

# Royal Gazette

## Part II Regulations under the Regulations Act

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**In force date of regulations:** As of March 4, 2005\*, the date a regulation comes into force is determined by subsection 3(6) of the *Regulations Act*. The date a regulation is made, the date a regulation is approved, the date a regulation is filed and any date specified in a regulation are important to determine when the regulation is in force.

\*Date that subsections 3(6) and (7) and Sections 11 and 13 of the *Regulations Act* and amendments to the *Regulations Act* made by Chapter 46 of the Acts of 2004 were proclaimed in force.

**N.S. Reg. 304/2009**

Made: October 8, 2009

Filed: October 14, 2009

Prescribed Petroleum Products Prices

Order dated October 8, 2009  
made by the Nova Scotia Utility and Review Board  
pursuant to Section 14 of the *Petroleum Products Pricing Act*

**Order****NSUARB-GAS-W-02****In the Matter of the *Petroleum Products Pricing Act*****- and -****In the Matter of Prescribing Prices for Petroleum Products  
pursuant to Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

**Before:** Peter W. Gurnham, Q.C., Chair  
Roland A. Deveau, LL.B., Member  
Murray E. Doehler, CA, P.Eng., Member

**Order**

**Whereas** the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

**And whereas** the Nova Scotia Utility and Review (“Board”) considered the manner in which it would proceed to set petroleum prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

**And whereas** the average of the average of the daily high and low report product prices (in Canadian cents) for the week ended October 7, 2009, are:

|                             |                 |
|-----------------------------|-----------------|
| Grade 1 Regular gasoline    | 50.5¢ per litre |
| Ultra-low-sulfur diesel oil | 51.9¢ per litre |

**And whereas** the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply forward averaging corrections of:

|                              |                |
|------------------------------|----------------|
| Gasoline:                    | 0.0¢ per litre |
| Ultra-low-sulfur diesel oil: | 0.0¢ per litre |

**Now therefore** the Board prescribes the benchmark prices for petroleum products to be:

|                             |                 |
|-----------------------------|-----------------|
| Gasoline:                   |                 |
| Grade 1                     | 50.5¢ per litre |
| Grade 2                     | 53.5¢ per litre |
| Grade 3                     | 56.5¢ per litre |
| Ultra-low-sulfur diesel oil | 51.9¢ per litre |

**And now therefore** the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., October 9, 2009.

Dated at Halifax, Nova Scotia, this 8th day of October, 2009.

Sgd: *Elaine Wagner*  
Clerk of the Board

## Schedule "A"

**Prices Prescribed for Petroleum Products  
under the *Petroleum Products Pricing Act* and the  
*Petroleum Products Pricing Regulations*  
effective on and after 12:01 a.m. on October 9, 2009**

| Nova Scotia Petroleum Price Schedule                                       |                            |                       |              |                               |                             |            |                             |       |
|--|----------------------------|-----------------------|--------------|-------------------------------|-----------------------------|------------|-----------------------------|-------|
| Petroleum Prices in Cents/Litre<br>Effective October 9, 2009 at 12:01 a.m. |                            |                       |              |                               | Self-Service<br>Pump Prices |            | Full-Service<br>Pump Prices |       |
| (Pump Prices includes 13% HST)   |                            |                       |              |                               |                             |            |                             |       |
|  | Base<br>Wholesale<br>Price | Fed.<br>Excise<br>Tax | Prov.<br>Tax | Wholesale<br>Selling<br>Price | Min<br>4.0                  | Max<br>5.5 | Min<br>4.0                  | Max   |
| <b>Zone 1</b>  |                            |                       |              |                               |                             |            |                             |       |
| Regular Unleaded   | 56.8                       | 10.0                  | 15.5         | 82.3                          | 97.5                        | 99.2       | 97.5                        | 999.9 |
| Mid-Grade Unleaded   | 59.8                       | 10.0                  | 15.5         | 85.3                          | 100.9                       | 102.6      | 100.9                       | 999.9 |
| Premium Unleaded   | 62.8                       | 10.0                  | 15.5         | 88.3                          | 104.3                       | 106.0      | 104.3                       | 999.9 |
| Ultra-Low-Sulphur Diesel   | 58.2                       | 4.0                   | 15.4         | 77.6                          | 92.2                        | 93.9       | 92.2                        | 999.9 |
| <b>Zone 2</b>  |                            |                       |              |                               |                             |            |                             |       |
| Regular Unleaded   | 57.2                       | 10.0                  | 15.5         | 82.7                          | 98.0                        | 99.7       | 98.0                        | 999.9 |
| Mid-Grade Unleaded   | 60.2                       | 10.0                  | 15.5         | 85.7                          | 101.4                       | 103.1      | 101.4                       | 999.9 |
| Premium Unleaded   | 63.2                       | 10.0                  | 15.5         | 88.7                          | 104.8                       | 106.4      | 104.8                       | 999.9 |
| Ultra-Low-Sulphur Diesel   | 58.6                       | 4.0                   | 15.4         | 78.0                          | 92.7                        | 94.4       | 92.7                        | 999.9 |
| <b>Zone 3</b>  |                            |                       |              |                               |                             |            |                             |       |
| Regular Unleaded   | 57.7                       | 10.0                  | 15.5         | 83.2                          | 98.5                        | 100.2      | 98.5                        | 999.9 |
| Mid-Grade Unleaded   | 60.7                       | 10.0                  | 15.5         | 86.2                          | 101.9                       | 103.6      | 101.9                       | 999.9 |
| Premium Unleaded   | 63.7                       | 10.0                  | 15.5         | 89.2                          | 105.3                       | 107.0      | 105.3                       | 999.9 |
| Ultra-Low-Sulphur Diesel   | 59.1                       | 4.0                   | 15.4         | 78.5                          | 93.2                        | 94.9       | 93.2                        | 999.9 |
| <b>Zone 4</b>  |                            |                       |              |                               |                             |            |                             |       |
| Regular Unleaded   | 57.7                       | 10.0                  | 15.5         | 83.2                          | 98.5                        | 100.2      | 98.5                        | 999.9 |
| Mid-Grade Unleaded   | 60.7                       | 10.0                  | 15.5         | 86.2                          | 101.9                       | 103.6      | 101.9                       | 999.9 |
| Premium Unleaded   | 63.7                       | 10.0                  | 15.5         | 89.2                          | 105.3                       | 107.0      | 105.3                       | 999.9 |
| Ultra-Low-Sulphur Diesel   | 59.1                       | 4.0                   | 15.4         | 78.5                          | 93.2                        | 94.9       | 93.2                        | 999.9 |
| <b>Zone 5</b>  |                            |                       |              |                               |                             |            |                             |       |
| Regular Unleaded   | 57.7                       | 10.0                  | 15.5         | 83.2                          | 98.5                        | 100.2      | 98.5                        | 999.9 |
| Mid-Grade Unleaded   | 60.7                       | 10.0                  | 15.5         | 86.2                          | 101.9                       | 103.6      | 101.9                       | 999.9 |
| Premium Unleaded   | 63.7                       | 10.0                  | 15.5         | 89.2                          | 105.3                       | 107.0      | 105.3                       | 999.9 |
| Ultra-Low-Sulphur Diesel   | 59.1                       | 4.0                   | 15.4         | 78.5                          | 93.2                        | 94.9       | 93.2                        | 999.9 |
| <b>Zone 6</b>  |                            |                       |              |                               |                             |            |                             |       |
| Regular Unleaded   | 58.5                       | 10.0                  | 15.5         | 84.0                          | 99.4                        | 101.1      | 99.4                        | 999.9 |
| Mid-Grade Unleaded   | 61.5                       | 10.0                  | 15.5         | 87.0                          | 102.8                       | 104.5      | 102.8                       | 999.9 |
| Premium Unleaded   | 64.5                       | 10.0                  | 15.5         | 90.0                          | 106.2                       | 107.9      | 106.2                       | 999.9 |
| Ultra-Low-Sulphur Diesel   | 59.9                       | 4.0                   | 15.4         | 79.3                          | 94.1                        | 95.8       | 94.1                        | 999.9 |

**N.S. Reg. 305/2009**

Made: October 15, 2009

Filed: October 19, 2009

Prescribed Petroleum Products Prices

Order dated October 15, 2009  
made by the Nova Scotia Utility and Review Board  
pursuant to Section 14 of the *Petroleum Products Pricing Act*

**Order****NSUARB-GAS-W-09-03****In the Matter of the *Petroleum Products Pricing Act*****- and -****In the Matter of Prescribing Prices for Petroleum Products  
pursuant to Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

**Before:** Roland A. Deveau, LL.B., Member  
Kulvinder S. Dhillon, P. Eng., Member  
Roberta J. Clarke, Q.C., Member

**Order**

**Whereas** the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

**And whereas** the Nova Scotia Utility and Review (“Board”) considered the manner in which it would proceed to set petroleum prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

**And whereas** the average of the average of the daily high and low report product prices (in Canadian cents) for the week ended October 14, 2009, are:

|                             |                 |
|-----------------------------|-----------------|
| Grade 1 Regular gasoline    | 50.4¢ per litre |
| Ultra-low-sulfur diesel oil | 52.4¢ per litre |

**And whereas** the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply forward averaging corrections of:

|                              |                |
|------------------------------|----------------|
| Gasoline:                    | 1.0¢ per litre |
| Ultra-low-sulfur diesel oil: | 1.0¢ per litre |

**Now therefore** the Board prescribes the benchmark prices for petroleum products to be:

|                             |                 |
|-----------------------------|-----------------|
| Gasoline:                   |                 |
| Grade 1                     | 51.4¢ per litre |
| Grade 2                     | 54.4¢ per litre |
| Grade 3                     | 57.4¢ per litre |
| Ultra-low-sulfur diesel oil | 53.4¢ per litre |

**And now therefore** the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., October 16, 2009.

Dated at Halifax, Nova Scotia, this 15th day of October, 2009.

Sgd: *Elaine Wagner*  
Clerk of the Board

## Schedule "A"

**Prices Prescribed for Petroleum Products  
under the *Petroleum Products Pricing Act* and the  
*Petroleum Products Pricing Regulations*  
effective on and after 12:01 a.m. on October 16, 2009**

| Nova Scotia Petroleum Price Schedule |                      |                 |           |                         |                                |       |                          |       |
|--------------------------------------|----------------------|-----------------|-----------|-------------------------|--------------------------------|-------|--------------------------|-------|
| Petroleum Prices in Cents/Litre      |                      |                 |           |                         | Self-Service Pump Prices       |       | Full-Service Pump Prices |       |
|                                      |                      |                 |           |                         | (Pump Prices includes 13% HST) |       |                          |       |
|                                      | Base Wholesale Price | Fed. Excise Tax | Prov. Tax | Wholesale Selling Price | Min                            | Max   | Min                      | Max   |
| <b>Zone 1</b>                        |                      |                 |           |                         |                                |       |                          |       |
| Regular Unleaded                     | 57.7                 | 10.0            | 15.5      | 83.2                    | 98.5                           | 100.2 | 98.5                     | 999.9 |
| Mid-Grade Unleaded                   | 60.7                 | 10.0            | 15.5      | 86.2                    | 101.9                          | 103.6 | 101.9                    | 999.9 |
| Premium Unleaded                     | 63.7                 | 10.0            | 15.5      | 59.2                    | 105.3                          | 107.0 | 105.3                    | 999.9 |
| Ultra-Low-Sulphur Diesel             | 59.7                 | 4.0             | 15.4      | 79.1                    | 93.9                           | 95.6  | 93.9                     | 999.9 |
| <b>Zone 2</b>                        |                      |                 |           |                         |                                |       |                          |       |
| Regular Unleaded                     | 58.1                 | 10.0            | 15.5      | 83.6                    | 99.0                           | 100.7 | 99.0                     | 999.9 |
| Mid-Grade Unleaded                   | 61.1                 | 10.0            | 15.5      | 86.6                    | 102.4                          | 104.1 | 102.4                    | 999.9 |
| Premium Unleaded                     | 64.1                 | 10.0            | 15.5      | 89.6                    | 105.8                          | 107.5 | 105.8                    | 999.9 |
| Ultra-Low-Sulphur Diesel             | 60.1                 | 4.0             | 15.4      | 79.5                    | 94.4                           | 96.1  | 94.4                     | 999.9 |
| <b>Zone 3</b>                        |                      |                 |           |                         |                                |       |                          |       |
| Regular Unleaded                     | 58.6                 | 10.0            | 15.5      | 84.1                    | 99.6                           | 101.2 | 99.6                     | 999.9 |
| Mid-Grade Unleaded                   | 61.6                 | 10.0            | 15.5      | 87.1                    | 102.9                          | 104.6 | 102.9                    | 999.9 |
| Premium Unleaded                     | 64.6                 | 10.0            | 15.5      | 90.1                    | 106.3                          | 108.0 | 106.3                    | 999.9 |
| Ultra-Low-Sulphur Diesel             | 60.6                 | 4.0             | 15.4      | 80.0                    | 94.9                           | 96.6  | 94.9                     | 999.9 |
| <b>Zone 4</b>                        |                      |                 |           |                         |                                |       |                          |       |
| Regular Unleaded                     | 58.6                 | 10.0            | 15.5      | 84.1                    | 99.6                           | 101.2 | 99.6                     | 999.9 |
| Mid-Grade Unleaded                   | 61.6                 | 10.0            | 15.5      | 87.1                    | 102.9                          | 104.6 | 102.9                    | 999.9 |
| Premium Unleaded                     | 64.6                 | 10.0            | 15.5      | 90.1                    | 106.3                          | 108.0 | 106.3                    | 999.9 |
| Ultra-Low-Sulphur Diesel             | 60.6                 | 4.0             | 15.4      | 80.0                    | 94.9                           | 96.6  | 94.9                     | 999.9 |
| <b>Zone 5</b>                        |                      |                 |           |                         |                                |       |                          |       |
| Regular Unleaded                     | 58.6                 | 10.0            | 15.5      | 84.1                    | 99.6                           | 101.2 | 99.6                     | 999.9 |
| Mid-Grade Unleaded                   | 61.6                 | 10.0            | 15.5      | 87.1                    | 102.9                          | 104.6 | 102.9                    | 999.9 |
| Premium Unleaded                     | 64.6                 | 10.0            | 15.5      | 90.1                    | 106.3                          | 108.0 | 106.3                    | 999.9 |
| Ultra-Low-Sulphur Diesel             | 60.6                 | 4.0             | 15.4      | 80.0                    | 94.9                           | 96.6  | 94.9                     | 999.9 |
| <b>Zone 6</b>                        |                      |                 |           |                         |                                |       |                          |       |
| Regular Unleaded                     | 59.4                 | 10.0            | 15.5      | 84.9                    | 100.5                          | 102.2 | 100.5                    | 999.9 |
| Mid-Grade Unleaded                   | 62.4                 | 10.0            | 15.5      | 87.9                    | 103.8                          | 105.5 | 103.8                    | 999.9 |
| Premium Unleaded                     | 65.4                 | 10.0            | 15.5      | 90.9                    | 107.2                          | 108.9 | 107.2                    | 999.9 |
| Ultra-Low-Sulphur Diesel             | 61.4                 | 4.0             | 15.4      | 80.8                    | 95.8                           | 97.5  | 95.8                     | 999.9 |

**N.S. Reg. 306/2009**

Made: September 24, 2009

Approved: October 14, 2009

Filed: October 20, 2009

Milk Producer Licensing Regulations

Order dated October 14, 2009

Amendment to regulations made by the Dairy Farmers of Nova Scotia  
and approved by the Natural Products Marketing Council  
pursuant to clause 9(f)-(i), subsection 13(1), Section 14 and clause 15(1)(a) of the *Dairy Industry Act*

**Dairy Farmers of Nova Scotia**

The Dairy Farmers of Nova Scotia, pursuant to clause 9(f)-(i), subsection 13(1), Section 14 and clause 15(1)(a) [of] the *Dairy Industry Act*, at a meeting held on September 24, 2009, approved regulations respecting the licensing of milk producers in the form attached to this certificate as Schedule "A", effective on and after October 14, 2009.

