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PART 1 GENERAL

Short Title

1

This Inuit Law may be cited as the *Civil Service Act*.

Definitions and Interpretation

2

- (1) In this Act:
 - (a) "Agency" means a board, committee or other body, whether incorporated or unincorporated, all the members of which, or all the members of the management or board of directors of which, are appointed by the Nunatsiavut Government pursuant to the Labrador Inuit Land Claims Agreement or pursuant to an Inuit Law or by the President-in-Council;
 - (b) "Constitution" means the Labrador Inuit Constitution
 - (c) "Demote" means to reduce the salary of an employee by transferring the employee to a position with a lower maximum salary or by reducing the salary of the employee's present position;
 - (d) "Department" means an administrative unit of the Nunatsiavut Government which is staffed by employees pursuant to this Act and which reports directly to a Minister;
 - (e) "Deputy Minister" means a senior Civil Servant, appointed by the President-in-Council, who serves under a Minister as the deputy head or senior manager of a Department or Agency;
 - (f) "The Director" means the Director of Human Resources appointed under section 7;

- (g) "director" means a senior manager within a Department who reports to the Deputy Minister;
- (h) "Employee" means a person employed by the Nunatsiavut Government in any division of the Nunatsiavut Civil Service;
- (i) "Employees policy manual" means an employee policy manual established under section 38;
- (j) "Executive Council" means the executive branch or cabinet of the Nunatsiavut Government chaired by the President and composed of the President, the First Minister and the Treasurer of Nunatsiavut and other Ministers appointed by the President pursuant to Chapter 5 of the Constitution;
- (k) "Former Labrador Inuit Association employee" means an individual who was an employee of the Labrador Inuit Association on November 30, 2005, and who was appointed to the Nunatsiavut Civil Service under subsection 31(1) without any interruption in his or her employment;
- (l) "Laid-off member of the Labrador Inuit Association staff" means an individual who was an employee of the Labrador Inuit Association on November 30, 2005 but who declined to accept a transfer to the Nunatsiavut Civil Service as of December 1, 2005;
- (m) "Minister" means a member of the Executive Council appointed by the President in accordance with the Constitution and the *Nunatsiavut Government Organization (Transitional) Act*;
- (n) "Merit Principle" means the principle that merit governs the appointment of a person to, and advancement within, the civil service on the basis of qualifications, relative ability, knowledge and skills while having regard to measures and provisions established pursuant to section 14;
- (o) "Part-time" in relation to an employee, means employment for irregular hours of duty or for specific intermittent periods, or both, where the services of that employee may not be required for the whole of the normal work day, week, month or year;
- (p) "President-in-Council" means the President of Nunatsiavut acting on the advice of the Executive Council pursuant to 5.2.2 of the Constitution;
- (q) "Promotion" means the appointment of an employee, as a result of competition or a classification review, to a position having a higher maximum salary;
- (r) "Regulations" means regulations made under this Act;
- (s) "Secondment" means the temporary transfer of an employee for a specified period of time to or from one position to another position;
- (t) "Seniority list" means the list established by the Treasurer under subsection 28(4);

- (u) "Transfer" means the reassignment of an employee to a position for which the maximum rate of pay does not exceed the maximum rate of pay for the position from which the employee is transferred; and
- (v) "Treasurer" means the Treasurer of Nunatsiavut appointed by the President pursuant to subsection 5.1.1 (c) of the Constitution.
- (2) A word or phrase that is used in this Act but which is not defined in this Act has the meaning ascribed to it in the *Nunatsiavut Government Organization (Transitional) Act*.

Application of Act

3

- (1) Unless provided to the contrary in this or another Act, this Act applies:
 - (a) to every position, appointment, and employment with the Nunatsiavut Government or with an Agency; and
 - (b) to every person appointed to or employed in an Agency or the Nunatsiavut Government.
- (2) This Act does not apply to any appointment made or to be made under the *Nunatsiavut Government Appointments Act*.

