leave pursuant to subsection (1) is earned at the rate of one and two-thirds days for each completed month of service.

12 Jan 96 cP-42 Reg 3 s121.

Entitlement after 15 years

122(1) An employee is entitled to take five weeks' vacation leave with pay during the fiscal year in which he or she completes 15 years of service and may continue to do so up to but not including the fiscal year in which he or she completes 25 years of service.

(2) Vacation leave pursuant to subsection (1) is earned at the rate of two and one-twelfth days for each completed month of service.

12 Jan 96 cP-42 Reg 3 s122.

Entitlement after 25 years

123(1) An employee is entitled to take six weeks' vacation leave with pay during the fiscal year in which he or she completes 25 years of service and in every fiscal year after that.

(2) Vacation leave pursuant to subsection (1) is earned at the rate of two and one-half days for each completed month of service.

12 Jan 96 cP-42 Reg 3 s123.

Years of service

124(1) For the purposes of this section and sections 122 and 123, “**years of service**” means:

- (a) service with the Government or any board, commission or Crown corporation of the Government;
 - (b) pensionable employment and war service for which the employee is credited under *The Public Service Superannuation Act*; and
 - (c) service with district health boards, boards of education in Saskatchewan, the University of Saskatchewan or the University of Regina.
- (2) At least 10 years of service must be:
- (a) service of the kind mentioned in clause (1)(a); or
 - (b) service with district health boards or boards of education in Saskatchewan.
- (3) Clause (2)(b) does not apply for the period prior to April 1, 1996.

12 Jan 96 cP-42 Reg 3 s124; 5 Jly 96 SR 47/96
s4.

Payment in advance

125(1) Once each year an employee is entitled to receive salary in advance for the month in which his or her vacation leave begins.

(2) Payment of salary in advance is to be made on the morning of the work day preceding the first day of the vacation leave where the employee requests payment in writing to his or her immediate supervisor not less than 17 working days before commencing leave.

12 Jan 96 cP-42 Reg 3 s125.

Overpayment

126 An employee leaving the public service who has been granted more vacation leave than has been earned is to have the overpayment deducted from any money owed to him or her by the Government, calculated on the basis of the rate of pay in effect at the date of termination.

12 Jan 96 cP-42 Reg 3 s126.

Entitlement at retirement

127 Notwithstanding any other provision in these regulations, an employee who is superannuated at or after age 65 or after 35 years of service is eligible to three, four, five or six weeks' vacation leave, based on his or her entitlement or pay in lieu of that vacation leave in the fiscal year in which he or she retires.

12 Jan 96 cP-42 Reg 3 s127.

Exposure to radiation

128(1) An employee who, in the opinion of the permanent head, is regularly engaged in duties that expose the employee to radiation is entitled to an additional week of vacation leave each year.

(2) Subsection (1) only applies to persons employed in those duties on March 31, 1976.

12 Jan 96 cP-42 Reg 3 s128.

Vacation carry-over

129(1) A permanent head may authorize the carry-over of annual vacation leave to a maximum of one week into the following fiscal year.

(2) In special circumstances, a permanent head may approve the carry-over of an additional week of vacation.

12 Jan 96 cP-42 Reg 3 s129.

Restriction of vacation leave

130(1) The taking of leave is subject to the direction and consent of the granting authority.

(2) Where the granting authority finds it necessary to restrict vacation leave in whole or in part, the employee is entitled to receive pay in lieu or to take leave at another time.

(3) Where an employee has entered into financial commitments respecting a vacation that had been approved and then restricted and is unable to cancel the commitment without penalty, the employee is to be reimbursed to the extent of his or her financial loss.

(4) The reimbursement is subject to the submission of documentary evidence, satisfactory to the Government, respecting the disbursement and its non-recoverability or non-transferability.

12 Jan 96 cP-42 Reg 3 s130.

Holiday on annual vacation

131 Where any holiday mentioned in section 113 falls within an employee's annual vacation, the employee is to receive one additional day of vacation.

12 Jan 96 cP-42 Reg 3 s131.

Vacation pay

132(1) Where, in any month of employment after March 31, 1976, an employee does not receive the full monthly pay for the position he or she occupies for any reason mentioned in subsection (2), the employee is to receive, together with his or her regular pay for that part month, vacation pay at the following rates:

(a) 6% if he or she earns vacation leave at the rate of one and one-quarter days per month;

(b) 8% if he or she earns vacation leave at the rate of one and two-thirds days per month;

(c) 10% if he or she earns vacation leave at the rate of two and one-twelfth days per month;

(d) 12% if he or she earns vacation leave at the rate of two and one-half days per month.

(2) For the purposes of subsection (1), the following are the reasons for which an employee is entitled to be paid:

(a) he or she began work on a day other than the first day of the month on commencement of employment;

- (b) he or she ceased work at the close of business on a day other than the last day of the month on termination of employment;
 - (c) he or she commenced a leave of absence without pay of greater than 30 days on a day other than the first day of the month;
 - (d) he or she returned to work from a leave of absence of greater than 30 days on a day other than the first day of the month.
- (3) Respecting supplementary earnings over and above regular pay but excluding vacation pay, an employee after March 31, 1976 is to receive vacation pay at the rate specified in subsection (1) together with his or her payment for the supplementary earnings.