**Dated and Signed** at Truro, Nova Scotia, October 14, 2009.

Sgd.: *Esben Arnfast*  
for Brian Cameron  
General Manager  
Dairy Farmers of Nova Scotia

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Approved by the Natural Products Marketing Council at Truro, Nova Scotia, October 14, 2009.

Sgd.: *E. A. Crouse*  
Elizabeth A. Crouse  
General Manager  
Natural Products Marketing Council

**Schedule 'A'**  
**Amendment to the Milk Producer Licensing Regulations**  
**made by the Dairy Farmers of Nova Scotia**  
**pursuant to clauses 9(f)-(i), subsection 13(1),**  
**Section 14 and clause 15(1)(a)**  
**of Chapter 24 of the Acts of 2000,**  
**the *Dairy Industry Act*.**

**Citation**

1 Insert new Section 5 after Section 4.

**Producer Selling Certified Organic Milk**

- 5 [4A]** (1) In this Section, "certified organic milk" means it is produced by a producer who is certified as organic by an organic certification body recognized by the Board and the Natural Products Marketing Council.
- (2) A producer who wishes to sell milk categorized as certified organic must
- (a) provide a copy of their certification upon request by the Board, and
  - (b) in accordance with the DFNS Organic Milk Policy sign an Acknowledgment and Undertaking Agreement with the Board.

**N.S. Reg. 307/2009**

Made: September 24, 2009

Approved: October 14, 2009

Filed: October 20, 2009

Milk Pricing Regulations

Order dated October 14, 2009

Amendment to regulations made by the Dairy Farmers of Nova Scotia  
and approved by the Natural Products Marketing Council  
pursuant to clause 14(1)(c) of the *Dairy Industry Act*

**Dairy Farmers of Nova Scotia**

I certify that the Dairy Farmers of Nova Scotia, pursuant to clause 14(1)(c) [of] Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, as delegated by clause 2(1)(b) of the *Delegation of Powers to Dairy Farmers of Nova Scotia Regulations*, N.S. Reg. 136/2001, and pursuant to clause 15(1)(g) of the *Dairy Industry Act*, at a meeting held on September 24, 2009 voted to amend the *Milk Pricing Regulations*, N.S. Reg. 84/2008, made by the Dairy Farmers of Nova Scotia on September 21, 2007, and approved by the Natural Products Marketing Council on February 12, 2008, in the manner set out in Schedule A, effective on and after October 14, 2009.

**Dated and signed** at Truro, Nova Scotia, October 14, 2009.

Sgd.: *Esben Arnfast*  
for Brian Cameron  
General Manager  
Dairy Farmers of Nova Scotia

-----  
**Approved by** the Natural Products Marketing Council at Truro, Nova Scotia, October 13, 2009.

Sgd.: *E. A. Crouse*  
Elizabeth A. Crouse  
General Manager  
Natural Products Marketing Council

**Schedule A**

**Amendment to the *Milk Pricing Regulations*  
made by the Dairy Farmers of Nova Scotia under clauses 14(1)(c)  
and 15(1)(g) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act***

- 1 The *Milk Pricing Regulations*, N.S. Reg. 84/2008, made by the Dairy Farmers of Nova Scotia on September 21, 2007, and approved by the Natural Products Marketing Council on February 12, 2008, are amended by adding the following Section immediately after Section 1:

**Interpretation**

**1A** In these regulations,

- (a) “certified organic” means certified organic as defined in the *Milk Classes and Categories Regulations* made under the *Dairy Industry Act*;

- (b) “DFNS Organic Milk Policy” means a policy established by the Board respecting the production and sale of organic milk.
- 2 (1) Subsection 3(1) of the regulations is amended by adding “and (3)” after “subsection (2)”.
- (2) Section 3 of the regulations is further amended by adding the following subsection immediately after subsection (2):
- (3) Processors in Nova Scotia must pay a premium of an additional 20% of the prices in subsection (1) for milk components of certified organic milk that are processed into dairy products in which all of the milk components are from certified organic milk.
- 3 The regulations are further amended by adding the following subsection immediately after subsection 5(2):
- (3) The Board must calculate an equalized premium, based on the premiums paid under subsection 3(3), on the sale of all organic milk components used in making organic dairy products and allocate these funds equitably among all producers selling certified organic milk in accordance with the DFNS Organic Milk Policy.
- 4 The regulations are further amended by adding the following subsections immediately after subsection 6(2):
- (3) In addition to the equalized bulk haulage rate, the Board must calculate an equalized bulk haulage rate premium for certified organic milk to be charged on all certified organic milk to reflect the extra costs of transporting certified organic milk separately from other milk.
- (4) The equalized bulk haulage rate premium for certified organic milk must be deducted from all payments to producers for certified organic milk.

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**N.S. Reg. 308/2009**

Made: September 24, 2009

Approved: October 14, 2009

Filed: October 20, 2009

Bulk Haulage Regulations

Order dated October 14, 2009

Amendment to regulations made by the Dairy Farmers of Nova Scotia  
and approved by the Natural Products Marketing Council  
pursuant to clause 15(1)(b) of the *Dairy Industry Act*

**Dairy Farmers of Nova Scotia**

The Dairy Farmers of Nova Scotia, pursuant to clause 15(1)(b) of Chapter 24 of the Acts of 2000, the *Dairy Industry Act*, at a meeting held on September 24, 2009, amended the *Bulk Haulage Regulations* in the manner set out in the manner attached to this certificate as Schedule “A”, effective on and after November 1, 2009.



**Dated and Signed** at Truro, Nova Scotia, October 14, 2009.

Sgd.: *Esben Arnfast*  
for Brian Cameron  
General Manager  
Dairy Farmers of Nova Scotia

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**Approved by** the Natural Products Marketing Council at Truro, Nova Scotia, October 14, 2009.

Sgd.: *E. A. Crouse*  
Elizabeth A. Crouse  
General Manager  
Natural Products Marketing Council

### **Schedule “A”**

**Amendments to the *Bulk Haulage Regulations*  
made by the Dairy Farmers of Nova Scotia  
pursuant to clause 15(1)(b) of Chapter 24 of the Acts of 2000,  
the *Dairy Industry Act***

Clause 7(a) of the *Bulk Haulage Regulations* made by the Dairy Farmers of Nova Scotia and approved by the Natural Products Marketing Council on August 13, 2002, is amended by

- (a) striking out “\$2.220” directly opposite “Farmers Co-operative Dairy Limited” and substituting “\$2.250”;
- (b) striking out “\$3.160” directly opposite “Scotsburn Co-operative Services Limited” and substituting “\$3.200”;
- (c) striking out “\$1.530” directly opposite “Fisher Transport Limited” and substituting “\$1.540”;
- (d) striking out “\$2.490” directly opposite “Winterthur Farm - Rudolph Burghardt” and substituting “\$2.520”;
- (e) striking out “1.710” directly opposite “Cook’s Dairy Farm Limited” and substituting “\$1.740”.

**N.S. Reg. 309/2009**

Made: October 20, 2009

Filed: October 21, 2009

## Vehicle Warning Lights Regulations

Order in Council 2009-442 dated October 20, 2009  
Amendment to regulations made by the Governor in Council  
pursuant to Section 180 of the *Motor Vehicle Act*

The Governor in Council on the report and recommendation of the Minister of Transportation and Infrastructure Renewal dated October 1, 2009, and pursuant to Section 180 of Chapter 293 of the Revised Statutes of Nova Scotia, 1989, the *Motor Vehicle Act*, is pleased to amend the *Vehicle Warning Lights Regulations*, N.S. Reg. 20/2007, made by the Governor in Council by Order in Council 2007-29 dated January 12, 2007, to allow vehicles driven by special constables in the course of their employment with the Halifax-Dartmouth Bridge Commission to display red and blue flashing or revolving lights while such vehicles are being operated on property of the Halifax-Dartmouth Bridge Commission, in the manner set forth in Schedule "A" attached to and forming part of the report and recommendation, effective on and after October 20, 2009.

**Schedule "A"**

**Amendment to the *Vehicle Warning Lights Regulations*  
made by the Governor in Council pursuant to Section 180 of Chapter 293  
of the Revised Statutes of Nova Scotia, 1989,  
the *Motor Vehicle Act***

The *Vehicle Warning Lights Regulations*, N.S. Reg. 20/2007, made by the Governor in Council by Order in Council 2007-29 dated January 12, 2007, are amended by adding the following Section immediately after Section 7:

**Lights displayed by vehicle of special constable of Halifax-Dartmouth Bridge Commission**

**7A** In addition to the vehicles permitted to display red, blue and flashing lights under Section 179 of the Act and these regulations, a vehicle driven by a special constable in the course of their employment with the Halifax-Dartmouth Bridge Commission and while on Halifax-Dartmouth Bridge Commission property may be driven or moved with any of the following lights displayed:

- (a) a red light visible from directly in front of the vehicle;
- (b) a blue light visible in any direction;
- (c) flashing or revolving lights.

**N.S. Reg. 310/2009**

Made: October 22, 2009

Filed: October 23, 2009

Prescribed Petroleum Products Prices

Order dated October 22, 2009  
made by the Nova Scotia Utility and Review Board  
pursuant to Section 14 of the *Petroleum Products Pricing Act*

**Order****NSUARB-GAS-W-09-04****In the Matter of the *Petroleum Products Pricing Act*****- and -****In the Matter of Prescribing Prices for Petroleum Products  
pursuant to Sections 16 to 19 of the *Petroleum Products Pricing Regulations***

**Before:** Kulvinder S. Dhillon, P. Eng., Panel Chair  
Murray E. Doehler, CA, P.Eng., Member  
Roberta J. Clarke, Q.C., Member

**Order**

**Whereas** the purpose of the *Petroleum Products Pricing Regulations* is to ensure just and reasonable prices for specified petroleum products taking into consideration the objectives of preserving the availability of such products in rural areas, stabilizing prices of such products and minimizing the variances in prices of such products across the Province;

**And whereas** the Nova Scotia Utility and Review (“Board”) considered the manner in which it would proceed to set petroleum prices in its decision, 2006 NSUARB 108, issued on October 16, 2006;

**And whereas** the average of the average of the daily high and low report product prices (in Canadian cents) for the week ended October 21, 2009, are:

|                             |                 |
|-----------------------------|-----------------|
| Grade 1 Regular gasoline    | 55.6¢ per litre |
| Ultra-low-sulfur diesel oil | 56.6¢ per litre |

**Now therefore** the Board prescribes the benchmark prices for petroleum products to be:

Gasoline:

|                             |                 |
|-----------------------------|-----------------|
| Grade 1                     | 55.6¢ per litre |
| Grade 2                     | 58.6¢ per litre |
| Grade 3                     | 61.6¢ per litre |
| Ultra-low-sulfur diesel oil | 56.5¢ per litre |

**And now therefore** the Board has determined, based on historical data regarding price changes and to achieve revenue neutrality, it is appropriate to apply, and the Board so orders, forward averaging corrections of:

|                              |                |
|------------------------------|----------------|
| Gasoline:                    | 1.6¢ per litre |
| Ultra-low-sulfur diesel oil: | 1.1¢ per litre |

**And now therefore** the Board prescribes the prices for petroleum products as set forth in Schedule “A” effective on and after 12:01 a.m., October 23, 2009.

Dated at Halifax, Nova Scotia, this 22nd day of October, 2009.

Sgd: *Elaine Wagner*  
Clerk of the Board

## Schedule "A"

**Prices Prescribed for Petroleum Products  
under the *Petroleum Products Pricing Act* and the  
*Petroleum Products Pricing Regulations*  
effective on and after 12:01 a.m. on October 23, 2009**

| Nova Scotia Petroleum Price Schedule |                      |                 |           |                         |                                |       |                          |       |
|--------------------------------------|----------------------|-----------------|-----------|-------------------------|--------------------------------|-------|--------------------------|-------|
| Petroleum Prices in Cents/Litre      |                      |                 |           |                         | Self-Service Pump Prices       |       | Full-Service Pump Prices |       |
|                                      |                      |                 |           |                         | (Pump Prices includes 13% HST) |       |                          |       |
|                                      | Base Wholesale Price | Fed. Excise Tax | Prov. Tax | Wholesale Selling Price | Min                            | Max   | Min                      | Max   |
| <b>Zone 1</b>                        |                      |                 |           |                         |                                |       |                          |       |
| Regular Unleaded                     | 63.5                 | 10.0            | 15.5      | 89.0                    | 105.1                          | 106.8 | 105.1                    | 999.9 |
| Mid-Grade Unleaded                   | 66.5                 | 10.0            | 15.5      | 92.0                    | 108.5                          | 110.2 | 108.5                    | 999.9 |
| Premium Unleaded                     | 69.5                 | 10.0            | 15.5      | 95.0                    | 111.9                          | 113.6 | 111.9                    | 999.9 |
| Ultra-Low-Sulphur Diesel             | 63.9                 | 4.0             | 15.4      | 83.3                    | 98.6                           | 100.3 | 98.6                     | 999.9 |
| <b>Zone 2</b>                        |                      |                 |           |                         |                                |       |                          |       |
| Regular Unleaded                     | 63.9                 | 10.0            | 15.5      | 89.4                    | 105.5                          | 107.2 | 105.5                    | 999.9 |
| Mid-Grade Unleaded                   | 66.9                 | 10.0            | 15.5      | 92.4                    | 108.9                          | 110.6 | 108.9                    | 999.9 |
| Premium Unleaded                     | 69.9                 | 10.0            | 15.5      | 95.4                    | 112.3                          | 114.0 | 112.3                    | 999.9 |
| Ultra-Low-Sulphur Diesel             | 64.3                 | 4.0             | 15.4      | 83.7                    | 99.1                           | 100.8 | 99.1                     | 999.9 |
| <b>Zone 3</b>                        |                      |                 |           |                         |                                |       |                          |       |
| Regular Unleaded                     | 64.4                 | 10.0            | 15.5      | 89.9                    | 106.1                          | 107.8 | 106.1                    | 999.9 |
| Mid-Grade Unleaded                   | 67.4                 | 10.0            | 15.5      | 92.9                    | 109.5                          | 111.2 | 109.5                    | 999.9 |
| Premium Unleaded                     | 70.4                 | 10.0            | 15.5      | 95.9                    | 112.9                          | 114.6 | 112.9                    | 999.9 |
| Ultra-Low-Sulphur Diesel             | 64.8                 | 4.0             | 15.4      | 84.2                    | 99.7                           | 101.4 | 99.7                     | 999.9 |
| <b>Zone 4</b>                        |                      |                 |           |                         |                                |       |                          |       |
| Regular Unleaded                     | 64.4                 | 10.0            | 15.5      | 89.9                    | 106.1                          | 107.8 | 106.1                    | 999.9 |
| Mid-Grade Unleaded                   | 67.4                 | 10.0            | 15.5      | 92.9                    | 109.5                          | 111.2 | 109.5                    | 999.9 |
| Premium Unleaded                     | 70.4                 | 10.0            | 15.5      | 95.9                    | 112.9                          | 114.6 | 112.9                    | 999.9 |
| Ultra-Low-Sulphur Diesel             | 64.8                 | 4.0             | 15.4      | 84.2                    | 99.7                           | 101.4 | 99.7                     | 999.9 |
| <b>Zone 5</b>                        |                      |                 |           |                         |                                |       |                          |       |
| Regular Unleaded                     | 64.4                 | 10.0            | 15.5      | 89.9                    | 106.1                          | 107.8 | 106.1                    | 999.9 |
| Mid-Grade Unleaded                   | 67.4                 | 10.0            | 15.5      | 92.9                    | 109.5                          | 111.2 | 109.5                    | 999.9 |
| Premium Unleaded                     | 70.4                 | 10.0            | 15.5      | 95.9                    | 112.9                          | 114.6 | 112.9                    | 999.9 |
| Ultra-Low-Sulphur Diesel             | 64.8                 | 4.0             | 15.4      | 84.2                    | 99.7                           | 101.4 | 99.7                     | 999.9 |
| <b>Zone 6</b>                        |                      |                 |           |                         |                                |       |                          |       |
| Regular Unleaded                     | 65.2                 | 10.0            | 15.5      | 90.7                    | 107.0                          | 108.7 | 107.0                    | 999.9 |
| Mid-Grade Unleaded                   | 68.2                 | 10.0            | 15.5      | 93.7                    | 110.4                          | 112.1 | 110.4                    | 999.9 |
| Premium Unleaded                     | 71.2                 | 10.0            | 15.5      | 96.7                    | 113.8                          | 115.5 | 113.8                    | 999.9 |
| Ultra-Low-Sulphur Diesel             | 65.5                 | 4.0             | 15.4      | 85.0                    | 100.6                          | 102.3 | 100.6                    | 999.9 |