PART 2 ADMINISTRATIVE RESPONSIBILITIES FOR NUNATSIAVUT CIVIL SERVICE

Responsibilities of Executive Council

4

- (1) All actions taken by the President-in-Council or any Minister with respect to this Act and the regulations or the Nunatsiavut Civil Service shall be in accordance with Part 6.2.1 of the Constitution.
- (2) The Executive Council must, each year, conduct a comprehensive review of all salaries and hourly wages before recommending approval of an annual financial plan for the Nunatsiavut Government for the next fiscal year to the Nunatsiavut Assembly under the *Nunatsiavut Financial Administration Act*.

Responsibilities of the Treasurer

5

The Treasurer is responsible for the administration of this Act.

Annual Report of Treasurer

6

- (1) The Treasurer shall as soon as practicable after the end of each fiscal year, prepare a report on the Nunatsiavut Civil Service and the administration of the Nunatsiavut Civil Service during the fiscal year just ended.
- (2) The Treasurer shall cause the annual report under subsection (1) to be laid before the Assembly if then in session or, if the assembly is not then in session, within fifteen days of the opening of the next ensuing session.

Director of Human Resources

7

- (1) Subject to this Act, the President-in-Council must appoint a Director of Human Resources.
- (2) The Director shall be responsible to the Treasurer for personnel management in the Nunatsiavut Civil Service and shall assist the Treasurer in:
 - (a) promoting the achievement of a professional Nunatsiavut Civil Service in accordance with the principles set out in part 6.2 of the Constitution;
 - (b) providing the public with a service that is responsive and flexible to their needs; and
 - (c) fostering a constructive working relationship among the Nunatsiavut Government and its employees.
- (3) The functions of the Director include providing advice, recommendations and assistance to the Treasurer with respect to the:
 - (a) administration of this Act and the regulations;
 - (b) development and implementation of personnel policies, standards, procedures and related matters for the Nunatsiavut Civil Service;
 - (c) standards and procedures respecting the advertising of vacancies;
 - (d) recruitment, selection and appointment of employees;
 - (e) terms and conditions of employment for employees;
 - (f) establishment and maintenance of a classification plan;
 - (g) administration of payroll savings, pension and benefits programs;
 - (h) strategic direction for Departments in human resource planning;

- (i) development and coordination of programs concerning employee training, education and career development;
 - (j) research and information respecting human resource management policies and procedures;
 - (j) development of policies for the improvement of the Nunatsiavut Civil Service including:
 - (i) the desirability and feasibility of establishing a public service commission or similar arrangement for the promotion of an independent and professional civil service for Nunatsiavut,
 - (ii) human resource planning, and
 - (iii) organizational development and design;
 - (k) development, establishment and maintenance of job evaluation and classification plans;
 - (l) development, establishment and maintenance of occupational health and safety programs;
 - (m) investigation and handling of grievances and any complaints of workplace harassment;
 - (n) development, establishment and maintenance of a personnel management information system;
 - (o) monitoring and auditing of all personnel functions; and
 - (p) preparation of the annual report of the Minister with respect to the Nunatsiavut Civil Service.
- (4) The Director must provide advice and assistance to all Departments and Agencies on human resource matters.
- (5) For purposes of paragraph 3(f) the classification plan shall be designed:
- (a) as a basis for uniform treatment of employees performing the same kind or level of work; and
 - (b) to provide a systematic basis for organization and administration of the Nunatsiavut Civil Service.

Departments and Agencies to Assist Director

Deputy Ministers, other directors and employees shall give the Director such access to their offices and such facilities, assistance and information as the Director may require for the performance of the Director's functions.

PART 3 ORGANIZATION OF THE NUNATSIAVUT CIVIL SERVICE

Divisions of Nunatsiavut Civil Service

9

- (1) The Nunatsiavut Civil Service consists of:
 - (a) the management division,
 - (b) the employees division and
 - (c) the casual jobs division.
- (2) No person may be employed by the Nunatsiavut Government except by appointment in accordance with this Act to a position in one of the divisions set out in subsection (1).

