

PUBLIC SERVICE ACT
CONSOLIDATION OF PUBLIC SERVICE REGULATIONS
R.R.N.W.T. 1990,c.P-28

(Current to: November 3, 2013)

AS AMENDED BY NORTHWEST TERRITORIES REGULATIONS:

R.R.N.W.T. 1990,c.P-28(Supp.)

In force September 15, 1992: SI-013-92

AS AMENDED BY NUNAVUT REGULATIONS AND STATUTES:

R-011-2006

In force July 7, 2006

R-025-2006

In force November 3, 2006

R-013-2009

In force June 2, 2009

R-010-2013

In force April 15, 2013

Note: see s. 17 for transitional provisions.

S.Nu. 2013,c.26,s.92

s.92 in force September 17, 2013

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Legislation Division
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Government of Nunavut
P.O. Box 1000, Station 550
Iqaluit, NU X0A 0H0

Tel.: (867) 975-6305
Fax: (867) 975-6189
Email: Territorial.Printer@gov.nu.ca

GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

| | |
|------|--|
| c. | means "chapter". |
| CIF | means "comes into force". |
| NIF | means "not in force". |
| s. | means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs". |
| Sch. | means "schedule". |

Citation of Acts

| | |
|-----------------------------|---|
| R.S.N.W.T. 1988,c.D-22 | means Chapter D-22 of the <i>Revised Statutes of the Northwest Territories, 1988</i> . |
| R.S.N.W.T. 1988,c.10(Supp.) | means Chapter 10 of the Supplement to the <i>Revised Statutes of the Northwest Territories, 1988</i> . (<i>Note: The Supplement is in three volumes.</i>) |
| S.N.W.T. 1996,c.26 | means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories. |
| S.Nu. 2002,c.14 | means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut. |

Citation of Regulations and other Statutory Instruments

| | |
|-----------------------|--|
| R.R.N.W.T. 1990,c.A-1 | means Chapter A-1 of the <i>Revised Regulations of the Northwest Territories, 1990</i> . |
| R-005-98 | means the regulation registered as R-005-98 in 1998. (<i>Note: This is a Northwest Territories regulation if it is made before April 1, 1999, and a Nunavut regulation if it is made on or after April 1, 1999 and before January 1, 2000.</i>) |
| R-012-2003 | means the regulation registered as R-012-2003 in 2003. (<i>Note: This is a Nunavut regulation made on or after January 1, 2000.</i>) |
| SI-005-98 | means the instrument registered as SI-005-98 in 1998. (<i>Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.</i>) |
| SI-012-2003 | means the instrument registered as SI-012-2003 in 2003. (<i>Note: This is a Nunavut statutory instrument made on or after January 1, 2000.</i>) |

PUBLIC SERVICE REGULATIONS

Interpretation

1. (1) In these regulations,

"Act" means the *Public Service Act*; (*Loi*)

"casual employee" means a person engaged to perform work of a casual nature or in an emergency; (*fonctionnaire occasionnel*)

"day of rest" means a day, other than a holiday or a day of leave of absence, on which an employee is not ordinarily required to perform the duties of the position; (*jour de repos*)

"demotion" means the appointment of an employee to a new position the maximum rate of pay of which is less than that of his or her former position; (*rétrogradation*)

"employee's immediate family" means an employee's father, mother, stepfather, stepmother, brother, sister, spouse, common-law spouse, child, step-child, foster child, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandmother, grandfather, grandchild, and any other relative permanently residing in the employee's household or with whom the employee presently resides; (*famille immédiate du fonctionnaire*)

"grievance" means a complaint that an employee, group of employees or a recognized employees association submits to management, to be processed through the grievance procedure; (*grief*)

"promotion" means the appointment of an employee to a position having a higher salary; (*promotion*)

"relief employee" means a person engaged to perform work on an as and when needed basis; (*fonctionnaire de relève*)