**N.S. Reg. 311/2009**

Made: October 27, 2009

Filed: October 28, 2009

## General Civil Service Regulations

Order in Council 2009-453 dated October 27, 2009

Regulations made by the Public Service Commission and approved by the Governor in Council pursuant to Section 45 of the *Civil Service Act*

The Governor in Council on the report and recommendation of the Minister of the Public Service Commission dated October 2, 2009, and pursuant to Section 45 of Chapter 70 of the Revised Statutes of Nova Scotia, 1989, the *Civil Service Act*, is pleased, effective October 27, 2009, to:

- (a) approve the repeal by the Public Service Commission of the following regulations:
- (i) the regulations respecting general and short-term disability income protection, N.S. Reg. 158/85, approved by the Governor in Council by Order in Council 85-1054 dated September 26, 1985,
  - (ii) the regulations respecting long-term disability income protection, N.S. Reg. 158/85, approved by the Governor in Council by Order in Council 85-1054 dated September 26, 1985,
  - (iii) the regulations respecting group life assurance, N.S. Reg. 24/82, approved by the Governor in Council by Order in Council 82-225 dated February 16, 1982,
  - (iv) the *Early Departure Incentive Program Regulations, 1998-2000*, N.S. Reg. 41/98, approved by the Governor in Council by Order in Council 98-266 dated June 10, 1998,
  - (v) the *Early Departure Incentive Program and Salary Protection Regulations*, N.S. Reg. 161/96, approved by the Governor in Council by Order in Council 96-730 dated October 1, 1996, and
  - (vi) the general civil service regulations, N.S. Reg. 20/81, approved by the Governor in Council by Order in Council 81-268 dated March 3, 1981; and
- (b) approve the making of new regulations by the Public Service Commission in the form set forth in Schedule "A" attached to and forming part of the report and recommendation.

**Schedule "A"**

The Public Service Commission, pursuant to Section 45 of Chapter 70 of the Revised Statutes of Nova Scotia, the *Civil Service Act*, hereby

- (a) repeals the following regulations:
- (i) the regulations respecting general and short-term disability income protection, N.S. Reg. 158/85, approved by the Governor in Council by Order in Council 85-1054 dated September 26, 1985,

- (ii) the regulations respecting long-term disability income protection, N.S. Reg. 158/85, approved by the Governor in Council by Order in Council 85-1054 dated September 26, 1985,
  - (iii) the regulations respecting group life assurance, N.S. Reg. 24/82, approved by the Governor in Council by Order in Council 82-225 dated February 16, 1982,
  - (iv) the *Early Departure Incentive Program Regulations, 1998-2000*, N.S. Reg. 41/98, approved by the Governor in Council by Order in Council 98-266 dated June 10, 1998,
  - (v) the *Early Departure Incentive Program and Salary Protection Regulations*, N.S. Reg. 161/96, approved by the Governor in Council by Order in Council 96-730 dated October 1, 1996, and
  - (vi) the general civil service regulations, N.S. Reg. 20/81, approved by the Governor in Council by Order in Council 81-268 dated March 3, 1981; and
- (b) makes new regulations in the form attached.

Dated at Halifax, Nova Scotia, October 2, 2009.

Sgd.: *Frank Corbett*  
Honourable Frank Corbett  
Minister of the Public Service Commission

**General Regulations Respecting the Civil Service  
made by the Public Service Commission pursuant to  
Section 45 of Chapter 70 of the Revised Statutes of Nova Scotia, 1989,  
the *Civil Service Act***

**Interpretation**

**Citation**

1 These regulations may be cited as the *General Civil Service Regulations*.

**Definitions for these regulations**

2 In these regulations, the following definitions apply:

“Act” means the *Civil Service Act*;

“administrative support employee” means an employee who is paid under the Administrative Support Classification and Pay Plan determined by the Commission in accordance with the Act;

“CFS agency” means an agency that was continued by or established and incorporated under the *Children and Family Services Act* and that has been dissolved;

“anniversary date” means the date in each year on which the Commission may grant a pay increment to an employee;

“appoint” means appoint to the Civil Service;

“appointment date” means the date on which an employee first reports for work;

“benefit plan” means an employee benefit plan listed in Section 12;

“bi-weekly pay rate” means an employee’s straight time rate for a 2-week pay period;

“classification” means the classification of a position in the Civil Service set by the Commission in accordance with Section 29 of the Act;

“Crown attorney” means an employee who is paid under the Crown Attorney Pay Plan determined by the Commission in accordance with the Act;

“department” means a department, office or public service entity established by the Government of Nova Scotia, as identified in Schedule A;

“Deputy Head”, in relation to an employee, means the Deputy Head of the department in which the employee works;

“double time” means 2 times an employee’s straight time rate;

“EI benefits” means employment insurance benefits payable under the *Employment Insurance Act* (Canada);

“employer” means Her Majesty in the right of the Province of Nova Scotia as represented by the Public Service Commission;

“fiscal year” means April 1 to March 31 of the next year, both dates inclusive;

“general illness leave” means leave described in Section 83 used for a time when an employee is unable to perform their duties because of illness or injury for a shorter time period than the period set for short-term illness leave;

“holiday” means a day designated as a paid holiday under subsection 79(1);

“job-sharing arrangement” means an arrangement between consenting full-time employees to share the duties and responsibilities of a single position;

“leave”, when used as a noun, means a permitted absence from work;

“liability management employee” means an employee who is paid under the Liability Management and Treasury Services Classification and Pay Plan determined by the Commission in accordance with the Act;

“management employee” means an employee who is paid under the Management Compensation Plan, including the Management Compensation Plan–Legal Services, as determined by the Commission in accordance with the Act;

“medical employee” means an employee who is paid under the Medical Services Classification and Pay Plan determined by the Commission in accordance with the Act;

“municipal correctional facility” means a correctional facility in respect of which a municipality employed persons, as described in Section 6 of the *Corrections Act*, and listed in Schedule B;

“overtime” means time in excess of an employee’s regular hours of work during which the employee performs authorized work;

“part-time employee” means an employee who is appointed on a part-time basis in accordance with Section 6;

“pay increment” means an annual pay-rate increase granted to an employee for meritorious service either

- (i) under Section 51, for administrative support employees, crown attorney employees and solicitors, or
- (ii) under Section 58, for management employees, liability management employees and medical employees;

“pensionable service” means an employee’s service as computed under Section 13 of the *Public Service Superannuation Act* for determining an allowance under that Act;

“permanent employee” means an employee who is appointed on a permanent basis in accordance with Section 4;

“position” means an employment position in the Civil Service, unless these regulations specify otherwise;

“probationary employee” means an employee who is in a probationary period in accordance with Section 5;

“public prosecution management employee” means an employee who is paid under the Public Prosecution Service Pay Plan determined by the Commission in accordance with the Act;

“rest day” means a day on which an employee is not scheduled to work;

“SEB Plan” mean the Supplementary Employment Benefit Plan established to supplement the income of an employee who is collecting EI benefits while on pregnancy leave, parental leave or adoption leave;

“service” means accumulated months of employment calculated in accordance with Section 18, unless the regulations specify otherwise;

“service-related benefit” means a benefit that is granted to an employee on the basis of the employee’s service;

“short-term illness leave” means leave described in Section 85 used for a time when an employee is unable to perform their duties because of illness or injury for a period that is longer than the period set for general illness leave and shorter than the period set for long-term disability;

“sick leave” means general illness leave and short-term illness leave, except when used in the term “sick leave credits” in Section 85;



“spouse” means a person who is married to another person or a non-married person who lives together with another person in a marriage-like relationship and has done so for at least 1 year;

“straight time rate” means the regular rate of monetary compensation an employee is entitled to based on their classification;

“temporary assignment” means temporary assignment to another position under Section 8;

“temporary assignment with reclassification” means a temporary assignment for which the employee receives a reclassification under clause 8(2)(b);

“term employee” means an employee who is appointed on a term basis in accordance with Section 3;

“time and one-half” means 1.5 times an employee’s straight time rate;

“weekly pay rate” means an employee’s straight time rate for a 1-week period of a 2-week pay period;

“Workers’ Compensation Board” means the Workers’ Compensation Board of Nova Scotia continued under the *Workers’ Compensation Act*;

“work week” means the period during a calendar week that an employee is regularly scheduled to work;

“working day” means a day that an employee is regularly scheduled to work.

### **Employee Appointments**

#### **Term appointment**

- 3** (1) The Commission may appoint a person on a term basis for up to a maximum of 5 years.
- (2) On the recommendation of the Deputy Head, the Commission may change a term employee’s appointment to a permanent appointment.

#### **Permanent appointment**

- 4** (1) On the recommendation of the Deputy Head, the Commission may appoint a person on a permanent basis.
- (2) On the recommendation of the Deputy Head, and with the consent of the employee, the Commission may change a permanent employee’s appointment to a term appointment.

#### **Probationary period**

- 5** (1) A permanent appointment made under Section 4 by the Commission may be subject to a probationary period of up to a maximum of 12 months.
- (2) Before an employee’s probationary period expires, the Commission may, on the recommendation of the Deputy Head, extend the employee’s probationary period for up to a maximum of 6 months.

#### **Part-time appointment**

- 6** (1) The Commission may appoint a term employee or permanent employee as a part-time employee.

- (2) A part-time employee must work at least 40% of the full-time hours applicable to their position.
- (3) The period of appointments under Sections 3, 4, and 6 for a part-time employee must be calculated in calendar months or years and not in hours worked.

**Transfer between departments**

- 7 (1) The Commission may transfer an employee to a different department with the consent of the Deputy Heads.
- (2) On the recommendation of the Deputy Head, the Commission may change the appointment of a permanent employee transferred to the department to a probationary appointment.

**Temporary assignment**

- 8 (1) A deputy head may authorize a temporary assignment for an employee in any of the following circumstances:
- (a) the employee is performing the principal duties of an existing position due to a vacancy or temporary absence and the position is classified in a classification with a higher maximum pay rate;
  - (b) the employee remains in their existing position and is assigned additional duties, whether or not the duties are evaluated at a classification with a higher maximum pay rate;
  - (c) the employee is assigned new duties, whether or not the duties are evaluated at a classification with a higher maximum pay rate.
- (2) A Deputy Head may authorize an employee who is temporarily assigned under subsection (1) to receive any of the following during the temporary assignment:
- (a) acting pay in accordance with Sections 28 to 33;
  - (b) temporary reclassification to the classification with the higher maximum pay rate in accordance with the policies established by the Commission;
  - (c) their current salary.
- (3) Except as provided in subsection (4), a temporary assignment with reclassification must not be for longer than 18 months.
- (4) On the recommendation of the Deputy Head, the Commission may extend a temporary assignment with reclassification.

**Reappointment of permanent employee**

- 9 A permanent employee whose employment is terminated for any reason may be reappointed to their former position on a permanent basis, if they are reappointed to their former position no later than 1 year after the date their employment was terminated.

**Commission may reclassify, promote, demote or transfer**

- 10 (1) On the recommendation of the Deputy Head, the Commission may do any of the following to change an employee's position:
- (a) reclassify the employee's position;

- (b) promote the employee to a position in a different classification;
  - (c) demote the employee to a position in a different classification;
  - (d) reassign the employee to another position.
- (2) The effective date of a change made under subsection (1) must be determined by the Commission in consultation with the Deputy Head.

**Leave to participate in selection process**

- 11 (1) The Deputy Head must grant leave with pay to an employee who participates in a selection process to seek to obtain another position for the time that the employee is required to be present for the selection process, and for any additional time needed for travel that the Deputy Head considers reasonable.
- (2) An employee who is granted leave under this Section must not be reimbursed for travel expenses related to the leave.

**Benefit Plans****Mandatory participation in benefit plans**

- 12 Except as provided in Sections 13 and 14 and any applicable legislation, an employee must participate in all of the following benefit plans as a condition of employment:
- (a) the Consolidated Health and Dental Plan;
  - (b) the Basic Group Life Insurance Plan;
  - (c) the Nova Scotia Public Service Long Term Disability Plan;
  - (d) the Public Service Superannuation Plan.

**Part-time employee's participation in benefit plans**

- 13 (1) A part-time employee's entitlement to benefits under the Basic Group Life Insurance Plan is prorated on the basis of hours worked.
- (2) A part-time employee's pensionable service and pensionable earnings are determined in accordance with the *Part-Time Employees Regulations* made under the *Public Service Superannuation Act*.

**Employee may opt out of Consolidated Health and Dental Plan**

- 14 An employee who is required to participate in the Consolidated Health and Dental Plan may opt out of participation in the Plan if they provide proof of alternate coverage acceptable to the Commission.

**Deduction of employee contributions and premiums**

- 15 (1) An employee's portion of contributions and premiums under a benefit plan must be deducted from the employee's salary.
- (2) Contributions and premiums payable by an employee during a temporary assignment must be calculated based on the salary the employee is receiving during the temporary assignment.

**Payment of contributions and premiums while on leave without pay**

- 16 (1) Except as provided in a particular benefit plan or a specific provision of these regulations, an employee must continue to pay the employee portion of benefit plan contributions or premiums during any leave without pay in a timely manner acceptable to the Commission.
- (2) The employer may recover any outstanding benefit plan contributions or premiums owed by an employee who leaves the civil service from other money the employee is entitled to when they leave.

**Employees must notify of change in marital status**

- 17 An employee must immediately notify the Deputy Head of any change in their marital status.

**Employee Service****Calculating employee's service**

- 18 Subject to Section 19, an employee's service is calculated as the total of all of the following:
- (a) the employee's total months of full-time employment in the Civil Service;
  - (b) the employee's total months of full-time employment in a non-Civil Service position in a department or a municipal correctional facility listed in Schedule B, if the non-Civil Service employment is consecutive with their full-time Civil Service employment;
  - (c) the employee's total months of employment in a CFS agency, if
    - (i) the employee was employed with the CFS agency at the time of its dissolution, and
    - (ii) the employee's employment with the CFS agency is consecutive with their Civil Service employment;
  - (d) the employee's total service in part-time employment, as calculated under Section 59.

**Service credit if more than 10 days' salary received in month**

- 19 (1) Except as otherwise provided in these regulations, and subject to subsection (2), 1 month of service must be credited to a full-time employee who receives salary for more than 10 days during a calendar month.
- (2) Subsection (1) applies only to service earned on or after January 1, 1990.

**Pay and Hours of Work****Application of Sections 21 and 22**

- 20 Sections 21 and 22 do not apply to Crown attorneys.