Management Division

10

- (1) The management division is comprised of the positions of:
 - (a) the Secretary of the Executive Council and Deputy Ministers;
 - (b) the Clerk of the Assembly;
 - (c) directors; and
 - (d) such other similar positions as the Executive Council may designate.
- (2) Members of the Nunatsiavut Civil Service who are employed in the management division, other than the Clerk of the Nunatsiavut Assembly, are appointed by the President-in-Council.
- (3) Members of the Nunatsiavut Civil Service who are employed in the management division shall have such remuneration and benefits as they may determine.
- (4) The Secretary of the Executive Council and Deputy Ministers may be suspended, dismissed or demoted only by order of the President-in-Council.
- (5) A Deputy Minister has, subject to subsection (6), all powers of suspension, dismissal or demotion with respect to all members of the Nunatsiavut Civil Service employed in the department for which the Deputy Minister is responsible.

- (6) A Deputy Minister must not exercise the powers under subsection (5) with respect to a member of the Nunatsiavut Civil Service who is employed in the management division without first consulting the Minister responsible for the department.

Employees Division

11

- (1) The employees division of the Nunatsiavut Civil Service is comprised of all full-time and part-time positions of employment with the Nunatsiavut Government and agencies other than positions of employment in the management division and casual jobs division.
- (2) The employees division consists of:
 - (a) permanent employees;
 - (b) probationary employees;
 - (c) provisional employees.
- (3) Each appointment to a position in the employees division shall be made from a short list of candidates prepared by the Director following screening of all applicants or candidates for the position by the Director or by a hiring committee appointed by the Treasurer which must include the Director, or a senior Civil Servant in the human resources division designated by the Director, as chair.
- (4) An appointment to a position in the employees division shall be made by the Minister responsible for the department or agency in which the position will be held acting on the advice of the deputy minister and the Director.

Casual Jobs Division

12

- (1) The casual jobs division consists of employees of the following descriptions holding positions with the Nunatsiavut Government that are not permanent:
 - (a) contract employees who are engaged by means of a contract authorized by a Minister or Deputy Minister for temporary employment for a fixed term;
 - (b) relief employees who are engaged to fill a position on a temporary basis as a replacement for an employee who is a regular incumbent;
 - (c) temporary employees who are engaged to perform specific duties because of a temporary increase in the work load;
 - (d) summer student employees who are employed in the period from May to September, who have been in full-time attendance as a student at an educational institution and who have affirmed, at the time of their appointment, that they will return to full-time attendance at an educational institution in the same year; and

- (e) work-term student employees who are employed for a fixed term or terms set by the educational institution, professional body or training institution with which the student is enrolled for purposes of obtaining academic credit, professional qualifications or trade certification.
- (2) A Deputy Minister may hire a relief employee who is considered capable of performing the required work for the period of time that the incumbent of the position is not available.
- (3) A Deputy Minister may hire a contract employee, a temporary employee or student employee for a maximum period of six months and their employment must be terminated no later than the end of that period.
- (4) Despite subsection (3), a Deputy Minister may, with the written consent of the Treasurer and the Controller hire a contract employee, a temporary employee or a student employee for a period not exceeding one year.
- (5) Subject to any rights of members of the employees division, where an employee in the casual jobs division has received a satisfactory performance evaluation with respect to a seasonal job, if that job is available in a subsequent season or is subsequently made permanent, the former employee in the casual jobs division shall be offered the job before it is advertised.

New Positions and Transfers

13

- (1) The President-in-Council may authorize the creation of new positions in the management division and the employees division but all such positions must be created within existing appropriations.
- (2) The President-in-Council may transfer positions in the management division and the employees division from one department or agency to another department or agency.
- (3) The President-in-Council may abolish positions in the management division and the employees division.

PART 4 PROCEDURES FOR MAKING APPOINTMENTS

Equal Opportunities

14

- (1) Measures must be taken to maximize Inuit employment at all levels within the Nunatsiavut Civil Service including, if necessary, the preferential appointment of qualified Inuit to positions.
- (2) Provision must be made for the hiring of Inuit women and Inuit with disabilities in accordance with employment equity principles and the Constitution.

Control of Salary Costs

15

- (1) No new appointment may be made in the management division without the written authorization of the Treasurer with respect to the salary and related costs to be incurred in relation to the appointment.
- (2) In respect of any Employee in the employees division or the casual jobs division:
 - (a) no payment of remuneration shall be made or started; and
 - (b) other than a negotiated increase approved by the Executive Council or an increment provided for in an appropriation, no increase in remuneration shall be granted,without the written authorization of the Controller.
- (3) No reduction shall be made of the rate of pay of any employee in the employees division without written order of the President-in-Council.

