

1998

CHAPTER P-42.1

An Act respecting the Public Service of Saskatchewan

Table of Contents

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20	Recruitment		40 R.S.S. 1978, c.P-42 repealed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

(Assented to June 11, 1998)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

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 bargaining agreement as defined in *The Trade Union 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) “**department**” means a department, secretariat, office or similar agency of the executive government of Saskatchewan;
- (i) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (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 department 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.

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.

Application of Act

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

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

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.

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.

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 departments 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.

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.

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.

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.

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 all the powers of commissioners appointed pursuant to *The Public Inquiries Act*, including the powers to administer oaths and declarations, to subpoena witnesses and to compel the production of books, papers and records.

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 department; or
 - (c) any nominees of a permanent head with respect to the permanent head's department.
- (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).

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.

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).

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.

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.

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.

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.

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.

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.

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.

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.

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 department.

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

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 department.

(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.

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.

Suspension

27(1) For disciplinary reasons, a permanent head may suspend without pay a permanent employee in the permanent head's department for the length of time that the permanent head considers appropriate.

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

(3) The permanent head shall report every suspension to the chairperson.

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

Dismissal or demotion

28(1) A permanent head may dismiss or demote any employee in the permanent head's department 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.

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.

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 or demotion, if the commission determines that the dismissal or demotion 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 or lay-off, if the commission finds that the suspension or lay-off was unjustified, the commission may order that the permanent employee be reinstated in his or her position without loss of pay.

PART VI Miscellaneous

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

31(1) The Lieutenant Governor in Council may exclude from the application of this Act or may move to the unclassified division any position or class of a professional, technical or administrative character.

(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 department or any branch, division, section or other organizational unit of any department that is in the classified division to the unclassified division.

Duty to furnish information

32 When requested to do so by the commission, any officer of a department 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.

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) Notwithstanding any other provision of this or any other Act but subject to subsection (4), where a person to whom section 10.1 of *The Legislative Assembly and Executive Council Act* applies is declared elected as a member of the Legislative Assembly:

- (a) that person is deemed to have resigned his or her office or his or her employment in the public service on the day immediately prior to the day on which he or she was elected; and
- (b) that person's election is not invalid, his or her seat is not to be declared vacant nor is any action to be taken to have his or her election declared invalid or to have his or her seat declared vacant, by reason only of the fact that he or she is a person to whom section 10.1 of *The Legislative Assembly and Executive Council Act* applies.

(4) A person mentioned in subsection (3) is deemed to have been on leave of absence without pay from the day immediately prior to the day on which he or she was elected until the day on which another candidate is declared to be elected or on which the election is set aside or on which the other candidate is certified to be entitled to the seat in the Assembly, as the case may be, where:

- (a) as a result of a recount held or an appeal from a recount pursuant to *The Election Act, 1996*, the returning officer declares a candidate other than that person to be elected;
- (b) the election is set aside; or
- (c) as a result of a trial pursuant to *The Controverted Elections Act* or an appeal from a trial pursuant to that Act, the judge certifies in the judge's report to the Chief Electoral Officer that a candidate other than that person is entitled to the seat in the Assembly.

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.

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.

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.

Annual report

37(1) In accordance with *The Tabling of Documents Act, 1991*, 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 *The Tabling of Documents Act, 1991*, the minister shall lay before the Legislative Assembly each report received pursuant to subsection (1).

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.

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.

PART VII

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

40 *The Public Service Act* is repealed.

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.

Consequential

42(1) **The provisions of the Acts set out in the Schedule to this Act are amended by striking out “*The Public Service Act*” wherever it appears and in each case substituting “*The Public Service Act, 1998*”.**

(2) Subsection 7(2) of *The Agricultural Credit Corporation of Saskatchewan Act* is repealed and the following substituted:

“(2) The corporation may employ any officers and other employees that it considers necessary for the purpose of its operations.

“(2.1) For the purposes of giving effect to the employment of officers and employees and determining the duties, powers and conditions of employment and remuneration of persons employed pursuant to this section:

- (a) the corporation is deemed to be a department within the meaning of *The Public Service Act, 1998*; and
- (b) the corporation’s officers and employees are deemed to be members of the public service within the meaning of *The Public Service Act, 1998*”.