**Pay rate on appointment**

- 21 (1) Except as provided in subsection (2), the pay rate for a person on appointment is the minimum pay rate prescribed for the classification they are appointed to.
- (2) A person's pay rate on appointment may be higher than the minimum pay rate prescribed for the classification they are appointed to if, in the Commission's opinion,
- (a) a higher rate is necessary to appoint a qualified person to the position; or

- (b) the person to be appointed to the position has qualifications that exceed the minimum requirements for the position.

**Pay rate on promotion**

- 22 (1)** Except as provided in subsection (3), an administrative support employee's pay rate on promotion to a position in a classification with a higher maximum pay rate is:
- (a) the minimum pay rate for the new classification; or
  - (b) if the minimum pay rate for the new classification is lower than the pay rate received by the employee immediately before the promotion, the lowest pay rate for the new classification that is higher than the pay rate received by the employee immediately before the promotion.
- (2)** Except as provided in subsection (3), an employee's pay rate on promotion to a position classified in the Management Compensation Plan, Liability Management and Treasury Services Classification and Pay Plan or Medical Services Classification and Pay Plan is as determined under the Commission's policies, and must not be lower than the minimum pay rate for the new classification.
- (3)** An employee's pay rate on promotion may be higher than the pay rates prescribed in subsection (1) and (2) if, in the Commission's opinion,
- (a) a higher rate is necessary to promote a qualified person to the position; or
  - (b) the person to be promoted to the position has qualifications that exceed the minimum requirements for the position.

**Salary adjustment determined in consultation with Deputy Head**

- 23** The salary adjustment for a new pay rate resulting from a change in employment described in Sections 24 to 27 must be determined by the Commission in consultation with the Deputy Head.

**Pay rate on temporary assignment with reclassification**

- 24 (1)** The salary of an employee who is temporarily assigned with reclassification under Section 8, must be adjusted by increasing their pay rate in accordance with Section 22.
- (2)** When an employee returns to their original position after a temporary assignment with reclassification, their pay rate is re-established as the pay rate they were receiving immediately before the temporary assignment, plus any applicable pay adjustments they would be entitled to had they not been temporarily assigned.

**Pay rate on reclassification to classification with higher maximum pay rate**

- 25** Except as provided in Section 26, the pay rate of an employee whose position is reclassified to a classification with a higher maximum pay rate than their previous classification must be adjusted by increasing their pay rate in accordance with Section 22.

**Pay rate on reclassification to classification with higher maximum pay rate for administrative support employees**

- 26 (1)** The pay rate of an administrative support employee whose position is reclassified to a classification with a higher maximum pay rate than that of their previous classification 3 months or less before the date they would have been eligible for a pay increment under their previous classification must be adjusted, effective on the reclassification date,
- (a) by implementing their pay increment, if the employee is recommended for a pay increment and a pay increment is available in their new classification's pay range; and

- (b) by increasing their pay rate in accordance with Section 22.
- (2) When adjusting an employee's salary under subsection (1), any pay increment must be implemented before the pay rate is increased.

**Pay rate on demotion**

- 27 (1) Except as provided in subsection (2), an employee's pay rate on demotion to a position in a classification with a lower maximum pay rate is
- (a) the maximum pay rate for the new classification; or
  - (b) if the maximum pay rate for the new classification is higher than the rate received by the employee immediately before the demotion, the highest pay rate for the new classification that is lower than or equal to the rate received by the employee immediately before the demotion.
- (2) When an employee is demoted, the Commission may, for any time that it considers appropriate, maintain the employee at the classification and pay rate received by the employee immediately before the demotion or may freeze the salary of the employee at the pay rate received by the employee immediately before the demotion, in any of the following circumstances:
- (a) the employee's new classification has a maximum pay rate that is lower than the pay rate received by the employee at the time of the demotion;
  - (b) the employee's new position is reclassified to a classification that has a maximum pay rate that is lower than the pay rate received by the employee immediately before the reclassification.

**Acting pay**

- 28 An employee who is temporarily assigned the principal duties of an existing position in a classification with a higher maximum pay rate to fill a vacancy or a temporary absence in accordance with clause 8(1)(a) is eligible for acting pay in accordance with Sections 30 to 33.

**When acting pay is not payable**

- 29 (1) Despite Section 28, acting pay is not payable to any of the following employees:
- (a) an employee who performs the principal duties of a position in a classification with a higher maximum pay rate if the employee's job description includes periodic substitution in that position;
  - (b) an employee who performs the duties of a position that is in a classification series in which progression from one classification level to the next higher level in the series is subject to time in the position and satisfactory performance.

**Acting pay for administrative support employees**

- 30 (1) An administrative support employee who is temporarily assigned under clause 8(1)(a) to perform the principal duties of a position in a classification with a higher maximum pay rate for 3 or more consecutive working days is eligible to receive acting pay.
- (2) Acting pay for an administrative support employee must not be at a pay rate that is
- (a) greater than 10% higher than the employee's existing pay rate; or
  - (b) higher than the maximum pay rate for the position they are temporarily assigned to.

**Acting pay for management employees, Crown attorneys, and public prosecution management employees**

- 31 (1) A management employee, Crown attorney or public prosecution management employee who is temporarily assigned to perform the principle duties of a position in a classification with a higher maximum pay rate for 11 or more consecutive working days is eligible to receive acting pay.
- (2) Acting pay for a management employee, Crown attorney, or public prosecution management employee must not be at a pay rate that is
- (a) greater than 10% higher than the employee's existing pay rate; or
  - (b) higher than the maximum rate for the position they are temporarily assigned to.

**Acting pay for liability management employees and medical employees**

- 32 (1) A liability management employee or medical employee who is temporarily assigned to perform the principal duties of a position in a classification with a higher maximum pay rate for 11 or more consecutive working days is eligible to receive acting pay.
- (2) Acting pay for a liability management employee or medical employee must be at a pay rate that is in accordance with policies established by the Commission, but must not be higher than the maximum pay rate for the position they are temporarily assigned to.

**Acting pay for entire acting pay period**

- 33 An employee who receives acting pay must receive the acting pay for the entire period they performed the acting duties.

**No limitation on assignment of duties**

- 34 Nothing in these regulations requires the Deputy Head to appoint an employee to an acting position or limits the right of the Deputy Head to assign duties of an absent employee to remaining employees without additional compensation.

**Benefits and contributions during acting pay period**

- 35 Except as provided in paragraphs 2(j)(ii)(A) and (B) of the *Public Service Superannuation Act*, an employee's benefit plan contributions, premiums and benefits during an acting pay period are based on the employee's straight time rate.

**Shift and weekend premiums**

- 36 (1) An employee must receive a shift premium of \$1.50 per hour for all hours worked, including overtime hours worked, on complete shifts in which 50% or more of the hours are regularly scheduled between 6:00 p.m. and 6:00 a.m.
- (2) An employee must receive a weekend premium of \$1.00 per hour for all hours worked, including overtime hours worked, on complete shifts in which 50% or more of the hours are regularly scheduled between 12:01 a.m. on Saturday and 7:00 a.m. on Monday.
- (3) An employee cannot claim both a shift premium and weekend premium for the same hours worked.

**Standby time**

- 37 (1) In this Section, the following definitions apply:
- (a) "standby" means, in relation to an employee, not scheduled to work but required to be available to work if necessary;



- (b) “standby pay” means pay for standby time;
  - (c) “standby time” means time when an employee is on standby.
- (2) An employee who is required by the Deputy Head to be on standby must receive the following standby pay for any standby time of 8 consecutive hours or less:
- (a) \$16.21, on a day that is not a holiday;
  - (b) \$32.40, on a holiday.
- (3) An employee designated to be on standby must be available during standby time at a telephone number or pager number known to their immediate supervisor, and must be able to report for work as quickly as possible if called.
- (4) An employee must not be paid for standby time until the Deputy Head certifies that the standby time was necessary.
- (5) An employee who does not report for work when called during standby time must not be paid for any portion of the standby time.
- (6) Subject to subsection (7), in addition to pay for standby time, an employee on standby who is called in to and reports to work must be paid for a minimum of 4 hours at the higher of the following rates:
- (a) the straight time rate for the employee’s position;
  - (b) the applicable overtime rate.
- (7) The minimum of 4 hours’ pay in subsection (6) applies only once during each 8 consecutive hours of standby time.
- (8) An employee who is called in to work during standby time must be reimbursed for transportation to and from the place of work at rates established in the *Kilometrage Rates, Monthly Allowances and Transportation Allowances Regulations* made under the Act.

#### **On call pay for Crown attorneys**

- 38 (1) Standby time provisions set out in Section 37 do not apply to Crown attorneys and public prosecution management employees.
- (2) A Crown attorney who is required to be available to receive calls and provide advice must be paid on-call pay in accordance with rates established by the Commission in accordance with the Act.

#### **Reimbursement for travel between midnight and 6 a.m.**

- 39 An employee who is required to travel to or from work between midnight and 6 a.m. must be reimbursed for transportation between their home and the place of work at rates established in the *Kilometrage Rates, Monthly Car Allowances and Transportation Allowances Regulations* made under the Act.

#### **Hours of work**

- 40 (1) Subject to statutory requirements and these regulations, and except as provided in subsection (2), a full-time employee must work a minimum of 35 hours a week to a maximum of 40 hours a week, exclusive of meal breaks.



- (2) On the Deputy Head's recommendation, the Commission may require a full-time employee to work hours other than those prescribed in subsection (1) or may vary the employee's hours of work if the Commission considers that the employee's position requires it.

**Rest periods per day**

- 41 An employee must be allowed 2 rest periods each day, and the total time of the 2 rest periods must not be longer than 30 minutes.

**Leave with pay for employee with longer work week**

- 42 (1) Except as provided in subsection (3), an employee whose regularly scheduled work week is longer than 35 hours is entitled to the following leave with pay in each year, in addition to their regular vacation leave:
- (a) for an employee whose work week is 37.5 hours per week, 3 additional days of leave with pay;
  - (b) for an employee whose work week is 40 hours per week, 5 additional days of leave with pay.
- (2) Additional leave with pay under subsection (1) must be granted in accordance with the vacation leave provisions in Sections 75 to 78.
- (3) This Section does not apply to an employee whose hours of work are longer than 35 hours a week as a result of working a modified work week schedule, as defined in clause 43(1)(b).

**Flexible and Modified Working Hours****Flexible working hours schedule or modified work week**

- 43 (1) In this Section, the following definitions apply:
- (a) "flexible working hours schedule" means a work schedule in which an employee works at least 35 hours per week, but the number of hours an employee works each day varies;
  - (b) "modified work week schedule" means a schedule of consecutive work periods, each consisting of an averaging period, in which an employee works more than 35 hours per week, and a subsequent week in which the employee is granted a day of leave.
- (2) The Deputy may authorize a flexible working hours schedule or a modified work week schedule for a work unit if the Deputy Head is satisfied of all of the following:
- (a) that a sufficient number of employees in the work unit wish to adopt the flexible working hours schedule or modified work week schedule;
  - (b) that operational requirements permit the flexible working hours schedule or modified work week schedule.
- (3) In a modified work week schedule, the averaging period must not be longer than 3 calendar weeks, and the working day must not be longer than 10 hours.
- (4) The Deputy Head may cancel a flexible working hours schedule or a modified work week schedule if the schedule is operationally impractical for any reason, including any of the following:
- (a) the public is not given satisfactory service under the schedule;

- (b) the schedule results in increased costs to the department.
- (5) The Deputy Head must notify all affected employees of a cancellation of a flexible working hours schedule or a modified work week schedule at least 60 calendar days before the effective date of the cancellation.
- (6) Except as otherwise provided in these regulations, time periods used to calculate any of the following for an employee working under a modified work week schedule must be converted to hours on the basis of 1 day's benefit being equivalent to 1/10 of the regular bi-weekly hours for the employee's classification:
- (a) service;
  - (b) vacation leave;
  - (c) vacation leave carry-over;
  - (d) holidays;
  - (e) bereavement leave;
  - (f) family illness leave;
  - (g) leave for a medical or dental appointment;
  - (h) sick leave;
  - (i) rest periods.

### Overtime

#### Employee eligibility for overtime compensation

- 44 (1) Except as provided in subsections (2) and (3), the following employees are not eligible for compensation for overtime work:
- (a) Crown attorneys;
  - (b) liability management employees;
  - (c) management employees;
  - (d) medical employees;
  - (e) public prosecution management employees.
- (2) If the Deputy Head requires an employee who is not otherwise entitled to compensation for overtime work to work beyond their regular working hours to meet operational requirements, the Deputy Head may, as operational requirements permit, grant the employee time off.
- (3) The Commission may, on the Deputy Head's request, approve overtime pay for positions not otherwise eligible, and the overtime pay must be calculated in a manner approved by the Commission.

**Conditions for overtime work compensation**

- 45 (1)** An employee who is eligible for compensation for overtime work under Section 44 must be compensated for overtime work if the Deputy Head certifies, on a form prescribed by the Commission, that the overtime work meets 1 of the following criteria:
- (a) it was necessary and unforeseen;
  - (b) it was foreseen, but beyond the control of the department and unable to be conveniently or effectively performed during regular work hours by other measures, including the employment of additional staff.
- (2)** An employee must work at least 20 minutes beyond their regular scheduled work hours to be eligible for overtime compensation.

**Types of compensation for overtime work**

- 46 (1)** An employee's compensation for overtime work must be in the form of 1 of the following:
- (a) overtime pay;
  - (b) at the employee's request and with the approval of the Deputy Head, time off with pay in lieu of overtime hours.
- (2)** If time off with pay in lieu of overtime hours is not granted to and taken by an employee before the end of the 2nd calendar month immediately following the month in which the overtime was worked, the employee must be compensated for the overtime work by overtime pay.
- (3)** If operational requirements permit, the Deputy Head may authorize an extension of the time limit in subsection (2).

**Calculation of overtime compensation**

- 47 (1)** In this Section, an employee's 2nd or subsequent rest day is the 2nd or a subsequent day in the employee's scheduled consecutive rest days.
- (2)** Overtime work must be compensated for at the following rates:
- (a) time and one-half, for each hour of overtime an employee works, other than hours worked on their 2nd or subsequent rest day.
  - (b) double time, for each hour of overtime an employee works on their 2nd or subsequent rest day, or on a holiday in accordance with subsection 82(1).
- (3)** In calculating overtime compensation, 30 minutes or less is counted as 1/2 an hour, and more than 30 minutes but less than 60 minutes is counted as 1 hour.

**Employee entitled to meal breaks during overtime**

- 48 (1)** If an employee is required to work 3 or more consecutive overtime hours immediately following their scheduled hours of work and it is not practical for the employee to take their usual mealtime before beginning overtime work, the employee must be granted reasonable time with pay, as determined by the Deputy Head, to take a meal break at or adjacent to their place of work at the following times:
- (a) after 7 hours of overtime worked;

- (b) after every 6 hours of overtime worked, after the first 7 hours in clause (a).
- (2) An employee who is called back to work to work overtime under subsection 37(6) must be granted a meal break at the following times:
  - (a) after the first 4 hours of overtime worked;
  - (b) after every 6 hours of overtime worked, after the first 4 hours in clause (a).
- (3) Except when a free meal is provided by the employer, an employee must be reimbursed up to \$10.00 for the cost of a meal taken during a meal break described in subsection (1) or (2).

**Overtime work allocation and records**

- 49** (1) Subject to operational requirements, the Deputy Head must make every reasonable effort to do all of the following:
- (a) allocate overtime work on a fair and equitable basis among readily available and qualified employees;
  - (b) give employees who are required to work overtime adequate advance notice of the overtime required.
- (2) Each department must keep the following records for each employee in the department who works overtime:
- (a) the name of the employee;
  - (b) all the dates overtime was worked;
  - (c) the amount of overtime worked;
  - (d) whether compensation was provided in the form of overtime pay or time off in lieu of overtime pay, and the amount of compensation provided.

