

NUNATSIAVUT ASSEMBLY

IL 2024-02

AN ACT TO AMEND THE *CIVIL SERVICE ACT* AND MAKE CONSEQUENTIAL AMENDMENTS TO ANOTHER ACT (2024).

BE IT ENACTED by the President of Nunatsiavut and the Nunatsiavut Assembly as follows:

Short Title

1. This *Act* may be cited as the *Civil Service (Amendment) Act, 2024*.

Part 1 - *Civil Service Act* Amendments**Amendment to s. 2 of the *Civil Service Act***

2. (1) Paragraph 2(1)(k) of the *Civil Service Act* is repealed.

Amendment to s. 3 of the *Civil Service Act*

3. (1) Paragraph 3(1)(b) of the *Civil Service Act* is amended by repealing the phrase “in an Agency” with the word “with”.

Amendment to s. 10(1) of the *Civil Service Act*

4. (1) Subsection 10(1) of the *Civil Service Act* is replaced by the following:

- (1) The management division is comprised of the positions of:
 - (a) the Secretary of the Executive Council;
 - (b) Deputy Ministers of each department;
 - (c) the Clerk of the Nunatsiavut Assembly;
 - (d) the Registrar of Beneficiaries;
 - (e) Legal Counsel;
 - (f) Directors; and
 - (g) such other similar positions as the Executive Council may designate.

Passed as an Act of the Assembly on March 6, 2024.



Amendments to ss. 10(2)-(6) of the *Civil Service Act*

- 5. Subsections 10(2) through 10(6) inclusive of the *Civil Service Act* are repealed.**

Amendment to s. 11 of the *Civil Service Act*

- 6. Subsection 11(1) of the *Civil Service Act* is amended by replacing the phrase “and Agencies other than positions” with the words “except positions”.**

Amendments to s. 11 of the *Civil Service Act*

- 7. Subsections 11(3) and 11(4) of the *Civil Service Act* are repealed.**

Amendments to s. 12 of the *Civil Service Act*

- 8. Subsections 12(2) through 12(6) of the *Civil Service Act* are repealed.**

Amendment to s. 13(2) of the *Civil Service Act*

- 9. Subsection 13(2) of the *Civil Service Act* is replaced by the following:**

(2) The Executive Council may:

- (a) transfer a position in the management division or the employees division from one Department to another Department;
- (b) transfer a position in the management division or the employees division from a Department to an Agency; or
- (c) approve the transfer of an employee from an Agency to a position in the management division or the employees division of a Department.

Amendment to s. 13 of the *Civil Service Act*

- 10. Subsection 13(3) of the *Civil Service Act* is repealed.**

Amendment to s. 15 of the *Civil Service Act*

- 11. Subsection 15 of the *Civil Service Act* is replaced with the following:**

Control of Salary Costs

15

- (1) With respect to any employee in the management, employees or casual divisions, no payment of remuneration shall be made or started unless provided for under an appropriation.
- (2) There shall be no increase with respect to salary and related costs for any employee other than an increase approved by the Executive Council and provided for under an appropriation.
- (3) There shall be no reduction made in the rate of pay of any employee, except with regards to a change in position, without the written authorization of the Controller.

Amendment to s. 16 of the *Civil Service Act***12. Section 16 of the *Civil Service Act* is replaced with the following:****Promotions****16**

- (1) Subject to subsections (2) and (3), promotions to positions in the management division, employee division or casual jobs division must be made by a committee composed of the Deputy Minister of the department in which the vacancy occurs and the Director of Human Resources.
- (2) The Executive Council must approve any promotion to a position of Deputy Minister.
- (3) The Assembly must approve a promotion to the position of the Clerk of the Nunatsiavut Assembly.
- (4) All promotions must be made on the basis of the Merit Principle having regard to measures established under section 14.
- (5) The Director of Human Resources may conduct such examinations necessary for purposes of establishing lists of persons eligible for promotion within the employees division, but an examination shall not be conducted to elicit information concerning a prohibited ground of discrimination under the Constitution.

