

The Public Service Regulations, 1999

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Chapter P-42.1 Reg 1 (effective March 1, 1999) as amended by Saskatchewan Regulations [3/2001](#), [62/2003](#), [44/2004](#), [68/2005](#), [47/2006](#), [65/2007](#), [61/2011](#) and [46/2015](#); and by the *Statutes of Saskatchewan*, [2006, c.41](#); [2007, c.39](#); and [2014, c.S-32.21](#).

NOTE:

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

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CHAPTER P-42.1 REG 1
The Public Service Act, 1998

PART I
Title, Interpretation and Application

Title

1 These regulations may be cited as *The Public Service Regulations, 1999*.

Interpretation

2 In these regulations:

- (a) “**Act**” means *The Public Service Act, 1998*;
- (b) “**collective agreement**” means a collective agreement entered into pursuant to section 38 of the Act;
- (c) “**fiscal year**” means the period commencing on April 1 of one year and ending on March 31 of the following year;
- (d) “**ministry**” means department.

5 Mar 99 cP-42.1 Reg 1 s2; 16 Sep 2011 SR
61/2011 s3.

Application

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

5 Mar 99 cP-42.1 Reg 1 s3.

PART II
Classification of Positions

Criteria for classification

4(1) For the purposes of section 17 of the Act, the chairperson shall set out written criteria to determine the classification of any position.

(2) The written criteria must include either:

- (a) the following:
 - (i) a set of classification standards respecting, and a description of, the typical duties and responsibilities for each classification level; and
 - (ii) a title for each classification level; or

- (b) a combination of:
 - (i) a set of the weighted common job evaluation factors; and
 - (ii) a set of comparative descriptions that demonstrate how the weighted common job evaluation factors are applied to the duties and responsibilities of various types of job assignments.

5 Mar 99 cP-42.1 Reg 1 s4.

Classification plan not to limit permanent head's authority

5 Nothing in the written criteria mentioned in section 4 is to be construed as limiting the authority of any permanent head to assign the duties and responsibilities, or to direct or control the work, of any employee who is under that permanent head's supervision.

5 Mar 99 cP-42.1 Reg 1 s5.

Allocation of positions

6 In determining the classification to which any position is to be allocated, the commission shall base its decision on:

- (a) the written criteria mentioned in either clause 4(a) or (b);
- (b) the duties, responsibilities and requirements of the position assignment; and
- (c) the relationship of the position to comparative or benchmark descriptions established in the classification plan.

5 Mar 99 cP-42.1 Reg 1 s6.

Classification review

7(1) A permanent employee may apply for a classification review whenever there has been a material change in his or her assigned duties and responsibilities.

(2) A ministry shall submit to the commission a request for a classification review whenever there has been a material change in the duties and responsibilities assigned to an existing position in the ministry.

(3) An employee or a ministry shall submit a request for a classification review in the job assignment format designated by the commission.

(4) Where the duties and responsibilities of a position have changed, the commission may reclassify the position.

(5) Notwithstanding subsection (1), no employee on initial probation and no employee performing duties on a non-permanent basis is entitled to request a classification review.

5 Mar 99 cP-42.1 Reg 1 s7; 16 Sep 2011 SR
61/2011 s4.

Non-permanent change

8(1) Where the duties and responsibilities of a position change on a non-permanent basis, the commission may temporarily reclassify the position with the salary being determined in accordance with section 33, 34, 35 or 36.

(2) Where the commission temporarily reclassifies a position pursuant to subsection (1), it shall review the reclassification every 12 months.

5 Mar 99 cP-42.1 Reg 1 s8.

Appeals

9(1) In this section and in sections 9.1 and 9.2, “**classification appeal tribunal**” means the classification appeal tribunal established pursuant to section 9.1.

(2) A permanent employee whose position is outside the scope of a collective agreement may appeal a classification decision to the commission when the employee has received written notification of the result of the decision.

(3) An appeal pursuant to subsection (2) must be made within 15 days after receiving the written notification.

(4) On receipt of an appeal pursuant to subsection (2), the commission may:

(a) hear and decide the appeal; or

(b) if the commission considers it appropriate, delegate the hearing and deciding of the appeal to a classification appeal tribunal panel in accordance with subsection 18(3) of the Act.

(5) If the commission hears and decides an appeal, the commission shall notify the employee who made the appeal of its decision in writing within 15 days after the hearing.

(6) The decision of the commission on an appeal is final and binding.

26 Jan 2001 SR 3/2001 s3.

Classification appeal tribunal

9.1(1) The classification appeal tribunal is established.

(2) The classification appeal tribunal consists of one or more panels.

(3) Each panel of the classification appeal tribunal consists of three persons who are appointed by the chairperson of the commission with the prior approval of the commission.

(4) Only persons who are independent of the commission and the public service may be appointed as members of a classification appeal tribunal panel.

(5) The chairperson of the commission shall designate one member of a classification appeal tribunal panel as chairperson of the classification appeal tribunal panel.

(6) Members of the classification appeal tribunal panel hold office for the period set by the chairperson of the commission not to exceed three years and until a successor is appointed.

26 Jan 2001 SR 3/2001 s3.

Hearing by classification appeal tribunal panel

9.2(1) In conducting a hearing and rendering a decision, a classification appeal tribunal panel is governed by the following rules:

- (a) the classification appeal tribunal panel must, as far as it considers appropriate, follow the same procedures and rules as the commission follows in conducting a hearing and decision;
 - (b) the classification appeal tribunal panel must provide a written copy of its decision to the commission within 15 days after the date of its decision.
- (2) Within five days after receiving a written copy of the classification appeal tribunal panel's decision pursuant to subsection (1), the commission shall provide a copy of that decision to the employee who made the appeal.
- (3) A decision of a classification appeal tribunal panel on an appeal is final and binding.

26 Jan 2001 SR 3/2001 s3.

PART III
Employment
DIVISION 1
Demotions

Demotions

10(1) A permanent head may demote an employee under that permanent head's supervision, without that employee's consent, to a position in another ministry with:

- (a) the prior approval of the chairperson; and
 - (b) the concurrence of the permanent head supervising the ministry to which the employee is to be demoted.
- (2) A permanent employee may be demoted to a position in the permanent employee's ministry or to a position in another ministry if all of the following agree:
- (a) the permanent employee;
 - (b) the permanent head supervising the ministry in which the position is located;
 - (c) the chairperson.

16 Sep 2011 SR 61/2011 s5.

DIVISION 2
Re-employment List

Requirements of re-employment list

11 A re-employment list established pursuant to section 26 of the Act is to be composed of the following:

- (a) persons who:
 - (i) were in the classified division and were laid off because of the necessity to reduce staff; or
 - (ii) are returning from indefinite leave as a result of prolonged illness or disability and who have received wage benefits from an employer-sponsored disability income plan, workers' compensation benefits or income replacement benefits pursuant to Part VIII of *The Automobile Accident Insurance Act*;
- (b) persons who are displaced by reversion pursuant to section 26 of these regulations;
- (c) persons whose names have been directed to be placed on the re-employment list pursuant to clause 30(5)(b) of the Act;
- (d) permanent employees who have failed a probationary period in a subsequent appointment.

16 Sep 2011 SR 61/2011 s6.

Restrictions on appointment from re-employment list

12(1) Where a person who is eligible pursuant to section 11 for employment using the re-employment list submits a statement restricting the conditions under which he or she is available for employment, that person's name is not to be used in making appointments to positions that do not meet the conditions the person has specified.

(2) A person mentioned in subsection (1) may file a new statement at any time to modify any prior statement respecting the conditions under which the person will be available for employment.

5 Mar 99 cP-42.1 Reg 1 s12.

Removal of names from re-employment list

13(1) The chairperson may remove a person's name from the re-employment list for any of the following reasons:

- (a) the person has been appointed to fill a permanent position in his or her former salary range or in another class at an equivalent or higher salary range;
- (b) the person has failed to reply within 10 working days to a written inquiry relating to availability for appointment;
- (c) the person has refused to accept an appointment under conditions previously specified by the person as acceptable;

- (d) the person has failed to report for duty within the time prescribed in an offer of employment, if the time prescribed is at least 30 working days;
 - (e) the person has failed to notify the commission or the ministry in which the employee was last employed of a change of the employee's address;
 - (f) the commission has received information that establishes to the satisfaction of the commission that the person is unsuitable or unqualified for employment;
 - (g) three years have expired from the date the person's name was first placed on the re-employment list.
- (2) For the purposes of clause (1)(e), the return of a letter by the postal authorities from the last address on record with the commission or the ministry is deemed to be sufficient grounds for removal of the name from the re-employment list.

5 Mar 99 cP-42.1 Reg 1 s13; 16 Sep 2011 SR
61/2011 s7.

Filling positions from re-employment list

14 If a person is on the re-employment list and is found to be qualified for a position in his or her former salary range or an equivalent or lower salary range, the chairperson may authorize the person to be appointed to that position.

