

# *The Public Service Act, 1998*

*being*

Chapter P-42.1\* of the *Statutes of Saskatchewan, 1998* (effective March 1, 1999) as amended by the *Statutes of Saskatchewan, 2004, c.48; 2008, c.21; 2013, c.S-15.1 and c.27; and 2014, c.E-13.1.*

**\*NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

## **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.**

# Table of Contents

<b>PART I</b>		<b>PART V</b>	
<b>Short title, Interpretation, Purpose and Application</b>		<b>Lay-offs, Dismissals, Demotions and Appeals</b>	
1	Short title	25	Lay-offs
2	Interpretation	26	Re-employment lists
3	Purposes of Act	27	Suspension
4	Application of Act	28	Dismissal or demotion
<b>PART II</b>		29	Appeal – employee within the scope of a collective agreement
<b>Public Service Commission</b>		30	Appeal – employee outside the scope of a collective agreement
5	Commission continued	<b>PART VI</b>	
6	Appointment of chairperson	<b>Miscellaneous</b>	
7	Responsibilities and powers of chairperson	31	Power to exclude or include positions or to move positions between divisions
8	Employees of commission	32	Duty to furnish information
9	Appointment and removal of other commissioners	33	Freedom from political influence
10	Oath or declaration of commissioner	34	Agreements by commission
11	Responsibilities and powers of commission	35	Grants
12	Delegation of responsibilities, powers	36	Advisers, etc.
13	Meetings of the commission	37	Annual report
14	Commission regulations	38	Power to enter into collective agreements
<b>PART III</b>		39	Lieutenant Governor in Council regulations
<b>Organization of the Public Service</b>		<b>PART VII</b>	
15	Two divisions	<b>Repeal, Transitional, Consequential, Coming into force</b>	
16	Positions must be placed in a class	40	R.S.S. 1978, c.P-42 repealed
17	Positions in classification plan	41	Transitional
18	Appeals re position	42	Consequential
19	Compensation plan	<b>Schedule</b>	
<b>PART IV</b>			
<b>Recruitment, Appointment, Promotion and Transfer</b>			
20	Recruitment		
21	Who makes appointments		
22	Oath or declaration of employees		
23	Probationary period		
24	Transfer		

## CHAPTER P-42.1

### An Act respecting the Public Service of Saskatchewan

#### PART I

#### Short title, Interpretation, Purpose and Application

##### Short title

1 This Act may be cited as *The Public Service Act, 1998*.

##### Interpretation

2 In this Act:

- (a) “**chairperson**” means the chairperson of the commission appointed pursuant to section 6;
- (b) “**class**” means a group of positions that are so alike that the same pay range can be equitably applied to all positions in the group;
- (c) “**classified division**” means the classified division of the public service mentioned in section 15;
- (d) “**collective agreement**” means a collective agreement as defined in Part VI of *The Saskatchewan Employment Act*;
- (e) “**commission**” means the Public Service Commission continued pursuant to section 5;
- (f) “**commissioner**” means a member of the commission appointed pursuant to section 9, and includes the chairperson;
- (g) “**demotion**” means a change of employment from one position to another position that has a lower maximum salary;
- (h) **Repealed.** 2014, c.E-13.1, s.55.
- (i) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (i.1) “**ministry**” means a ministry as defined in *The Executive Government Administration Act*;
- (j) “**non-permanent employee**” means an employee in the public service who is appointed to a position in the classified division where:
  - (i) the appointment is of a casual nature or is for a specified period, for intermittent periods or for less than full-time employment; and
  - (ii) the position is designated as non-permanent by the commission;

- (k) **“permanent employee”** means an employee in the public service who is appointed to a position in the classified division where:
- (i) the appointment is of a permanent nature, whether on a full-time or part-time basis; and
  - (ii) the employee has successfully completed a probationary period of employment for the position and has been appointed to the permanent staff;
- (l) **“permanent head”** means a deputy minister or other official in charge of a ministry who is directly responsible to a member of the Executive Council;
- (m) **“promotion”** means a change of employment from one position to another position that has a higher maximum salary;
- (n) **“public service”** means service with the executive government of Saskatchewan;
- (o) **“re-employment list”** means a re-employment list established pursuant to section 26;
- (p) **“transfer”** means a movement of an employee from one position to another position that has the same maximum salary.