"senior manager" means an employee who occupies a position that involves management of significant financial resources, programs and personnel, and, where an employee reports directly to a deputy head, means the deputy head; (*cadre supérieur*)

"standard hours" means the standard hours of work that shall be performed by an employee under section 7; (*heures normales*)

"standard yearly hours of work" means the standard weekly hours of work as provided for in section 7, multiplied by 52; (*heures normales de travail par année*)

"step increment" means the salary adjustment referred to in section 21; (*augmentation d'échelon*)

"transfer" means the appointment of an employee to a new position that does not constitute a promotion or demotion. (*mutation*)

(2) Where an employee ceases to be employed for any reason other than dismissal, abandonment of position or rejection on probation, and is re-employed within a period of three months, his or her periods of employment for purposes of public service superannuation shall be considered as continuous employment in the public service.

(3) Where a person is appointed to a position in the public service within three months after terminating his or her employment in the public service of Canada or public service of a territory for reasons other than dismissal, abandonment of position or rejection on probation, his or her periods of employment shall be considered as continuous service in the public service and all leave credits and benefits earned but not granted shall be considered as earned in the public service.

(4) The number of years of continuous service in the public service accumulated during an employee's tenure as a relief employee is calculated by dividing the number of hours worked by the relief employee by the standard yearly hours of work, provided that no more than one year of continuous service may be accumulated in any one year period. R-011-2006,s.2(1),(2); R-025-2006,s.2; R-013-2009,s.2; R-010-2013,s.2,16.

Application

1.1. (1) Subject to subsections (1.1) to (2.6) and subsection 84(2) of the Act, these regulations apply to every person employed in the public service.

(1.1) Except for subsection 1(1), this section and sections 15, 19, and 39 to 51, these regulations do not apply to members of the bargaining unit represented by the Nunavut Teachers' Association.

(2) Where terms and conditions of employment are set out in a collective agreement or contract of employment, and an inconsistency exists between those terms and conditions and these regulations, those terms and conditions prevail to the extent of the inconsistency.

(2.1) Subject to subsection (2), employees of the Qulliq Energy Corporation who are members of the bargaining unit represented by the Nunavut Employees Union are not entitled to the benefits of the following provisions:

- (a) continuity of employment as provided for in subsections 1(2) and 1(3);
- (b) annual vacation leave as provided for in section 23.

(2.2) Casual employees are not entitled to continuity of employment as provided for in subsections 1(2) and 1(3).

(2.3) Casual employees who will have four months or less of continuous service at the end of their contract term are not entitled to the benefits of the following provisions:

- (a) acting pay as provided for in section 18;
- (b) annual vacation leave as provided for in section 23.

(2.4) Relief employees are not entitled to the benefit of the following provisions:

- (a) continuity of employment from a former employer as provided for in subsection 1(3);
- (b) holidays with pay as provided for in sections 11 and 13;
- (c) acting pay as provided for in section 18;
- (d) annual vacation leave as provided for in section 23;
- (e) sick leave accumulation as provided for in subsection 26(1);
- (f) medical travel leave as provided for in section 29.1;
- (g) special leave as provided for in sections 30 to 32;
- (h) education leave as provided for in sections 33 to 34.1;
- (i) court leave in the circumstances described in paragraphs 35(a) and (b);
- (j) injury-on-duty leave as provided for in section 38.

(2.5) Senior managers are not entitled to the benefits of the following provisions:

- (a) overtime rates as provided for in subsection 10(2);
- (b) step increments as provided for in section 21 and subsection 22(3).

(2.6) Counsel employed by the Department of Justice are not entitled to the overtime rates as provided for in subsection 10(2).

(3) Sections 25 to 32, 35, 38 and 48 and subsection 51(1) apply to Deputy Ministers. R-011-2006,s.2(3); R-013-2009,s.3; R-010-2013,s.3; S.Nu. 2013,c.26,s.92(2).

Selection

2. The selection of persons for appointment to positions in the public service and employees for promotion or transfer shall be based on merit, with a view to developing a public service staffed by competent, well-qualified employees.