Promotions

16

- (1) No promotion may be made in the management division except upon written order of the President-in-Council.
- (2) No promotion may be made in the employees division or the casual jobs division except by the minister upon recommendation of the Director.
- (3) The President-in-Council and Ministers must, having regard to measures established under section 14, make all promotions on the basis of the merit principle and the Director must make all recommendations for promotions on the basis of the merit principle having regard to measures established under section 14.
- (4) The Director may conduct such examinations as the Director considers necessary for purposes of establishing lists of persons eligible for promotion within the employees division, but an examination shall not be conducted so as to elicit information concerning a prohibited ground of discrimination under the Constitution.

Procedure to Fill Vacancies and New Positions in the Management Division

17

- (1) If a vacancy or new position in the management division becomes available the Executive Council must hold an in-service competition to fill the position and if no qualified applicant is appointed following the in-service competition may hold an open competition.

- (2) For purposes of subsection (1) the President-in-Council may delegate some or all functions, including the power to make an appointment, to a committee composed of Ministers and the Director provided the committee is chaired by a Minister.
- (3) An applicant for an in-service competition under subsection (1) must be an Employee of the Nunatsiavut Government.

Procedure to Fill Vacancies And New Positions in the Employees Division

18

- (1) If a vacancy or new position in the employees division becomes available the Director or a hiring committee appointed under subsection 11(3) must hold an in-service competition to fill the position and if no qualified applicant is appointed following the in-service competition may, subject to subsection 12(5) if applicable, hold an open competition.
- (2) An applicant for an in-service competition under subsection (1) must be an Employee of the Nunatsiavut Government.
- (3) The Director or a hiring committee appointed under subsection 11(3) must give notice of a competition in the employees division at least two weeks in advance of the closing date of the competition.
- (4) Notices pursuant to subsection (3) for in-service competitions must be posted
 - (a) on notice boards in all Nunatsiavut Government offices in areas accessible to employees, and
 - (b) in such other manner as the Director or a hiring committee appointed under subsection 11(3) considers will provide reasonable access to the notice.
- (5) Notices pursuant to subsection (3) for open competitions must be posted in accordance with paragraph (4)(a) and in such other manner as the Director or a hiring committee appointed under subsection 11(3) considers will provide reasonable access by the public to the notice.
- (6) An applicant for an open competition may be any Employee of the Nunatsiavut Civil Service or a member of the public.
- (7) If a competition is held the Director or a hiring committee appointed under subsection 11(3) shall:
 - (a) review the applications of candidates;
 - (b) examine those candidates who possess the required qualifications;
 - (c) rate the candidates in order of merit; and
 - (d) fulfill the functions required under subsection 11(3).

- (8) Before nominating a candidate for a position, the Director or a hiring committee appointed under subsection 11(3) must satisfy itself that the person is fit to perform the duties and to undertake the responsibilities of the position.

Probationary Period

19

- (1) Every Appointment, Promotion, or Transfer to a position in the Nunatsiavut Civil Service shall be probationary in accordance with and for such period as may be prescribed by the regulations.
- (2) In the case of an Employee in the management division, the Minister may, at any time during the probationary period, give notice, with reasons, to the Employee and to the Executive Council that the Minister intends to reject the Employee and, unless the President-in-Council appoints the Employee to another position in the management division, that person ceases to be an Employee on the expiration of the period specified in the notice unless subsection (5) applies.
- (3) In the case of an Employee in the employees division, the Deputy Minister may, at any time during the probationary period, give notice, with reasons, to the Employee, the Minister and to the Director that the Deputy Minister intends to reject the Employee and, unless the Minister appoints the Employee to another position in the employees division, that person ceases to be an Employee on the expiration of the period specified in the notice unless subsection (5) applies.
- (4) On successful completion of the probationary period the probationary Employee must be granted a permanent appointment.
- (5) If a promoted or transferred Employee holding a probationary appointment fails to meet the requirements of the position or is required to vacate the position under subsection (2) or (3), the Employee shall revert to a position equivalent to his or her former position, and shall be paid at the rate at which the Employee would have been paid had he or she not been promoted or transferred.