5 Mar 99 cP-42.1 Reg 1 s14.

Reinstatement of name on re-employment list

15(1) An eligible person whose name is removed from the re-employment list pursuant to section 13 may request the chairperson in writing to have his or her name restored.

(2) On receipt of the request, the chairperson shall decide to restore or not restore the name of the person to the re-employment list and shall advise the person in writing of the decision.

5 Mar 99 cP-42.1 Reg 1 s15.

DIVISION 3

Filling Positions using the Competitive Process

Interpretation and application of Division

16(1) In this Division, "**recruitment panel**" means a panel composed of a ministerial representative and either an employee of the commission or a person to whom the commission has delegated its authority to make recruitment decisions respecting a position.

(2) This Division applies only to positions to be filled by permanent employees.

5 Mar 99 cP-42.1 Reg 1 s16; 16 Sep 2011 SR
61/2011 s8.

Assessments

17(1) A recruitment panel shall base its assessment of a candidate for a position on all of the following:

- (a) an investigation of the candidate's education, experience or record of accomplishment;
- (b) a test of the candidate's knowledge, skill, ability or aptitude;
- (c) an inquiry into the candidate's personal attributes;
- (d) a check into the candidate's references and work history.

(2) An employee or candidate who has undergone an assessment has the right to receive counselling from the recruitment panel respecting the employee's or candidate's strengths and areas requiring development as revealed by the results of the assessment.

5 Mar 99 cP-42.1 Reg 1 s17.

Errors in assessments

18 If an error in an assessment is discovered, the chairperson may correct the error, but any error does not invalidate or in any way affect any appointment already made as a result of the original ratings in that competition.

5 Mar 99 cP-42.1 Reg 1 s18.

Selection

19 Subject to section 20, the permanent head supervising the ministry in which the position is located shall select one person to be appointed to fill the vacancy from among the persons who have been assessed as qualified by the recruitment panel.

5 Mar 99 cP-42.1 Reg 1 s19; 16 Sep 2011 SR
61/2011 s9.

Cancellation or postponement of competition

20(1) Subject to subsection (2), the permanent head supervising the ministry in which a vacant position is located may:

- (a) reject all persons assessed to be qualified for the position; or
- (b) cancel the request to fill the position.

(2) The permanent head may do the things mentioned in subsection (1) only where the permanent head submits written reasons for the rejection or cancellation that are acceptable to the commission.

(3) All candidates interviewed for a position shall be informed in writing of a permanent head's decision mentioned in subsection (1).

5 Mar 99 cP-42.1 Reg 1 s20; 16 Sep 2011 SR
61/2011 s10.

Withdrawal of candidate's name

21 The chairperson may withdraw the name of any candidate for a position where the chairperson determines, following investigation, that the candidate was assessed to be qualified for the position based on misrepresentation, omission or error.

5 Mar 99 cP-42.1 Reg 1 s21.

Appointment other than by competition

22 Notwithstanding any other provision in this Part, the commission may employ any process of recruitment and selection that, in its opinion, will enable it to appoint a suitably qualified candidate to a position in a ministry if the commission is satisfied that using the competitive process described in section 17 is not practicable or in the interests of the public service for any of the following reasons:

- (a) the urgency of making the appointment;
- (b) the unusual or exceptional qualifications required for the position;
- (c) the unusual or exceptional qualifications possessed by the candidate;
- (d) a known shortage of qualified candidates;
- (e) the importance of achieving employment equity in the public service;
- (f) the candidate is returning from a leave during which the candidate was receiving benefits pursuant to an employer-sponsored disability income plan, workers' compensation benefits or income replacement benefits pursuant to Part VIII of *The Automobile Accident Insurance Act*;
- (g) the candidate's immediately former employer has merged with the Government of Saskatchewan as a result of the Government of Saskatchewan's initiative or action;
- (h) the Government of Saskatchewan has entered into an agreement with an employer to transfer that employer's employees to the Government of Saskatchewan.

16 Sep 2011 SR 61/2011 s11.

DIVISION 4

Other Appointments**Appointment of superannuate**

23(1) Where a person who has been superannuated pursuant to *The Public Service Superannuation Act* is appointed to a position in the public service, the permanent head supervising the ministry in which the person is appointed shall immediately notify the Public Service Superannuation Board in writing of the date of that appointment.

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

5 Mar 99 cP-42.1 Reg 1 s23; 16 Sep 2011 SR 61/2011 s12.

Appointment of students

24 The commission may authorize a permanent head to appoint students or other persons who, in the opinion of the commission, are suitable to serve as apprentices or students-in-training.

5 Mar 99 cP-42.1 Reg 1 s24.

Non-permanent appointments

24.1(1) Notwithstanding that a non-permanent employee is appointed for a period set out in the non-permanent employee's notice of appointment and notwithstanding any other Act or law, the permanent head of the ministry in which the non-permanent employee is employed may terminate the employment of the non-permanent employee before the expiry of that period for any of the following reasons:

- (a) there is a shortage of work or funds;
- (b) there are material changes in the responsibilities of the position or in the ministry;
- (c) the employee is, in the opinion of the permanent head, unsuitable or unable to do the work;
- (d) in the opinion of the permanent head, it is in the public interest to do so.

(2) If a non-permanent employee's employment is terminated pursuant to subsection (1), the non-permanent employee is entitled only to the notice required to be given in accordance with *The Labour Standards Act*.

22 Jly 2005 SR 68/2005 s3; 16 Sep 2011 SR 61/2011 s13.

DIVISION 5

Probation

Probationary periods

25(1) Unless waived by the commission, every employee shall serve a probationary period of 12 months of actual service on appointment to a position.

(2) If the employee has not qualified for the position at the end of the 12 months of actual service, the permanent head supervising the employee may extend the probationary period of employment for one additional period not to exceed six months.

5 Mar 99 cP-42.1 Reg 1 s25.

Permanent employee reversion on failure of a probationary period

26(1) Where a permanent employee has been appointed to another position and that employee fails to qualify for that position during a probationary period established pursuant to section 25, the employee is entitled to revert to the employee's former position at the employee's former salary in the salary range subject to any salary adjustments that the employee would have received had the employee remained in that position.

(2) An employee on initial probation has no reversion rights.

(3) If there is no former position for the employee mentioned in subsection (1), the employee's name is to be placed on the re-employment list and section 11 applies to the employee.

5 Mar 99 cP-42.1 Reg 1 s26.

Right of displaced employee to revert

27 A permanent employee displaced through the application of the reversion provisions in section 26 has the right to revert to the employee's former position at the employee's former salary in the salary range subject to any salary adjustments that the employee would have received had the employee remained in that position.

5 Mar 99 cP-42.1 Reg 1 s27.

Request to revert

28(1) A permanent employee who is on probation may make a request in writing to the permanent head supervising the ministry in which the employee was employed to revert to a vacant position in the employee's former ministry at the same level as the employee's former level and at the employee's former salary in the salary range subject to any salary adjustments that the employee would have received had the employee remained in that position.

(2) On the recommendation to the commission of the permanent head mentioned in subsection (1), an employee who requests reversion pursuant to subsection (1) and who is qualified is deemed to be qualified for appointment to the vacant position.

5 Mar 99 cP-42.1 Reg 1 s28; 16 Sep 2011 SR 61/2011 s14.

Deemed confirmation of permanent status

29 Unless the permanent head supervising the employee determines otherwise, the employee is deemed to be appointed to permanent status on the completion of the employee's probationary period.

16 Sep 2011 SR 61/2011 s15.

PART IV Compensation

Interpretation of Part

30 In this Part:

- (a) **"in-range salary adjustment"** means:
 - (i) a permanent increase to an employee's regular salary within the employee's salary range in recognition of the employee's performance; or
 - (ii) a payment in recognition of an employee's performance calculated as a non-permanent retroactive increase in the employee's regular salary over the employee's previous performance review period;
- (b) **"regular salary"** means a specific salary exclusive of salary supplements and non-permanent retroactive increases in regular salary;
- (c) **"regular salary range maximum"** means the maximum salary in a salary range established by the Lieutenant Governor in Council for a class of positions, but does not include salary supplements and in-range salary adjustments;

- (d) **“regular salary range minimum”** means the minimum salary in a salary range established by the Lieutenant Governor in Council for a class of positions;
- (e) **“salary range”** means a pay range established by the Lieutenant Governor in Council pursuant to section 19 of the Act;
- (f) **“salary supplement”** means a specific sum of money paid to an employee in addition to the employee’s regular salary in each pay period.

5 Mar 99 cP-42.1 Reg 1 s30; 16 Sep 2011 SR 61/2011 s16.

Basic regular remuneration

30.1 For the purposes of determining an employee’s pensionable service, the employee’s basic regular remuneration includes all of the following:

- (a) the employee’s regular salary;
- (b) any salary supplement paid to the employee;
- (c) any in-range salary adjustment provided to the employee;
- (d) any shift differential paid to the employee;
- (e) any weekend premium allowed to the employee.

16 Sep 2011 SR 61/2011 s17.

Salary on initial appointment

31(1) The commission shall determine the salary of a person appointed to a position in the classified division on that person’s initial appointment to the public service.