12 Jan 96 cP-42 Reg 3 s132.

SICK LEAVE

Entitlement

- 133**(1) A probationary employee with less than three months' service is allowed one week of leave for sickness or other pressing necessity.
- (2) A probationary or permanent employee with three or more months continuous service at the beginning of a fiscal year is credited with 15 working days' sick leave with pay respecting that fiscal year.
- (3) The sick leave mentioned in subsection (2) is earned on the basis of one and one-quarter days for each completed month of service and any unused days are accumulated from year to year.
- (4) An employees is entitled to draw on his or her sick leave to a maximum of 260 consecutive working days.

12 Jan 96 cP-42 Reg 3 s133.

Calculation of temporary and provisional sick leave

134 A temporary or provisional employee is entitled to draw sick leave with pay in accordance with the following formula:

$$S = M \times 1.25$$

where

S is the sick leave credit in days; and

M is the number of completed months of service worked by the employee.

12 Jan 96 cP-42 Reg 3 s134.

Calculation of part-time and casual sick leave

135 A part-time or casual employee is entitled to draw sick leave with pay in accordance with the following formula:

$$S = H \times .0577$$

where

S is the sick leave credit in hours; and

H is the regular hours worked by the employee.

12 Jan 96 cP-42 Reg 3 s135.

Where status changes

136 Where a non-permanent or provisional employee becomes a probationary employee without interruption of employment by resignation, dismissal or an interval of non-employment greater than 180 days, the employee is to be credited with any unused sick leave remaining to the employee's credit as a non-permanent or provisional employee.

12 Jan 96 cP-42 Reg 3 s136.

Use of sick leave

137(1) An employee who may be absent from duty on account of sickness or other pressing necessity must inform his or her immediate supervisor before the hour he or she is to report for duty.

(2) An employee is not entitled to leave benefits prior to providing notice unless the delay is shown to be justifiable.

12 Jan 96 cP-42 Reg 3 s137.

Entitlement to payment

138(1) To be entitled to payment of salary during sick leave, an employee, within seven days of returning to duty, must provide to the permanent head a signed statement in Form A of the Appendix.

(2) A permanent head may waive the requirement in subsection (1) and may require the statement on request only.

(3) A permanent head may require an employee to provide a medical certificate.

(4) Where a permanent head requires an employee to provide a medical certificate, the agency in which the employee is employed is responsible for the cost.

12 Jan 96 cP-42 Reg 3 s138.

Abuse of sick leave

139 An employee found abusing sick leave benefits is subject to discipline as determined by the permanent head.

12 Jan 96 cP-42 Reg 3 s139.

Accidental injuries

140(1) Where an employee is involved in an accident in circumstances entitling him or her to recover damages from a third party, the permanent head, instead of paying benefits pursuant to these regulations, may authorize advances or loans to the employee to be repaid out of the damages, if any, recovered by the employee from the third party.

(2) The Government reserves the right to determine whether an employee is to be allowed leave benefits in whole or in part where the disabilities:

- (a) are the result of events while the employee was on leave of absence;
- (b) happened prior to the employee's engagement; or
- (c) were induced by irregular habits or any form of misconduct.

12 Jan 96 cP-42 Reg 3 s140.

Use of future credits

141(1) At the discretion of the permanent head, an employee whose sick leave benefits are exhausted may draw on his or her future credits to a maximum of 30 days.

(2) Where an employee at the beginning of a fiscal year is overdrawn on sick leave, one-half of the current year's entitlement or the overdrawn amount, whichever is less, is to be applied against the overdrawn amount and the balance is available for use during the current year.

(3) If any balance remains to the employee's credit at the end of the year, it is to be applied against any remaining overdrawn sick leave.

12 Jan 96 cP-42 Reg 3 s141.

Accumulation of benefits

142(1) Leave benefits accrue from the date on which the employee last entered the service of the Government, and an employee who has returned to the service shall have leave benefits reinstated to the original date of entry into the service.

(2) The chairperson, in certain circumstances, on the re-appointment of an employee to the Government, may reinstate leave benefits to the extent earned and not used by an employee in a previous period of employment with the Government.

12 Jan 96 cP-42 Reg 3 s142.

Transfer benefits

143 The agency from which an employee is transferred is to provide to the agency to which the employee is transferring the employee's record of total accumulated sick leave, and the agency to which the employee is transferring assumes the liability for all actual sick leave accumulation.

12 Jan 96 cP-42 Reg 3 s143.

Pressing necessity

144(1) Leave of absence without pay may be granted by an employee's immediate supervisor for reasons of pressing necessity.

(2) Leave of absence with pay, chargeable to an employee's sick leave credits, may be made on the basis of pressing necessity.

(3) Requests to use sick leave credits pursuant to subsection (2) are to be in writing to the permanent head through the immediate supervisor.