Provisional Appointments

20

- (1) If, following a competition for a position in the employees division, no candidate is held to be qualified, the Director or a hiring committee appointed under subsection 11(3) may recommend a candidate whose qualifications most closely match those required for the position for a provisional appointment at a salary rate less than the minimum rate set out for the position and for such length of time as may be required by the candidate to successfully complete the necessary qualifications.
- (2) Where a person appointed under subsection (1) attains the necessary qualifications to the satisfaction of the Director, that person must be granted a probationary appointment to the position.

- (3) The Director may extend the period for a position designated by the Director or a hiring committee appointed under subsection 11(3) as a provisional appointment for such length of time as may be required by the Employee to successfully complete the necessary qualifications.

Acting Appointments

21

When an Employee substitutes in a higher level position in either the management division or the employee division during the absence of the regular incumbent the Employee may be given an acting appointment to the higher level position if he or she is considered qualified by the Executive Council in the case of a position in the management division or by the Director in the case of a position in the employees division.

Oath of Office

22

- (1) Every person appointed to a position in the management division or the employees division shall, on appointment, take the oath as set out in Schedule A.
- (2) A person engaged to work in the casual jobs division may be required by the Deputy Minister or a director to take and subscribe the oath as set out in Schedule A.

PART 5 TERMS OF SERVICE

Transfers

23

- (1) The President-in-Council may by Executive Order transfer an Employee in the management division from one department to another department or from one position within a Department to another position at the same level within the department.
- (2) A Deputy Minister may transfer an employee from one position to another position within the same Department or Agency.
- (3) The Treasurer or the Treasurer's designate:
 - (a) may transfer an Employee in the employees division from a position in a Department or Agency to another Department or Agency with the approval of the Minister(s) of the Departments or Agencies concerned; and
 - (b) must make such transfer upon the written request of the Minister(s) concerned.
- (4) No Employee shall be involuntarily transferred to a position with a lower maximum salary except as a result of disciplinary action, incompetence, the application of the lay-off procedures or for health reasons.

Disciplinary Action

24

- (1) A Minister may, for cause, reprimand or suspend any Employee in the management division in a Department or Agency for which the Minister is responsible.
- (2) A Deputy Minister may, for cause, reprimand, suspend, demote or subject to subsection (3) dismiss an Employee in the management division in a Department or Agency for which the Deputy Minister is responsible.
- (3) A Deputy Minister may not exercise the power of dismissal under subsection (2) without the consent in writing of the Minister to whom the Deputy Minister reports.
- (4) A Deputy Minister may, for cause, reprimand, suspend, demote or dismiss an Employee in the employees division in a Department or Agency for which the Deputy Minister is responsible.
- (5) An Employee who is reprimanded, suspended, demoted or dismissed shall be notified in writing of the reason for the action and:
 - (a) in the case of an Employee in the management division a copy of the notification shall be forwarded to the Executive Council; and
 - (b) in the case of an Employee in the employees division a copy of the notification shall be forwarded to the Minister and the Director.

Grievances

25

- (1) The President-in-Council shall be the final authority with respect to any grievance by or with respect to employees in the management division and may establish a grievance subcommittee composed of Ministers under the chairmanship of the Treasurer for the purpose of hearing and determining such a grievance or all such grievances.
- (2) The Director or a committee appointed by the Treasurer and composed of Deputy Ministers and the Director chaired by the Director shall be the final authority with respect to any grievance by or with respect to Employees in the employees division.
- (3) The procedures for the orderly resolution of grievances under subsections (1) and (2) shall be prescribed in the regulations.

Resignations

26

- (1) An Employee in the management division may resign by giving the Minister and the Director at least 45 clear days notice in writing of his or her intention to resign, and stating therein the effective date of the resignation.

- (2) An Employee in the employees division may resign by giving the Deputy Minister at least 15 clear days notice in writing of his or her intention to resign, and stating therein the effective date of the resignation.
- (3) A person may withdraw a resignation under subsection (1) or (2) if
 - (a) the officer to whom the notice of resignation was given approves; and
 - (b) no other person has been appointed to the position.

Absence Without Leave

27

- (1) An Employee who is absent without leave for ten consecutive working days shall be deemed to have resigned from the Nunatsiavut Civil Service effective the first day of absence but where an Employee of the employees division satisfies the Director that the absence arose from a cause beyond his or her control, the person shall be reinstated.