(2) The salary mentioned in subsection (1) must be within the salary range established for that position.

5 Mar 99 cP-42.1 Reg 1 s31.

Salary supplements

32(1) Subject to subsections (2) to (4), if the commission is satisfied that an employee’s qualifications or other special circumstances respecting the employment of an employee warrant recognition, the commission may:

- (a) approve the establishment of a salary supplement for that employee; and
- (b) impose terms and conditions on payment of the salary supplement, including the period during which the salary supplement may be paid or a date by which payment of the salary supplement is to end.

(2) An employee’s salary supplement must not exceed 25% of the employee’s regular salary.

(3) No salary supplement is to be granted without the written approval of the commission.

(4) The commission may amend the amount of or the terms and conditions imposed on a salary supplement at any time.

16 Sep 2011 SR 61/2011 s18.

Promotions

33 On the promotion of an employee to a different position with a higher salary range maximum, the commission may authorize a salary for the employee at:

- (a) the regular salary range minimum of the position; or
- (b) a salary in accordance with the commission's policy on promotions, but only if the new salary does not exceed:
 - (i) 8% above the employee's salary immediately before the promotion; or
 - (ii) the regular salary range maximum of the position.

5 Mar 99 cP-42.1 Reg 1 s33; 16 Sep 2011 SR 61/2011 s19.

Salary on promotion or transfer from in-scope to out-of-scope

34 Where an employee is promoted or transferred from a position within the scope of a collective agreement to a position outside the scope of a collective agreement, the commission shall determine the employee's new regular salary.

5 Mar 99 cP-42.1 Reg 1 s34.

Salary on demotion

35 Where an employee is demoted, the commission shall determine the employee's new regular salary.

5 Mar 99 cP-42.1 Reg 1 s35.

Salary on reclassification

36(1) Where an employee's position is reclassified to a position having a higher regular salary range maximum than the regular salary range maximum of the employee's former position, the commission may authorize a salary for the employee in accordance with section 33, and that section applies, with any necessary modifications, for the purposes of this subsection.

(2) Where an employee's position is reclassified to a position having a lower regular salary range maximum than that of the employee's former position and:

- (a) the employee's regular salary immediately before the reclassification exceeds the regular salary range maximum for the reclassified position, the employee:
 - (i) retains the salary range in effect immediately before the reclassification, and that retained salary range, as applied to the employee, is not to change as a result of any structural adjustments made pursuant to section 19 of the Act to salary ranges after the reclassification; and
 - (ii) subject to subsection (3), is entitled to advance through the retained salary range mentioned in subclause (i); or

(b) the employee's regular salary immediately before the reclassification is equal to or less than the regular salary range maximum for the reclassified position, the employee:

- (i) is to be placed in the regular salary range of the reclassified position; and
- (ii) is entitled to advance through the regular salary range of the reclassified position.

(2.1) **Repealed.** 16 Sep 2011 SR 61/2011 s20.

(3) Where the regular salary range maximum of the reclassified position of an employee described in clause (2)(a) exceeds the regular salary range maximum of the retained salary range, the employee is to be placed in the regular salary range of the reclassified position.

(4) Where an employee's position is reclassified on a temporary basis to another class, the employee is eligible to receive in-range salary adjustments in the other class if:

- (a) the employee has reached the regular salary range maximum of the employee's regular class; and
- (b) the employee would have been eligible for an in-range salary adjustment if the employee's position had been reclassified on a permanent basis.

(5) Where an employee receives an in-range salary adjustment pursuant to subsection (4) and:

- (a) the employee is promoted, the employee's salary at the time of the promotion, including the in-range salary adjustment, becomes the base salary for the purposes of calculating the employee's salary on promotion;
- (b) the employee's position is subsequently reclassified on a permanent basis, the employee is entitled to retain the employee's salary at the time of the reclassification, including the in-range salary adjustment; or
- (c) the employee is transferred to a new position, the employee is entitled to retain the employee's salary at the time of the transfer, including the in-range salary adjustment.

5 Mar 99 cP-42.1 Reg 1 s36; 18 Jly 2003 SR
62/2003 s3; 10 Aug 2007 SR 65/2007 s3; 16 Sep
2011 SR 61/2011 s20.

Salary on reallocation

37(1) Where a position is reallocated pursuant to section 17 of the Act, the regular salary of the employee encumbering the position is to:

- (a) be adjusted to the regular salary range minimum of the new class if the employee's regular salary immediately before the reallocation is below the regular salary range minimum of the new class; or
- (b) remain the same if the employee's regular salary immediately before the reallocation is within the regular salary range of the new class.

- (2) Subsections 36(2) and (3) apply with any necessary modification in determining the regular salary of an employee encumbering a position on reallocation where:
- (a) the position is allocated to or reallocated within a classification plan; and
 - (b) the regular salary range maximum of the position before the allocation or reallocation exceeds that of the allocated or reallocated position.

5 Mar 99 cP-42.1 Reg 1 s37.

Reclassification involving probationary employee

38(1) Where, as a result of a review initiated by the commission or the ministry, a position is reclassified to a class with a higher regular salary range maximum while the employee encumbering the position is serving an initial probationary period, the commission shall determine the employee's salary by:

- (a) adjusting the regular salary to the regular salary range minimum resulting from the reclassification; or
 - (b) applying the normal promotion formula as prescribed in these regulations.
- (2) Where a position is reclassified to a class with a lower regular salary range maximum while the employee encumbering the position is serving a probationary period, the employee's regular salary:
- (a) where the employee's regular salary immediately before the reclassification exceeds the regular salary range maximum resulting from the reclassification, is to be reduced to the regular salary range maximum; or
 - (b) where the employee's regular salary immediately before the reclassification is within the salary range of the lower salary range, that employee's regular salary remains the same and the employee is eligible for in-range progression.

5 Mar 99 cP-42.1 Reg 1 s38; 16 Sep 2011 SR 61/2011 s21.

Additional amount on temporary substitution

39(1) Where an employee is assigned duties for a temporary period of greater than 15 working days but less than two years and, if the assignment were made on a permanent basis, the employee's position would be reclassified, the employee is entitled to a temporary substitution amount in addition to the employee's regular salary to be determined in accordance with section 33, and that section applies, with any necessary modification, for the purposes of this subsection.

(2) Notwithstanding subsection (1), where an employee in a management support group class is assigned duties for a temporary period of five or more working days but less than two years and, if the assignment were made on a permanent basis, the employee's position would be reclassified, the employee is entitled to a temporary substitution amount in addition to the employee's regular salary to be determined in accordance with section 33, and that section applies, with any necessary modification, for the purposes of this subsection.

5 Mar 99 cP-42.1 Reg 1 s39; 26 Jan 2001 SR 3/2001 s4.

In-range adjustment

40(1) Subject to subsection (2), all employees are eligible annually to receive an in-range salary adjustment effective on July 1 of each year in accordance with the criteria set by the commission and determined using any performance appraisal system authorized by the commission.

(1.1) The commission shall cause the criteria it sets for the purposes of subsection (1) to be made known to employees in any manner that the commission considers appropriate, including through the Internet.

(2) No employee is entitled to receive an in-range salary adjustment if it would result in the employee's regular salary being greater than the regular salary range maximum for the employee's position.

(3) Notwithstanding subsection (1), employees are not eligible to receive an in-Range salary adjustment pursuant to this section in the 2015-16 fiscal year.

5 Mar 99 cP-42.1 Reg 1 s40; 25 Jne 2004 SR
44/2004 s4; 15 May 2015 SR 46/2015 s3.

Accelerated in-range salary adjustments

41(1) On the recommendation of the permanent head supervising an employee, the chairperson may authorize the employee to receive an in-range salary adjustment greater than that mentioned in section 40 to take effect on the first day of the month following approval.

(2) The chairperson may approve an in-range salary adjustment pursuant to subsection (1) only if:

- (a) the resulting regular salary for the employee does not exceed the regular salary range maximum for the employee's position; and
- (b) the chairperson is satisfied that the increase is required for reasons of internal equity or market considerations.

5 Mar 99 cP-42.1 Reg 1 s41.

Salary structure adjustment

42(1) Notwithstanding any other provision of this Part, the commission may approve a percentage increase to an employee's regular salary in an amount not greater than the percentage increase added by the Lieutenant Governor in Council to the regular salary range maximum of the salary range where:

- (a) the Lieutenant Governor in Council increases the regular salary range maximum of a salary range pursuant to section 19 of the Act; and
- (b) the commission is satisfied that the employee, whose position is within the salary range whose regular salary range maximum has been increased, has had a satisfactory performance.

(2) Notwithstanding subsection (1), the commission shall not approve, and employees are not entitled to, a percentage increase to the employees' regular salary pursuant to this section in the 2015-16 fiscal year.

5 Mar 99 cP-42.1 Reg 1 s42; 15 May 2015 SR
46/2015 s4.

Salary on re-employment after lay-off

43 Where an employee is re-employed in the public service after being laid off, the commission shall determine the employee's salary.