**Pay Increments for Administrative Support Employees, Crown Attorneys and Management Employees Paid under the Management Compensation Plan—Legal Services****Sections 50 to 56 apply only to certain employees**

**50** Sections 50 to 56 apply only to the following employees:

- (a) administrative support employees;
- (b) Crown attorneys;
- (c) management employees who are paid under the Management Compensation Plan—Legal Services.

**Commission may grant pay increment**

- 51** (1) On the recommendation of the Deputy Head, the Commission may grant an annual pay increment for meritorious service to an employee.
- (2) A pay increment under this Section must be determined in accordance with policies established by the Commission.

- (3) Despite any other provision of these regulations, a pay increment is not payable to an employee under this Section if the pay increment would result in the employee's pay rate being higher than the maximum pay rate available in their position's current classification.

**Pay increment dates**

- 52** (1) An employee is eligible for their 1st pay increment after 12 months of service from their appointment date.
- (2) An employee whose anniversary date changes in accordance with Section 55 is not eligible for their next pay increment until after 12 months of service from the date of the change.
  - (3) The pay rate that results from a pay increment granted to an employee is effective on the employee's anniversary date.

**Pay increment may be withheld**

- 53** (1) A pay increment may be withheld from an employee because of unsatisfactory work performance.
- (2) The Deputy Head must give an employee whose pay increment is withheld the reason for withholding it in writing.
  - (3) A pay increment that has been withheld may be granted on the 1st day of any month after the anniversary date on which it was withheld.

**Determining anniversary date for pay increment**

- 54** (1) Except as provided in Section 55, an employee's anniversary date is the anniversary of the following applicable day:
- (a) if the employee's appointment date is during the first 5 days of a calendar month, the 1st day of that month;
  - (b) if the employee's appointment date is later than the 5th day of a calendar month, the 1st day of the next month;
- (2) The appointment date in subsection (1) for an employee who was employed in the public service on a full-time basis other than as a civil servant in the same or a similar position with the same department before their appointment, if there is no break between the public service employment and the Civil Service appointment, is the date the employee began employment in the public service.

**When anniversary date changes**

- 55** (1) On a reclassification of an employee's position, the employee's anniversary date changes to the following applicable date:
- (a) if the reclassification takes effect during the first 5 days of a calendar month, the 1st day of that month;
  - (b) if the reclassification takes effect later than the 5th day of a calendar month, the 1st day of the next month.
- (2) On the date of an employee's promotion or demotion to a position in a different classification, the employee's anniversary date changes to the 1st day of the month in which the promotion or demotion takes effect.

- (3) On an employee's temporary assignment with reclassification for 1 year or more to a position in a classification with a higher maximum pay rate than the employee's present classification, the employee's anniversary date changes to the 1st day of the month in which the temporary assignment with reclassification takes effect.
- (4) On an employee's return to their original position after a temporary assignment with reclassification, the employee's anniversary date is re-established as the anniversary date that was in effect immediately before the temporary assignment with reclassification.
- (5) Except as otherwise provided in these regulations, on an employee's return from a leave without pay, the employee's anniversary date is moved later by an amount of time equal to the amount of time spent on the leave without pay, and if the resulting anniversary date does not fall on the 1st day of a month, it changes to the 1st day of the following month.

**When anniversary date remains unchanged**

**56** An employee's anniversary date remains unchanged in any of the following circumstances:

- (a) the employee's pay rate changes as a result of a negotiated increase or a periodic pay review;
- (b) the employee is temporarily assigned with reclassification for less than 1 year to a position in a classification with a higher maximum pay rate than the employee's present classification;
- (c) the employee is working under a job-sharing arrangement.

**Pay Increments for Liability Management Employees,  
Medical Employees and Management Employees not paid under the Management Compensation  
Plan—Legal Services**

**Section 58 applies only to certain employees**

**57** Section 58 applies only to the following employees:

- (a) liability management employees;
- (b) medical employees;
- (c) management employees, other than management employees paid under the Management Compensation Plan—Legal Services;

**Commission may grant pay increment to management, liability management or medical employee**

- 58** (1) On the recommendation of the Deputy Head, the Commission may, on April 1 of each year, grant a pay increment for meritorious service to an employee.
- (2) Subject to subsection (3), a pay increment under this Section must be determined in accordance with policies established by the Commission.
  - (3) Despite any other provision of these regulations, a pay increment is not payable to an employee if the pay increment would result in the employee's pay rate being higher than the maximum rate available in their position's current classification.

## Part-time Employees

### Calculating service for part-time employees

- 59** (1) A part-time employee's service is prorated in accordance with the percentage of hours required for full-time employment in the position that the employee worked in the position part-time.
- (2) A person's total accumulated months of unbroken part-time service in a non-Civil Service position in a department is deemed to be part-time service under these regulations if the person became eligible for appointment to the Civil Service on or after January 1, 1988, after having been employed in the non-Civil Service part-time position.

### Part-time employees' benefit entitlement calculation

- 60** For the purpose of determining entitlement to vacation leave and a public service award, a part-time employee's period of employment is calculated in calendar months.

### Part-time employees' general illness and short-term illness leave prorated

- 61** A part-time employee's general illness leave entitlement under Section 83 and short-term illness entitlement under Section 85 is prorated in accordance with the percentage of hours required for full-time employment in the position that the employee worked in the position part-time.

### Overtime pay for part-time employees

- 62** (1) A part-time employee who does not work shift work and who is eligible to be compensated for overtime under Section 44, must receive overtime compensation for hours of work in excess of the following:
- (a) the number of full-time weekly hours for their position, if salary for their position is paid weekly;
  - (b) the number of full-time bi-weekly hours for their position, if salary for their position is paid bi-weekly.
- (2) A part-time employee who is scheduled for a shift of 7 or more hours must receive overtime compensation for each hour the employee works in excess of the number of hours in the scheduled shift.
- (3) A part-time employee who works shift work and who is scheduled to work for less than a full shift must receive overtime compensation for each hour the employee works in excess of the number of hours in the full shift.
- (4) A part-time employee who is scheduled to work for fewer days in a week than the number of days that would be required of a full-time employee in the same or an equivalent position in the same work unit must be compensated for the hours worked at the following rates:
- (a) the straight time rate, for days of work up to the number of days that would be required of the full-time employee;
  - (b) overtime compensation, for days of work in excess of the number of days that would be required of the full-time employee.

## Job-sharing Arrangements

### Commission may authorize job-sharing arrangement

- 63** (1) The Commission may authorize a job-sharing arrangement.

- (2) A job-sharing arrangement may be authorized only if all of the following conditions are met:
  - (a) operational requirements permit the arrangement;
  - (b) the arrangement is not likely to adversely affect services provided by the work unit.

**Requirements for job-sharing arrangement**

- 64** (1) The position to be shared in a job-sharing arrangement must be a full-time position.
- (2) No more than 2 employees may share a single position under a job-sharing arrangement.
  - (3) Both of the employees requesting a job-sharing arrangement must already be permanent full-time employees, and 1 of them must be in the position to be shared.
  - (4) Except as provided in subsection (5), both of the employees requesting a job-sharing arrangement must share the same position classification and title, and be suitably qualified and capable of carrying out the full-time duties and responsibilities of the position to be shared.
  - (5) The Commission may consider job-sharing arrangements between employees with different position classifications or titles on a case-by-case basis.

**Request for job-sharing arrangement**

- 65** (1) An employee who wishes to job-share their position is responsible for finding an employee who meets the requirements in Section 64 who is willing to enter into a job-sharing arrangement.
- (2) Employees requesting approval of a job-sharing arrangement must submit an application to the immediate supervisor of the position to be job-shared, in a form prescribed by the Commission.

**Job-sharing period**

- 66** (1) Except as provided in subsection (6), a job-sharing arrangement must be for an initial period of at least 1 year and not longer than 2 years.
- (2) Except as provided in subsection (6), employees who wish to extend their job-sharing arrangement for a further period must notify the Commission of their intent at least 60 calendar days before the date the arrangement ends.
  - (3) There is no limit on the number of times a job-sharing arrangement may be extended.
  - (4) An extension of a job-sharing arrangement must be acceptable to both of the employees in the position and to their supervisor.
  - (5) On the expiry of a job-sharing arrangement, the employees sharing the position resume the positions they held before beginning the job-sharing arrangement.
  - (6) Proposed job-sharing arrangements that do not comply with the time limits in subsection (1) and (2) may be considered by the Commission on a case-by-case basis.

**Hours of work and service credit under job-sharing arrangement**

- 67** (1) An employee in a job-sharing arrangement must work half of the hours scheduled for the position averaged over a maximum of 2 complete bi-weekly pay periods or, if the Commission approves, averaged over a longer period.



- (2) An employee in a job-sharing arrangement must be credited with half of a month's service for each calendar month of the job-sharing period.
- (3) An employee in an job-sharing arrangement's anniversary date for the purposes of a pay increment and service date for the purpose of vacation entitlement is the same as if the employee were working on a full-time basis.
- (4) The rate of compensation for overtime worked by an employee in a job-sharing arrangement is calculated the same as for part-time employees under Section 62.

#### **Leave prorated under job-sharing arrangement**

**68** Leave for an employee in a job-sharing arrangement is prorated as follows:

- (a) holidays are provided at half the entitlement provided for in Section 79;
- (b) general illness leave is provided at half of the entitlement provided for under Section 83, to a maximum of the equivalent of 9 days at the full-time hours for the position;
- (c) short-term illness leave is provided at half of the entitlement provided for under Section 85, to a maximum of the equivalent of 50 days at the full-time hours for the position;
- (d) paid leaves other than those described in clauses (a) to (c) are provided at half of the entitlement provided for in these regulations.

#### **Participating in benefit plans under job-sharing arrangement**

- 69** (1) During a job-sharing period, employer and employee contributions to the Nova Scotia Public Service Long Term Disability Plan are based on the regular salary that was in effect for the employee before the job-sharing arrangement began, and coverage under the plan is based on the regular salary the employee receives during the job-sharing period.
- (2) During a job-sharing period, employer and employee contributions to the Basic Group Life Insurance Plan and coverage under the plan are based on half of the regular full-time salary for the position.

#### **Application of *Public Service Superannuation Act* under job-sharing arrangement**

- 70** (1) An employee in a job-sharing arrangement continues to be covered by the *Public Service Superannuation Act*.
- (2) During a job-sharing period, an employee's pensionable service is earned in accordance with service accumulated under subsection 67(2), and their pensionable earnings are based on the gross salary received for the period.

#### **Terminating job-sharing arrangement**

- 71** (1) If an employee leaves a job-shared position, the job-sharing arrangement terminates and, except as provided in subsection (2), the remaining employee in the job-shared position resumes the position they held before the job-sharing arrangement began.
- (2) The Commission may approve an arrangement that is acceptable to both the remaining employee and the Commission as an alternative to that set out in subsection (1).
- (3) An employee in a job-sharing arrangement or the Commission may terminate the arrangement by notifying the other parties in writing at least 60 calendar days before the date they intend to terminate the arrangement.

## Vacation Leave

### Vacation leave entitlement

- 72 (1)** Except as provided in subsections (2), (3) and (4), an employee is entitled to receive vacation leave with pay at the following applicable rates:
- (a) during the first 72 months of service, at the rate of 1 1/4 days for each month of service;
  - (b) after 72 months of service, at the rate of 1 2/3 days for each month of service;
  - (c) after 192 months of service, at the rate of 2 1/12 days for each month of service; and
  - (d) after 288 months of service, at the rate of 2 1/2 days for each month of service.
- (2)** A medical employee is entitled to receive vacation leave with pay
- (a) during the first 192 months of service, at the rate of 1 2/3 days for each month of service;
  - (b) after 192 months of service, at the rate of 2 1/12 days for each month of service; and
  - (c) after 288 months of service, at the rate of 2 1/2 days for each month of service.
- (3)** Subject to subsection (4), an employee who transferred to the Civil Service from a CFS agency is entitled to vacation leave with pay in the amount the employee was entitled to immediately before their transfer to the Civil Service, if all of the following apply:
- (a) the employee is entitled to more vacation leave under this subsection than under subsection (1);
  - (b) the employee was employed with the CFS agency when it was dissolved;
  - (c) the employee's non-Civil Service employment is consecutive with their Civil Service employment.
- (4)** An employee's vacation leave entitlement under subsection (3) must not be increased until their vacation leave entitlement under subsection (3) is the same as the leave they would be entitled to under subsection (1).
- (5)** Prior years of service with the Government of Canada that have been confirmed by the Government of Canada must be included in the calculation of years of service under subsection (1) for an employee who transferred to the Civil Service under the terms of the Employee Transfer Agreement signed November 25, 2008, under the Canada-Nova Scotia Labour Market Agreement signed on June 13, 2008.
- (6)** Except as provided in Sections 74 and 75, vacation leave entitlement must be used during the fiscal year in which it is earned.

### Vacation leave approval

- 73 (1)** As soon as possible in each fiscal year and before March 31 or such later date as is acceptable to the Deputy Head, an employee must notify the Deputy Head in writing of when they would prefer to take their vacation leave for the following fiscal year.
- (2)** All requests for vacation leave must be approved by the Deputy Head.

- (3) If operational requirements permit, the Deputy Head must make every reasonable effort to ensure that an employee's preferred vacation leave as stated in their written notice is granted, including any request to take their vacation leave in a single unbroken period of leave.
- (4) If the Deputy Head is unable to accommodate an employee's preferred vacation leave, the Deputy Head must do all of the following:
  - (a) give reasons for why the leave was not approved;
  - (b) make every reasonable effort to grant any alternate vacation leave the employee requests.
- (5) If the Deputy Head has to restrict the number of employees on vacation leave at any one time because of operational requirements in a work unit, priority must be given to employees in the work unit with the greatest length of service.

#### **Carry-over of vacation leave entitlement**

- 74** (1) With the Deputy Head's consent, an employee may carry over all of the following vacation leave entitlement as specified:
- (a) up to a maximum of 5 days of vacation leave entitlement, which must be taken in the next fiscal year or the entitlement lapses;
  - (b) up to a maximum of 5 days of vacation leave entitlement each year, to a maximum accumulation of 20 days
- (2) A request for carry-over of vacation leave entitlement must be made in writing by the employee to the Deputy Head no later than 1 of the following dates:
- (a) January 31 of the fiscal year in which the vacation is earned;
  - (b) a later date, if acceptable to the Deputy Head.
- (3) Despite the maximums stated in subsection (1), an employee who is unable to take the vacation leave they are entitled to during a fiscal year because of illness or injury may carry over their unused vacation leave entitlement to the subsequent fiscal year.
- (4) An employee who transferred to the Civil Service under the terms of the Employee Transfer Agreement signed November 25, 2008 under the Canada-Nova Scotia Labour Market Agreement signed on June 13, 2008, may carry over any earned but unused portion of their 2009-2010 vacation leave entitlement to a maximum of 3 month's entitlement, but the carried over vacation leave entitlement must be used before any vacation leave entitlement earned after their transfer.

#### **Vacation leave entitlement from subsequent year for use in current year**

- 75** The Deputy Head may grant an employee who has 5 years service or longer a maximum of 5 days of vacation leave entitlement from vacation leave entitlement to be earned in the next fiscal year for use in the current fiscal year.

#### **Recall from vacation leave**

- 76** (1) The Deputy Head must make every reasonable effort not to recall an employee to work while the employee is on vacation leave.
- (2) An employee who is recalled to work while they are on vacation leave must be reimbursed for reasonable expenses incurred

- (a) in travelling to their place of work; and
  - (b) in returning to the place they were recalled from, if the employee immediately resumes their vacation leave upon completing the assignment for which they were recalled.
- (3) Vacation leave displaced when an employee is recalled to work under this Section, including transportation time, must be
- (a) added to the vacation leave the employee is currently taking, if requested by the employee and approved by the Deputy Head; or
  - (b) reinstated for use at a later date.