1998, c.P-42.1, s.2; 2013, c.S-15.1, s.10-32; 2014, c.E-13.1, s.55.

#### Purposes of Act

**3** The purposes of this Act are the following:

- (a) to maintain an independent and professional public service;
- (b) to facilitate providing quality service to the public in a manner that is responsive to changing public requirements;
- (c) to recruit employees to the public service, and to develop a qualified public service, in a manner that fulfils the purposes of this Act;
- (d) to strive to develop a public service that represents the diversity of the people of Saskatchewan;
- (e) to promote harmonious relations between the Government of Saskatchewan, its employees in the public service and the trade unions that represent those employees.

1998, c.P-42.1, s.3.

#### Application of Act

4(1) Subject to subsections (2) and (3) and to any other Act, this Act applies to the employees of all ministries.

(2) This Act applies to employees in the public service who are within the scope of a collective agreement only to the extent that matters covered in this Act are not covered by the collective agreement.

(3) Subject to the regulations, this Act does not apply to any position or class that is excluded from the application of this Act pursuant to subsection 31(1).

1998, c.P-42.1, s.4; 2004, c.48, s.3; 2014, c.E-13.1, s.55.

**PART II**  
**Public Service Commission**

**Commission continued**

- 5(1) The Public Service Commission is continued.
- (2) The commission consists of:
- (a) the chairperson; and
  - (b) not less than two and not more than four other commissioners.

1998, c.P-42.1, s.5.

**Appointment of chairperson**

- 6(1) The Lieutenant Governor in Council shall appoint a chairperson of the commission.
- (2) The chairperson holds office at pleasure.
- (3) The chairperson is to be paid an annual salary determined by the Lieutenant Governor in Council.

1998, c.P-42.1, s.6.

**Responsibilities and powers of chairperson**

- 7(1) The chairperson is the chief executive officer of the commission.
- (2) The chairperson is responsible for:
- (a) providing direction, advice or assistance to ministries in the application of human resource management policies, standards, regulations and procedures;
  - (b) developing, providing, assisting in or co-ordinating programs concerning employee training, education and career development;
  - (c) establishing and maintaining a human resource management information system; and
  - (d) fulfilling any other responsibilities that the Lieutenant Governor in Council may assign.

1998, c.P-42.1, s.7; 2014, c.E-13.1, s.55.

**Employees of commission**

- 8(1) The commission shall appoint the employees of the commission that the chairperson considers necessary to administer this Act.
- (2) All employees appointed pursuant to subsection (1) are to be appointed in accordance with this Act.

1998, c.P-42.1, s.8.

**Appointment and removal of other commissioners**

- 9(1)** In addition to the chairperson, the Lieutenant Governor in Council shall appoint the other commissioners.
- (2) A commissioner, other than the chairperson, holds office for a period of six years and until his or her successor is appointed.
- (3) A commissioner, other than the chairperson, is to be:
- (a) remunerated for each day he or she devotes to the work of the commission at a rate determined by the Lieutenant Governor in Council; and
  - (b) reimbursed for his or her expenses as a commissioner at a rate determined by the Lieutenant Governor in Council.
- (4) The Lieutenant Governor in Council shall remove a commissioner, other than the chairperson, on a resolution of the Legislative Assembly.
- (5) The Lieutenant Governor in Council may, at any time, suspend a commissioner, other than the chairperson, for cause and appoint another individual to take the place of the suspended commissioner.
- (6) A suspension pursuant to subsection (5) is effective only until the Legislative Assembly at its next session has considered and taken action on the suspension.