5 Mar 99 cP-42.1 Reg 1 s43.

Overtime pay for certain positions

44 The commission shall:

- (a) designate positions that are eligible for compensation for overtime work in accordance with these regulations; and
- (b) set the rate of compensation for overtime work.

5 Mar 99 cP-42.1 Reg 1 s44.

PART V
Working Conditions and Benefits
DIVISION 1
Hours of Work and Designated Holidays

Hours of work

45 The commission shall determine the hours of work for employees.

5 Mar 99 cP-42.1 Reg 1 s45.

Designated holidays

46(1) Every permanent employee is entitled to leave with pay for New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Saskatchewan Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day and one additional day each year designated by the chairperson.

(2) Every non-permanent employee is entitled to leave with pay or to payment at the appropriate rate for the days mentioned in subsection (1).

5 Mar 99 cP-42.1 Reg 1 s46; 2006, c.41, s.11.

Transfer of holidays

47(1) Employees whose regular weekly days off are Saturday and Sunday on a permanent basis are governed by the following rules of transfer of holidays when holidays fall on either of those two days:

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

(2) If a holiday falls on an employee's assigned day off and the employee is required to work that holiday, the employee shall be paid an amount of compensation determined by the chairperson.

(3) If an employee is required to work on a holiday, the chairperson may authorize the employee to have time off in lieu of pay or additional compensation.

5 Mar 99 cP-42.1 Reg 1 s47.

Years of service for determining vacation entitlement

47.1(1) Subject to subsection (2), for the purposes of determining vacation entitlement, "**years of service**" means:

- (a) service with the executive government of Saskatchewan or any board, commission or Crown corporation of the Government of Saskatchewan;
 - (b) service with the Legislative Assembly Service;
 - (c) pensionable employment, war service or both pensionable employment and war service for which the employee is credited pursuant to *The Public Service Superannuation Act*, if the employee has completed at least 10 years of service with the executive government of Saskatchewan; and
 - (d) service with:
 - (i) district health boards, regional health authorities and affiliates as defined in *The Regional Health Services Act*;
 - (ii) the Saskatchewan School Trustees' Association and Saskatchewan School Boards Association;
 - (iii) the Saskatchewan Association of Health Organizations;
 - (iv) boards of education, the conseil scolaire in Saskatchewan, the University of Saskatchewan and The University of Regina and Saskatchewan Polytechnic;
 - (v) the Saskatchewan Government and General Employees' Union or the Canadian Union of Public Employees where the primary responsibility while in that service was acting as a bargaining agent for the Saskatchewan Government and General Employees' Union Public Sector Bargaining Unit or the Canadian Union of Public Employees Local 600;
 - (vi) a public housing authority incorporated pursuant to section 18 of *The Saskatchewan Housing Corporation Act*; or
 - (vii) the Tourism Authority.
- (2) An employee who wishes to have the service or employment described in subsection (1) that was not with the executive government of Saskatchewan used in determining that employee's vacation entitlement shall:
- (a) apply in writing to the commission; and

- (b) with the application mentioned in clause (a), provide evidence satisfactory to the commission to establish that:
- (i) the employee was engaged in that service or employment; and
 - (ii) the number of years of that service or employment.
- (3) Any increase to the vacation entitlement of an employee who has made an application pursuant to subsection (2) is effective only from the date that the employee files a completed application with the commission.

18 Jly 2003 SR 62/2003 s4; 22 Jly 2005 SR
68/2005 s4; 16 Sep 2011 SR 61/2011 s22; 2014,
c.S-32.21, s.34.

DIVISION 2

Vacation Entitlement

Annual vacation leave

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

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

5 Mar 99 cP-42.1 Reg 1 s48.

49 Repealed. 16 Sep 2011 SR 61/2011 s23.

Vacation leave for non-permanent employees

50(1) A non-permanent employee who works full-time hours is entitled to receive vacation pay, in lieu of vacation leave, at the appropriate rate to be determined in accordance with section 60.

(2) A non-permanent employee is entitled to receive the vacation pay mentioned in subsection (1) payable with each regular cheque paid to the employee.

5 Mar 99 cP-42.1 Reg 1 s50.

Entitlement following one year

51(1) An employee is entitled to take three weeks' vacation leave with pay during the first complete fiscal year following the date of employment and in each fiscal year following the first fiscal year up to but not including the fiscal year in which the employee completes eight years of service.

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

5 Mar 99 cP-42.1 Reg 1 s51.

Entitlement after eight years

52(1) An employee is entitled to take four weeks' vacation leave with pay during the fiscal year in which the employee completes eight years or more of service with the executive government of Saskatchewan or any board, commission or Crown corporation of the Government of Saskatchewan and in each fiscal year following the eighth fiscal year up to but not including the fiscal year in which the employee completes 15 years of service.

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

5 Mar 99 cP-42.1 Reg 1 s52.

Entitlement after 15 years

53(1) An employee is entitled to take five weeks' vacation leave with pay during the fiscal year in which the employee completes 15 years or more of service and in each fiscal year following the fifteenth fiscal year up to but not including the fiscal year in which the employee completes 22 years of service.

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

5 Mar 99 cP-42.1 Reg 1 s53; 18 Jly 2003 SR 62/2003 s5.

54 Repealed. 18 Jly 2003 SR 62/2003 s6.

Entitlement after 22 years

54.1(1) Commencing on April 1, 2004, an employee is entitled to take six weeks' vacation leave with pay during the fiscal year in which the employee completes 22 years of service and in every fiscal year after that.

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

(3) In the period commencing on July 1, 2003 and ending on March 31, 2004, if an employee has completed at least 22 years of service and has less than 25 years of service, the employee is entitled to 3.75 days of vacation leave with pay in addition to the vacation leave with pay that the employee is otherwise entitled to.

(4) The additional vacation leave pursuant to subsection (3) is earned at the rate of 0.41667 days for each completed month of service after July 1, 2003 and before April 1, 2004.

18 Jly 2003 SR 62/2003 s7.

Vacation leave - new appointees

54.2(1) On an employee's initial appointment to the public service, the chairperson may authorize in writing that an employee is entitled to additional weeks of vacation leave if:

- (a) before the appointment, the employee has negotiated the additional weeks of vacation leave with the permanent head who will be supervising the employee; and

- (b) any of the following circumstances apply:
- (i) the employee satisfies the permanent head that he or she was receiving a vacation leave greater than the vacation leave entitlement that he or she would otherwise receive in accordance with these regulations;
 - (ii) if the employee was self-employed before the appointment, the employee satisfies the permanent head that he or she took an annual vacation leave greater than the vacation leave entitlement that he or she would otherwise receive in accordance with these regulations in each of the three years before the date of appointment;
 - (iii) the chairperson is satisfied that it is necessary for recruitment purposes and that it is in the interests of the public service to do so.
- (2) The total vacation leave of an employee mentioned in subsection (1), including the additional vacation that may be approved pursuant to this section, must not exceed the vacation leave entitlement set out in section 53 or 54.1, as the case may be, depending on the employee's years of service.

16 Sep 2011 SR 61/2011 s24.

55 Repealed. 18 Jly 2003 SR 62/2003 s8.

Vacation leave entitlement on retirement

56 An employee leaving the public service on retirement with 35 years of service is entitled to pay in lieu of his or her full vacation entitlement for the year of his or her retirement.

5 Mar 99 cP-42.1 Reg 1 s56; 16 Sep 2011 SR 61/2011 s25.

Special Northern leave

56.1 An employee residing in the Northern Saskatchewan Administration District who has completed one year of service and who is entitled to the Northern District Allowance pursuant to section 85 is entitled to a special Northern leave based on the terms established pursuant to the collective agreement between the Government of Saskatchewan and the Saskatchewan Government and General Employees' Union.

26 Jan 2001 SR 3/2001 s6.

Salary advance for vacations

57(1) Once each year, an employee is entitled to receive salary in advance for the month in which the employee's vacation leave begins if the employee makes a written request for the advance to the employee's immediate supervisor not less than 17 working days before commencing leave.

(2) Payment of salary in advance is to be made on the morning of the work day preceding the first day of the vacation leave.

5 Mar 99 cP-42.1 Reg 1 s57.

Vacation leave for exposure to hazardous radiation

58(1) If an employee is, in the opinion of the permanent head supervising the employee, regularly engaged in duties that expose the employee to hazardous radiation, that employee is entitled to an additional week of vacation leave each year.

(2) Subsection (1) applies only to persons who were employed in those duties on March 31, 1976 and who have been continuously employed in those duties since that date.

5 Mar 99 cP-42.1 Reg 1 s58.

Restriction on vacation leave

59(1) An employee may take vacation leave only subject to the direction and consent of the permanent head supervising the employee.

(2) Where an employee has entered into financial commitments respecting a vacation that had been approved and then restricted by the employer and the employee is unable to cancel the commitment without financial loss, the employee is entitled to be reimbursed to the extent of the employee's financial loss.