#### **Illness during vacation leave**

77 An employee who becomes ill during a vacation leave and who meets the conditions for short-term illness leave under these regulations must be granted short-term illness leave and their vacation entitlement restored to the extent of the sick leave.

#### **Vacation leave entitlement compensation upon leaving Civil Service**

- 78 (1) On leaving the Civil Service, an employee must be compensated for any vacation leave entitlement the employee still has.
- (2) Except as provided in subsection (3), on leaving the Civil Service, an employee must compensate the Province for any vacation leave that was taken that the employee had not earned.
- (3) An employee who dies who was granted more vacation leave than they earned is deemed to have earned the amount of vacation leave granted to them.

### **Holidays**

#### **Designated holidays**

- 79 (1) The following days are designated as paid holidays for employees:
- (a) New Year's Day;
  - (b) Good Friday;
  - (c) Easter Monday;
  - (d) Victoria Day;
  - (e) Canada Day;
  - (f) Labour Day;
  - (g) Thanksgiving Day;
  - (h) Remembrance Day;
  - (i) Christmas Day;
  - (j) Boxing Day;

- (k) half of a day for the day of Christmas Eve;
  - (l) 1 additional day in each year that is
    - (i) a date recognized to be a civic holiday, if the Commission considers that there is a date recognized as a civic holiday in the area in which the employee is employed, or
    - (ii) the first Monday in August, if the Commission considers that there is no date recognized as a civic holiday in the area in which the employee is employed;
  - (m) a day proclaimed as a general holiday by the Government of Nova Scotia;
  - (n) any day or part of a day declared by the Commission to be a holiday for employees in the whole or any part of the Province.
- (2) Except as provided in subsection (3), the period covered by a holiday is the 24-hour period beginning at 12:01 a.m. of the holiday.
- (3) The period covered by a holiday for an employee who works shift work is the 24-hour period beginning at the time their shift begins if both of the following conditions apply:
- (a) the employee's shift does not begin and end in the same day;
  - (b) more than half of the shift falls on a holiday.

**When holiday falls on rest day, or during leave or absence**

- 80 (1) If a holiday coincides with an employee's rest day, the Deputy Head must grant the employee a day of leave with pay or in the case of Christmas Eve a half-day leave with pay for the holiday on 1 of the following dates:
- (a) the employee's 1st working day immediately following the rest day;
  - (b) a day that is acceptable to the Deputy Head and the employee.
- (2) If a holiday occurs during an employee's leave with pay, the holiday does not count as a day of leave with pay.
- (3) An employee who does not work on a holiday does not receive pay for the holiday if they are absent without pay on the working day immediately before the holiday and on the working day immediately after the holiday.

**Types of compensation for work on holiday**

- 81 (1) An employee who is regularly scheduled to work and whose regularly scheduled day of work falls on a holiday must be compensated at 2.5 times the employee's straight time rate for the hours worked on the holiday to be granted as follows:
- (a) pay at 1.5 times the employee's straight time rate for the hours worked on the holiday, which includes pay for the holiday; and
  - (b) time off in lieu of the holiday to be taken before the end of the calendar month immediately following the month in which the holiday falls, at a time that is acceptable to both the Deputy Head and the employee.

- (2) If time off in lieu of pay is not granted in accordance with clause (1)(b), the employee must be paid their straight time rate for the holiday.

#### **Compensation for overtime work on a holiday**

- 82** (1) An employee who is required to work overtime on a holiday must be compensated for the overtime worked on the holiday at a rate of 3 times the employee's straight time rate for the hours worked on the holiday, to be granted as follows:
- (a) pay at 2 times the employee's straight time rate for the hours worked on the holiday which includes pay for the holiday; and
  - (b) time off in lieu of the holiday to be taken before the end of the calendar month immediately following the month in which the holiday falls, at a time that is acceptable to both the Deputy Head and the employee.
- (2) If time off in lieu of pay is not granted in accordance with clause (1)(b), the employee must be paid their straight time rate for the holiday.
  - (3) An employee who is not entitled to pay for overtime work who is required by the Deputy Head or an authorized person to work on a holiday may, with the approval of the Deputy Head, be granted a day off with pay in lieu of the holiday.

#### **Health-Related Leave**

##### **General illness leave entitlement**

- 83** (1) The Deputy Head may authorize general illness leave with pay to an employee who is
- (a) unable to perform their duties because of illness or injury; and
  - (b) absent from work because of illness or injury for not longer than 3 consecutive working days.
- (2) An employee is entitled to up to a maximum of 18 days of general illness leave per fiscal year.
  - (3) The amount of general illness leave an employee who is appointed after April 1 is entitled to must be prorated in accordance with the service the employee accumulates between the date of their appointment and the end of the fiscal year.
  - (4) An employee's general illness leave entitlement is reinstated on April 1 of each fiscal year, regardless of the amount of general illness leave the employee used in the previous fiscal year.

##### **Medical and dental care leave**

- 84** (1) As part of an employee's general illness leave entitlement, an employee is entitled to paid leave to engage in personal preventive medical and dental care to a maximum of 4 days per fiscal year.
- (2) Medical or dental care leave taken by an employee must be counted as general illness leave.

##### **Short-term illness leave entitlement**

- 85** (1) The Deputy Head may authorize short-term illness leave to an employee who is
- (a) unable to perform their duties because of illness or injury; and
  - (b) absent from work because of the illness or injury for longer than 3 consecutive working days.

- (2) An employee is entitled to short-term illness leave at full or part pay per incident of short-term illness in accordance with the following:
  - (a) for employees with less than 1 year of service,
    - (i) 100% of the employee's regular salary for the first 20 working days they are absent, and
    - (ii) 75% of their regular salary for the next 80 working days they are absent;
  - (b) for employees with 1 or more years of service,
    - (i) 100% of the employee's regular salary for the first 40 working days they are absent, and
    - (ii) 75% of the employee's regular salary for the next 60 working days they are absent.
- (3) Prior years of service with the Government of Canada that have been confirmed by the Government of Canada must be included in the calculation of years of service under subsection (2) for an employee who transferred to the Civil Service under the terms of the Employee Transfer Agreement signed November 25, 2008, under the Canada-Nova Scotia Labour Market Agreement signed on June 13, 2008.
- (4) Sick leave credits accumulated under Section 60 of the general regulations respecting the Civil Service, N.S. Reg. 20/81, made by Order in Council 81-268 dated March 3, 1981, may be used to top up short-term illness pay to 100% on the basis of a half-day of sick leave credits for each day topped up.
- (5) Sick leave credits accumulated by part-time employees before April 1, 2007, may be used to top up short-term illness pay to 100% on the basis of a half-day of sick leave credits for each day topped up.
- (6) If an incident of short-term illness continues from one year of employment to the following year of employment, the short-term illness leave must be granted in accordance with the provisions of subsection (1) that apply during the year in which the short-term illness began.
- (7) For the purpose of calculating benefits and contributions under benefit plans, an employee on short-term illness leave is deemed to be on 100% salary, or another percentage in accordance with federal or Provincial statutes.

**Time off for ongoing series of treatments or therapy**

- 86** (1) Time off taken by an employee for treatments or therapy sessions in a scheduled ongoing series of treatments or therapy may be credited as short-term illness leave.
- (2) In subsection (1), "ongoing series of treatments or therapy" means 2 or more treatments or therapy sessions with the time between successive sessions being not longer than 30 days.

**Subsequent sick leave after short-term illness leave**

- 87** (1) Sick leave taken by an employee who becomes unable to work because of an illness or injury during the first 30 consecutive working days following their return to work after a short-term illness leave must be credited as follows:
- (a) if the leave is for the same illness or injury that caused the previous absence, the employee is deemed to still be on the original short-term illness leave;



- (b) if the leave is for an illness or injury unrelated to the illness or injury that caused the previous absence, the employee is deemed to be on a new leave and is entitled to any remaining general illness leave benefits under Section 83 and, if it becomes necessary, short-term illness leave benefits under Section 85.
- (2) Sick leave taken by an employee who becomes unable to work because of an illness or injury after working 30 consecutive working days following their return to work after a short-term illness leave must be credited as follows:
- (a) if the leave is for the same injury or illness that caused the previous absence, the employee is deemed to be on a new short-term illness leave and is entitled to short-term illness leave benefits in accordance with Section 85;
  - (b) if the return to work after the injury or illness was for a trial period under subsection (3), the employee is deemed to still be on the original short-term illness leave.
- (3) A trial period for an employee returning to work after a short-term illness leave must be as determined by the Deputy Head, but must not be for longer than 3 months.

**Long-term disability benefit coverage**

**88** An employee's eligibility for long-term disability benefits must be determined in accordance with the Nova Scotia Public Service Long Term Disability Plan.

**Benefit coverage while on lay-off status**

- 89** (1) Except as provided in subsection (2), an employee who is on lay-off status is not entitled to leave or benefits for an illness or disability including any reoccurrence of an illness or disability that begins after the effective date of the lay-off.
- (2) An employee on short-term illness leave who is laid off continues to be eligible for both short-term illness and long-term disability benefits until the termination of the illness or disability entitlement.
- (3) Section 145 respecting lay-offs applies to an employee who recovers from an illness or injury and becomes capable of returning to work after having been on lay-off status.
- (4) An employee who was on lay-off status and who is recalled and returns to work after a short-term illness or long-term disability is eligible for all service-related benefits, and participation in benefit plans is reinstated, including the employee's eligibility for any benefits payable under the Nova Scotia Public Service Long Term Disability Plan.

**Ineligibility for general illness and short-term illness leave pay**

**90** An employee must not receive general illness leave pay or short-term illness leave pay in any of the following circumstances:

- (a) the employee is receiving holiday pay;
- (b) the employee is on suspension without pay;
- (c) the employee is on leave without pay, except as provided in subsection 89(2).

**Proof of illness**

- 91** (1) The Deputy Head may require an employee to produce proof of their illness in the form of a certificate from a legally qualified medical practitioner for any absence for which the employee claims sick leave.



- (2) An employee claiming sick leave for an absence from work who does not produce a proof of illness certificate when required must not be paid for their time during the absence.
- (3) If the Deputy Head believes that an employee is misusing their sick leave entitlement, the Deputy Head may issue a standing directive to the employee requiring the employee to produce a proof of illness certificate for any absence the employee claims sick leave for.
- (4) The Deputy Head may require that an employee be examined by another medical practitioner in addition to the legally qualified medical practitioner who signed a proof of illness for an employee.

**Deputy Head may grant special leave**

**92** In any one fiscal year, the Deputy Head may grant special leave with pay, special leave with partial pay or special leave without pay to an employee for any period and under any terms that the Deputy Head determines circumstances warrant.

**Reduction in sick leave or special leave pay**

**93** If an employee is on paid sick leave or paid special leave and is receiving pay from the Workers' Compensation Board because of a claim that arises from the same incapacity for which the sick leave or special leave was granted, the employee's sick leave or special leave pay must be reduced by the amount paid by the Workers' Compensation Board.

**Deemed status during special or sick leave**

**94** Subject to the terms under which the leave was granted, an employee who is on special leave or sick leave is deemed to be continuously employed during their leave.

**Injury while working**

- 95** (1) An employee who is injured while working must immediately report the injury, or cause it to be reported, to their immediate supervisor in the manner specified by the employer or on the form provided by the employer.
- (2) The employer must maintain a record of employees who are injured on duty.

**Leave and pay for employees injured while working**

- 96** (1) If the Workers' Compensation Board determines that an employee is unable to perform their duties because of an injury the employee received while working, the Deputy Head must grant the employee injury on duty leave, and must pay the employee an amount equal to the employee's net average pre-disability salary for the period specified by the Workers' Compensation Board.
- (2) An employee who is injured while working and is receiving pay from the Workers Compensation Board must disclose to the employer any benefits under the *Canada Pension Plan* (Canada) and its regulations or other ~~publically~~ [publicly] funded third-party payments received by the employee that relate to employment and disability.
- (3) Any amount received by an employee under subsection (2) that is intended as a partial earnings loss replacement must be deducted from the amount to be paid by the Deputy Head under subsection (1).
- (4) Pay for injury on duty leave must not result in an employee's post-injury loss replacement earnings exceeding the employee's net average pre-disability salary.
- (5) If a person suffers a recurrence of a disability that is because of an injury they sustained while working as an employee,

- (a) for a person who is still an employee, the employer must accept liability for the recurrence in accordance with these regulations;
  - (b) for a person who has ceased to be an employee, the person receives benefits in accordance with the *Workers' Compensation Act*.
- (6) To determine whether a disability is a recurrence under subsection (5), the employer may require that an employee or former employee be examined by a medical practitioner of the employer's choice.

### Notices for Pregnancy, Parental and Adoptive Leaves

#### Notice of pregnancy, parental or adoptive leave

- 97 (1) An employee must notify the Deputy Head in writing of the following at least 4 weeks before the employee begins their pregnancy leave and/or parental leave and/or adoptive leave:
- (a) the date on which the employee intends to begin their leave;
  - (b) the date on which the employee intends to return to work after their leave, or of their intention to take the maximum leave to which they are entitled.
- (2) An employee who wishes to begin or end their leave on a date other than as stated in their leave notice under [subsection] (1) must amend the notice to change the date in accordance with the following deadlines:
- (a) to change any date in the notice to an earlier date, the notice must be amended at least 4 weeks before the earlier date;
  - (b) to change any date in the notice to a later date, the notice must be amended at least 4 weeks before the original date;
  - (c) to add the date on which they intend to return to work, the notice must be amended at least 4 weeks before the date the employee would have been required to return to work.
- (3) If the notice under [subsection] (1) is for pregnancy leave and if it is not possible for an employee to amend the notice in accordance with the deadlines in subsection (2), the employee must give the Deputy Head as much notice as reasonably practicable of the following dates:
- (a) the date on which the employee intends to begin her pregnancy leave, if she is advised by a legally qualified medical practitioner to begin the pregnancy leave earlier than planned because of medical circumstances resulting from her pregnancy;
  - (b) the actual delivery date, if the delivery occurs earlier than expected.

#### Certificate establishing adoption leave entitlement to accompany notice

- 98 A notice of adoptive leave must be accompanied by a certificate of an official in the Department of Community Services to establish the employee's entitlement to the adoption leave.

## Pregnancy Leave

### Entitlement to pregnancy leave and notice of pregnancy

- 99** (1) An employee who is pregnant is entitled to pregnancy leave without pay to a maximum of 17 weeks.
- (2) An employee must submit a notice of pregnancy in writing to the Deputy Head no later than the beginning of the 5th month of her pregnancy.
- (3) Before approving pregnancy leave, the Deputy Head may request that an employee provide a certificate from a legally qualified medical practitioner stating that the employee is pregnant and specifying the expected date of delivery.

### Date pregnancy leave begins

- 100** (1) Except as provided in subsection (2), an employee's pregnancy leave begins on a date determined by the employee, but must not begin earlier than 16 weeks before the expected date of delivery or later than the date of delivery.
- (2) The Deputy Head may require an employee to begin pregnancy leave without pay at anytime during her pregnancy in any of the following circumstances:
- (a) the duties of the employee's position cannot reasonably be performed by a pregnant woman;
- (b) the performance of the employee's work is materially affected by the pregnancy.