Appointment

3. The appointment of a person to a position in the public service shall be effective on the date specified in the instrument appointing that person.

Probation

4. (1) A recommendation by a deputy head for the extension of the probationary period of an employee, as provided under the Act, shall be made to the Minister.

(2) Where the probationary period of an employee has been extended by the Minister, the deputy head shall notify, not less than 30 days before the end of the probationary period, the employee in writing of the decision of the Minister. R-011-2006,s.3(2).

Period of Employment

- 5.** Casual employees shall not be employed beyond four months but, with the approval of a deputy head, the period of employment may be extended by up to 12 months at a time. R-011-2006,s.4; R-010-2013,s.4.
- 6.** The Deputy Minister of the department responsible for the Act may, on the recommendation of a deputy head, release a casual employee where the work is no longer required or for cause. R-011-2006,s.5.

Hours of Work

- 7.** (1) The standard hours of work are 7.5 hours a day, 37.5 hours a week.
- (2) Where, in the opinion of the Minister, the nature of the work necessitates standard hours of work higher than those provided for in subsection (1), the Minister may set the standard hours of work for a position at up to 42 hours a week. R-011-2006,s.6; R-010-2013,s.5.
- 8.** Where, in the opinion of the Minister, the nature of the work necessitates an irregular distribution of the hours of work of the employee, the Minister may average the standard hours of work over a period of up to one year.
- 9.** A deputy head shall prescribe the hours of work of the part-time employees in his or her department. R-025-2006,s.3.

Overtime and Holidays

- 10.** (1) An employee's immediate supervisor may require the employee to work in excess of the daily or weekly standard hours or on a holiday where, in the supervisor's opinion, the workload requires it.
- (2) Where an employee is required to work 0.5 hour or more in excess of the daily or weekly standard hours, he or she shall be paid for the overtime at a rate of
- (a) 1.5 times his or her regular rate of pay for the first four consecutive hours of work;
 - (b) 2.0 times his or her regular rate of pay for any additional time after the first four consecutive hours of work; and

- (c) 2.0 times his or her regular rate of pay for any time on the employee's second or subsequent day of rest, provided the days of rest are consecutive.
R-011-2006,s.7; R-013-2009,s.4; R0102013,s.16.

11. Subject to these regulations, every employee is entitled to a leave of absence with pay on the days declared to be holidays for the public service in the Act. R-025-2006,s.4.

12. A casual employee shall not receive a holiday with pay until he or she has been continuously employed for a period of at least 15 days. R-011-2006,s.8.

13. When a holiday falls on a non-working day, the employee shall be granted a day's leave of absence with pay in lieu of that day, at a time authorized by the Deputy Minister of the department responsible for the Act. R-011-2006,s.9.

14. A person who ceases to be an employee shall, within two weeks after ceasing to be an employee, be paid for any overtime or work on a holiday to which he or she was entitled under section 10 or 11 and for which he or she has not been paid or otherwise compensated. R-013-2009,s.5.

Attendance

15. (1) Registers shall be kept to record the attendance of all employees.

(2) The register shall be signed periodically by all employees.

(3) **Repealed, R-011-2006,s.10.**
R-011-2006,s.10; R-013-2009,s.6.

Pay

16. The Deputy Minister of the department responsible for the Act may, within 12 months after the appointment of an employee to the public service, grant a salary adjustment for an employee who is a senior manager, but the salary adjustment may not exceed 25% of the employee's former rate of pay. R-011-2006,s.11; R-025-2006,s.5.

17. A part-time employee shall be paid at the hourly remuneration for his or her class.

18. (1) Where an employee is required to perform the duties of a higher position, the employee shall be paid acting pay for that period, being the lesser of the following:

- (a) 110% of the employee's regular rate of pay; or
- (b) the maximum of the pay band for the higher position.