Amendment to s. 17 of the *Civil Service Act*

13. Section 17 of the *Civil Service Act* is replaced with the following:

Hiring committees for Positions in the Management Division

17

- (1) If a vacancy or new position in the management division becomes available, a hiring committee must hold a competition to fill the position.
- (2) For purposes of subsection (1) all functions related to selection and appointment are held by:
 - (a) in the case of the appointment of a Deputy Minister, a hiring committee composed of the Minister of the responsible department, as chair, one other Minister and the Director of Human Resources;
 - (b) in the case of the appointment of a Director, a hiring committee composed of the Deputy Minister of the responsible department, as chair, and the Director of Human Resources; or
 - (c) in the case of the appointment of Legal Counsel or the Registrar of Beneficiaries, a hiring committee composed of the Deputy Minister of Nunatsiavut Affairs, as chair, the Director of Human Resources and the Director of Legal Services.
- (3) An applicant for a position referred to in subsection (1) who is an Employee of the Nunatsiavut Government and who is qualified to fill the position shall be given preferential consideration.
- (4) Notice of a competition under subsection (1) must be:
 - (a) given at least two weeks in advance of the closing date of the competition; and
 - (b) posted or advertised in such a manner as the Director of Human Resources or a committee appointed under subsection (3) considers will provide reasonable access by employees and the public to the notice.
- (5) The hiring committee shall:
 - (a) review the applications of all candidates;
 - (b) examine those candidates who possess the required qualifications;
 - (c) rate the candidates in order of merit having regard to subsection (3); and

- (d) appoint the successful candidate.
- (6) Before nominating a candidate for a position, the hiring committee must satisfy itself that the person is fit to perform the duties and to undertake the responsibilities of the position.

Amendment to s. 18 of the *Civil Service Act*

14. Section 18 of the *Civil Service Act* is replaced with the following:

Hiring Committees for Positions in the Employees Division

18

- (1) A hiring committee shall be used to fill any vacancy or new position in the employees division.
- (2) The Director of Human Resources:
 - (a) is responsible for the establishment of hiring committees for positions in the Employees division; and
 - (b) may delegate the authority to establish any one or more specific hiring committees to another member of the Human Resources division.
- (3) Subject to subsection (4) a hiring committee for a position in the Employees Division is:
 - (a) the Director of Human Resources or another employee of the Human Resources division, as chair; and
 - (b) the Deputy Minister of the responsible department, Director or direct supervisor of the position to be filled.
- (4) In addition to the individuals forming a committee under subsection (3) a hiring committee may include other member(s) of the Nunatsiavut Civil Service as may be approved by the Director of Human Resources.

Addition of ss. 18.1 and 18.2 to the *Civil Service Act*

15. The following sections are added to the *Civil Service Act* immediately after section 18:

Competition for positions in the Employees Division

18.1

- (1) The hiring committee established under section 18 with respect to a vacancy or new position in the employees division must hold a competition to select a candidate.
- (2) The hiring committee must give preferential consideration to an applicant who is an Employee of the Nunatsiavut Government and who is qualified to fill the position.
- (3) The hiring committee 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) must be posted or advertised in such a manner as the Director of Human Resources or the hiring committee considers will provide reasonable access by employees and the public to the notice.
- (5) The hiring committee shall:
 - (a) review the applications of all candidates;
 - (b) examine those candidates who possess the required qualifications;
 - (c) rate the candidates in order of merit having regard to subsection (2); and
 - (d) appoint the successful candidate.
- (6) Before nominating a candidate for a position, the hiring committee must satisfy itself that the person is fit to perform the duties and to undertake the responsibilities of the position.

Procedures to fill Positions in the Casual Jobs Division

18.2

- (1) A Deputy Minister may hire a relief employee who is considered capable of performing required work while the incumbent of a position is not available, but the relief employee's appointment must not exceed a period of one year.
- (2) A Deputy Minister may hire a contract employee, a temporary employee or student employee for a maximum period of one year and their employment must be terminated no later than the end of that period.
- (3) 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.

- (4) A Deputy Minister may delegate a power under subsections (1), (2) or (3) to a committee composed of an employee of the Human Resources division, as chair, and the direct supervisor of the position to be filled.
- (5) A Deputy Minister or a committee under subsection (4) must follow the procedures set out in subsections 18.1(3) to 18.1(6).

Addition of s. 18.3 to the *Civil Service Act*

- 16. The following section is added to the *Civil Service Act* immediately after section 18.2:**

Conflicts of interest of hiring committee members

18.3

Where a person is mandated under this Act to serve on a hiring committee for a particular position but for reasons of relationship to one or more candidates the person is in a real or perceived conflict of interest, that person may be substituted on the hiring committee by another person on the approval and direction of:

- (a) in the case of a Minister, by another Minister on approval of the President;
- (b) in the case of a Deputy Minister, by the Minister of the responsible department; or
- (c) in the case of any other employee, by another employee of a similar level as approved by the Director of Human Resources.

Amendment to section 28 of the *Civil Service Act*

- 17. The following subsection is added to the *Civil Service Act* immediately after subsection 28(3):**

- (4) The Executive Council may abolish positions in the management and employees divisions.

Part 2 – Consequential Amendments

Amendment to section 92 of the *Nunatsiavut Assembly Act*

18. Subsection 92(a) of the *Nunatsiavut Assembly Act* is replaced with the following:

- (a) require that the appointment of any officer of the Assembly is to be made under the *Civil Service Act* instead of being made by the Assembly;

Part 3 - Miscellaneous

Coming into Force

19. This Act comes into force on a day to be fixed by Order of the President.