1998, c.P-42.1, s.9.

**Oath or declaration of commissioner**

- 10** Every commissioner shall make an oath or declaration in the form prescribed in the regulations made by the Lieutenant Governor in Council before the commissioner exercises any powers or assumes responsibilities pursuant to this Act.

1998, c.P-42.1, s.10.

**Responsibilities and powers of commission**

- 11(1)** The commission is responsible for:
- (a) representing the public interest in human resource management;
  - (b) reviewing any actions taken by the chairperson or any other person to whom the chairperson has delegated his or her responsibilities or powers;
  - (c) conducting appeals pursuant to section 30; and
  - (d) fulfilling any other responsibilities that the Lieutenant Governor in Council may assign to it.
- (2) In addition to the responsibilities mentioned in subsection (1), the commission is responsible for human resource management in the public service, including:
- (a) recruiting and selecting persons within the public service and appointing persons in the classified division;
  - (b) developing, establishing and maintaining classification plans;
  - (c) co-ordinating the development and implementation of employment equity policies and programs; and
  - (d) carrying out research on compensation and working conditions within the public service.

- (3) In fulfilling its responsibilities pursuant to this Act, the commission may:
- (a) investigate any issue that it considers necessary or desirable respecting human resource management; and
  - (b) request reports from the chairperson and from any other person to whom the chairperson has delegated his or her responsibilities or powers.
- (4) The commissioners have the power to administer oaths, declarations and affirmations, and the powers conferred on a commission by sections 11, 15 and 25 of *The Public Inquiries Act, 2013*.

1998, c.P-42.1, s.11; 2013, c.27, s.34.

**Delegation of responsibilities, powers**

- 12(1)** The commission may delegate the fulfilment of any of its responsibilities, other than those responsibilities mentioned in subsection 11(1), or the exercise of any of its powers to the chairperson.
- (2) The commission may, at any time:
- (a) impose any terms and conditions on or amend a delegation pursuant to subsection (1) that the commission considers appropriate; and
  - (b) revoke a delegation pursuant to subsection (1).
- (3) The chairperson may delegate the fulfilment of any of the chairperson's responsibilities or the exercise of any of the chairperson's powers, including the responsibilities and powers delegated to the chairperson pursuant to subsection (1), to:
- (a) any employee of the commission;
  - (b) a permanent head with respect to the permanent head's ministry; or
  - (c) any nominees of a permanent head with respect to the permanent head's ministry.
- (4) The chairperson may, at any time:
- (a) impose any terms and conditions on or amend a delegation pursuant to subsection (3) that the chairperson considers appropriate; and
  - (b) revoke a delegation pursuant to subsection (3).

1998, c.P-42.1, s.12; 2014, c.E-13.1, s.55.

**Meetings of the commission**

- 13(1)** The commissioners must meet when called by the chairperson.
- (2) The commissioners must meet at least six times each year.
- (3) Two commissioners constitute a quorum.
- (4) The commissioners may adopt their own rules of procedure and shall keep a written record of their meetings.
- (5) The chairperson may fulfil the responsibilities and exercise the powers of the commission between meetings of the commissioners.

1998, c.P-42.1, s.13.

**Commission regulations**

14(1) Subject to the approval of the Lieutenant Governor in Council, the commission may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
  - (b) governing the recruitment, selection, transfer, promotion, lay-off, dismissal, resignation and demotion of persons to or from positions in the classified division;
  - (c) governing the classification of positions and allocation of positions to classes in the classified division;
  - (d) governing hours of work, holidays, attendance, leaves of absence, vacation, sick and special leave, other allowances and retiring gratuities, for positions in the classified division;
  - (e) governing probationary periods of employment for positions in the classified division;
  - (f) respecting re-employment lists;
  - (g) prescribing a code of conduct and ethical behaviour for employees in the public service;
  - (h) respecting the establishment of an independent body to hear and decide appeals pursuant to section 18 regarding allocating positions to a particular class and respecting the delegation of appeals to that independent body;
  - (i) respecting performance management systems for positions in the classified division;
  - (j) respecting salary adjustments, salary increments and in-range salary adjustments for positions in the classified division;
  - (k) respecting any other matter or thing that the commission considers necessary or desirable to carry out the intent of this Act.
- (2) Before making the regulations, the commission may allow any trade union representing employees in the public service to review and comment on the proposed regulations.