### SEB Plan allowance for employee on pregnancy leave

- 101** (1) An employee who is entitled to pregnancy leave who provides the Deputy Head with proof that she has applied for and is eligible to receive EI benefits must be paid the following 7-week allowance during her leave, in accordance with the SEB Plan:
- (a) during the 2-week waiting period imposed by the Government of Canada before the employee begins receiving EI benefits, payment in an amount equal to 75% of her weekly pay rate for each week of the waiting period, less any other income received by the employee during the waiting period;
- (b) for up to 5 weeks after the 2-week waiting period in clause (a), payment in an amount equal to the difference between the weekly EI benefits the employee is eligible to receive and 93% of her weekly pay rate, less any other income received by the employee during the additional weeks that would result in a decrease in the employee's EI benefits.
- (2) In calculating a pregnancy leave allowance, an employee's weekly pay rate is
- (a) for a full-time employee, based on 1 week of the bi-weekly pay rate that the employee is entitled to on the day immediately before her pregnancy leave begins;
- (b) for a part-time employee, the weekly pay rate determined under clause (a), multiplied by the fraction obtained from dividing the employee's number of hours worked, as calculated for the purposes of accumulating service and averaged over the 26 weeks immediately before her pregnancy leave begins, by the number of regularly scheduled full-time hours of work for the employee's classification.
- (3) If an employee becomes eligible for a pay increment or pay increase while she is receiving a pregnancy leave allowance, payments to the employee under the SEB Plan must be adjusted accordingly.

- (4) If an employee who is on pregnancy leave's annual income exceeds 1.5 times the maximum yearly insurable earnings under the *Employment Insurance Act* (Canada), the employer must not reimburse her for any amount she is required to remit to the Government of Canada.
- (5) Nothing in this Section prohibits an employee who is entitled to a pregnancy leave allowance under this Section from also being eligible for parental leave allowance under Section 106.

### Parental Leave

#### Parental leave entitlement

**102** An employee who has become a parent of 1 or more children through the birth of a child or children is entitled to parental leave without pay to a maximum of 52 weeks.

#### Medical certificate establishing parental leave entitlement

**103** The employer may require an employee who takes parental leave to submit a certificate of a legally qualified medical practitioner to establish the employee's entitlement to the parental leave.

#### Dates parental leave begins and ends

- 104 (1)** For an employee who has taken pregnancy, parental leave begins and ends as follows:
- (a) parental leave begins immediately after the date the employee's pregnancy leave ends and the employee is not required to return to work between leaves;
  - (b) parental leave ends on a date determined by the employee, but must end no later than 35 weeks after the parental leave began.
- (2)** For an employee who has not taken pregnancy leave, parental leave begins and ends as follows:
- (a) parental leave begins on the date their child or children are born, or on a later date determined by the employee;
  - (b) parental leave ends on a date determined by the employee, but must end no later than 52 weeks after the child or children arrive in the employee's home .

#### Deferral of parental leave while child in hospital

- 105 (1)** If the child of an employee who is on parental leave for that child is hospitalized or is likely to be hospitalized for longer than 1 week, the employee is entitled to return to work and defer the unused portion of their parental leave until the child is discharged from the hospital.
- (2)** Before returning to work, an employee must give the Deputy Head at least 2 weeks' notice of the date their parental leave is to resume after a deferral of the leave under subsection (1).
- (3)** An employee is entitled to only 1 interruption and deferral under this Section during a parental leave.

#### SEB Plan allowance for employee on parental leave

- 106 (1)** An employee who is entitled to parental leave and who provides the Deputy Head with proof that the employee has applied for and is eligible to receive EI benefits must be paid the following allowance during their leave in accordance with the SEB Plan:
- (a) during the 2-week waiting period imposed by the Government of Canada before receiving EI benefits, payment in an amount equal to 75% of their weekly pay rate for each week of the waiting period, less any other income received by the employee during the waiting period;

- (b) for up to 10 weeks after the 2-week waiting period in clause (a), payment in an amount equal to the difference between the weekly EI benefits the employee is eligible to receive and 93% of their weekly pay rate, less any other income received by the employee during the additional weeks that would result in a decrease in the employee's EI benefits.
- (2) In calculating a parental leave allowance, an employee's weekly pay rate is
- (a) for a full-time employee, based on 1 week of the bi-weekly pay rate that the employee is entitled to on the day immediately before their parental leave begins;
  - (b) for a part-time employee, the weekly pay rate determined under clause (a), multiplied by the fraction obtained from dividing the employee's number of hours worked, as calculated for the purposes of accumulating service and averaged over the 26 weeks immediately before their parental leave begins, by the number of regularly scheduled full-time hours of work for the employee's classification.
- (3) If an employee becomes eligible for a pay increment or pay increase while they are receiving a parental leave allowance, payments to the employee under the SEB Plan must be adjusted accordingly.
- (4) If an employee who is on parental leave's annual income exceeds 1.5 times the maximum yearly insurable earnings under the *Employment Insurance Act* (Canada), the employer must not reimburse the employee for any amount they are required to remit to the Government of Canada.

### Adoption Leave

#### Adoption leave entitlement

107 An employee who has become a parent of 1 or more children through an adoption under the laws of the Province is entitled to adoption leave without pay up to a maximum of 52 weeks.

#### Dates adoption leave begins and ends

- 108 (1) An employee's adoption leave begins and ends as follows:
- (a) except as provided in subsection (2), adoption leave begins on the date the adopted child or children first arrive in the employee's home;
  - (b) adoption leave ends on a date determined by the employee, but must end no later than 52 weeks after the adoption leave began.
- (2) For an international adoption, an employee's adoption leave may begin when the employee arrives in the child's native country to complete the adoption.

#### SEB Plan allowance for employee on adoption leave

109 Section 106 respecting a SEB Plan allowance for an employee who is entitled to parental leave applies with the necessary changes in detail to an employee who is entitled to adoption leave.

### Benefit Coverage, Service Accumulation, Leave for Illness and Return to Work during Pregnancy, Parental and Adoptive Leave

#### Benefit plan coverage continues during pregnancy, parental and adoptive leave

110 An employee's benefit plan coverage during their pregnancy, parental or adoptive leave continues in accordance with Sections 12 to 17 on the same basis as existed immediately before the leave began.

**Accumulation of service during pregnancy, parental and adoptive leave**

- 111 (1)** Subject to subsection (2), an employee continues to accumulate service during the employee's pregnancy, parental or adoptive leave, and the service is deemed to be continuous.
- (2)** Service accumulated during pregnancy, parental or adoptive leave must not be included when calculating vacation leave entitlement.
- (3)** When calculating vacation leave entitlement for an employee who has taken pregnancy, parental or adoptive leave, 1 month of service must be credited to an employee who does not receive salary for a total of 17 days or more during the first and last calendar months of the leave.

**Leave for illness associated with pregnancy**

- 112** Leave because of illness that arises out of or is associated with an employee's pregnancy and that occurs before the start or after the end of the employee's pregnancy leave must be granted to the employee in accordance with the provisions in these regulations for general illness leave or short-term illness leave.

**Return to work after pregnancy, parental and adoptive leave**

- 113** An employee who returns to work after pregnancy, parental or adoptive leave resumes work in the position they held before beginning the leave, with no loss of benefits accrued to the beginning of the leave.

**Leave with Pay for Birth or Adoption****Birth leave entitlement**

- 114** An employee whose spouse gives birth must be granted one day leave with pay, which may be divided into 2 periods and granted on separate days.

**Leave for adopting entitlement**

- 115 (1)** An employee is entitled to 1 day leave with pay for the purpose of adopting under the laws of the Province.
- (2)** Leave for adoption may be divided into 2 periods and granted on separate days.
- (3)** If both of the persons who are adopting a child are employees, they may share the leave for adopting, but the total leave granted must not be longer than 1 day.

**Emergency Leave and Family Illness Leave****Emergency leave entitlement**

- 116** An employee is entitled to emergency leave with pay to a maximum of 2 days per year for a critical condition that meets all of the following criteria:
- (a)** it results from an emergency;
- (b)** it requires the employee's personal attention;
- (c)** it cannot be attended to by the employee while they are not working or by another person.

**Family illness leave entitlement**

- 117 (1)** In this Section, "family member" in relation to an employee means any relative of the employee who permanently resides with the employee and any of the following, whether or not they live with the employee:
- (a)** the employee's spouse;

- (b) the employee's son;
  - (c) the employee's daughter;
  - (d) the employee's parent;
  - (e) the employee's brother;
  - (f) the employee's sister;
  - (g) the employee's aunt;
  - (h) the employee's uncle.
- (2) An employee is entitled to family illness leave with pay up to a maximum of 5 days per fiscal year if a family member is ill and requires the assistance of the employee.
- (3) The Deputy Head may require an employee to provide proof that they are entitled to family illness leave.

### Compassionate Leave and Bereavement Leave

#### Deputy Head may grant compassionate leave

- 118 (1) In this Section and Section 119, "family member" means family member as defined in clause 60E(1)(b) of the *Labour Standards Code*.
- (2) An employee is entitled to a compassionate leave without pay to a maximum of 8 weeks to allow the employee to provide care or support to a family member.
- (3) An employee seeking a compassionate leave must give the Deputy Head a certificate from a legally qualified medical practitioner stating that their family member has a serious medical condition with a significant risk of death in the next 26 weeks.

#### Compassionate leave period

- 119 (1) An employee's compassionate leave must begin on 1 of the following:
- (a) the 1st day of the calendar week in which the medical certificate required by subsection 118(3) is issued;
  - (b) the 1st day of the calendar week in which the employee begins their absence from work to provide care or support to a family member.
- (2) An employee's compassionate leave ends on the last day of the calendar week in which the earlier of the following events occurs:
- [(a)] (i) the family member dies;
  - [(b)] (ii) 26 weeks has passed since the 1st day of the leave period.

#### Benefit plan coverage continues during compassionate leave

- 120 An employee's benefit plan coverage during their compassionate leave continues in accordance with Sections 12 to 17 on the same basis as existed immediately before the compassionate leave began.



**Return to work after compassionate leave**

**121** An employee who returns to work after compassionate leave resumes work in the position they held before beginning the compassionate leave, with no loss of benefits accrued to the beginning of the compassionate leave.

**Bereavement leave**

**122 (1)** An employee is entitled to a bereavement leave with pay up to a maximum of 5 consecutive working days when any of the following members of the employee's family dies:

- (a) the employee's father;
- (b) the employee's mother;
- (c) the employee's step-parent;
- (d) the employee's brother;
- (e) the employee's half-brother;
- (f) the employee's step-brother;
- (g) the employee's sister;
- (h) the employee's half-sister;
- (i) the employee's step-sister;
- (j) the employee's spouse;
- (k) the employee's child;
- (l) the employee's father-in-law;
- (m) the employee's mother-in-law;
- (n) the employee's daughter-in-law;
- (o) the employee's son-in-law;
- (p) the employee's stepchild;
- (q) the employee's ward;
- (r) the employee's grandparent;
- (s) the employee's grandchild;
- (t) any relative of the employee who permanently resides with the employee.

**(2)** An employee is entitled to a bereavement leave with pay up to a maximum of 1 day when any of the following relatives of the employee dies:

- (a) the employee's brother-in-law;



- (b) the employee's sister-in-law;
  - (c) the employee's aunt;
  - (d) the employee's uncle;
  - (e) the employee's niece;
  - (f) the employee's nephew;
  - (g) a foster parent of the employee;
  - (h) a grandparent of the employee's spouse;
- (3) An employee taking bereavement leave under subsection (2) who has to travel because of the death may be granted leave with pay up to a maximum of 2 days for days when the employee has to travel, if the days are not regularly scheduled days of rest.
- (4) An employee's entitlement to bereavement leave expires after 7 calendar days, beginning midnight on the day immediately following the death.
- (5) To claim leave as bereavement leave, an employee must notify the Deputy Head before taking the leave.
- (6) Time that an employee is on vacation leave or sick leave must not be deducted from their bereavement leave entitlement.

### **Court Leave and Military Leave**

#### **Court leave entitlement**

- 123 (1)** An employee, other than an employee who is on leave without pay or under suspension, is entitled to court leave with pay when the employee is required to do any of the following:
- (a) serve on a jury;
  - (b) by subpoena or summons, attend as a witness in any proceeding held
    - (i) in or under the authority of a court,
    - (ii) before an arbitrator, umpire, person or body of persons authorized by law to make an inquiry and to compel the attendance of witnesses before it, or
    - (iii) before any committee of the legislative assembly.
- (2) Time spent by an employee to attend as a witness in accordance with clause (1)(b) is deemed to be time worked if all of the following apply:
- (a) the employee attends as a witness on a day other than a working day;
  - (b) the employee attends as a witness in relation to the employee's duties as an employee;
  - (c) the employee notifies the Deputy Head of the required attendance.

**Military leave**

- 124 (1)** If operational requirements permit, the Deputy Head may grant military leave with pay to a maximum of 2 weeks for an employee to take military training or serve military duty.
- (2) Except as provided under subsection (3), the salary of an employee who is granted military leave must be reduced by an amount equal to the amount paid by the Department of National Defense to the employee as salary during the period of training or duty.
- (3) An employee who uses vacation leave to take military training or serve military duty must receive full salary from the Province during the period of training or duty.

**Prepaid Leave Plan****Employee may apply to participate in prepaid leave plan**

- 125 (1)** A full-time permanent employee may apply to participate in a prepaid leave plan to take prepaid leave of 6 months or longer up to a maximum of 1 year that is financed through a deferral of their salary.
- (2) An application for approval to participate in a prepaid leave plan must be made in writing to the Deputy Head at least 4 calendar months before the plan's starting date.
- (3) The Deputy Head must notify an applicant in writing of whether their application is approved and of the reasons for a rejection.
- (4) The Deputy Head must not unreasonably withhold approval of participation in a prepaid leave plan.

**Written agreement for prepaid leave plan**

- 126** Before enrolling in a prepaid leave plan, an employee who has been approved to participate in a prepaid leave plan must enter into a written agreement with the Deputy Head setting out the terms of the employee's participation in the plan.

**Salary and benefits during deferral period**

- 127 (1)** The salary of an employee who is participating in a prepaid leave plan is deferred during the period specified in their agreement, in accordance with all of the following:
- (a) the period for deferring a salary must not be longer than 6 years;
- (b) the employee's salary must be reduced by a percentage specified in the agreement, to a maximum of 33 1/3 % in any 1 year;
- (c) the employer must retain the deferred percentage of the employee's salary, plus accrued interest earned during the deferral period, for payment to the employee during their prepaid leave;
- (d) the interest to be paid on the deferred salary must be calculated monthly at an interest rate that is the average of all of the following paid by the financial institution where the deferred salary account is maintained and in effect on the last day of each month:
- (i) the interest rate for a 1-year term deposit,
- (ii) the interest rate for a 3-year term deposit,
- (iii) the interest rate for a 5-year term deposit;

- (e) interest must be calculated on the average daily balance of the employee's account and must be credited to the account on the 1st day of the next month;
- (2) On request, the employer must give a yearly statement of the amount of deferred salary available under a prepaid leave plan, including interest earned, to an employee whose salary is being deferred.
- (3) While an employee's salary is being deferred under a prepaid leave plan, the employee's benefit plan participation continues on the same basis as if the employee had not enrolled in the prepaid leave plan.

**Deferred salary payments subject to withholding**

**128** Payments out of deferred salary made to an employee during prepaid leave constitute salary and are subject to withholding for income taxes and for premiums payable when the salary is paid

- (a) for employment insurance under the *Employment Insurance Act* (Canada) and its regulations; and
- (b) under the *Canada Pension Plan* (Canada) and its regulations.

**Service and service-related benefits during prepaid leave period**

**129 (1)** Service and pensionable service continue to accumulate on the same basis while an employee is on prepaid leave.

- (2) Service accumulated by an employee on prepaid leave must not be credited for vacation leave or short-term illness leave entitlement.
- (3) An employee on prepaid leave is not entitled to sick leave or vacation leave.

**Benefit plan coverage continues during prepaid leave period**

**130 (1)** Subject to subsection (2), while an employee's salary is being deferred and while the employee is on prepaid leave, the employee's benefit plan participation continues on the same basis as if the employee had not enrolled in the prepaid leave plan.

- (2) An employee who is on prepaid leave is responsible for both the employer's and employee's premiums under all benefit plans, other than the Public Service Superannuation Plan, and deductions from the employee's salary must be made to pay for the premiums.
- (3) An employee's participation in the Public Service Superannuation Plan, continues as if the employee had not enrolled in the prepaid leave plan.