5 Mar 99 cP-42.1 Reg 1 s59.

Vacation pay

60 Where an employee does not receive the full monthly pay for the position the employee occupies for any reason, the employee is to receive, together with the employee's regular pay for that part month, vacation pay at the following rates:

- (a) 6.36% if the employee earns vacation leave at the rate of one and one-quarter days per month;
- (b) 8.64% if the employee earns vacation leave at the rate of one and two-thirds days per month;
- (c) 11% if the employee earns vacation leave at the rate of two and one-twelfth days per month;
- (d) 13.44% if the employee earns vacation leave at the rate of two and one-half days per month.

5 Mar 99 cP-42.1 Reg 1 s60.

**DIVISION 3
Sick Leave****Entitlement to sick leave**

61(1) Subject to subsection (2), a probationary employee with less than three months' service is entitled to leave for sickness or other pressing necessity, personal leave or leave for family responsibilities.

(2) The maximum of all leave granted pursuant to subsection (1) is one week.

(3) A probationary or permanent employee with three or more months' continuous service is entitled to 15 working days' sick leave with pay at the beginning of each fiscal year.

- (4) The sick leave mentioned in subsection (3) is earned on the basis of one and one-quarter days for each completed month of service, and any unused days are accumulated from year to year.
- (5) An employee is entitled to draw on the employee's sick leave credits to a maximum of all sick leave credits earned.
- (6) Subject to subsection (7), a non-permanent employee is entitled to sick leave on the basis of one and one-quarter days for each completed month of service.
- (7) If a non-permanent employee is employed on less than a full-time basis, the non-permanent employee's entitlement pursuant to subsection (6) is to be prorated, with the prorated amount being based on the time the non-permanent employee worked.
- (8) The permanent head supervising the employee may require the employee to provide a medical certificate before allowing the employee to draw on the employee's sick leave credits.
- (9) If a permanent head requires an employee to provide a medical certificate pursuant to subsection (8), the ministry in which the employee is employed is responsible for the cost of obtaining the medical certificate.

5 Mar 99 cP-42.1 Reg 1 s61; 16 Sep 2011 SR
61/2011 s26.

Use of future sick leave credits

62 At the discretion of the permanent head supervising the employee, an employee whose sick leave benefits are exhausted may draw on the employee's future sick leave credits to a maximum of 30 days.

5 Mar 99 cP-42.1 Reg 1 s62.

Transfer of sick leave credits

63(1) An employee who is appointed directly to the public service from employment with a board, commission or Crown corporation of the Government of Saskatchewan may transfer accumulated sick leave to the ministry in which the employee is employed with proof of entitlement.

(2) The board, commission or Crown corporation at which the employee was employed immediately before appointment shall provide to the ministry in which the employee is employed the employee's record of total accumulated sick leave.

(3) The ministry in which the employee is employed assumes the liability for all actual sick leave accumulation as set out in the record mentioned in subsection (2).

16 Sep 2011 SR 61/2011 s27.

Pressing necessity, personal and family responsibility leave

64 An employee's immediate supervisor may grant an employee leave of absence without pay, or with pay chargeable to employee sick leave credits, for reasons of pressing necessity, personal matters or family responsibilities.

5 Mar 99 cP-42.1 Reg 1 s64.

Paid leave entitlement on separation

65(1) Notwithstanding any other provision of these regulations, in the fiscal year in which an employee separates from the public service, the employee earns sick leave credits on the basis of one and one-quarter days for each completed month of service.

(2) Subject to subsection (3), if an employee becomes ill prior to receiving notice of lay-off and the employee's illness has not ended prior to the date of lay-off, the employee may use the employee's accumulated sick leave credits to a maximum of 75 days from the employee's date of illness.

(3) An employee must provide a medical verification of the employee's illness that is satisfactory to the ministry in which the employee was employed prior to the lay-off.

(4) Subject to section 65.1, if an employee who is leaving the public service has taken any type of paid leave in excess of the amount earned by the employee, the employee is to have deducted from any money owing to the employee by the Government of Saskatchewan an amount calculated on the basis of the number of days over-expended at the employee's salary on separation.

(5) **Repealed.** 18 Jly 2002 SR 62/2003 s9.

5 Mar 99 cP-42.1 Reg 1 s65; 26 Jan 2001 SR 3/2001 s7; 18 Jly 2003 SR 62/2003 s9; 16 Sep 2011 SR 61/2011 s28.

Separation by reason of employee's death

65.1 If the reason for an employee's separation from the public service is the employee's death:

(a) no amount respecting sick leave credits or vacation leave credits is to be deducted from any money owing to the employee by the Government of Saskatchewan; and

(b) the amount of the employee's salary for the month in which the employee died is to be paid to the employee's estate.

18 Jly 2003 SR 62/2003 s10.

Continuation of sick leave credits

66(1) Sick leave credits accumulate from the date on which the employee last entered the public service.

(2) Notwithstanding subsection (1), an employee who has had a break in service or has left the public service for three years or less is, on return, entitled to be credited with all the accumulated sick leave credits the employee was credited with prior to the break in service.

(3) On the re-appointment of an employee to the public service following a break in service of more than three years, the chairperson may reinstate the employee's sick leave credits to the extent they were accumulated by the employee prior to the break and were not used by the employee in the previous period of employment with the public service.

5 Mar 99 cP-42.1 Reg 1 s66.

DIVISION 4
Leave of Absence without Pay

Granting leave of absence without pay

67(1) The permanent head supervising an employee, or an officer or employee of the ministry designated by the permanent head for the purpose, may grant the employee a definite leave of absence without pay for a period not exceeding 24 months.

(2) At the request of the permanent head supervising an employee, the chairperson may approve an extension of the definite leave of absence for a period not to exceed a further 12 months if the chairperson is satisfied that there are extenuating circumstances that make it in the interests of the public service to approve the extension.

(3) A permanent head, or an officer or employee of the ministry designated by the permanent head for the purpose, shall grant a leave of absence without pay in accordance with commission policy for reasons of maternity, paternity, adoption or prolonged illness.

(4) An employee who has a prolonged illness and who requires leave further to leave granted pursuant to subsection (1) or (2) is entitled to be granted indefinite leave of absence without pay.

16 Sep 2011 SR 61/2011 s29.

Return of employee following definite leave without pay

68(1) At the end of a definite leave of absence without pay granted pursuant to section 67 or at an earlier date agreed to by the permanent head supervising the ministry in which the employee was employed prior to the leave, the employee is to be reinstated in the position from which the employee was granted the leave.

(2) Where the position of a permanent employee was abolished during a definite leave of absence without pay, the employee is subject to the applicable lay-off provisions as if the employee had been occupying the position at the time of its abolition.

(3) Where the position of a permanent employee was reclassified to a position having a higher regular salary range maximum, as defined in Part IV, during the definite leave of absence without pay, the employee is subject to the applicable provisions of Part IV had the employee been occupying the position at the time of its reclassification.

5 Mar 99 cP-42.1 Reg 1 s68; 16 Sep 2011 SR
61/2011 s30.

Indefinite leave

- 69(1)** The permanent head supervising a permanent employee may grant the permanent employee an indefinite leave of absence without pay.
- (2) An employee on indefinite leave of absence without pay shall apply for an extension of the leave annually and, with the application, shall give proof that the original conditions under which the leave was granted still prevail.
- (3) Subsection (2) does not apply to an employee who:
- (a) is on an indefinite leave of absence without pay and who is receiving wage benefits from an employer-sponsored disability income plan, workers' compensation benefits or income replacement benefits pursuant to Part VIII of *The Automobile Accident Insurance Act*; or
 - (b) is employed with the executive government of Saskatchewan pursuant to an appointment made by an order of the Lieutenant Governor in Council.
- (4) If an employee who was granted indefinite leave of absence without pay pursuant to subsection (2) fails to make a written request to the chairperson within 30 days after the date on which the approved leave expires, the employee is deemed to have resigned.

16 Sep 2011 SR 61/2011 s31.

Application of benefits while on leave

- 70(1)** While an employee is on leave of absence without pay or on lay-off, the employee is entitled to earn benefits provided by these regulations as follows:
- (a) for the first 30 consecutive days or less, all benefits except designated holidays;
 - (b) for the 31st to the 90th day, sick leave benefits only.
- (2) The benefits provided pursuant to subsection (1) apply only where an employee returns to work at the expiry of the employee's leave unless the chairperson determines otherwise.
- (3) Where the leave is for the purpose of taking other employment with the executive government of Saskatchewan, the commission may waive the application of this section and grant benefits that it considers appropriate.

5 Mar 99 cP-42.1 Reg 1 s70.

DIVISION 5
Leave of Absence with Pay

Special leave with pay

- 71** The permanent head supervising an employee may allow special leave with pay to the employee if the employee is required for casual service in the Canadian Armed Forces respecting guards of honour, funerals or other similar special occasions.

5 Mar 99 cP-42.1 Reg 1 s71.

Leave for duties

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

5 Mar 99 cP-42.1 Reg 1 s72.

Leave for Canadian Armed Forces training

73(1) The permanent head supervising an employee may grant the employee leave of absence for two weeks to attend training or summer camp in the Canadian Armed Forces.