PART III  
**Organization of the Public Service**

**Two divisions**

**15(1)** The public service is composed of two divisions:

- (a) the unclassified division; and
- (b) the classified division.

(2) Subject to subsection 31(3), the unclassified division is composed of the following positions:

- (a) permanent heads;
- (b) members of boards or commissions;
- (c) the Clerk of the Executive Council; and
- (d) those positions designated by the Lieutenant Governor in Council as positions to be placed in the unclassified division.

(3) The classified division is composed of:

- (a) all positions in the public service, other than those mentioned in subsection (2); and
- (b) those positions that are designated pursuant to clause 31(3)(c).

1998, c.P-42.1, s.15.

**Positions must be placed in a class**

**16** No person is to be appointed to or employed in a position in the classified division until the position has been placed in a class pursuant to a classification plan.

1998, c.P-42.1, s.16.

**Positions in classification plan**

**17(1)** The commission shall prepare classification plans for all positions in the classified division and may, at any time, amend those classification plans.

(2) The commission shall:

- (a) ascertain the duties and responsibilities of all positions in the classified division; and
- (b) allocate each position to the appropriate class within the classification plan based on the position's duties and responsibilities.

(3) The commission shall designate a title for each class.

(4) The title for a class is to be used to designate positions in the class in all official, financial and personnel records, vouchers and communications and in collective agreements.

1998, c.P-42.1, s.17.

**Appeals re position**

**18(1)** A permanent employee may appeal the commission's decision pursuant to section 17 allocating the employee's position to a particular class.

(2) An appeal pursuant to this section is to be made:

(a) if the position is outside the scope of a collective agreement, in accordance with the regulations;

(b) if the position is within the scope of a collective agreement, in accordance with the collective agreement.

(3) In the case of an appeal to be made in accordance with the regulations, the commission may delegate, in accordance with the regulations, the hearing and deciding of the appeal to an independent body that is established pursuant to the regulations.

1998, c.P-42.1, s.18.

**Compensation plan**

**19(1)** The commission shall recommend to the Lieutenant Governor in Council a plan of compensation for all classes outside the scope of a collective agreement.

(2) The Lieutenant Governor in Council shall determine a plan of compensation, including a pay range, for every class.

(3) The pay rate for any position in the public service is deemed to include remuneration for all the duties and responsibilities that are assigned to the position, including any duties or responsibilities requiring membership on a board or commission or holding the office of secretary of a board or commission.

1998, c.P-42.1, s.19.

**PART IV****Recruitment, Appointment, Promotion and Transfer****Recruitment**

**20(1)** Subject to the regulations, the commission shall develop procedures and policies respecting recruitment and appointment of employees to positions in the classified division.

(2) Recruitment and appointment of employees is to be undertaken in accordance with the procedures and policies developed by the commission pursuant to subsection (1) and in accordance with the regulations.

1998, c.P-42.1, s.20.

**Who makes appointments**

**21(1)** The Lieutenant Governor in Council shall make appointments to all positions in the unclassified division.

(2) The Lieutenant Governor in Council shall report to the commission all appointments made pursuant to subsection (1) within 30 days after the date of the appointment.

(3) The commission shall make appointments to all positions in the classified division.

(4) Appointments to positions in the classified division are to be made on the basis of merit.

1998, c.P-42.1, s.21.