(4) Requests may be rejected or may be granted to an extent considered to be fair and reasonable to the permanent head in each case.

12 Jan 96 cP-42 Reg 3 s144.

Separation from public service

145(1) An employee leaving the public service who has been granted more leave for sickness or other pressing necessity than was due him or her is to have deducted from any money owing to him or her by the Government an amount calculated on the basis of the number of days over-expended at the rate of pay on separation.

(2) For the fiscal year in which an employee separates from the public service, the employee earns sick leave benefits on the basis of one and one-quarter days for each completed month of service.

(3) An employee who becomes ill prior to receiving notice of lay-off and whose illness has not ended prior to the date of lay-off, will be able to use his sick leave accumulation up to a maximum of 75 days from his date of illness, subject to medical verification of his illness.

12 Jan 96 cP-42 Reg 3 s145.

Holidays during sick leave

146 Holidays mentioned in section 113 that occur during the period when an employee is on sick leave with pay are not to be charged against the employee's sick leave credits.

12 Jan 96 cP-42 Reg 3 s146.

Transfer of sick leave

147 An employee who transfers to the public service from a board, commission or Crown corporation of the Government may transfer accumulated sick leave on proof of entitlement.

12 Jan 96 cP-42 Reg 3 s147.

LEAVE OF ABSENCE WITHOUT PAY

Granting of leave

148(1) An employee, for valid reasons, may be granted a definite leave of absence without pay by a permanent head for a period not exceeding one year, as long as satisfactory arrangements can be made for the performance of the employee's work during the absence.

(2) An employee who has been granted leave pursuant to section 149 may make an additional application for a period of leave consecutive with the first period.

12 Jan 96 cP-42 Reg 3 s148.

Maternity leave

149(1) An employee who has completed 20 consecutive weeks of employment, who makes application for leave pursuant to this section at least one month prior to the requested commencement date, and who provides her permanent head with a medical certificate certifying that she is pregnant and specifying the estimated date of birth is entitled to maternity leave consisting of:

- (a) a period not exceeding 12 months, of which at least six weeks fall immediately after the estimated date of birth; and

(b) an additional period equal to the period between the estimated date of birth specified in the medical certificate and the actual date of birth, where the date of birth occurs after the date mentioned in the certificate.

(2) An employee who has taken a leave pursuant to this section may make application for a further leave pursuant to section 148.

12 Jan 96 cP-42 Reg 3 s149.

Leave for adoption

150 An employee who has completed 20 consecutive weeks of employment and who makes application for leave a reasonable amount of time in advance of the leave requested is to be granted a leave of absence without pay following the legal adoption of a child of up to six months ending not later than 12 months after the date on which the child was legally adopted by the employee.

12 Jan 96 cP-42 Reg 3 s150.

Paternity leave

151 An employee who has completed 20 consecutive weeks of employment and who makes application for paternity leave at least one month in advance of the requested commencement date of the leave requested is to be granted a leave of absence without pay for up to six months:

- (a) beginning not more than six weeks preceding the estimated date of birth; and
- (b) ending not later than 12 months following the actual date of birth.

12 Jan 96 cP-42 Reg 3 s151.

Permanent head may require leave

152 Where the pregnancy of an employee or the requirements of postnatal care would reasonably interfere with the performance of an employee's duties, the permanent head may require the employee to take a leave not exceeding two months immediately prior to the estimated confinement date and two months immediately after the date of the birth.

12 Jan 96 cP-42 Reg 3 s152.

Returning prior to end of leave

153 An employee who has been granted leave pursuant to sections 148 to 152 may not return prior to the end of the leave without the consent of the permanent head.

12 Jan 96 cP-42 Reg 3 s153.

Return following definite leave without pay

154(1) At the end of the leave or at an earlier date agreed to by the permanent head, an employee granted definite leave of absence without pay is to be reinstated in the position in the agency in which he or she was employed prior to the leave.

(2) Where the position of a permanent employee was abolished during the leave, the employee is subject to the lay-off provisions applicable had he or she been occupying the position at the time of its abolition.

(3) Where the position was reclassified upward during the leave, the employee is subject to the provisions applicable had he or she been occupying the position at the time of its reclassification.

12 Jan 96 cP-42 Reg 3 s154.

Indefinite leave

155(1) A permanent employee, for valid reasons, may be granted indefinite leave of absence without pay by the chairperson on the recommendation of a permanent head.

(2) An indefinite leave of absence is subject to review at the end of each completed year.

(3) An employee on indefinite leave of absence is required to apply for extensions annually, giving proof that the original conditions under which the leave was granted still prevail.

12 Jan 96 cP-42 Reg 3 s155.

Leave for prolonged illness

156(1) An employee suffering a prolonged illness shall:

(a) on application, be granted a definite leave of absence without pay for a period of up to one year when all of the employee's sick leave credits have been expended; and

(b) be granted an additional six months of definite leave if the chairperson is reasonably assured that the employee will be fit for duty at the conclusion of the additional six months.