(3) Subsection 8(1) of *The Agricultural Implements Act* is repealed and the following substituted:

“(1) The board may employ an Executive Director and any other officers and employees it considers necessary for the purpose of its operations.

“(1.1) For the purpose of giving effect to the employment of the Executive Director and other officers and employees and determining the duties, powers and conditions of employment and remuneration of persons employed pursuant to this section:

(a) the board is deemed to be a department within the meaning of *The Public Service Act, 1998*; and

(b) the Executive Director and the board’s other officers and employees are deemed to be members of the public service within the meaning of *The Public Service Act, 1998*”.

(4) Subsection 5(1) of *The Boiler and Pressure Vessel Act* is repealed and the following substituted:

“(1) A chief inspector and any other inspectors that may be necessary for the purposes of this Act may be appointed in accordance with *The Public Service Act, 1998*”.

(5) *The Crown Employment Contracts Act* is amended:

(a) in clause 2(h) by striking out “*The Public Service Act*” and substituting “*The Public Service Act, 1998*”;

(b) in clause 3(2)(b) by striking out “section 37 of *The Public Service Act*” and substituting “section 29 of *The Public Service Act, 1998*”; and

(c) in subclause 3(2)(c)(i) by striking out “*The Public Service Act*” and substituting “*The Public Service Act, 1998*”.

(6) Subsection 6(10) of *The Expropriation Procedure Act* is repealed and the following substituted:

“(10) For the purposes of giving effect to the employment of employees and determining the duties, powers and conditions of employment and remuneration of persons employed pursuant to this section:

(a) the board is deemed to be a department within the meaning of *The Public Service Act, 1998*; and

(b) the board’s employees are deemed to be members of the public service within the meaning of *The Public Service Act, 1998*”.

(7) Section 42 of *The Freedom of Information and Protection of Privacy Act* is repealed and the following substituted:

“Application of certain Acts to commissioner

42(1) *The Public Service Act, 1998* does not apply to the commissioner.

(2) *The Public Service Superannuation Act* and *The Superannuation (Supplementary Provisions) Act* apply to the commissioner”.

(8) Subsection 14(2) of *The Municipal Financing Corporation Act* is repealed and the following substituted:

“(2) For the purposes of giving effect to the employment of officers and employees and determining the duties, powers and conditions of employment and remuneration of persons employed pursuant to this section:

(a) the corporation is deemed to be a department within the meaning of *The Public Service Act, 1998*; and

(b) the corporation’s officers and employees are deemed to be members of the public service within the meaning of *The Public Service Act, 1998*”.

(9) *The Ombudsman and Children’s Advocate Act* is amended:

(a) by repealing section 7 and substituting the following:

“Application of certain Acts to Ombudsman and staff

7(1) The Ombudsman is not subject to *The Public Service Act, 1998*, except section 32 of that Act.

(2) The Ombudsman is subject to *The Public Service Superannuation Act* and *The Superannuation (Supplementary Provisions) Act*.

(3) The staff for the Ombudsman is to consist of those persons or positions that are required for the proper administration of this Act.

(4) *The Public Service Act, 1998*, *The Public Service Superannuation Act* and *The Superannuation (Supplementary Provisions) Act* apply to the members of the staff of the Ombudsman”; **and**

(b) by repealing section 12.31 and substituting the following:

“Appointment of staff and application of certain Acts

12.31(1) The Children’s Advocate may appoint the employees that are required in order to carry out the duties and responsibilities of the Children’s Advocate effectively.

(2) *The Public Service Act, 1998*, *The Public Service Superannuation Act* and *The Superannuation (Supplementary Provisions) Act* apply to the persons appointed pursuant to subsection (1).

(3) The Children’s Advocate is not subject to *The Public Service Act, 1998*, except section 32 of that Act.

(4) The Children’s Advocate is subject to *The Public Service Superannuation Act* and *The Superannuation (Supplementary Provisions) Act*”.

(10) Subsection 4(3) of *The Private Investigators and Security Guards Act* is repealed and the following substituted:

“(3) Any staff or employees that may be required for carrying out the provisions of this Act may be employed in accordance with *The Public Service Act, 1998*.

“(4) All persons employed pursuant to subsection (3) are deemed to be members of the public service within the meaning of *The Public Service Act, 1998*”.

