

SECTION 3

RECRUITMENT AND STAFFING

3.05 UNCLASSIFIED EMPLOYEES

AUTHORITY:	CIVIL SERVICE ACT AND REGULATIONS TREASURY BOARD POLICIES & PROCEDURES MANUAL COLLECTIVE AGREEMENT BETWEEN THE GOVERNMENT OF PRINCE EDWARD ISLAND AND THE UNION OF PUBLIC SECTOR EMPLOYEES
ADMINISTRATION:	PEI PUBLIC SERVICE COMMISSION GOVERNMENT DEPARTMENTS AND AGENCIES

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1. PURPOSE

1.01 The purpose of this policy is to provide information on policies and procedures regarding the employment of unclassified employees.

2. APPLICATION

2.01 This policy applies to all appointments to positions in the casual division as outlined in the *Civil Service Act*.

3. DEFINITIONS

3.01 The casual division of the Civil Service consists of the following types of employees holding positions which are not permanent:

- (a) “Contract Employee” - an employee engaged by means of a contract authorized by Department Head or Deputy Head for temporary employment for a fixed term;
- (b) “Relief Employee” - an employee engaged to fill a position on a temporary basis as a replacement for the regular incumbent in the position.
- (c) “Temporary Employee” - an employee in the unclassified division engaged to perform specific duties for a specified time period because of:
 - (i) a leave of absence of a classified employee through sickness, accident, vacation or other approved leave of absence,
 - (ii) a vacancy in a classified position while an Employing Authority is determining whether or not the position is to be filled, or
 - (iii) the initiation of a special project including an extra workload.
- (d) “Student Employee” - a person employed in the period from May to September who has been in full-time attendance as a student at an educational institution and affirms at the time of appointment that he/she will return to full-time attendance at an educational institution in the same year.

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4. POLICY / PROCEDURE

4.01 Contract Employee

- (a) Executive Council has directed that as a general principle, staff employed by departments and agencies are to be hired in accordance with the *Civil Service Act*. Where a department or agency requires the services of an employee on a casual basis, it should first determine whether the person can be employed in accordance with the *Civil Service Act*.
- (b) In situations where an appointment under the *Civil Service Act* would not meet the needs of the department or agency, an employee may be engaged under a contractual arrangement.
- (c) All employment contracts must be in writing and must be approved by Treasury Board.
- (d) Prior authorization from Treasury Board must be secured before a commitment can be made to a prospective contract employee.
- (e) Employees hired by contract must enter into a Standard Employment Contract specifying the terms and conditions of their employment.
- (f) Contract Employees are not eligible for membership in the bargaining unit. Contract employees shall not perform the jobs of employees covered by the Collective Agreement.
- (g) Employment contracts for a term not exceeding one year, may be approved by the Minister Responsible. The Minister may also approve a maximum of two renewals for each employment contract.
- (h) Where a department determines that it is necessary to engage someone by means of a contract, the department must seek Treasury Board approval (see Treasury Board Policy and Procedures Manual regarding Employment Contracts Section 12).
- (i) Where approval to hire by contract is obtained, the department should request the P.E.I. Public Service Commission to recruit a suitable candidate.
- (j) Subsequent to Treasury Board approval, all employment contracts must be signed on behalf of Government by the Minister responsible for the department concerned.

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- (k) Prior to the expiration of the contract, the department should inform the employee of the termination of employment. If the department wants to extend or renew the contract, it must obtain approval from Treasury Board, otherwise the employee must be terminated.

4.02 Temporary Employees

- (a) Unionized temporary assignment opportunities which are greater than three months in duration must be advertised internally pursuant to Article 38 the Collective Agreement.
- (b) Excluded positions which are greater than three months in duration can be advertised either internally or open to the public.
- (c) If a position is not filled by an internal competition, it can be filled by the P.E.I. Public Service Commission through an open job ad or employment list or the department may choose to fill it independently.
- (d) Where a department anticipates that the work will last longer than six months, it should have the job filled by a temporary employee appointed by the PEI Public Service Commission as there is no provision to extend a departmental hire beyond six months.
- (e) The employment of a person hired by a department is limited to the equivalent of six months' service in any fiscal year, and the employment shall be terminated no later than after 1040 hours of work, or on the end of the fiscal year, whichever occurs first.
- (f) Where the employment of a temporary employee has been terminated under subsection (e), the employee may not be re-employed as a temporary employee by an employer until the next fiscal year.
- (g) Appointments made by the P.E.I. Public Service Commission are designated on the Human Resource Management Information System as Public Service Commission temporary or relief appointments and are eligible for internal competitions after one year of continuous service from the date of that appointment.
- (h) Temporary positions of less than three months duration do not need to be advertised. They can be filled either through the P.E.I. Public Service Commission or independently by the Department.

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(i) Pay

- (i) Temporary employees shall be paid the rate of pay specified in the Collective Agreement.
- (ii) Relief Temporary employees hired for less than 4 months and casual employees, who are qualified, shall be paid at an hourly rate which is twelve (12%) percent greater than the step in the classification for which the employee is employed.

NOTE: If a step other than Step 1 is to be paid, the department must have the concurrence of the Public Service Commission.

- (j) Seasonal temporary jobs are filled according to the recall process outlined pursuant to section 10 (5) of the *Civil Service Act*.

4.03 Student Employees

- (a) The P.E.I. Public Service Commission may appoint or an employer may hire a qualified person as a student employee.
- (b) A person may be employed as a student only during the period of May - September.
- (c) Student employees shall be paid the student rate of pay authorized by Treasury Board. No layoffs of employees in the Casual Division shall occur as a result of student employment (Article 1.24 of the Collective Agreement).
- (d) Student employees are not eligible for membership in the bargaining unit.