(2) An employee who is suffering a prolonged illness and who requires leave further to leave granted pursuant to subsection (1) is entitled to be granted indefinite leave.

(3) Where a permanent employee who was granted indefinite leave pursuant to subsection (2) fails to make a written request to the commission within 30 days of the date on which the approved leave expires, the employee is deemed to have resigned.

12 Jan 96 cP-42 Reg 3 s156.

Benefits while on leave

157(1) While an employee is on leave of absence without pay or on lay-off, he or she is entitled to earn benefits as follows:

(a) for the first 30 consecutive days or less, all benefits except designated holidays;

(b) for the next 60 consecutive days, sick leave, seniority and increment benefits only;

(c) subject to subsection (2), for leave of absence or lay-off in excess of 90 consecutive days, only those benefits mentioned in section 26.

(2) Where an employee is on an approved definite leave of absence, he or she is entitled to earn seniority benefits for the full period of that leave.

12 Jan 96 cP-42 Reg 3 s157.

Leave in special circumstances

158(1) Where a permanent employee vacates his or her position in order to accompany a spouse who has been relocated to another centre in Saskatchewan, leave of absence without pay, on application, may be granted by the permanent head for a period of up to six months subject to the following:

- (a) section 154 does not apply to the leave and the agency may fill the vacated position on a probationary or permanent basis;
- (b) where the employee has not been successful in obtaining alternate employment in the public service by the end of the leave, the employee is deemed to have resigned on the final day of the leave.

(2) Where leave of absence is for the purpose of accepting other employment with the employer, the commission may waive the application of section 157 and grant benefits as it deems appropriate in the circumstances.

12 Jan 96 cP-42 Reg 3 s158.

Application of benefits

159 The benefits provided pursuant to sections 148 to 158 apply only where an employee returns to work at the expiry of the employee's leave unless determined otherwise by the commission.

12 Jan 96 cP-42 Reg 3 s159.

LEAVE OF ABSENCE WITH PAY

Special leave with pay

160 A permanent head may allow special leave with pay to an employee who may be required for casual, naval, military or air service on special occasions respecting guards of honour, funerals or other similar events.

12 Jan 96 cP-42 Reg 3 s160.

Leave for duties

161 An employee who is appointed by the Government to a board, commission, committee, task force or other body is to be granted leave of absence with pay in order to carry out those duties arising from the appointment.

12 Jan 96 cP-42 Reg 3 s161.

Leave for military training

162(1) A permanent head may grant an employee leave of absence for two weeks to attend military training or summer camp in the Canadian Armed Forces.

(2) Where the employee's pay for the period as a member of the Canadian Armed Forces is less than the salary that he or she would be entitled to receive for that period from the Government, the employee is to be paid the amount by which the two weeks' salary exceeds the two weeks' pay, as long as the permanent head of the employee's agency is provided with a certificate from the employee's commanding officer:

- (a) stating that the employee attended military training or summer camp continuously during the period for which leave was obtained; and
 - (b) showing the amount paid to the employee as a member of the Canadian Armed Forces for the period.
- (3) Leave granted pursuant to this section is not to be charged against vacation leave.

12 Jan 96 cP-42 Reg 3 s162.

EDUCATION LEAVE AND EDUCATION ALLOWANCE

Interpretation and application

163(1) In this section and sections 164 to 168, "**employee**" means any person employed pursuant to the Act.

- (2) Notwithstanding section 3, sections 164 to 168 apply to all employees.

12 Jan 96 cP-42 Reg 3 s163.

Education leave

164(1) The permanent head may grant an employee education leave.

- (2) Education leave is not to exceed 12 months.

(3) An employee on education leave is not entitled to any adjustment to his or her salary during the period commencing on the day the leave begins and ending on the day the leave is completed.

12 Jan 96 cP-42 Reg 3 s164.

Education leave assistance

165(1) The permanent head may grant to an employee to whom education leave has been granted education leave assistance equivalent to a maximum of 80% of the employee's salary.

- (2) The permanent head may also grant full or partial reimbursement for travel, tuition and other registration related expenses, examination fees and expenses related to books and other required materials for educational courses taken by the employee.

12 Jan 96 cP-42 Reg 3 s165.

Education leave agreement

166(1) An employee who is granted education leave by a permanent head shall enter into an education leave agreement in a form approved by the commission.

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(2) Every education leave agreement is to include a provision that the employee is obligated to provide two months of service to the government for each month of leave taken.

(3) A copy of every education leave agreement entered into by an employee and a permanent head is to be filed with the commission.

12 Jan 96 cP-42 Reg 3 s166.

Education allowance

167(1) The permanent head, or his or her designate, may grant an employee an education allowance.

(2) An education allowance is an advance or reimbursement to the employee for full or partial expenses for travel, tuition and other registration related expenses, examination fees and expenses related to books and other required materials for educational courses taken by the employee.

(3) An application for an education allowance is to be on a form approved by the commission.