Lay-Offs

28

- (1) A Minister may lay off an Employee in the management division and a Deputy Minister may lay off an Employee in the employees division in accordance with this section.
- (2) As soon as possible, but not later than 180 days after the day on which this Act comes into force, the Director will submit to the Treasurer a list of Employees in each division, showing:
 - (a) in the case of Former Employees of the Labrador Inuit Association, their length of service with Labrador Inuit Association and the Nunatsiavut Government;
 - (b) in the case of all other Employees, their length of service with the Nunatsiavut Government; and
 - (c) with respect to Employees referred to in clauses (a) and (b), their ranking in terms of position within the Nunatsiavut Civil Service.
- (3) Employees must be given 45 days to review the list and raise any concerns about it with the Director, after which the Treasurer must make the list final.
- (4) The Director must keep the seniority list up to date.
- (5) If a decrease in the work force within the employees division is necessary the Treasurer may direct that:
 - (a) the hours of work for all Employees in the employees division shall be reduced to 32 hours per week before anyone is laid-off; or

- (b) Employees are to be laid-off according to seniority.
- (6) The order of lay-off and the order of rehiring following a lay-off shall be governed by seniority as determined with reference to the seniority list.

Overtime

29

- (1) Where in the opinion of a Deputy Minister or director it is necessary, he or she may, by written directive, require an Employee in the employees division to work more than the working hours prescribed for the Employee's position.
- (2) A copy of the directive must be delivered by the Deputy Minister or director to the Controller.

Code of Conduct

30

- (1) No Employee shall:
 - (a) use or seek to use, directly or indirectly, the authority or official influence of his or her position to control or modify the political action of any other person;
 - (b) during the hours of duty engage in any form of political activity;
 - (c) solicit funds for the use of a political party or candidate;
 - (d) be threatened or discriminated against for refusing to take part in any political activity;
 - (e) be compelled to take part in any political undertaking or to make a contribution to a political party or candidate; or
 - (f) harass another employee or a member of the public on a prohibited ground of discrimination under the Constitution or the *Canadian Human Rights Act*.
- (2) An Employee in the employees division may;
 - (a) participate in political activities when not on duty if, in so doing, the employee does not impair his or her usefulness in the position in which he or she is employed nor reveal any information obtained in the course of the duties of his or her employment;
 - (b) be a member of a political party;
 - (c) be a candidate in a federal or provincial election.

- (3) An Employee who violates paragraph (1)(a), (b), (c) or (f) or any person who, in relation to an Employee, acts in contravention of paragraph (1)(d) or (e), is liable to disciplinary action.
- (4) Subject to subsections (5) and (6) and any restrictions imposed under any other Act, an Employee may be a candidate for any elected office.
- (5) An Employee intending to run for an elected office must, in the case of an Employee in the management division request permission from the Minister and in the case of an Employee in the employees division request permission from the Deputy Minister and the Minister or the Deputy Minister, as the case may be, must grant permission unless, in the opinion of the Minister or Deputy Minister, a conflict of interest exists or could exist.
- (6) An Employee intending to seek nomination as a candidate in an election to the Nunatsiavut Assembly or in a federal or provincial election shall, before doing so, apply for a leave of absence:
 - (a) in the case of an Employee in the management division to the Minister; and
 - (b) in all other cases to the Deputy Minister.
- (7) The Minister or Deputy Minister, as the case may be, must grant a leave of absence under subsection (6) unless he or she determines that to do so would seriously undermine the ability of the Nunatsiavut Government to deliver an essential service to the public.
- (8) A leave of absence granted under subsection (7) shall have effect in accordance with the regulations but shall not in any event extend beyond the day on which the successful candidate is declared elected.
- (9) If an Employee is refused a leave of absence under subsection (7) or is denied permission under subsection (5), the Employee may appeal to the Executive Council or any committee of the Executive Council that may be established to hear the appeal.
- (10) A decision under subsection (9) is final.
- (11) An Employee who contravenes section 6.4.4 of the Constitution is liable to disciplinary action.
- (12) Every Employee must appear before the Assembly or a Committee of the Assembly when requested to attend as a witness and the Employee must respond to lawful questions of the Members.
- (13) This section and sections 6.2.1 and 6.4.4 of the Constitution constitute an interim code of conduct for the staff and Employees of the Nunatsiavut Government under section 4.22.1 of the Constitution which must be renewed or replaced in terms of section 4.22.1 of the Constitution within 4 years of the date on which this Act comes into effect.