(11) Section 98 of *The Vehicle Administration Act* is repealed and the following substituted:

“Employees

98 Without limiting the generality of section 24 of *The Public Service Act, 1998*, the chairperson of the public service commission may transfer or second an employee from a position in a department as defined in that Act to the administrator with the approval of the administrator”.

(12) Subsection 12(1) of *The Water Corporation Act* is repealed and the following substituted:

“(1) Without limiting the generality of section 24 of *The Public Service Act, 1998*, the chairperson of the public service commission may transfer or second an employee from a position in a department as defined in that Act to the corporation with the approval of the corporation”.

Coming into force

43 This Act comes into force on proclamation.

Schedule

[*Subsection 42(1)*]

<i>Act</i>	<i>Provision</i>
<i>The Agricultural Implements Act</i>	section 6
<i>The Agrologists Act, 1994</i>	clause 16(2)(n)
<i>The Animal Identification Act</i>	subsection 21(1)
<i>The Animal Products Act</i>	subsection 3(1)
<i>The Attachment of Debts Act</i>	subsection 6(1)
<i>The Cattle Marketing Deductions Act</i>	subsection 10(1)
<i>The Communications Network Corporation Act</i>	subsections 12(1) and 13(1)
<i>The Crop Insurance Act</i>	subsection 9(1)
<i>The Crown Corporations Act, 1993</i>	subsection 25(1)
<i>The Electrical Licensing Act</i>	subsection 5(1)
<i>The Emergency Planning Act</i>	subsection 3(3)
<i>The Farm Financial Stability Act</i>	subclause 26(4)(b)(i)
<i>The Fire Prevention Act, 1992</i>	subsection 4(1)
<i>The Gas Licensing Act</i>	subsection 5(1)
<i>The Geographic Names Board Act</i>	subsection 5(1)
<i>The Heritage Property Act</i>	subsection 6(6)
<i>The Highway Traffic Act</i>	subsection 9(2)
<i>The Legislative Assembly and Executive Council Act</i>	subclause 68.7(5)(b)(ii)
<i>The Members' Conflict of Interest Act</i>	subsection 23(1)
<i>The Municipal Board Act</i>	subsection 11(10)
<i>The Names of Homes Act</i>	clause 2(b)

<i>Act</i>	<i>Provision</i>
<i>The Passenger and Freight Elevator Act</i>	subsection 5(1)
<i>The Pest Control Products (Saskatchewan) Act</i>	section 16
<i>The Police Act, 1990</i>	subsection 7(2)
<i>The Provincial Mediation Board Act</i>	subsection 3(11)
<i>The Public Libraries Act, 1996</i>	subsection 9(3)
<i>The Public Service Superannuation Act</i>	subclauses 2(1)(b)(i) and (iv)
<i>The Public Trustee Act</i>	subsection 7.1(1) and section 9
<i>The Regional Colleges Act</i>	subsection 7(11)
<i>The Residential Tenancies Act</i>	subsection 9(3)
<i>The Revenue and Financial Services Act</i>	section 16
<i>The Saskatchewan Grain Car Corporation Act</i>	subsection 10(1)
<i>The Saskatchewan Institute of Applied Science and Technology Act</i>	subsection 6(9)
<i>The Saskatchewan Opportunities Corporation Act</i>	subsection 13(1)
<i>The Saskatchewan Pension Annuity Fund Act</i>	subsection 3(3)
<i>The Saskatchewan Pension Plan Act</i>	subsection 5(3)
<i>The Saskatchewan Property Management Corporation Act</i>	subsection 10(1)
<i>The Saskatchewan Telecommunications Holding Corporation Act</i>	subsection 12(1)
<i>The SaskEnergy Act</i>	subsection 17(1)
<i>The Securities Act, 1988</i>	subsection 6(1)
<i>The Social Workers Act</i>	clause 16(2)(m)
<i>The Surface Rights Acquisition and Compensation Act</i>	section 20
<i>The Teachers Superannuation and Disability Benefits Act</i>	subsection 7(2)
<i>The Uniform Building and Accessibility Standards Act</i>	subsection 5(1)
<i>The Water Appeal Board Act</i>	subsection 5(2)