**Return to work after prepaid leave**

**131 (1)** Subject to subsection (2), an employee who returns to work after prepaid leave must return to regular full-time employment with the employer for a period at least equal to the period of leave and in the position the employee held before beginning the leave.

- (2) If an employee's position no longer exists at the end of their prepaid leave, the employee is deemed to be laid off and lay-off provisions of these regulations apply.

**Withdrawing from or terminating prepaid leave plan**

**132 (1)** An employee who experiences unusual or extenuating circumstances, including financial hardship, serious illness or disability, or death or serious illness in the employee's family may withdraw from a prepaid leave plan by writing to the Deputy Head and detailing the reasons for their withdrawal.

- (2) An employee who withdraws from a prepaid leave plan must be paid, no later than 60 days after the date of withdrawal, a lump sum payment equal to the balance in the employee's deferred salary account.
- (3) An employee's prepaid leave plan is terminated if the employee is laid off or their employment is terminated.
- (4) If an employee dies while participating in a prepaid leave plan, the balance in the employee's deferred salary account must be paid to the employee's estate no later than 2 bi-weekly pay periods after the date the Department of Finance receives notice of the employee's death.

### Staff Training and Development

#### Access to staff training and development opportunities

**133** The Deputy Head must, in accordance with the Commission's policies, give an employee access to training and development opportunities that are intended to improve the employee's capabilities and serve the interest of the employer.

#### Leave granted for training and development

- 134** (1) The Deputy Head may grant leave with or without pay for an employee to participate in training and development in accordance with the Commission's policies.
- (2) If operational requirements permit, the Deputy Head must grant an employee leave with pay to allow the employee to write examinations for courses that have been previously approved by the employer.

### Public Service Award

#### Eligibility for public service award

- 135** (1) Except as provided in subsection (2), an employee who retires or resigns from the Civil Service who is immediately eligible for and immediately accepts a pension under the *Public Service Superannuation Act* must be granted a public service award in an amount equal to 1 of week of pay at their weekly pay rate for each full year of service to a maximum of 26 years of service, and payment for any partial year of service prorated on the basis of the employee's number of months of service in that year.
- (2) An employee who resigns while laid off and receives a severance allowance under subsection 146 is not entitled to a public service award.

#### Salary amount used in calculation of public service award

**136** In calculating the amount of a public service award under Section 135, an employee's weekly pay rate is based on the higher of the following:

- (a) 1 week of the bi-weekly pay rate that the employee is entitled to on the date their employment terminated;
- (b) 1 week of the bi-weekly pay rate that the employee would be entitled to if paid the salary that is used to calculate their pension under the *Public Service Superannuation Act*.

#### Service used in calculation of public service award

**137** (1) In addition to the months of service calculated under Section 18, months of war service purchased by an employee in accordance with Section 13 of the *Public Service Superannuation Act* are included as months of service for calculating the employee's public service award entitlement.

- (2) Despite Section 18, the public service award entitlement of an employee who was appointed before January 1, 1975, is based on the longer of the following periods of service:
  - (a) the period of service credited to them and paid for by them under the *Public Service Superannuation Act*;
  - (b) the period of service calculated under Section 18.
- (3) Months of non-Civil Service employment in a CFS agency or a municipal correctional facility listed in Schedule B is included as service for calculating the amount of an employee's public service award entitlement only if the employee's former employer did not provide or is not obligated to provide the employee with a comparable service award or severance payment based on employment service with the former employer.
- (4) If an award or payment to an employee from a former employer referred to in subsection (3) has been paid or is payable at a future date, the amount of the employee's public service award must be reduced by the amount of the award or payment.

#### **Entitlement to public service award on death of employee**

- 138** (1) An employee who dies but who would have been entitled to receive a public service award if the employee had retired from the public service at the time they died, is entitled to the public service award they would have received if they had retired at the time of their death.
- (2) Subject to subsection (3), the public service award of an employee who dies must be paid to their beneficiary under the Master Group Life Insurance Plan or to their estate if there is no beneficiary.
  - (3) A public service award must be paid to a person specified by the Governor in Council as trustee if the person to whom the public service award is payable under subsection (2) is
    - (a) younger than 19 years old; or
    - (b) in the opinion of the Governor in Council, not capable of managing their affairs because of infirmity, illness or another cause.

#### **Resignation, Termination and Lay-off**

#### **~~Resignation, Termination and Lay-off~~**

#### **Employee resignation**

- 139** (1) Except as provided in subsection (2), to terminate their employment, an employee must submit a letter of resignation to the Deputy Head before the following applicable deadline:
- (a) for an employee who has been employed for less than 2 years, at least 5 days before the effective date of their resignation;
  - (b) for an employee who has been employed for 2 years or longer, at least 10 days before the effective date of their resignation.
- (2) The Deputy Head may accept a shorter period of notice for a letter of resignation.

**Terminating employment for cause**

- 140 (1)** A Deputy Head who terminates the employment of an employee for cause must notify all of the following in writing of the termination, the reasons for the termination and the effective date of the termination:
- (a) the Commission;
  - (b) the employee, by certified mail or personal service.
- (2)** A notice of termination for cause must be given at least 10 days before the effective date of the termination stated in the notice.

**Termination of probationary or term employee**

- 141 (1)** A Deputy Head may terminate the employment of a probationary or term employee at any time.
- (2)** A Deputy Head must notify all of the following in writing of the termination, and the effective date of the termination:
- (a) the Commission;
  - (b) the employee, by certified mail or personal service.
- (3)** Except as provided in Section 142, a notice of termination for cause must be given at least 10 days before the effective date of the termination stated in the notice.
- (4)** A Deputy Head who terminates the employment of an employee under subsection (1) must give the employee reasons for the termination in writing upon the employee's request.

**Terminating employment of 10 or more employees**

- 142** If the employment of 10 or more employees appointed to positions on a term basis is to be terminated or deemed to be terminated in any 4-week period, the Deputy Head must notify the commission of the termination of employment before the following applicable deadline:
- (a) at least 8 weeks before the effective date of termination, for termination of employment of 10 to 99 employees;
  - (b) at least 12 weeks before the effective date of termination, for termination of employment of 100 to 299 employees;
  - (c) at least 16 weeks before the effective date of termination, for termination of employment of 300 or more employees.

**Lay-Off****Lay-off notice**

- 143 (1)** A Deputy Head who lays off an employee under Section 25 of the Act must notify all of the following in writing of the lay-off, the reasons for the lay-off and the effective date of the lay-off:
- (a) the Commission;
  - (b) the employee, by certified mail or personal service.

- (2) A lay-off notice must be sent at least 8 weeks before the effective date of the lay-off stated in the notice.

**Deemed termination of laid-off employee**

- 144 (1)** An employee's employment is deemed to be terminated on the effective date of the lay-off stated in the notice.
- (2) A person whose employment is deemed to be terminated under subsection (1) is on lay-off status immediately after the effective date of the lay-off stated in the notice, and continues to be on lay-off status for 6 months or until they resign.

**Employees on lay-off status**

- 145 (1)** A person who is on lay-off status is
- (a) responsible for becoming acquainted with the various job postings for employment in the Civil Service and for submitting applications for positions the person is qualified for; and
  - (b) entitled to enter any competition for employment in the Civil Service and to be considered as if still employed.
- (2) The Commission must maintain a list of persons who are on lay-off status.

**Severance allowance for laid-off employees**

- 146 (1)** When an employee's lay-off status ends the employer must pay the employee a severance allowance in an amount equal to 3 weeks of pay at the employee's weekly pay rate for every year of service by the employee.
- (2) An employee's severance allowance must be equal to a least 4 weeks of pay and no more than 52 weeks of pay.
  - (3) In calculating an employee's severance allowance, payment for a partial year of service is prorated on the basis of the number of months of service by the employee in that year.

**Lay-off of employee when employees hold similar positions in same classification**

- 147** If 2 or more employees hold similar positions in the same classification, the Deputy Head laying off an employee under Section 25 of the Act must base the decision of which employee to layoff on:
- (a) the employees' qualifications and abilities; or
  - (b) if the Deputy Head considers the employees' qualifications and abilities to be equal, the employees' length of service.

**Pay in lieu of working through notice period**

- 148 (1)** Termination of the employment of a probationary employee or term employee may be effective immediately if the Deputy Head notifies the Commission and notifies the employee in writing to that effect and pays the employee an amount equal to their regular pay for the notice period required under subsection 141(3).
- (2) An employee's deemed termination of employment after lay-off under subsection 144(1) may be made effective immediately on the effective date of the lay-off, if the Deputy Head pays the employee in an amount equal to their regular pay for the notice period required by subsection 143(2).

- (3) Despite subsections (1) and (2), the benefit plan coverage of an employee who has been terminated immediately in accordance with subsections (1) and (2) continues during the applicable notice period under Section 143 or 140 in accordance with Sections 12 to 15 on the same basis as existed immediately before beginning of the applicable notice period.

#### **Deemed termination because of absence without permission**

- 149 (1)** An employee who has been absent from work without the employer's permission for 10 consecutive working days is deemed to have resigned from their employment effective the 1st day of their absence.
- (2) An employee who is deemed to have resigned under subsection (1) may be reinstated to their position if they satisfy the Deputy Head of all of the following:
- (a) that their absence arose from a cause beyond their control;
  - (b) that it was not possible for them to notify the department of the reason for their absence.

### **Dispute Resolution**

#### **Application of Sections 151 to 156**

**150** Sections 151 to 156 apply to employees who are employed in a managerial or confidential capacity as defined in the *Civil Service Collective Bargaining Act*, except Crown attorneys.

#### **Appealing official's decision**

- 151 (1)** A notice of appeal under this Section must be in writing and must state the reasons for the appeal.
- (2) An employee may appeal a decision respecting suspension made under Section 26 of the Act by an official authorized by a Deputy Head by submitting a notice of appeal to the Deputy Head no later than 30 days after the date the employee receives the decision.

#### **Deputy Head decisions on appeal**

- 152 (1)** A Deputy Head must do 1 of the following no later than 10 days after the date they receive a notice of appeal under Section 151:
- (a) confirm the suspension;
  - (b) reverse the suspension;
  - (c) vary the suspension;
  - (d) substitute a lesser penalty.
- (2) The Deputy Head must notify an employee who appealed under Section 156 of their decision under subsection (1) in writing, together with reasons, before the deadline for making the decision in subsection (1).

#### **Appealing Deputy Head's decision**

- 153 (1)** A notice of appeal under this Section must be in writing and must state the reasons for the appeal.
- (2) An employee may appeal a decision made under any of the following provisions by the Deputy Head:
- (a) clause 152(1)(a) or (c) respecting an appeal;



- (b) Section 26 of the Act, respecting suspension;
  - (c) Section 27 of the Act, respecting dismissal.
- (3) Except as provided in subsection (4), an employee who appeals a decision under this Section must submit a notice of appeal to the Commissioner no later than 30 days after the date the employee receives the Deputy Head's decision.
- (4) If a decision referred to in subsection (2) is made by the Commissioner, an employee appealing the decision must submit a notice of appeal to the Deputy Minister of Justice no later than 30 days after the date the employee receives the Commissioner's decision.
- (5) An appeal under this Section does not stay the original decision made by the Deputy Head.

### **Disciplinary appeal panels**

- 154 (1) An appeal made under Section 153 must be heard by a disciplinary appeal panel no later than 10 days after notice of appeal is received.
- (2) Except as provided in subsection (3), a disciplinary appeal panel who hears an appeal made under Section 153 must be made up of all of the following:
- (a) the Commissioner, who must act as Chair of the panel;
  - (b) 2 Deputy Heads, other than Deputy Head who made the decision appealed from, designated by the Commissioner in consultation with the employee.
- (3) A disciplinary appeal panel who hears an appeal referred to in subsection 153(4) must be made up of all of the following:
- (a) the Deputy Minister of Justice, who must act as Chair of the panel;
  - (b) 2 Deputy Heads, other than the Commissioner, designated by the Deputy Minister of Justice in consultation with the employee.

### **Discipline appeal panel hearing and procedures**

- 155 (1) In hearing an appeal, a disciplinary appeal panel may do any of the following:
- (a) decide whether evidence is relevant or admissible;
  - (b) require evidence to be given under oath or solemn affirmation;
  - (c) retain counsel for the panel;
  - (d) require the proceedings to be recorded;
  - (e) order any adjournments it considers necessary.
- (2) In a hearing, a disciplinary appeal panel is not bound by the rules of evidence applicable to judicial proceedings.
- (3) A disciplinary appeal panel must give each party to a hearing the opportunity to do all of the following:

- (a) cross-examine witnesses;
  - (b) rebut any evidence presented by the other party;
  - (c) summarize the case.
- (4) An employee whose appeal is being heard may be represented by counsel at a hearing, but the costs of the representation must be borne by the employee.
- (5) A disciplinary appeal panel hearing an appeal has and may exercise all of the powers, privileges and immunities of a commissioner under the *Public Inquiries Act*.

### **Disciplinary appeal panel decisions**

- 156 (1)** A disciplinary appeal panel must do 1 of the following no later than 10 days after the date the disciplinary appeal panel hears an appeal:
- (a) confirm the decision to suspend or dismiss;
  - (b) reverse the decision to suspend or dismiss;
  - (c) vary the decision to suspend or dismiss;
  - (d) refer the matter back to the Deputy Head who made the decision to suspend or dismiss, with recommendations for further consideration to review and issue a revised decision.
- (2) A disciplinary appeal panel must notify the employee who appealed under Section 153, the Commission and the Deputy Head of their decision under subsection (1) in writing, together with reasons, before the deadline for making the decision in subsection (1).
- (3) A decision made by the majority of the members of a disciplinary appeal panel is the decision of the panel.
- (4) A decision of a disciplinary appeal panel is final and binding.

### **Schedule A Departments, Offices and Public Service Entities**

Communications Nova Scotia  
Conserve Nova Scotia  
Department of Agriculture  
Department of Community Services  
Department of Economic and Rural Development  
Department of Education  
Department of Energy  
Department of Environment  
Department of Finance  
Department of Fisheries and Aquaculture  
Department of Health  
Department of Health Promotion and Protection  
Department of Intergovernmental Affairs  
Department of Justice  
Department of Labour and Workforce Development

Department of Natural Resources  
Department of Seniors  
Service Nova Scotia and Municipal Relations  
Department of Tourism, Culture and Heritage  
Department of Transportation and Infrastructure Renewal  
Disabled Persons Commission  
Elections Nova Scotia  
Emergency Management Office  
Executive Council Office  
Freedom of Information and Protection of Privacy Review Office  
Government House  
Legislative Expenses  
Nova Scotia Advisory Council on the Status of Women  
Nova Scotia Human Rights Commission  
Nova Scotia Pension Agency  
Nova Scotia Police Commission  
Nova Scotia Securities Commission  
Nova Scotia Utility and Review Board  
Office of Aboriginal Affairs  
Office of Acadian Affairs  
Office of African Nova Scotia Affairs  
Office of Gaelic Affairs  
Office of Immigration  
Office of the Auditor General  
Office of the Legislative Counsel  
Office of the Ombudsman  
Office of the Premier  
Office of the Speaker  
Public Prosecution Service  
Public Service Commission  
Sydney Tar Ponds Agency  
Treasury and Policy Board  
Voluntary Planning Board  
Workers' Compensation Appeal Tribunal

**Schedule B**  
**Municipal Correctional Facilities**

Antigonish Correctional Facility  
Cape Breton Correctional Facility  
Cape Breton Youth Detention Facility  
Central Nova Scotia Correctional Facility  
Cumberland Correctional Facility  
Nova Scotia Youth Facility  
Southwest Nova Scotia Correctional Facility