(2) Subject to subsection (3), where an employee is granted leave pursuant to this section and the employee's pay for the period as a member of the Canadian Armed Forces is less than the salary that the employee would be entitled to receive for that period from the Government of Saskatchewan, the employee is entitled to be paid the amount by which the two weeks' salary exceeds the two weeks' pay.

(3) No payment is to be made pursuant to subsection (2) until the ministry in which the employee is employed is provided with a certificate from the employee's commanding officer:

(a) stating that the employee attended training or summer camp continuously during the period for which the leave was obtained; and

(b) showing the amount paid to the employee as a member of the Canadian Armed Forces for the period.

(4) Leave granted pursuant to this section is not to be charged against vacation leave.

5 Mar 99 cP-42.1 Reg 1 s73; 16 Sep 2011 SR
61/2011 s32.

Medical donor leave

74(1) An employee who is donating an organ or bone marrow must be granted time off with pay for that purpose.

(2) The period for which an employee is entitled to be granted leave pursuant to this section is the period required for the donation and recuperation as approved by a duly qualified medical practitioner.

(3) Before receiving pay pursuant to this section, the employee shall provide the ministry in which the employee is employed with a certificate of a duly qualified medical practitioner setting out the period required for the donation and recuperation.

5 Mar 99 cP-42.1 Reg 1 s74; 16 Sep 2011 SR
61/2011 s33.

DIVISION 5.1
Education leave

Education leave

75(1) The permanent head supervising an employee may grant the employee education leave in accordance with commission policies.

(2) Education leave assistance and allowances are governed by commission policy.

5 Mar 99 cP-42.1 Reg 1 s75.

Education leave agreement

76(1) An employee who is granted education leave must complete an education leave agreement in a format approved by the commission.

(2) An employee mentioned in subsection (1) must complete a return in service commitment that is in accordance with commission policy.

(3) The ministry in which an employee who is granted education leave is employed shall file a copy of the education leave agreement with the commission.

5 Mar 99 cP-42.1 Reg 1 s76; 16 Sep 2011 SR
61/2011 s34.

DIVISION 5.2
Pregnancy Leave

Pregnancy leave supplemental benefits

76.1(1) In this section:

(a) **“eligible employee”** means an employee who:

- (i) has been granted leave for reasons of the employee’s pregnancy;
- (ii) has completed at least 20 continuous weeks of service with the executive government of Saskatchewan; and
- (iii) is receiving special benefits;

(b) **“regular salary”** means:

- (i) in the case of an eligible employee who was employed on a full-time basis immediately before taking pregnancy leave, the regular salary that the employee was receiving immediately before taking pregnancy leave including any salary supplement mentioned in subsection 32(1), but not including any other supplementary payments the employee was receiving;

- (ii) in the case of an eligible employee who was employed on less than a full-time basis immediately before taking pregnancy leave, the regular salary of a full-time employee in the position of the eligible employee immediately before taking pregnancy leave, prorated by the average amount of work, expressed as a percentage of full-time employment, that the eligible employee worked:
- (A) if the eligible employee was employed continuously for at least one year before taking pregnancy leave, over the year of employment immediately before taking pregnancy leave;
 - (B) if the eligible employee was employed for less than one year before taking pregnancy leave, over the period that the eligible employee was employed;
- (c) **“special benefits”** means special benefits pursuant to the *Employment Insurance Act* (Canada) based on the employee’s pregnancy.
- (2) Notwithstanding any other provision of these regulations but subject to subsections (3) to (6), an eligible employee is entitled to be paid an amount equal to the difference between:
- (a) 95% of the eligible employee’s regular salary; and
 - (b) the gross amount of any special benefits that the eligible employee is receiving for each week of the pregnancy leave.
- (3) An eligible employee is entitled to receive payments pursuant to this section:
- (a) subject to subsection (3.1), commencing on a date two weeks before the date that the employee began to receive special benefits; and
 - (b) subject to subsection (4), for a period that expires on the earlier of:
 - (i) 17 weeks from the date mentioned in clause (a); and
 - (ii) 17 weeks from the date the employee gave birth to her child.
- (3.1) If an employee is drawing on the employee’s sick-leave benefits in accordance with subsection 61(5) at the time the employee would otherwise be entitled to commence receiving payments pursuant to this section, the employee is not entitled to commence receiving payments pursuant to this section until the employee ceases to draw on those sick-leave benefits.
- (4) If the eligible employee commences receiving special benefits on a date that is later than two weeks following the birth of her child, the chairperson may extend the period for which payments pursuant to this section may be made after the expiry of the period mentioned in subclause (3)(b)(ii) to a date not later than 17 weeks from the date that the eligible employee’s child is discharged from hospital if:
- (a) the eligible employee’s child has required extended hospitalization after birth; or
 - (b) there are any other circumstances that the chairperson considers exceptional.

- (5) Notwithstanding any other provision of this section, no payment pursuant to this section may be made for a period longer than 17 weeks.
- (6) Before receiving a payment pursuant to this section, the eligible employee shall provide the commission with a written undertaking in a form provided by the commission in which the employee agrees:
- (a) to serve with the executive government of Saskatchewan for a period of one week for every week that the eligible employee received a payment pursuant to this section; and
 - (b) if the eligible employee fails to provide the service required by clause (a), to repay the amount, or a prorated amount based on the number of weeks that were not served, of the total payment received pursuant to this section.
- (7) The chairperson may waive the requirement that an eligible employee comply with a written undertaking provided pursuant to subsection (6) if:
- (a) the eligible employee has died;
 - (b) the eligible employee has suffered a severe and prolonged disability;
 - (c) the position that the eligible employee filled before taking pregnancy leave has been abolished; or
 - (d) there are any other circumstances that the chairperson considers exceptional.

18 Jly 2003 SR 62/2003 s12; 22 Jly 2005 SR 68/2005 s5; 16 Sep 2011 SR 61/2011 s35.

Adoption leave supplemental benefits

76.2(1) In this section:

- (a) **“eligible employee”** means an employee who:
 - (i) is adopting a child and has been granted leave for that reason;
 - (ii) has completed at least 20 continuous weeks of service with the executive government of Saskatchewan; and
 - (iii) is receiving special benefits;
- (b) **“regular salary”** means:
 - (i) in the case of an eligible employee who was employed on a full-time basis immediately before taking adoption leave, the regular salary that the employee was receiving immediately before taking adoption leave including any salary supplement mentioned in subsection 32(1), but not including any other supplementary payments the employee was receiving;

- (ii) in the case of an eligible employee who was employed on less than a full-time basis immediately before taking adoption leave, the regular salary of a full-time employee in the position of the eligible employee immediately before taking adoption leave, prorated by the average amount of work, expressed as a percentage of full-time employment, that the eligible employee worked:
- (A) if the eligible employee was employed continuously for at least one year before taking adoption leave, over the year of employment immediately before taking adoption leave;
 - (B) if the eligible employee was employed for less than one year before taking adoption leave, over the period that the eligible employee was employed;
- (c) “**special benefits**“ means special benefits pursuant to the *Employment Insurance Act* (Canada) based on the employee having a child placed with the employee for the purpose of adoption.
- (2) Notwithstanding any other provision of these regulations but subject to subsections (3) to (6), an eligible employee is entitled to be paid an amount equal to the difference between:
- (a) 95% of the eligible employee’s regular salary; and
 - (b) the gross amount of any special benefits that the eligible employee is receiving for each week of the adoption leave.
- (3) An eligible employee is entitled to receive payments pursuant to this section:
- (a) commencing on a date two weeks before the date that the employee began to receive special benefits; and
 - (b) subject to subsection (4), for a period that expires 17 weeks from the date mentioned in clause (a).
- (4) No payment pursuant to this section may be made for a period longer than 17 weeks.
- (5) Before receiving a payment pursuant to this section, the eligible employee shall provide the commission with a written undertaking in a form provided by the commission in which the employee agrees:
- (a) to serve with the executive government of Saskatchewan for a period of one week for every week that the eligible employee received a payment pursuant to this section; and
 - (b) if the eligible employee fails to provide the service required by clause (a), to repay the amount, or a prorated amount based on the number of weeks that were not served, of the total payment received pursuant to this section.
- (6) The chairperson may waive the requirement that an eligible employee comply with a written undertaking provided pursuant to subsection (5) if:
- (a) the eligible employee has died;
 - (b) the eligible employee has suffered a severe and prolonged disability;
 - (c) the position that the eligible employee filled before taking adoption leave has been abolished; or
 - (d) there are any other circumstances that the chairperson considers exceptional.