(2) Where an employee is required to perform the duties of a higher position for a minimum period of two consecutive months, the employee shall be paid acting pay for that period, being the lesser of the following:

- (a) 115% of the employee's regular rate of pay; or
- (b) the maximum of the pay band for the higher position.

(3) Where an employee is required to perform the duties of a higher position for a minimum period of one year, the salary of the employee shall be subject to negotiation with the deputy head, but shall not exceed the maximum of the pay band for the higher position. R-011-2006,s.12; R-013-2009,s.7; R-010-2013,s.6,16.

19. Where an employee is appointed to a new position in the public service and the appointment constitutes a promotion, he or she shall not be paid a salary that represents an increase of 25% or more of the employee's former rate of pay unless approval for such an increase is obtained from the Deputy Minister of the department responsible for the Act. R-011-2006,s.12; R-010-2013,s.7.

20. (1) Where a senior manager is promoted to another senior manager position in the public service, the salary of the senior manager shall be subject to negotiation with a deputy head, but shall not exceed the maximum of the pay band for the new position.

(2) A salary increase referred to in subsection (1) that represents 25% or more of the senior manager's former rate of pay may not be granted without the approval of the Deputy Minister of the department responsible for the Act. R-011-2006,s.12.

21. (1) Where an employee completes one year of service in a position in a manner satisfactory to the employee's immediate supervisor, the employee shall be paid at the next step of the pay band for the position, and, on completing each successive year of service in the position in a manner satisfactory to the employee's immediate supervisor, shall be paid at the next step of the pay band for the position, until he or she reaches the maximum of the pay band for that position.

(2) Subject to subsection (3), where a relief employee works hours equivalent to the standard yearly hours of work in a manner satisfactory to the employee's supervisor, the relief employee shall be paid at the next step of the pay band for his or her position, and, on completing each successive set of such hours in a manner satisfactory to the employee's supervisor, shall be paid at the next step of the pay band for the position, until he or she reaches the maximum of the pay band for his or her position.

(3) For the purposes of subsection (2), step increments may be awarded at most once per year, and the first step increment shall not be awarded until one year after the employee's date of hire. R-011-2006,s.12; R-013-2009,s.8; R-010-2013,s.8,16.

22. (1) A salary increase shall generally become effective on the first day of a month.

(2) Subject to subsections 21(2) and (3), a step increment shall generally become effective on the employee's annual anniversary date in the position.

(3) An employee who is promoted within six months of his or her annual anniversary date is entitled to a step increment in addition to any salary increase to which he or she is entitled. R-011-2006,s.12; R-010-2013,s.9.

Hours Used for Leave Calculations

22.1. Where leave is earned on an hourly basis, leave is earned on the following hours:

- (a) all hours worked excluding:
 - (i) overtime hours,
 - (ii) subject to paragraph (c), hours worked on a holiday,
 - (iii) standby hours;
- (b) all hours of paid leave taken, including leave taken in lieu of overtime pay;
- (c) the standard hours of work on a paid holiday, whether worked or not.
R-010-2013,s.10.

Annual Vacation Leave

23. (1) Every employee is entitled to annual vacation leave in each fiscal year.

(2) **Repealed, R-013-2009,s.9.**

(3) Subject to section 22.1 and subsection (4), annual vacation leave is earned by an employee at the following rates:

- (a) 0.082616 hours for each hour that the employee receives pay, on entering the public service;
- (b) 0.096 hours for each hour that the employee receives pay, on completing two years of continuous service in the public service;
- (c) 0.115385 hours for each hour that the employee receives pay, on completing nine years of continuous service in the public service;
- (d) 0.134770 hours for each hour that the employee receives pay, on completing 14 years of continuous service in the public service;
- (e) 0.140769 hours for each hour that the employee receives pay, on completing 19 years of continuous service in the public service.