12 Jan 96 cP-42 Reg 3 s167.

Eligibility requirements

168 An employee is only eligible to receive an education allowance pursuant to section 167 for educational courses that pertain to departmental or governmental needs or relate to the acquisition of job-related skills.

12 Jan 96 cP-42 Reg 3 s168.

WORKERS' COMPENSATION

Application of workers' compensation

169(1) Where a permanent, part-time, probationary or temporary employee is injured in the performance of that employee's duties or contracts an industrial illness and the accident or illness is compensable pursuant to *The Workers' Compensation Act, 1979*:

(a) from and including the day of injury until not more than one year from the date of injury, the employee shall receive his or her normal earnings and any benefits payable from the Workers' Compensation Board are to be paid directly to the Government;

(b) after one year from the date of injury to not more than two years from the date of injury or until the employee's sick leave credits are exhausted, whichever occurs first, the employee shall receive his or her normal earnings and any benefits payable from the Workers' Compensation Board are to be paid directly to the Government; and

(c) after two years from the date of injury or when the employee's sick leave credits are exhausted, whichever occurs first, the employee shall receive only payments as provided by the Workers' Compensation Board.

(2) For the purposes of clause (1)(b), the difference between the employee's normal earnings and the benefits payable from the Workers' Compensation Board will be charged against the employee's available sick leave credits.

(3) In this section, "**normal earnings**" means, respecting a part-time employee, the average earnings of the employee over the employee's last four pay periods.

12 Jan 96 cP-42 Reg 3 s169.

Benefits earned

170 Where benefits are being paid pursuant to *The Workers' Compensation Act, 1979*, an employee is entitled to earn benefits pursuant to these regulations as follows:

- (a) where leave is for 90 consecutive days or less, all of the benefits except designated holidays;
- (b) subject to section 26, where leave is for more than 90 consecutive days but not more than 180 consecutive days, vacation leave credits and seniority credits only;
- (c) subject to section 26, where leave is for more than 180 consecutive days, seniority credits only.

12 Jan 96 cP-42 Reg 3 s170.

Employee may receive advances

171(1) Pending receipt of benefits from the Workers' Compensation Board, an employee shall receive advances up to the amount of his or her normal earnings, less income tax deductions.

(2) The Government, in its discretion, may limit advances to an employee to the amount of the employee's accumulated sick leave benefits at the commencement of the disability.

(3) Proof of disability is required before advances will be made.

12 Jan 96 cP-42 Reg 3 s171.

MISCELLANEOUS

Absence without leave

172(1) Absence not specifically authorized pursuant to these regulations of an employee from duty is an absence without pay and may be made grounds for disciplinary action.

(2) Absence without leave for one week or more is abandonment of position, and the absent employee is deemed to have terminated his or her employment and is separated from the public service.

12 Jan 96 cP-42 Reg 3 s172.

Rest periods

173(1) A permanent head is to allow employees to take mid-morning and mid-afternoon rest periods of 15 minutes' duration, staggered to meet the needs of the agency.

(2) Abuse of rest periods is cause for disciplinary action.

12 Jan 96 cP-42 Reg 3 s173.

Being subpoenaed

174 An employee who is subpoenaed to appear as a witness or act as a juror at any official hearing, at the employee's option, may:

- (a) treat the absence as leave without pay and retain any fee received as a witness or juror;
- (b) deduct the period of absence from his or her vacation or overtime and retain any fee received as a witness or juror; or
- (c) treat the absence as leave with pay and pay to the Minister of Finance any fee received as a witness or juror.

12 Jan 96 cP-42 Reg 3 s174.

PART 11
General

Accumulation of seniority

175(1) For the purposes of lay-off, the creation of and certification of eligible persons from re-employment lists, and the breaking of ties in promotional examinations, seniority dates from the time an employee last entered the service of the Government.

(2) An employee in the unclassified division, other than a part-time employee, is entitled to have his or her unclassified service count for all purposes and benefits conferred by these regulations where that employee:

- (a) was appointed to a position in the classified service as a result of competition; or
- (b) had a position that was brought into the classified service and the employee was appointed to that position.

(3) Where a non-permanent employee is in competition for a vacant permanent position and has worked in a single classification level for a period equal to a normal probationary period without a break in service, that employee's competition seniority is determined on the basis of his or her continuous and uninterrupted service from the commencement of his or her employment in the position.

12 Jan 96 cP-42 Reg 3 s175.

Employees to follow instructions

176(1) Every employee shall promptly follow instructions given by the employee's supervisor.

(2) Where the employee believes that he or she has grounds for complaint arising out of instructions from a supervisor, the employee may subsequently report the circumstances to the permanent head for a decision, but the employee must nevertheless carry out all instructions given by lawful authority until they are countermanded.

12 Jan 96 cP-42 Reg 3 s176.

Subscription lists and canvassing

177 The circulation of any subscription list among members of the public service and the solicitation by any employee of monetary assistance on behalf of an individual or any charitable or other institution or for any other purpose must have the prior approval of the chairperson.