Parental leave supplemental benefits

76.3(1) In this section:

- (a) **“eligible employee”** means an employee who:
 - (i) is eligible to receive parental benefits pursuant to the *Employment Insurance Act* (Canada) with respect to a new-born child, has been granted leave for the purpose of caring for the new-born child and is not the birth mother of the new-born child and is not receiving any payments pursuant to section 76.1 or 76.2 with respect to the new-born child;
 - (ii) has completed at least 20 continuous weeks of service with the executive government of Saskatchewan; and
 - (iii) is receiving special benefits;
 - (b) **“regular salary”** means:
 - (i) in the case of an eligible employee who was employed on a full-time basis immediately before taking parental leave, the regular salary that the employee was receiving immediately before taking parental leave including any salary supplement mentioned in subsection 32(1), but not including any other supplementary payments the employee was receiving;
 - (ii) in the case of an eligible employee who was employed on less than a full-time basis immediately before taking parental leave, the regular salary of a full-time employee in the position of the eligible employee immediately before taking parental leave, prorated by the average amount of work, expressed as a percentage of full-time employment, that the eligible employee worked:
 - (A) if the eligible employee was employed continuously for at least one year before taking parental leave, over the year of employment immediately before taking parental leave;
 - (B) if the eligible employee was employed for less than one year before taking parental leave, over the period that the eligible employee was employed;
 - (c) **“special benefits”** means special benefits pursuant to the *Employment Insurance Act* (Canada) based on the eligible employee taking parental leave to care for a new-born child.
- (2) Notwithstanding any other provision of these regulations but subject to subsections (3) to (6), an eligible employee is entitled to be paid an amount equal to the difference between:
- (a) 95% of the eligible employee’s regular salary; and
 - (b) the gross amount of any special benefits that the eligible employee is receiving for each week of the parental leave.
- (3) An eligible employee is entitled to receive payments pursuant to this section:
- (a) commencing on a date two weeks before the date that the employee began to receive special benefits; and
 - (b) subject to subsection (4), for a period that expires 17 weeks from the date mentioned in clause (a).

- (4) No payment pursuant to this section may be made for a period longer than 17 weeks.
- (5) Before receiving a payment pursuant to this section, the eligible employee shall provide the commission with a written undertaking in a form provided by the commission in which the employee agrees:
- (a) to serve with the executive government of Saskatchewan for a period of one week for every week that the eligible employee received a payment pursuant to this section; and
 - (b) if the eligible employee fails to provide the service required by clause (a), to repay the amount, or a prorated amount based on the number of weeks that were not served, of the total payment received pursuant to this section.
- (6) The chairperson may waive the requirement that an eligible employee comply with a written undertaking provided pursuant to subsection (5) if:
- (a) the eligible employee has died;
 - (b) the eligible employee has suffered a severe and prolonged disability;
 - (c) the position that the eligible employee filled before taking parental leave has been abolished; or
 - (d) there are any other circumstances that the chairperson considers exceptional.

9 Jne 2006 SR 47/2006 s3; 16 Sep 2011 SR
61/2011 s37.

Limits on benefits pursuant to this Part

- 76.4(1)** This section applies to persons who:
- (a) are eligible employees as defined in section 76.1, 76.2 or 76.3;
 - (b) are receiving special benefits as defined in section 76.1, 76.2 or 76.3 with respect to the same child or children; and
 - (c) are eligible for payments pursuant to section 76.1, 76.2 or 76.3 with respect to the same child or children.
- (2) Notwithstanding sections 76.1 to 76.3, if two or more persons mentioned in subsection (1) apply for payments pursuant to section 76.1, 76.2 or 76.3 with respect to the same child or children:
- (a) those persons shall advise the commission in writing respecting the portion of the 17 weeks that each of them is requesting a payment pursuant to those sections; and
 - (b) the total of the periods for which payments may be made pursuant to those sections to all of those persons is 17 weeks.

9 Jne 2006 SR 47/2006 s3.

DIVISION 6
Workers' Compensation

Application for workers' compensation

77(1) In this section, "**normal earnings**" means, respecting a non-permanent employee who works less than full time, the average earnings of the employee over the employee's last four pay periods.

(2) Where an employee is injured, or contracts an industrial illness, in the performance of that employee's duties and the accident or illness is compensable pursuant to *The Workers' Compensation Act, 1979*:

(a) for the period commencing on the day of injury and ending one year from the date of injury, the employee is entitled to receive the employee's normal earnings, and any compensation payable from the Workers' Compensation Board is to be paid directly to the Government of Saskatchewan;

(b) for the period commencing after one year from the date of injury and ending two years from the date of injury or until the employee's sick leave credits are exhausted, whichever occurs first, the employee is entitled to receive the employee's normal earnings, and any compensation payable from the Workers' Compensation Board is to be paid directly to the Government of Saskatchewan; and

(c) for the period commencing after two years after the date of the injury or the day following the day when the employee's sick leave credits are exhausted, whichever occurs first, the employee is entitled to receive only compensation as provided by the Workers' Compensation Board.

(3) For the purposes of clause (2)(b):

(a) the difference between the employee's normal earnings and the compensation payable from the Workers' Compensation Board is to be charged against the employee's available sick leave credits;

(b) the date of injury is deemed to be the first day on which the employee is absent from work due to the injury; and

(c) the two-year period mentioned in that clause is to be determined on a cumulative basis and not on a chronological basis.

5 Mar 99 cP-42.1 Reg 1 s77; 16 Sep 2011 SR
61/2011 s38.

Benefits earned while receiving workers' compensation payments

78 Where compensation is being paid to an employee pursuant to *The Workers' Compensation Act, 1979*, the employee is entitled to earn benefits provided by these regulations as follows:

(a) for the period commencing on the day of injury and ending one year from the date of injury, the employee is entitled to earn all benefits except vacation leave;

(b) for the period commencing after one year from the date of injury and ending two years from the date of injury or until the employee's sick leave credits are exhausted, whichever occurs first, the employee is entitled to earn all benefits except vacation leave;

(c) for the period commencing after two years after the date of the injury or the day following the day when the employee's sick leave credits are exhausted, whichever occurs first, the employee:

- (i) is to be placed on an indefinite leave of absence without pay; and
- (ii) is entitled to earn benefits in accordance with section 70.

5 Mar 99 cP-42.1 Reg 1 s78.

DIVISION 7 Miscellaneous

Permanent head to keep records of attendance

79 The permanent head supervising a ministry is responsible for maintaining adequate records of the attendance of employees employed in the ministry.

5 Mar 99 cP-42.1 Reg 1 s79; 16 Sep 2011 SR
61/2011 s39.

Absence without leave

80(1) If an employee is absent from duties without being specifically authorized in accordance with these regulations, the employee is deemed to be absent without pay, and that absence may be grounds for disciplinary action.

(2) If an employee is absent without leave for one week or more, the employee is deemed to have abandoned the employee's position and to have terminated the employee's employment, and the employee is to be separated from the public service.

5 Mar 99 cP-42.1 Reg 1 s80.

Employee being subpoenaed

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

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

5 Mar 99 cP-42.1 Reg 1 s81; 16 Sep 2011 SR
61/2011 s40.

Medical examination

82(1) The permanent head supervising an employee may require the employee to undergo an examination by a duly qualified medical practitioner whenever the permanent head considers that an examination is desirable to determine that the employee's health enables the employee to perform the employee's duties adequately and safely.

(2) The ministry in which the employee is employed shall pay the cost of any medical examination required pursuant to this section.

5 Mar 99 cP-42.1 Reg 1 s82; 16 Sep 2011 SR
61/2011 s41.

DIVISION 8**Expenses and Allowances****Sustenance and travelling**

83 Where an employee is away from the employee's usual place of work on business for the Government of Saskatchewan and accommodation or meals are not provided, the employee is entitled to claim expenses based on rates established pursuant to the collective agreement between the Government of Saskatchewan and the Saskatchewan Government and General Employees' Union.

5 Mar 99 cP-42.1 Reg 1 s83.

Private transportation allowance

84(1) If authorized to do so, an employee may travel by privately owned vehicle pursuant to the provisions of the government vehicle policy.

(2) Unless otherwise directed by the chairperson, the permanent head supervising an employee may approve special rates respecting forms of transportation other than vehicles owned by employees and used by them on business for the Government of Saskatchewan.

(3) An employee may use hired or rented transportation as long as the transportation is used only where another more economical or convenient means of transportation is not available.

(4) The permanent head supervising the employee must approve the use by the employee of hired or rented transportation, and the employee shall provide full particulars on the employee's expense account.

(5) An employee may use private aircraft on business for the Government of Saskatchewan if the use is in accordance with government policy.

5 Mar 99 cP-42.1 Reg 1 s84.

Northern District allowance

85 An employee residing in the Northern Saskatchewan Administration District is entitled to receive an allowance based on rates established pursuant to the collective agreement between the Government of Saskatchewan and the Saskatchewan Government and General Employees' Union.

5 Mar 99 cP-42.1 Reg 1 s85.

Special allowances

86 The chairperson may approve a special allowance in consideration of any special circumstance that may arise affecting an employee in the course of the employee's duties.

5 Mar 99 cP-42.1 Reg 1 s86.

Relocation allowances

87 The permanent head supervising an employee may allow the employee a relocation allowance in accordance with commission policy.

5 Mar 99 cP-42.1 Reg 1 s87.

Shift differential

88(1) In addition to an employee's regular salary, the commission may allow an employee a shift differential in an amount determined by the commission for all hours worked between the hours of 6:00 p.m. and 7:00 a.m.