**Oath or declaration of employees**

**22** Every employee in the public service shall make an oath or declaration in the form prescribed in the regulations made by the Lieutenant Governor in Council before the employee assumes his or her responsibilities.

1998, c.P-42.1, s.22.

**Probationary period**

**23(1)** Subject to the regulations, the commission shall establish a probationary period of employment for each permanent employee.

(2) The probationary period established pursuant to subsection (1) must be sufficient to test the abilities of the probationary employee to fulfil the responsibilities of the position.

(3) The probationary employee's performance during the probationary period must be assessed as the final step before making an appointment.

1998, c.P-42.1, s.23.

**Transfer**

**24(1)** A permanent head may, at any time, transfer an employee in the classified division where the positions involved in the transfer are in the permanent head's ministry.

(2) The commission may transfer an employee in the classified division from a position in one ministry to a position in another ministry with the approval of the permanent head of each ministry.

1998, c.P-42.1, s.24; 2014, c.E-13.1, s.55.

**PART V****Lay-offs, Dismissals, Demotions and Appeals****Lay-offs**

**25(1)** The permanent head may lay off a permanent employee whenever the permanent head considers it necessary for any of the following reasons:

- (a) there is a shortage of work or funds;
- (b) the position is being abolished;
- (c) there are material changes in the responsibilities of the position or in the ministry.

(2) When a permanent employee is laid off pursuant to subsection (1), the employee's name is to be placed on a re-employment list mentioned in section 26.

(3) Names are to be placed on a re-employment list in accordance with the regulations.

(4) Before giving any notice of any lay-off, the permanent head shall give a list of employees to be laid off to the commission.

1998, c.P-42.1, s.25; 2014, c.E-13.1, s.55.

**Re-employment lists**

26(1) Subject to the regulations, the commission shall establish and maintain any re-employment lists that it considers necessary to meet the needs of the public service.

(2) When making appointments to positions, consideration must be given to persons whose names appear on the re-employment lists.

(3) If an employee in the classified division desires to accept employment in the unclassified division or with a Crown corporation established or continued pursuant to *The Crown Corporations Act, 1993*, the employee is entitled to obtain an indefinite leave of absence.

(4) On termination in good standing of the employment in the unclassified division or with a Crown corporation mentioned in subsection (3) and on a written request to the chairperson, the name of that employee shall be placed on an appropriate re-employment list.

1998, c.P-42.1, s.26.

**Suspension**

27(1) In this section, “**designate**” means an employee of the permanent head’s ministry who is designated by the permanent head pursuant to subsection (2) to exercise the permanent head’s powers and fulfil the permanent head’s duties pursuant to this section.

(2) For the purposes of this section, a permanent head may designate an employee of the permanent head’s ministry to exercise the permanent head’s powers and fulfil the permanent head’s duties pursuant to this section.

(3) For disciplinary reasons, a permanent head or a designate may suspend without pay any employee in the permanent head’s ministry for the length of time that the permanent head or the designate considers appropriate.

(4) Subject to subsection (6), the maximum period of suspension is 30 days in any 12-month period.

(5) The permanent head or the designate shall report every suspension to the chairperson.

(6) With the approval of the chairperson, a permanent head or a designate may suspend any employee for a period longer than 30 days.

2004, c.48, s.4; 2008, c.21, s.3; 2014, c.E-13.1, s.55.

**Dismissal or demotion**

28(1) A permanent head may dismiss or demote any employee in the permanent head’s ministry when the permanent head considers it to be in the interest of the public service to do so.

(2) Subject to subsection (3), before dismissing or demoting a permanent employee, the permanent head shall, at least 30 days before the effective date of the dismissal or demotion:

(a) give the employee a written notice of the dismissal or demotion containing the reasons for the dismissal or demotion; and

(b) file a copy of the written notice with the commission.

(3) A permanent head may immediately dismiss a permanent employee for misconduct.

(4) A dismissal pursuant to subsection (3) is effective immediately on receipt by the employee of written notice of the dismissal.