(4) Subject to section 22.1, annual vacation leave is earned by a senior manager at the following rates:

- (a) 0.102 hours for each hour that the senior manager receives pay, on entering the public service;
- (b) 0.115385 hours for each hour that the senior manager receives pay, on completing two years of continuous service in the public service;
- (c) 0.134770 hours for each hour that the senior manager receives pay, on completing nine years of continuous service in the public service;
- (d) 0.140769 hours for each hour that the senior manager receives pay, on completing 14 years of continuous service in the public service;
- (e) 0.161538 hours for each hour that the senior manager receives pay, on completing 19 years of continuous service in the public service.
R-011-2006,s.12; R-013-2009,s.9; R-010-2013,s.11,16.

24. (1) A casual employee who is not entitled to earn annual leave shall be granted 6% of his or her earnings in lieu of annual leave.

(2) A relief employee shall be granted in lieu of annual leave and other benefits the following percentages of his or her earnings, excluding overtime or any other premium, on a bi-weekly basis:

- (a) 10%, on entering the public service;
- (b) 12%, on completing two years of continuous service in the public service;
- (c) 14%, on completing nine years of continuous service in the public service;
- (d) 16%, on completing 14 years of continuous service in the public service;
- (e) 18%, on completing 20 years of continuous service in the public service.
R-010-2013,s.12.

Sick Leave

25. An employee's immediate supervisor, who is satisfied that the employee is unable to perform the duties of his or her position because of sickness or injury off the job, may grant the employee

- (a) leave of absence with pay to the extent that the employee has earned sick leave; or
- (b) leave of absence without pay, where the employee has not earned sick leave.
R-011-2006,s.13; R-013-2009,s.10.

26. (1) Subject to section 22.1 and subsection (1.1), every employee is entitled to sick leave at the rate of 0.057692 hours for each hour that the employee receives pay.

(1.1) An employee cannot accumulate more than 15 days of sick leave in any one year period.

(2) Any sick leave granted with pay shall be deducted from the sick leave earned under subsection (1). R-011-2006,s.14; R-010-2013,s.13.

27. No employee shall be granted sick leave during a period in which he or she is on leave of absence without pay or under suspension. R-011-2006,s.15.

28. Before sick leave is granted, the employee shall provide a certificate that he or she was unable to perform his or her duties, signed by

- (a) the employee, where the absence does not exceed three days; or
- (b) a qualified medical practitioner where
 - (i) the absence exceeds three days,
 - (ii) the employee has been granted nine or more days of sick leave in the fiscal year, none of which were certified by a qualified medical practitioner, or
 - (iii) a senior manager is of the opinion that such a certificate should be obtained.

R-011-2006,s.16; R-013-2009,s.11.

29. (1) Where an employee is unable to perform his or her duties for a continuous period of not less than three days because of sickness or injury off the job and has not earned sick leave, a senior manager may grant leave of absence with pay for a period not exceeding three weeks if the employee has had at least one year of service and his or her performance has been satisfactory.

(2) There shall be deducted from any sick leave subsequently earned by the employee the amount of any leave of absence with pay granted under subsection (1), and no further sick leave shall be granted until the total amount of leave granted under subsection (1) has been paid back. R-011-2006,s.17.

Medical Travel Leave

29.1. (1) An employee, who is referred by a medical practitioner, nurse practitioner or nurse for medical services at a health facility outside the community in which the employee resides, may, with the approval of a deputy head, be granted leave of absence with pay for the lesser of

- (a) four days; or
- (b) the actual time taken to travel between the community in which the employee resides and the health facility.

(2) In this section,

"medical practitioner" means a medical practitioner as defined in the *Medical Care Act*; (*médecin*)

"nurse practitioner" means a nurse practitioner as defined in the *Nursing Act*. (*infirmière praticienne* or *infirmier praticien*)

R-025-2006,s.6; R-013-2009,s.12.

Special Leave

30. (1) Subject to section 22.1 and subsections (1.1) and (1.2), every employee is entitled to special leave at a rate of 0.023077 hours for each hour that the employee receives pay.

(1.1) An employee cannot accumulate more than six days of special leave in any one year period.