(2) A shift differential is not to be:

- (a) part of the employee's regular salary, as defined in section 30;
- (b) used in calculating an overtime rate; or
- (c) paid for any hours for which overtime rates are being paid pursuant to section 44.

5 Mar 99 cP-42.1 Reg 1 s88.

Weekend premium

88.1(1) In addition to an employee's regular salary, the commission may allow an employee a weekend differential in an amount determined by the commission for all hours worked between the hours of 6:00 p.m. on a Friday and 7:00 a.m. on the following Monday.

(2) A weekend differential is not to be:

- (a) part of the employee's regular salary, as defined in section 30;
- (b) used in calculating an overtime rate; or
- (c) paid for any hours for which overtime rates are being paid pursuant to section 44.

16 Sep 2011 SR 61/2011 s42.

Professional fees

89 The Government of Saskatchewan shall pay, on behalf of employees in the public service, the professional fees of those employees who are required either by an Act or by a ministry to be a member of a professional association.

5 Mar 99 cP-42.1 Reg 1 s89; 16 Sep 2011 SR 61/2011 s43.

Reimbursement related to wellness, long-term financial planning and employee retention

89.1(1) Subject to this section, an employee who is outside the scope of a collective agreement is entitled to be reimbursed by the Government of Saskatchewan for costs that the employee satisfies the employee's permanent head or delegate were incurred for any of the following purposes:

- (a) to promote the employee's physical fitness by improving the employee's wellness, when undertaken over a period;
- (b) to encourage the employee's long-term financial planning through obtaining financial advice, enhancing the employee's retirement savings or doing both of those things;
- (c) to reduce the employee's student loan costs;
- (d) to improve the wellness of the employee's family.

(2) The benefit mentioned in subsection (1) is to be administered in accordance with commission policy.

(3) For the 2007-08 fiscal year, the maximum amount of the benefit mentioned in subsection (1) for each employee is \$685.

(4) For fiscal years subsequent to 2007-08, the maximum amount of the benefit is to be adjusted by the same percentage as provided by any structural adjustments to salary ranges approved pursuant to section 19 of the Act for those fiscal years.

(5) Notwithstanding subsection (4), there is to be no increase to the maximum amount of the benefit mentioned in subsection (1) in the 2015-16 fiscal year.

10 Aug 2007 SR 65/2007 s4; 15 May 2015 SR 46/2015 s5.

Stand-by duty

90(1) In addition to an employee's regular salary, the commission may authorize an employee to receive a stand-by differential in an amount approved by the commission to be paid for each eight-hour period or portion of an eight-hour period that an employee is assigned to be on stand-by.

(2) Salaried psychiatrists or physicians employed at institutions or clinical centres for mentally disabled persons are eligible for stand-by duty payment in an amount not to exceed the maximum of the Emergency Room Coverage Program as negotiated between the Government of Saskatchewan and the Saskatchewan Medical Association.

5 Mar 99 cP-42.1 Reg 1 s90.

Group life insurance plan

91(1) Subject to subsection (2), as a condition of employment, every employee in the public service is required to participate in the Public Service Group Life Insurance Plan.

(2) Subsection (1) does not apply to an employee who, in accordance with the commission's policy, is exempt from participating in the Public Service Group Life Insurance Plan.

26 Jan 2001 SR 3/2001 s10.

PART VI
Separation and Lay-off

92 Repealed. 2007, c.39, s.9.

Placing name on a re-employment list in case of lay-off

93(1) A permanent employee whose position is abolished has the right to have the employee's name placed on any applicable re-employment list that may be established pursuant to subsection 26(1) of the Act if the employee provides written notice to the commission within:

- (a) 30 days after the date on which the employee received notice that the employee's position has been abolished; or
- (b) any longer period:
 - (i) that does not exceed six months after the date on which the employee received notice that the employee's position has been abolished; and
 - (ii) that the chairperson considers appropriate to ensure that the employee is fairly treated.

(2) An employee who elects to have his or her name placed on a re-employment list pursuant to subsection (1) is entitled to have his or her name kept on the list for not more than three consecutive years from the day on which the employee's position was abolished.

5 Mar 99 cP-42.1 Reg 1 s93; 2007, c.39, s.9; 16
Sep 2011 SR 61/2011 s44.

Report on retirement or death

94 If an employee retires or dies, the permanent head supervising the ministry in which the employee was employed shall report the retirement or death of the employee in writing to the commission.

5 Mar 99 cP-42.1 Reg 1 s94; 16 Sep 2011 SR
61/2011 s45.

PART VII
Miscellaneous

Conflict of interest

95(1) All employees shall comply with the conflict of interest policy established by the commission.

(2) Unless the employee has the written permission of the commission to do so, no employee shall engage in:

- (a) any undertaking, any business or the practice of any profession or trade, either as principal or agent, beyond the normal scope of the employee's duties as an employee of the public service; or
- (b) any employment other than the employee's position in the public service.

- (3) If an employee wishes to obtain the commission's written permission to do anything mentioned in subsection (2), the employee shall:
- (a) apply to the commission in any form that the commission may approve; and
 - (b) provide the commission with any information that the commission may reasonably require in order to determine whether or not to give its written permission.
- (4) On receipt of an application pursuant to subsection (3), the commission may:
- (a) grant its written permission if the commission considers that the employee's request is reasonable, that the employee's activities will not interfere with the performance of the employee's regular duties as an employee of the public service and that it is otherwise appropriate to grant its written permission; or
 - (b) refuse to grant its permission.
- (5) The commission may impose any terms and conditions on its written permission that it considers appropriate.
- (6) The commission may cancel its written permission granted pursuant to this section if the commission is satisfied that:
- (a) the employee failed to comply with any term or condition imposed pursuant to subsection (5);
 - (b) the employee failed to comply with the commission's conflict of interest policy; or
 - (c) it is appropriate to do so.

18 Jly 2003 SR 62/2003 s13.

Prescribed oaths and declarations

96(1) For the purposes of section 10 of the Act, the prescribed oath or declaration to be made by a commissioner is the oath or declaration set out in Form A of the Appendix.

(2) For the purposes of section 22 of the Act, the prescribed oath or declaration to be made by an employee in the public service is the oath or declaration set out in Form B of the Appendix.

5 Mar 99 cP-42.1 Reg 1 s96.

PART VIII
Repeal and Coming into Force

R.R.S. c.P-42 Reg 3 repealed

97 *The Public Service Regulations* are repealed.

5 Mar 99 cP-42.1 Reg 1 s97.

Appendix

FORM A

[Subsection 96(1)]

Oath or Declaration of Commissioner

I, _____, solemnly and sincerely swear (or solemnly affirm):

1. That I will faithfully and honestly fulfil the duties which devolve on me as a commissioner of the Public Service Commission of Saskatchewan.
2. That I will not ask or receive any sum of money, service, recompense or matter or thing whatsoever directly or indirectly in return for what I have done or may do in the discharge of any of the duties of my said office, except my salary or remuneration, as provided for in *The Public Service Act, 1998*, or other remuneration that the law or a resolution of the Legislative Assembly of Saskatchewan may allow me.
3. That I will not, during my term of office, engage in any partisan political activities, whether by subscribing to or soliciting or collecting moneys for any political purpose, or canvassing for votes in any dominion or provincial election or in any other manner whatsoever.
4. That I will not be a party to making any appointments, promotions, transfers, increases of salary or dismissals, except as permitted by *The Public Service Act, 1998*, and that I will not entertain any representations regarding any appointments, promotions, transfers, increases of salary or dismissals except as authorized by that Act.
5. That I am in full agreement with the application of merit principles to public employment.

FORM B
[Subsection 96(2)]

Oath or Declaration of Office

I, _____, do solemnly and sincerely swear (or solemnly affirm):

1. That I will faithfully and honestly fulfil the duties that devolve on me as an employee in the public service of Saskatchewan.
2. That I will not ask or receive any sum of money, services, recompense or matter or thing whatsoever, directly or indirectly, in return for what I have done or may do in the discharge of any of my duties as an employee, except my salary or what may be allowed me by law or by an order of the Lieutenant Governor in Council.
3. That I will not use or disclose any matter or information that comes to my knowledge by reason of my employment, including personal information about any individual, unless:
 - (a) that use or disclosure is permitted by *The Freedom of Information and Protection of Privacy Act* or *The Health Information Protection Act*; and
 - (b) I have authorization from my employer to make that use or disclosure.

Sworn/Affirmed before me at the _____
of _____ in the
Province of Saskatchewan this _____
day of _____, 20 ____.

*A Commissioner for Oaths in and for
Saskatchewan or a Notary Public.*

My appointment expires _____

(Name of employee)

18 Jly 2003 SR 62/2003 s14; 9 Jne 2006
SR 47/2006 s4.

TABLE 1
[Subsection 40(1)]

Matrix of In-range Adjustments

Repealed. 25 Jne 2004 SR 44/2004 s5.