(5) A permanent employee who is dismissed or demoted may appeal the dismissal or demotion pursuant to section 29 or 30.

1998, c.P-42.1, s.28; 2014, c.E-13.1, s.55.

**Appeal – employee within the scope of a collective agreement**

**29** If an employee holds a position in the classified division that is within the scope of a collective agreement, the employee may appeal any dismissal, demotion or other grievance or complaint, in accordance with any procedures that may be established by the applicable collective agreement.

1998, c.P-42.1, s.29.

**Appeal – employee outside the scope of a collective agreement**

**30(1)** If a permanent employee holds a position that is outside the scope of a collective agreement, the employee may appeal pursuant to this section any dismissal, demotion, suspension or lay-off.

(2) Appeals must be made to the commission within 30 days after the dismissal, demotion, suspension or lay-off.

(3) On an appeal, both the permanent employee and the permanent head concerned have the right to be heard by the commission and to present evidence.

(4) At a hearing held pursuant to an appeal, the legal and technical rules of evidence do not apply.

(5) In the case of an appeal dealing with dismissal, demotion or lay-off, if the commission determines that the dismissal, demotion or lay-off was not for sufficient cause, the commission may make all or any of the following orders and recommendations:

- (a) an order directing that the permanent employee be reinstated in his or her position without loss of pay;
- (b) an order directing that the permanent employee's name be placed on an appropriate re-employment list;
- (c) a recommendation for settlement based on unjust dismissal;
- (d) a recommendation respecting costs;
- (e) any recommendation the commission considers just and equitable.

(6) In the case of an appeal dealing with a suspension, if the commission finds that the suspension was unjustified or that an alternative disciplinary action would have been more appropriate, the commission may make one or more of the following orders and recommendations:

- (a) an order that the permanent employee be reinstated in his or her position without loss of pay;
- (b) an order altering the length of the suspension;
- (c) a recommendation respecting an alternative disciplinary action that the commission considers just and equitable having regard to the corrective disciplinary policies of the executive government of Saskatchewan.

1998, c.P-42.1, s.30; 2008, c.21, s.4.

**PART VI**  
**Miscellaneous**

**Power to exclude or include positions or to move positions between divisions**

**31(1)** The Lieutenant Governor in Council may:

- (a) exclude from the application of this Act or move to the unclassified division any position or class of a professional, technical or administrative character; and
  - (b) for the purposes of clause (a), make regulations respecting how any positions or classes mentioned in that clause are to be dealt with.
- (2) In its annual report, the commission shall set out the positions or classes excluded or moved pursuant to subsection (1).
- (3) Where the Lieutenant Governor in Council considers it expedient and in the public interest to do so, the Lieutenant Governor in Council may:
- (a) include within the application of this Act any position or class excluded pursuant to subsection (1);
  - (b) move to the classified division of the public service any position or class moved from that division pursuant to subsection (1); or
  - (c) designate positions in the unclassified division that are to be moved to and become part of the classified division.
- (4) On the recommendation of the commission that it is in the public interest to do so, the Lieutenant Governor in Council may move any ministry or any branch, division, section or other organizational unit of any ministry that is in the classified division to the unclassified division.

1998, c.P-42.1, s.31; 2004, c.48, s.5; 2014,  
c.E-13.1, s.55.

**Duty to furnish information**

**32** When requested to do so by the commission, any officer of a ministry and any employee of the public service shall furnish the commission with any records or information that the commission may reasonably require for the purposes of this Act.

1998, c.P-42.1, s.32; 2014, c.E-13.1, s.55.

**Freedom from political influence**

**33(1)** No employee in the public service is to be:

- (a) compelled in any manner to take part in any political undertaking or to make any contribution to any political party; or
  - (b) threatened or discriminated against in any manner for refusing to take part in any political undertaking.
- (2) No employee in the public service shall:
- (a) directly or indirectly use or seek to use the authority or official influence of his or her position to control or modify the political action of any other person;
  - (b) during his or her hours of duty, engage in any form of political activity; or
  - (c) at any time, take part in political activities in any manner that impairs the employee's usefulness in the position in which he or she is employed.