(1.2) An employee cannot accumulate more than 30 days of untaken special leave.

(2) Any special leave granted with pay shall be deducted from the special leave earned under subsection (1). R-011-2006,s.18; R-025-2006,s.7; R-010-2013,s.14.

31. An employee's immediate supervisor may grant the employee special leave with pay for a maximum period of five days, to the extent that it has been earned, in the following circumstances:

- (a) where a member of the employee's immediate family becomes ill, not including normal childbirth, and the employee is required to care for the ill person or the dependants of the employee or the ill person;
- (b) where there is a death in the employee's immediate family;
- (c) where an employee is to be married;
- (d) where special circumstances not directly attributable to the employee prevent his or her reporting for duty, including
 - (i) serious household or domestic emergencies,
 - (ii) a general transportation tie-up caused by weather if the employee makes every reasonable effort to report for duty from his or her usual residence, but where transportation delays prevent an employee reporting for duty from other than his or her usual residence, the circumstances may be considered attributable to the employee and the time should be charged to vacation leave or leave without pay, or
 - (iii) serious community emergencies, where the employee is required to render assistance;
- (e) where granting the leave would be of general value to the public service, such as where the employee

- (i) takes an examination which will improve his or her position or qualifications in the public service,
- (ii) attends his or her university convocation, if he or she has been continuously employed for at least one year,
- (iii) attends a course in civil defence training, or
- (iv) requires a medical examination for enlistment in the Armed Forces or in connection with a veteran's treatment program. R-011-2006,s.19; R-013-2009,s.13.

32. (1) Special leave for more than five days shall only be granted with the approval of a deputy head.

(2) Special leave shall not be granted to an employee who is on leave of absence without pay or under suspension.

(3) Special leave may be advanced with the approval of a deputy head. R-011-2006,s.20.

Education Leave

33. (1) A deputy head may grant educational leave.

(2) Educational leave shall be based on an appraisal of the present and future requirements of the public service and the qualifications of the employee applying for the leave.

(3) Educational leave may be granted to an employee who has completed a minimum of three years of continuous service in the public service or, in exceptional circumstances, to an employee who has completed less than three years of continuous service.

(4) A deputy head may, before granting educational leave, require an employee to enter into an agreement with the Government of Nunavut as to the terms and conditions under which the leave is to be granted. R-011-2006,s.21; R-025-2006,s.8.

34. (1) An allowance equal to the employee's full salary may be paid during educational leave if the educational leave is taken at the request of the deputy head.

(2) An allowance equal to a portion of the employee's salary and partial payment of tuition fees and travelling and other expenses may be paid during educational leave where

- (a) the course will develop the general ability and potential of the employee, and
- (b) the course is of value to the employee's work,

with the extent of the allowance and payment depending on an assessment of the course's value to the work.

(3) Educational leave where an allowance is paid carries with it the obligation to return, after the successful completion of the course, to the public service for a period of time as long as the duration of the educational leave. R-011-2006,s.21.

34.1. Tuition fees may be refunded on receipt of evidence of successful completion of a course, if

- (a) the course is of value to the work of the employee; and
- (b) the course does not require the employee to be absent from his or her duties.

R-011-2006,s.21.

Court Leave

35. A deputy head shall grant every employee, other than an employee on leave of absence without pay or under suspension, leave with pay for such time as is necessary and reasonable

- (a) to serve on a jury;
- (b) to attend as a witness before a body authorized by law to compel the attendance of witnesses; or
- (c) to participate in the grievance procedure as a complainant.

R-011-2006,s.22.

Retiring Leave and Gratuity on Resignation

36. (1) An employee, appointed before January 1, 1995, who is about to cease to be employed in the public service and who is eligible for an immediate annuity under the *Public Service Superannuation Act* (Canada), may be granted retiring leave for a period not in excess of 30 weeks calculated at the rate of one week for each completed year of continuous service in the public service minus any retiring leave, or gratuity in lieu of retiring leave, previously granted.

