



CHAPTER 5.

An Act to amend the "Civil Service Act, 1945."

1945, c. 11;
1946, c. 13.

[Assented to 23th April, 1948.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Civil Service Act, 1945, Short title. Amendment Act, 1948."

2. Section 3 of the "Civil Service Act, 1945," being chapter Amends s. 3 11 of the Statutes of 1945, is amended by striking out the word "fifteen" in the third line of clause (e) of subsection (1), and substituting "ten."

3. Section 30 is repealed, and the following is substituted:— Re-enacts s. 30
"30. The rate of compensation to an employee upon appointment to a position in the Civil Service shall be at the rate prescribed for the position: Provided that when the appointee already is in the Civil Service in another position, the rate of compensation upon appointment to the new position through promotion shall be at a higher rate than that received immediately before appointment to the new position; and provided further that the higher rate shall not be greater than an amount equivalent to two increments in the salary range for the new position."

4. Section 37 is repealed, and the following is substituted:— Re-enacts s. 37.
"37. (1.) No male who has attained the age of forty-five years and no female who has reached the age of forty years shall be eligible for appointment to the Civil Service.

"(2.) Notwithstanding subsection (1), where a person to be appointed to the Civil Service has contributed to the Teachers'

Pensions Fund, the age at entry to the Civil Service as specified in subsection (1) may be extended in the case of a female by not more than ten years and in the case of a male by not more than five years.

“(3.) Where an appointment to the Civil Service requires technical or specialist training and the Commission certifies that the appointment cannot be filled within the age-limits specified in subsection (1), the age at entry may be extended by not more than five years.

“(4.) In the case of the appointment of a Deputy Minister, subsection (1) shall not apply.”

Re-enacts s. 43.

5. Section 40 is amended by numbering the present section as subsection (1), and by adding the following as subsection (2) :—

“(2.) After a person has served in a position for a probationary term of six or twelve months, as the case may be, the Deputy Minister of the Department in which the person is serving shall either recommend to the Commission that the appointment be confirmed or report to the Commission that the services of the person have been rejected, and the Commission shall thereupon confirm or reject the appointment, as the case may be.”

Enacts s. 44A.

6. Said chapter 11 is further amended by inserting the following as section 44A :—

“44A. Where it is necessary to make an appointment to a position and it is impossible to secure an appointee with the qualifications and experience required for the position, the Commission, notwithstanding sections 30, 31, and 43, shall have power, upon making a record of the facts, to make a probationary promotion or probationary appointment for a period not to exceed one year at a salary below the minimum salary set for the position; but the promotion or appointment shall not be made permanent and the appointee shall not be eligible to receive the minimum salary set for the position unless the Deputy Minister reports, and the Chief Personnel Officer is satisfied, that the appointee is performing the duties of the position satisfactorily.”

Amends s. 55.

7. Section 55 is amended by numbering the present section as subsection (1), and by adding the following as subsections (2) and (3) :—

“(2.) Where an employee has served six months, and has been permanently appointed, he may at any time during the ensuing six months, subject to section 58, elect to take six working-days as vacation leave, and the remaining six working-days of his annual vacation may be taken after serving twelve months.

“(3.) The Lieutenant-Governor in Council may make regulations not inconsistent with this section governing vacation leave.”

8. Section 56 is repealed, and the following is substituted:— Re-enacts s. 56.

"56. In computing service for the eighteen days' vacation leave provided in subsection (1) of section 55, the service of the employee in His Majesty's Forces in any war shall be included with his service with the Provincial Government."

9. Section 66 is repealed, and the following is substituted:— Re-enacts s. 66.

"66. The Minister, and in his absence the Deputy Minister, or any official specifically authorized by the Minister or Deputy Minister, may suspend from the performance of his duty any employee guilty of misconduct or negligence in the performance of his duties."

10. Section 67 is repealed, and the following is substituted:— Re-enacts s. 67.

"67. The removal of a suspension shall lie with the Minister, or the Deputy Minister, but no employee shall receive any salary or pay for the time or any part of the time during which he is under suspension unless the Lieutenant-Governor in Council is of the opinion that the suspension was unjust or made in error or that the punishment inflicted was too severe."

11. Section 74 is repealed, and the following is substituted:— Re-enacts s. 74.

"74. (1.) Where an appeal is made to the Lieutenant-Governor in Council pursuant to section 71 and where representations are made to the Lieutenant-Governor in Council pursuant to section 72, the Lieutenant-Governor in Council, instead of hearing the appeal or representations, may direct that the appeal or representations be heard by a Board of Reference.

"(2.) A Board of Reference shall give reasonable notice to the appellant or to the persons making the representations of the time and place at which the appeal or representations will be heard.

"(3.) A hearing may be adjourned from time to time.

"(4.) A Board of Reference shall have the powers of Commissioners appointed under the 'Public Inquiries Act.'

"(5.) When a Board of Reference reports to the Lieutenant-Governor in Council, the Lieutenant-Governor in Council may take such action thereon as he thinks proper.

"(6.) The Lieutenant-Governor in Council may make regulations governing the constitution and appointment of a Board of Reference.

"(7.) The Lieutenant-Governor in Council shall make regulations governing the procedure for the receiving and considering of an appeal under section 71 and of any representations made under section 72."

VICTORIA, B.C.:

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