12 Jan 96 cP-42 Reg 3 s177.

Medical examination

178(1) An employee may be required to undergo an examination by a duly qualified medical practitioner by a permanent head whenever the permanent head considers that an examination is desirable to determine that the employee's health enables the employee to perform the employee's duties adequately and safely.

(2) An employee's agency is responsible for the cost of an examination.

12 Jan 96 cP-42 Reg 3 s178.

Sustenance and travelling

179 Where an employee is away from his or her usual place of work on Government business and accommodation or meals are not provided by the department, the employee is allowed expenses based on rates established pursuant to the collective bargaining agreement between the Government and the Saskatchewan Government Employees' Union.

12 Jan 96 cP-42 Reg 3 s179.

Private transportation allowance

180(1) Travel by privately owned vehicle is subject to the Government vehicle policy.

(2) Unless otherwise directed, special rates may be approved by a permanent head respecting forms of transportation other than vehicles owned by employees and used by them on Government business.

(3) Payment for the use of hired or rented transportation is permitted as long as it is used only where another more economical or convenient means of transportation is not available.

(4) Use of hired or rented transportation must be approved by the permanent head and full particulars must be shown on the expense account.

(5) The use of private aircraft on Government business is to be in accordance with Government policy.

12 Jan 96 cP-42 Reg 3 s180.

Northern District allowance

181 An employee residing in the Northern District is to receive an allowance based on rates established pursuant to the collective bargaining agreement between the Government and the Saskatchewan Government Employees' Union.

12 Jan 96 cP-42 Reg 3 s181.

Special allowances

182 The chairperson may approve a special allowance in consideration of any special circumstance that may arise affecting an employee in the course of his or her duties.

12 Jan 96 cP-42 Reg 3 s182.

Relocation allowances

183(1) Relocation allowances are to be administered in accordance with Government policy.

(2) Where a husband and wife are both employees and are both eligible for a relocation allowance for the same relocation, the employee first offered the new position is to receive that allowance.

12 Jan 96 cP-42 Reg 3 s183.

Shift differential

184(1) In addition to the regular rates of pay, a shift differential in any amount determined by the commission is to be paid for all hours worked between the hours of 6:00 p.m. and 7:00 a.m.

(2) A shift differential is not to be:

- (a) part of the basic wage rate;
- (b) used in calculating an overtime rate; or
- (c) paid for any hours for which overtime rates are being paid pursuant to sections 34 to 41.

12 Jan 96 cP-42 Reg 3 s184.

Professional fees

185(1) Subject to subsection (3), the Government is responsible for paying the professional fees of all employees who are required either by statute or by an agency to be a member of a professional association.

(2) For partial years, reimbursement is to be pro-rated on the basis of time worked.

(3) Payment of professional fees is to be in accordance with directives issued by the commission.

12 Jan 96 cP-42 Reg 3 s185.

Stand-by duty

186(1) Salaried psychiatrists or physicians employed at institutions or clinical centres for mentally disabled persons are eligible for stand-by duty payment as follows:

- (a) \$80 per night for overnight duty;

- (b) \$100 per statutory holiday for 24-hour duty;
 - (c) \$200 per weekend for 48-hour duty.
- (2) The actual hours of stand-by duty are to be determined by the permanent head.
- (3) Except in unusual circumstances requiring the approval of the permanent head, stand-by is limited to one medical person per stand-by period and to 10 periods of stand-by duty per month for any one medical person.

12 Jan 96 cP-42 Reg 3 s186.

Group life insurance plan

187 As a condition of employment, all permanent, labour service, temporary, part-time and provisional employees and all employees in the unclassified division of the public service are required to participate in the Public Service Group Life Insurance Plan.

12 Jan 96 cP-42 Reg 3 s187.

PART 12

**Management and Professional Classes and Management
Support Group Classes**

Interpretation of Part

188 In this Part:

- (a) **“in-range adjustment”** means:
 - (i) a permanent increase to an employee’s regular pay rate within the employee’s pay range in recognition of the employee’s performance; or
 - (ii) a payment of recognition of an employee’s performance calculated as a non-permanent retroactive increase in the employee’s regular pay over the employee’s previous performance review period;
- (b) **“regular pay rate”** means a specific rate of pay exclusive of temporary supplements and non-permanent retroactive increases in regular pay;
- (c) **“regular range maximum”** means the maximum rate of pay in a pay range established by the Lieutenant Governor in Council for a class of positions designated within a Management and Professional class or Management Support Group class as part of the plan of compensation for the public service, but does not include temporary salary supplements and in-range pay rate adjustments;
- (d) **“regular range minimum”** means the minimum rate of pay in a pay range established by the Lieutenant Governor in Council for a class of positions designated within a Management and Professional class or Management Support Group class as part of the plan of compensation for the public service, but does not include any pay that may be established by the commission below that rate for an employee on initial appointment to or on promotion within the public service;

(e) **“standard range maximum”** means the maximum rate of pay in a pay range in a classification other than a Management and Professional class or Management Support Group class;

(f) **“temporary salary supplement”** means a specific sum of money paid to an employee in addition to the regular pay rate in each pay period.