(2) Where the employee so requests, a gratuity may be granted in lieu of retiring leave which is calculated by multiplying the retiring leave earned under subsection (1) by the employee's final weekly remuneration and subtracting the amount of annuity he or she is entitled to under the *Public Service Superannuation Act* (Canada) for the period of retiring leave.

(3) An employee, appointed after January 1, 1995, who is about to cease to be employed in the public service, who is eligible for an immediate annuity under the *Public Service Superannuation Act* (Canada), and who has completed a minimum of 10 years continuous service in the public service, may be granted retiring leave for a period not in excess of 13 weeks calculated at the rate of one week for every two completed years of continuous service in the public service minus any retiring leave, or gratuity in lieu of retiring leave, previously granted.

(4) Where the employee so requests, a gratuity may be granted in lieu of retiring leave which is calculated by multiplying the retiring leave earned under subsection (3) by the employee's final weekly remuneration and subtracting the amount of annuity he or she is entitled to under the *Public Service Superannuation Act* (Canada) for the period of retiring leave. R-011-2006,s.23.

37. (1) A gratuity shall be granted on resignation to an employee who has completed a minimum of 10 years continuous service in the public service, calculated at the rate of one week for every two completed years of continuous service in the public service, minus any retiring leave or gratuity in lieu of retiring leave previously granted.

(2) A gratuity shall not be paid to an employee who is dismissed or abandons his or her position. R-011-2006,s.23.

Injury-on-duty leave

38. A deputy head may grant leave of absence with pay to an employee who is unable to perform the duties of his or her position because of

- (a) personal injury accidentally received in the performance of his or her duties and not caused by the wilful misconduct of the employee, or
- (b) sickness arising out of and during the course of his or her employment,

if that employee agrees to pay the Government of Nunavut any amount received by him or her for loss of wages in settlement of any workers' compensation claim he or she may have in respect of the injury or sickness. R-011-2006,s.24(1); R-025-2006,s.9.

Leave Without Pay

39. A senior manager may grant leave of absence without pay for a maximum period of six months, and any additional leave of absence without pay may be granted only with the approval of a deputy head. R-011-2006,s.25.

Reservist Leave

39.01. (1) In this section,

"emergency situation" means a present or imminent situation or event that is seriously affecting or could seriously affect the health, safety or welfare of persons or substantially damage property; (*situation d'urgence*)

"reserve force" has the same meaning as in subsection 2(1) of the *National Defence Act* (Canada) and includes members of the Canadian Rangers; (*force de réserve*)

"service" means a period of time spent on duty with the reserve force, and includes

- (a) participation in an operation, exercise, training, search and rescue operation, emergency situation or other military activity, and
- (b) treatment, recovery or rehabilitation in respect of a physical or mental health problem that results from participation in an operation, exercise, training, search and rescue operation, emergency situation or other military activity. (*service*)

(2) Every employee is entitled to reservist leave without pay for the duration of a period of service if he or she is a member of the reserve force.

(3) An employee's immediate supervisor shall grant the employee reservist leave where

- (a) the employee provides his or her immediate supervisor at least four weeks notice in writing or his or her intention to take the period of leave; or
- (b) if it is not reasonable in the circumstances to give four weeks notice, the employee provides his or her immediate supervisor notice at the earliest reasonable opportunity.

(4) The notice required under subsection (3) must give the date on which the leave will begin and the anticipated date on which the leave will end.

(5) Where the date on which an employee anticipates his or her leave will end changes, the employee shall provide notice to his or her immediate supervisor of the new end date at the earliest reasonable opportunity.

(6) No employee shall be denied leave under this section during an emergency situation only because that employee has not provided sufficient notice.

(7) Where granting leave under this section would cause undue hardship to the Government of Nunavut or the public, the employee's immediate supervisor may deny the leave.

(8) Where an employee has been denied leave under subsection (7), the employee's immediate supervisor must provide reasons for that decision to the employee and the deputy head. R-010-2013,s.15.

