

GENERAL ADMINISTRATION MANUAL

VOLUME 3: HUMAN RESOURCE POLICIES

TITLE: CONFIDENTIAL AND MANAGERIAL EMPLOYEES

EFFECTIVE: October 27, 1994

**1.0 SCOPE**

**1.1 Authority**

1.1.1. This policy is issued under authority of Cabinet Minute No. 94-40, dated October 27, 1994.

**1.2 Application**

1.2.1 This policy applies to all employees who have been excluded from the bargaining unit by reason of managerial or confidential duties.

**1.3 Purpose**

1.3.1 This policy identifies the extent to which terms and conditions of employment, established and regulated within the framework of collective bargaining shall apply to employees excluded from the bargaining unit by reason of confidential duties. This policy also outlines the grievance process which applies to employees excluded from the bargaining unit by reason of managerial duties.

**2.0 ROLES AND RESPONSIBILITIES**

**2.1 Confidential Employees**

Employees excluded as confidential shall be entitled to, and regulated by, the terms and conditions of employment generally applicable to employees in the bargaining unit, and to all terms and conditions specified for particular classes, as if the confidential employees were included in the bargaining unit. Some exceptions may apply such as:

Exceptions

Confidential employees are not eligible for coverage under provisions dealing with rights and benefits flowing from union membership, union business, union leave, grievance procedure, competition appeal process, joint consultation, and provisions where different benefits are in effect and prevail.

**2.2 Managerial Employees**

Managerial employees who are excluded from the bargaining unit and Deputy Ministers shall be entitled to benefits regulated by provisions established by the Public Service Act and Regulations, by all Personnel Policies that apply generally to employees of the Yukon government, and by the provisions of the Policy and Procedures Manual, Section M.

### **3.0 GRIEVANCE PROCEDURE FOR MANAGERIAL AND CONFIDENTIAL EMPLOYEES**

Where a confidential or managerial employee feels aggrieved with respect to his/her terms and conditions of employment, the employee may submit a grievance to his/her deputy head. The grievance is to be filed in writing not later than twenty (20) working days after the date on which he/she is notified orally or in writing or on which he/she first becomes aware of the action or circumstances giving rise to the grievance.

A deputy head may elect to convene a hearing into the grievance, but shall normally reply to an employee's grievance within ten (10) working days after presentation of the grievance. Where the decision received is not satisfactory to the employee, and in any event within fifteen (15) working days after receipt of the deputy head's decision, the employee may submit a grievance in writing to the Public Service Commissioner.

The Public Service Commissioner may elect to convene a hearing into the grievance, but shall normally reply in writing within twenty (20) working days of presentation of the employee's grievance. The decision rendered by the Public Service Commissioner is final and binding.