12 Jan 96 cP-42 Reg 3 s188.

Application

189(1) Subject to subsection (2), this Part applies only to employees in the classified division of the public service whose positions are allocated to:

- (a) a Management and Professional class; or
- (b) a Management Support Group class pursuant to section 191.

(2) Part 2, sections 18 to 23, 32 to 41, 52 and 56 to 59, Parts 4 and 5, sections 80, 82, 83, 91 and 92 and Parts 7 to 11 apply, with any necessary modification, to employees in the Management and Professional classes and Management Support Group classes.

12 Jan 96 cP-42 Reg 3 s189.

Certification and appointment

190(1) The commission shall fill any vacancy in the classified service within the Management and Professional classes or Management Support Group classes pursuant to the provisions of Part 6 that apply to this Part.

(2) Notwithstanding subsection (1), the certification of any candidate is to conform to position specifications contained in the description of the position approved by the permanent head or his or her designate.

(3) Every offer of employment to any position within a Management and Professional class or Management Support Group class is to distinguish the regular pay from any temporary salary supplements.

12 Jan 96 cP-42 Reg 3 s190.

Allocation of positions to appropriate class

191(1) The commission may allocate any position in the classified service to a Management and Professional class or Management Support Group class.

(2) The commission shall determine the appropriate classification level of all positions allocated to a Management and Professional class or Management Support Group class.

(3) If a position is allocated to multiple classification levels within a Management and Professional class:

- (a) the regular range minimum is the regular range minimum of the lowest classification level; and
- (b) the regular range maximum is the regular range maximum of the highest classification level.

(4) Where a position is allocated to or reallocated within a Management and Professional class or Management Support Group class and the standard or regular range maximum of the previous position is equal to or less than that of the new position, the rate of pay of the incumbent employee is to:

- (a) be adjusted to the regular range minimum of the new class if his or her current rate is below the regular range minimum of the new class; or
 - (b) remain the same if his or her current rate is within the regular range of the new class.
- (5) Section 197(3) applies, with any necessary modification, in determining the incumbent's rate of pay where:
- (a) a position is allocated to or reallocated within a Management and Professional class or Management Support Group class; and
 - (b) the standard or regular range maximum of the former position is greater than that of the new position.

12 Jan 96 cP-42 Reg 3 s191.

Pay rate on initial appointment

192(1) Subject to subsection (2), the commission shall determine the rate of pay on the initial appointment of any person to a classified service position within the Management and Professional class.

(2) The rate of pay on an initial appointment mentioned in subsection (1) is not to be more than 15% below the regular range minimum.

(3) Subject to subsection (4), the commission shall determine the rate of pay on the initial appointment of any person to a classified service position within a Management Support Group class.

(4) The rate of pay on an initial appointment mentioned in subsection (3) is not to be more than 8% below the regular range minimum.

12 Jan 96 cP-42 Reg 3 s192.

Temporary salary supplements

193(1) Where the commission is satisfied that an employee's qualifications or other special circumstances warrant recognition, the commission may establish a temporary salary supplement for that employee, but only if:

- (a) the supplement for the employee who is in a Management and Professional class is not more than 15% of the regular range maximum of that employee; or
 - (b) the supplement for the employee who is in a Management Support Group class is not more than 10% of the regular range maximum of that employee.
- (2) No temporary salary supplement is to be granted without the written approval of the commission.
- (3) The commission may amend a temporary salary supplement at any time.

12 Jan 96 cP-42 Reg 3 s193.

Promotions

194(1) On the promotion of an employee to a position in a Management and Professional class, the commission may authorize a pay rate at:

- (a) the regular range minimum of the position;
 - (b) up to 15% below the regular range minimum of the position; or
 - (c) up to 10% above the employee's current rate of pay, except where that amount would exceed the regular range maximum of his or her new position.
- (2) On the promotion of an employee to a position in a Management Support Group class the commission may authorize a pay rate at:

- (a) the regular range minimum of the position;
- (b) up to 8% below the regular range minimum of the position; or
- (c) up to 8% above the employee's current rate of pay, except where that amount would exceed the regular range maximum of his or her new position.

12 Jan 96 cP-42 Reg 3 s194.

Demotions

195(1) Subject to subsection (2), on the demotion of an employee, the employee is to retain his or her pay rate before demotion.

- (2) The commission shall determine an employee's new pay rate where:
- (a) the pay rate mentioned in subsection (1) exceeds the regular range maximum of the new position; or
 - (b) the employee is receiving a temporary salary supplement.

12 Jan 96 cP-42 Reg 3 s195.

Transfers

196(1) Subject to subsection (2), on the transfer of an employee to a position in a Management and Professional class or Management Support Group class, the employee is to retain his or her pay rate before transfer.

- (2) The commission shall determine an employee's new rate of pay where:
- (a) the pay rate mentioned in subsection (1) exceeds the regular range maximum of the new position; or
 - (b) the employee is receiving a temporary salary supplement.