Leave - Miscellaneous

39.1. An employee who is on a leave or under suspension is not entitled to any form of leave with pay during the period of leave or suspension. R-013-2009,s.14.

40. Repealed, R-011-2006,s.26.

Grievances

41. Subject to sections 22 and 25 of the Act, any employee who has a complaint about a matter in respect of this Act or the regulations may have that complaint dealt with in accordance with the grievance procedure set out in sections 44, 45 and 46, provided that a reasonable attempt is first made to resolve the complaint with the immediate supervisor of the employee. S.Nu. 2013,c.26,s.92(3).

42. Before submitting a complaint through the formal grievance procedure, the employee may seek advice from an employee's association or a personnel administrator.

43. Employees have the prerogative of presenting their grievances personally or through a representative.

44. (1) An employee who has a complaint about a matter in respect of the Act or these regulations may submit a written grievance describing the nature of the complaint to a person designated by the Minister within 15 days of the employee becoming aware of the circumstances giving rise to the complaint.

(2) The person designated under subsection (1) shall hear the grievance, decide on it and send a written copy of the decision to the employee within 14 days of his or her receipt of the grievance. R-011-2006,s.27.

45. (1) If the employee is not satisfied with the decision made under subsection 44(2) or if the complaint is not capable of being resolved under section 44, the employee may submit the written grievance to the deputy head or, where there is no deputy head, to a person designated by the Minister within 14 days of the employee receiving the decision or becoming aware of the circumstances giving rise to the complaint, as the case may be.

(2) The deputy head or person designated under subsection (1), as the case may be, shall hear the grievance, decide on it and send a written copy of the decision to the employee within 14 days of his or her receipt of the grievance. R-011-2006,s.28; R-025-2006,s.10.

46. (1) If the employee is not satisfied with the decision made under section 45 or if the complaint is not capable of being resolved under section 44 or 45, the employee may submit the written grievance to the Minister within 14 days of the employee receiving the decision or becoming aware of the circumstances giving rise to the complaint, as the case may be.

(2) The Minister shall hear the grievance, decide on it and send a written copy of the decision to the employee within 30 days of his or her receipt of the grievance.

(3) The decision of the Minister is final and binding. R-011-2006,s.29.

47. By mutual agreement of the parties to the grievance, the time limits for each stage of the grievance procedure may be extended.

General

48. No employee shall carry on any business or employment outside the public service in which

- (a) he or she exploits unduly and for personal gain his or her acquaintance with other employees or with persons with whom he or she has become acquainted in the course of employment in the public service;
- (b) there may be a conflict between the duties the employee is required to perform in that business or employment and the duties he or she is required to perform in the public service; or
- (c) he or she makes unauthorized use of information acquired as a result of his or her employment in the public service or of property or facilities owned by Her Majesty in the right of Canada or the Government of Nunavut.
R-011-2006,s.30.

49. Repealed, S.Nu. 2013,c.26,s.92(4).

50. Repealed, S.Nu. 2013,c.26,s.92(4).

51. (1) The prescribed oath referred to in section 15 of the *Public Service Act* is set out in Form 1 of the Schedule.

(2) **Repealed, R-011-2006,s.33.**

R.R.N.W.T. 1990,c.P-28(Supp.),s.2; R-011-2006,s.33; R-013-2009,s.15;
S.Nu. 2013,c.26,s.92(5).

SCHEDULE

FORM 1

(Section 51)

OATH OR AFFIRMATION OF OFFICE AND SECRECY

I,, swear (or solemnly affirm) that
(name of employee)

I will faithfully and honestly fulfil the duties that devolve upon me by reason of my employment in the public service of Nunavut and that I will not, without due authority, disclose or make known any matter that comes to my knowledge by reason of such employment. (Add, in the case where an oath is taken, "So help me God" or equivalent phrase.)

R.R.N.W.T. 1990,c.P-28(Supp.),s.3; R-011-2006,s.34; R-013-2009,s.16.

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