



Chapter 12 - Post-Appointment Situations

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12.1 SOURCES OF INFORMATION

12.1.1 Legislation

[Public Service Employment Act](#), Sections [28](#) and [29](#).

[Public Service Employment Regulations, 2000](#): Sections [30](#), [31](#), [32](#), [33](#), [34](#), [35](#) and [Schedule 2](#).

12.1.2 Other References

[Treasury Board Policy on Language Training](#)

[Treasury Board's Policies and Publications related to Work Force Adjustment](#)

[Staffing Manual, Chapter 5, Priorities](#)

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12.2 POLICY STATEMENT

A person appointed from outside the Public Service is subject to a probationary period upon appointment. An individual appointed to a bilingual position, whether appointed from outside or within the Public Service, must undertake language training if it is applicable. In these situations the employee should be given time, opportunity and assistance to adjust to his or her new duties, environment and language requirements and should be assessed against explicit standards and expectations established by the manager and made known to the employee.

Employees may also be affected by work force adjustment situations, such as a lack of work, discontinuance of a function or the transfer of work or a function outside the Public Service.

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12.3 PROBATION

12.3.1 Probation

Everyone appointed from outside the Public Service as defined in the [Public Service Staff Relations Act](#) is subject to a probationary period. This probationary period cannot be waived, reduced, extended or terminated for any reason including any previous employment or

subsequent appointment, assignment or deployment.

The employee's status at the time of the appointment will determine if an employee is subject to a probationary period. It is not determined by the type of selection process or the tenure of the position from or to which the person is appointed. For example, an employee appointed as a result of an open competition would not be subject to a probationary period. Although the selection process is an open competition, the employee would not be subject to another probationary period but must, however, complete any unfinished portion of a probation period that may have applied to the last appointment.

Letters of offer should specify the duration of the initial probationary period, or, where applicable, the duration of the probationary period remaining at the time of the appointment or deployment. They should also state that the probation period will continue if a new appointment or deployment takes place during that period.

Employees are subject to a single probationary period on entry into the Public Service only. Therefore it is important to ensure that they are given every opportunity to demonstrate their capability to perform the duties of the position and to meet performance standards. Managers must ensure that they set realistic goals, communicate standards and expectations, monitor performance, give training and provide feedback and encouragement. It is also essential that new employees be given a reasonable opportunity to reach the required level of competence and that they have the necessary equipment, resources and facilities to demonstrate their capabilities.

12.3.2 Duration of the Probationary Period

The probationary period for most employees is twelve months. This period remains in effect in the event that the employee is appointed or deployed during the probationary period. Details regarding the different periods can be found in [Schedule 2 of the PSER](#).

The probationary period for new employees hired for a specified period of one year or less is twelve months or the period of the term, whichever is shorter.

Probationary periods do not include any period of leave without pay or full-time language training and any period of leave with pay of more than 30 consecutive days. It is only fair and efficient to assess an employee's performance while they are performing the duties of their position and not during absences because of periods of extended leave or language training.

12.3.3 [Job Accommodation During the Probationary Period](#)

Some employees recruited to the Public Service will have a disability and may require job accommodation. This can sometimes take several weeks to months, which would otherwise leave the person little time remaining in the probationary period to demonstrate their capabilities. Consequently, if an employee who is recruited to the Public Service requires job accommodation, the date of appointment for purposes of the probationary period only, will be deemed to be the date that the job accommodation is made. By deferring the start of the probationary period until the necessary job accommodation is made, employees are treated fairly and have a reasonable and meaningful period in which to demonstrate their suitability for ongoing employment in the Public Service.

12.3.4 Rejection on Probation

From time to time a new employee's job performance may be assessed as unacceptable. If efforts to assist the employee to achieve and maintain acceptable performance are unsuccessful, the deputy head may reject that individual for cause at any time during the probationary period, subject to proper notice. Notice may be given up to the last day of the probationary period. The deputy head must advise the employee in writing of the decision, the reasons for the decision, and the notice period. An individual rejected on probation ceases to be an employee at the end of the notice period, calculated from the day on which the deputy head gave notice.

12.3.5 Notice Period For Rejection on Probation

The notice period for most employees is one month. For more details, see [Schedule 2 of the PSER](#). An important exception is the notice period for employees recruited for a specified period of one year or less. In this case the notice period is two weeks or the period remaining of the term appointment, whichever is shorter.

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12.4 LANGUAGE TRAINING

12.4.1 Language Training - General

Should the person appointed require language training, a training plan is established by the department. The designated departmental officer makes the necessary arrangements to register the person for language training prior to the person assuming the functions of the position.

Surplus employees, even those not eligible for language training, may be given up to six months additional language training if they are found qualified for all the requirements of a position except language and, as a result, would not normally be eligible for appointment. This applies to non-imperative appointments only. The additional language training will be given only if the PSC considers the individual to be likely to meet the requirement within the training time available.

For information regarding language training for persons with learning disabilities, refer to the Treasury Board Policy on Language Training - [Accommodations for persons with learning disabilities](#).

12.4.2 Inability to Meet the Established Language Proficiency Requirement of the Position

An employee who is unable to meet the required level of language proficiency within the maximum time authorized for language training, and whose exemption period has not been exhausted, may choose to:

- request an immediate transfer or deployment to a position for which the employee meets all of the necessary qualifications;
- remain in the position until the expiry of the exemption period and try to achieve the level of second-language proficiency required through the employee's own means; or,

- remain in the position until the expiry of the authorized exemption period without meeting the language requirements of the position.

An employee who is unable to meet the position's language requirements by the end of the exemption period is then transferred or deployed to another position for which he or she meets all of the necessary qualifications. The transfer or deployment must take place within the additional two months of exemption time provided for this purpose in the [Public Service Official Languages Exclusion Approval Order](#).

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12.5 WORK FORCE ADJUSTMENT

Work force adjustment is a situation that occurs when a deputy head decides that the services of one or more indeterminate employees will no longer be required beyond a specified date because of a lack of work, the discontinuance of a function, a relocation of work (in which the employee does not wish to relocate), or an alternative service delivery initiative such as a transfer of work or a function outside the Public Service.

It is the Treasury Board's policy to maximize employment opportunities for indeterminate employees affected by work force adjustment situations, primarily through ensuring that, wherever possible, alternative employment opportunities are provided to them. For additional details, please consult the [Treasury Board Work Force Adjustment Directive, 1998](#).

If only some of the positions in a given organization or part of an organization are being eliminated or are affected by a lack of work, merit becomes the basis for deciding which employees will be declared surplus. [Section 32 of the Public Service Employment Regulations](#) requires that employees in similar positions, at the same group and level, be assessed and that they be ranked in order of merit. In the event that lay-offs are inevitable, the employees ranking lowest are declared surplus and laid off before those who rank higher. Please see Module L for additional information regarding [Reverse Order of Merit](#).

When employees are declared surplus or laid-off as a result of a work force adjustment situation they and their managers have certain obligations. The employees also have entitlements that are specified in Treasury Board policy, the *Public Service Employment Act* and the *Public Service Employment Regulations*, including priority for appointment. Additional Information about obligations and entitlements can be found in:

- [Treasury Board's Policies and Publications, Work Force Adjustment](#);
- [Chapter 5, Priorities](#); and,
- [Module L, Work Force Adjustment](#)

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12.6 OTHER SITUATIONS

Finally, there are a number of other post-appointment considerations, such as termination, demotion, discipline and leave situations. To obtain information about these, please consult the

departmental staff relations unit or the Treasury Board Secretariat.

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http://www.psc-cfp.gc.ca/staf_dot/pol-guid/chap_12/index_e.htm

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