5 Jly 96 SR 47/96 s5.

Reclassification

197(1) Where the duties and responsibilities of a position change, the commission may reclassify the position.

- (2) Where an employee is reclassified to a position having a higher regular range maximum than the standard or regular range maximum of the employee's former position, the employee's new rate of pay is to be determined pursuant to section 194.

(3) Where an employee's position is reclassified to a position having a lower regular range maximum than that of his or her former position and:

(a) his or her pay rate exceeds the maximum of the lower regular pay range, he or she:

(i) retains the pay range in effect prior to the downgrading, and that retained pay range, as applied to the employee, is not to change as a result of any structural adjustments made pursuant to section 15 of the Act to pay ranges after the reclassification; and

(ii) subject to subsection (4), is entitled to advance through the retained pay range; or

(b) his or her pay rate is equal to or less than the maximum of the lower regular range, he or she:

(i) is to be placed in the lower pay range; and

(ii) is entitled to progress within that pay range.

(4) Where the maximum of the regular range of the reclassified position of an employee described in clause (3)(a) exceeds the maximum of the retained range, the employee is to be placed in the regular range of the reclassified position.

(5) Where the duties and responsibilities of a position change on a non-permanent basis, the commission may:

(a) temporarily reclassify the position; and

(b) determine a rate of pay in accordance with section 194 or 195.

(6) The commission shall review every temporary reclassification within 12 months of that reclassification.

12 Jan 96 cP-42 Reg 3 s197.

Temporary substitution

198(1) Subject to subsection (2), where an employee is temporarily assigned to perform the duties of a higher-paid position, the commission may approve a payment to the employee for performing those duties and section 194 applies, with any necessary modification, to the determination of that payment.

(2) No employee who is in a Management and Professional class is eligible to receive a payment respecting the employee's performance of duties of a higher-paid position until the employee has completed 26 full working days of a temporary assignment.

(3) No employee who is in a Management Support Group class is eligible to receive payment respecting the employee's performance of duties until the employee has completed five full working days of a temporary assignment.

(4) Payment is to be retroactive to the first day of assignment and calculated on the employee's rate of pay:

(a) including any in-range adjustment pay that is a permanent increase to the employee's regular pay rate; and

- (b) excluding any temporary salary supplement and any non-permanent retroactive increase to the employee's regular pay.
- (5) No employee is to be temporarily assigned to perform the duties of a higher-paid position for a period of more than one year.

12 Jan 96 cP-42 Reg 3 s198.

In-range adjustment

199(1) Employees within the Management and Professional classes and Management Support Group classes are eligible annually to receive an in-range adjustment to be effective on July 1 of each year in accordance with the criteria set out in Table 1 of the Appendix.

(2) Each year the permanent head shall recommend to the commission an in-range adjustment for any employee based on a performance appraisal system approved by the commission.

(3) No payment respecting an in-range adjustment is to be made without the written approval of the commission.

(4) No employee is to receive an in-range adjustment as permanent pay if it would result in the employee's monthly pay being greater than the regular range maximum for the position.

(5) All employees, including employees on initial probation within the Management and Professional classes and Management Support Group classes, are eligible to be considered for an in-range adjustment in accordance with this section.

12 Jan 96 cP-42 Reg 3 s199.

Salary structure adjustment

200 Notwithstanding any other provision of this Part, the commission may add a percentage increase to the employee's regular pay rate in an amount not greater than the percentage increase added by the Lieutenant Governor in Council to the regular range maximum of the pay range where:

- (a) the Lieutenant Governor in Council increases the regular range maximum of a pay range pursuant to section 15 of the Act; and
- (b) the commission is satisfied that an employee, whose position is within the pay range that has been increased, has had a satisfactory performance.

12 Jan 96 cP-42 Reg 3 s200.

PART 13

Repeal and Coming into Force

Sask. Reg. 234/74 repealed

201 The Public Service Act Regulations, being Saskatchewan Regulations 234/74, are repealed.

12 Jan 96 cP-42 Reg 3 s201.

Appendix
FORM A
[Section 138]
Physician's Certificate

I, _____, a duly qualified medical practitioner, certify that
(name)

I have examined the undermentioned employee of the public service on the _____ day of _____, 19 _____. In my opinion the condition of his/her health necessitates his/her absence from duty for approximately _____. He/she should ordinarily be fit to return to duty on (approximately) _____.
Remarks: _____

Name of Employee _____

Department _____

Dated at the _____ of _____, Saskatchewan this _____
day of _____, 19____.

Signature of Medical Practitioner

12 Jan 96 cP-42 Reg 3 Form A.

TABLE 1
[Section 199]
Matrix of In-range Adjustments

<i>Performance Category</i>	<i>Performance Adjustment</i>
Superior	5 - 8%
Quality	3 - 5%
Developmental/Needs Improvement	0 - 3%
Unsatisfactory	0%

Note: The aggregate of in-range adjustments in a year provided to all employees governed by Part 12 is not to exceed 4% of the total regular pay paid to those employees.

12 Jan 96 cP-42 Reg 3 Table 1.