PART 6 TRANSFERS OF EMPLOYEES FROM LABRADOR INUIT ASSOCIATION

Employees of LIA Appointed to Nunatsiavut Civil Service

- (1) Those employees of Labrador Inuit Association who, on or before December 1, 2005, have elected to continue in employment with the Nunatsiavut Civil Service are hereby appointed to the Nunatsiavut Civil Service effective as of December 1, 2005.
- (2) The Controller is hereby authorized and directed for and in the name of the Nunatsiavut Government to make all such agreements and arrangements and to do all such things as may be necessary with respect to payroll, payroll taxes and payroll benefits under federal and provincial income tax acts, the Canada Pension Plan and Employment Insurance laws in order to effect the transfer of former Labrador Inuit Association employees to the Nunatsiavut Civil Service including to obtain from the Labrador Inuit Association copies of all payroll records for the current calendar year in respect of all former Labrador Inuit Association employees.
- (3) Notwithstanding that they may have declined offers to continue in employment with the Nunatsiavut Government, the Treasurer is hereby authorized, for and in the name of the Nunatsiavut Government, to offer positions in the Nunatsiavut Civil Service to laid-off members of the Labrador Inuit Association staff.

Appointment of Former LIA Employees to positions in the Nunatsiavut Civil Service

- (1) The Treasurer must, as soon as practicable after this Act comes into force, by written notice, designate the former Labrador Inuit Association employees who are to be appointed to positions in the management division of the Nunatsiavut Civil Service and the notice must designate:
 - (a) the positions to which they are appointed;
 - (b) the Departments or Agencies to which they are appointed;
 - (c) the job descriptions for the positions to which they are appointed; and
 - (d) the salaries for the positions to which they are appointed.
- (2) The Treasurer must, as soon as practicable after this Act comes into force, by written notice, designate the former Labrador Inuit Association employees who are to be appointed to positions in the employees division and in the casual jobs division of the Nunatsiavut Civil Service and the notice must designate:
 - (a) the positions to which they are appointed;
 - (b) the Departments or Agencies to which they are appointed;
 - (c) the job descriptions for the positions to which they are appointed; and
 - (d) the salaries for the positions to which they are appointed.

Former LIA Employees Aggrieved by Appointments

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- (1) A Former Employee of Labrador Inuit Association who is aggrieved by the notice under section 32 may, within 15 days of the date of the notice, resign his or her appointment by giving 30 days written notice of the date on which the resignation takes effect, in the case of an Employee appointed in the management division, to the Minister and, in the case of an Employee appointed in the employees division, to the Deputy Minister.
- (2) An Employee who resigns under subsection (1) is entitled to receive the same severance pay under section 12 of the Labrador Inuit Association Employment Policies and Procedures and other benefits on severance that he or she would have been entitled to receive as an employee of Labrador Inuit Association.

Benefits to which Former LIA Employees will continue to be Entitled

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- (1) The employment benefits to which Former Employees of Labrador Inuit Association were entitled as employees of Labrador Inuit Association shall be honoured by the Nunatsiavut Government and, for greater certainty, a Former Employee of Labrador Inuit Association is entitled:
 - (a) to retain his or her entitlement to all accumulated paid annual leave that he or she would have been entitled to take as an employee of Labrador Inuit Association on the date immediately preceding the day that this Act comes into effect, and to take that paid annual leave, but from the day that this Act comes into effect his or her entitlement to leave shall accumulate and be determined by and in accordance with this Act and the regulations;
 - (b) to retain the entitlement to paid sick leave that he or she has accumulated as an employee of Labrador Inuit Association on the date immediately preceding the day that this Act comes into effect, and to take that paid sick leave, but from the day that this Act comes into effect his or her entitlement to sick leave shall accumulate and be determined by and in accordance with this Act and the regulations;
 - (c) to retain the entitlement to severance pay under section 12 of the Labrador Inuit Association Employment Policies and Procedures that he or she has accumulated as an employee of Labrador Inuit Association on the date immediately preceding the day that this Act comes into effect, but from the day that this Act comes into effect his or her entitlement to severance pay, if any, shall accumulate in accordance with this Act and the regulations; and
 - (d) subject to subsections (2) and (3), to enjoy similar group insurance benefits and similar pension plan benefits as he or she enjoyed as an employee of Labrador Inuit Association.