(3) **Repealed.** 2004, c.48, s.6.

(4) **Repealed.** 2004, c.48, s.6.

1998, c.P-42.1, s.33; 2004, c.48, s.6.

#### **Agreements by commission**

**34(1)** Subject to subsection (2), the commission may enter into agreements on behalf of the commission for any purpose related to the exercise of any powers or the fulfilment of any of the responsibilities or functions of the commission with any person, agency, organization, association, enterprise, institution or body within or outside Saskatchewan.

(2) The commission shall obtain the approval of the Lieutenant Governor in Council before entering into any agreement pursuant to subsection (1) where the Government of Saskatchewan is liable to make any expenditure that is greater than \$50,000 in any fiscal year.

1998, c.P-42.1, s.34.

#### **Grants**

**35(1)** Subject to subsection (2), the commission may, for any purpose relating to this Act, make grants on any terms or conditions that the commission may prescribe, to any person, agency, organization, association, enterprise, institution or body within or outside Saskatchewan.

(2) The commission shall obtain the approval of the Lieutenant Governor in Council before making any grant pursuant to subsection (1) that is in excess of \$50,000 in any fiscal year.

1998, c.P-42.1, s.35.

#### **Advisers, etc.**

**36** For the purposes of exercising any of the powers or fulfilling any of the responsibilities or functions conferred or imposed on the commission by or pursuant to this Act or any other law, the commission may engage the services of or retain any technical, professional or other advisers, specialists or consultants that the commission considers necessary.

1998, c.P-42.1, s.36.

#### **Annual report**

**37(1)** In accordance with section 13 of *The Executive Government Administration Act*, the commission shall, in each fiscal year, prepare and submit to the minister a report respecting the work of the commission and setting out the information required by subsection 31(2).

(2) In accordance with section 13 of *The Executive Government Administration Act*, the minister shall lay before the Legislative Assembly each report received pursuant to subsection (1).

1998, c.P-42.1, s.37; 2014, c.E-13.1, s.62.

**Power to enter into collective agreements**

**38(1)** Subject to subsection (2), the Lieutenant Governor in Council may designate a member of the Executive Council to enter into a collective agreement on behalf of the Crown respecting the terms and conditions of employment in the public service.

(2) In the case of any conflict between a classification plan and the provisions of any collective agreement mentioned in subsection (1), the classification plan prevails.

1998, c.P-42.1, s.38.

**Lieutenant Governor in Council regulations**

**39** The Lieutenant Governor in Council may make regulations:

(a) prescribing forms for oaths or declarations that are required pursuant to this Act;

(b) prescribing how positions or classes moved to the unclassified division pursuant to subsection 31(1) are to be dealt with.

1998, c.P-42.1, s.39.

## PART VII

**Repeal, Transitional, Consequential, Coming into force****R.S.S. 1978, c.P-42 repealed**

**40** *The Public Service Act* is repealed.

1998, c.P-42.1, s.40.

**Transitional**

**41(1)** The persons holding office as commissioners and the person holding office as chairperson on the day this Act comes into force continue to hold their offices until their terms expire and until their successors are appointed pursuant to this Act.

(2) Any designations, classification plans and decisions respecting positions that were made pursuant to *The Public Service Act*, as that Act existed on the day before the coming into force of this Act, and that were in force on the day before the day this Act comes into force continue and may be dealt with pursuant to this Act as if they were made pursuant to this Act.

1998, c.P-42.1, s.41.

**42** **Dispensed.** This/these section(s) makes consequential amendments to another/ other Act(s). Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the amendments have been incorporated into the corresponding Act(s). Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

**Coming into force**

**43** This Act comes into force on proclamation.

1998, c.P-42.1, s.43.