- (2) For the purposes of paragraph (1)(d) the Treasurer is authorized, for and in the name of the Nunatsiavut Government:
- (a) to accept an assignment of all applicable group insurance plans in the name of Labrador Inuit Association or any division of Labrador Inuit Association but if an assignment is not reasonably possible the Treasurer is authorized to negotiate a plan with the same or another insurer on condition that any new, replacement or amended plan meets the requirements of paragraph (1)(d) at a lesser or comparable cost to both the employer and employee; and
 - (b) to accept an assignment of all applicable pension plans in the name of Labrador Inuit Association or any division of Labrador Inuit Association and to acquire the assets and assume the liabilities under those plans but if an assignment is not reasonably possible, the Treasurer is authorized to negotiate a plan with the same or another provider on condition that any new, replacement or amended plan meets the requirements of paragraph (1)(d) at a lesser or comparable cost to both the employer and employee.

Former Employees of LIA are Governed by this Act

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Except as provided in this Part, the employment of former employees of Labrador Inuit Association is governed by the provisions of this Act and the regulations.

Provisions of this Part Prevail in Event of any Inconsistency with the Act

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If there is any inconsistency between subsection 31(1) and sections 32, 33 and 34 and any other provision of this Act, subsection 31(1) and sections 32, 33 and 34, as the case may be, prevail to the extent of the inconsistency.

PART 7 REGULATIONS AND MISCELLANEOUS

Treasurer May Make Regulations

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The Treasurer may, under the direction of an Executive Order, make regulations governing and respecting:

- (a) the selection, transfer, and secondment of persons to or from positions in the Nunatsiavut Civil Service;
- (b) probationary appointments and terms of probation;
- (c) the lay-off and resignation of persons to or from positions in the Nunatsiavut Civil Service;

- (d) paid holidays that are in addition to those established under laws of general application, vacations, leaves of absence including their commencement, duration, termination and conditions, overtime pay, performance pay and other allowances for employees;
- (e) the conduct of employees and disciplinary action including penalties for breach of discipline;
- (f) the classification of positions, review of classifications and classification appeal procedures;
- (g) employment positions or Employees that are to be remunerated in the form of hourly wages and those that are to be remunerated by salary, and the rates of pay whether hourly or salaried and whether with respect to classifications or positions or otherwise;
- (h) the establishment of workplace health and safety standards and committees;
- (i) policies, procedures and plans to give effect to the requirements of section 14;
- (j) the administration of pay plans, hours of work, safety, attendance, and programs for providing incentive awards;
- (k) Employee development and training including health and wellness and educational leave;
- (l) Employee assistance plans;
- (m) policies, procedures and rates for the payment or reimbursement of out of pocket and other expenses reasonably incurred in the performance of employment duties, including accommodation, meals, travel and similar expenses;
- (n) grievance procedures;
- (o) personnel records and statistics to be maintained by Departments and Agencies;
- (p) appeals, including the composition of committees and sub-committees hearing appeals and procedures for the determination of appeals; and
- (q) any other matter considered necessary for the purpose of carrying out the provisions of this Act.

Employee Policy Manual

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This Act may be consolidated and provided to Employees in the form of an employee policy manual for ease of reference but the official policies and procedures of the Nunatsiavut Government shall be as set out in this Act.

SCHEDULE I

OATH OF OFFICE

I, (A.B.) solemnly and sincerely affirm (or in the case where an oath is taken "swear") that I will faithfully and honestly fulfill the duties that devolve upon me by reason of my employment in the Nunatsiavut Civil Service and that I will not, without due authority in that behalf, disclose or make known any matter that comes to my knowledge by reason of such employment. (In the case where an oath is taken add, "So Help Me God".)