



## Chapter 5 - Priorities

[5.1 Sources of Information](#) | [5.2 Policy Statement](#) | [5.3 Values Based Approach](#) | [5.4 Types of Priorities](#) | [5.5 Roles and Responsibilities](#) | [5.6 When Is Priority Clearance Required?](#) | [5.7 Obtaining A Priority Clearance](#) | [5.8 Validity Period For Priority Clearance](#) | [5.9 Priority Referrals For Appointments In Employment Equity Programs](#) | [5.10 Non-Application of Priority Provisions](#) | [5.11 Considering Individuals With Priority Entitlement](#) | [5.12 Travel and Relocation Costs while considering or appointing priority persons](#)

FAQ's | [Forms](#) | [Staffing Module](#) | [Jurisprudence](#)

---

### 5.1 SOURCES OF INFORMATION

#### 5.1.1 Legislation

[Public Service Employment Act](#): [12\(5\)](#), [21\(5\)](#), [29](#), [29\(1.1\)](#), [30](#), [31](#), [35\(2\)\(a\)](#), [35\(2\)\(b\)](#), [39](#)  
[Public Service Employment Regulations](#), 2000: [4\(1\)\(b\)](#), [7\(3\)](#), [32 to 40](#) inclusive and [45\(3\)](#)

#### 5.1.2 Other References

##### [Work Force Adjustment Policies and Publications](#)

- [Work Force Adjustment Appendix to PSAC Collective Agreements](#)
- [Work Force Adjustment Directive](#)
- [Executive Employment Transition Policy](#)

##### [Other Policies and Publications \(Work Force Adjustment\)](#)

[Guide to the Ministers' Staff Priority](#)

[Guide to the Priority for Employees Who Have Become Disabled](#)

[Special Duty Area Pension Order](#)

[Royal Canadian Mounted Police Superannuation Act](#), section 32.1

[TOP OF PAGE](#)

### 5.2 POLICY STATEMENT

Individuals entitled to a priority for appointment pursuant to the PSEA or the PSER shall be appointed, in priority to all others, and without competition, to positions for which they are qualified. In addition, surplus and lay-off priorities will be considered for retraining to become qualified for appointment, when appropriate, pursuant to the Work Force Adjustment Directives.

### 5.3 VALUES-BASED APPROACH

In the spirit of dealing with priority placement issues, a manager must ensure that good staffing practices and the legislative framework for priorities are followed in a fair, equitable and transparent manner. The Public Service Commission's objective is to administer entitlements efficiently and effectively, helping the Public Service to retain experienced persons with proven competence while assisting individuals with their career transitions.

### 5.4 TYPES OF PRIORITIES

Statutory priorities are prescribed in the PSEA and provide an entitlement to be appointed in preference to other candidates. They are, in order of consideration:

- a department's own surplus employees when, in the opinion of the Commission, it is in the best interests of the Public Service to appoint them first;
- employees returning from leaves of absence (whose positions have been staffed indeterminately), or the persons who replaced them on an indeterminate basis if they are displaced when the employee returns;
- certain members of a Minister's staff - see the [Guide to Ministers' Staffs Priority](#); and
- persons who have been laid off due to a lack of work, the discontinuance of a function or the transfer of work or a function outside the Public Service, other than circumstances referred to in Paragraph 11(2)(g) of the [Financial Administration Act](#).

Regulatory priorities are established in the PSER and provide an entitlement to be appointed before others except persons with a statutory priority. The regulatory priorities, which have no prescribed order, include:

- surplus employees (an employee who may be laid off under [subsection 29\(1\)](#) of the Act);
- persons who become disabled while they are employees - see the [Guide to the Priority for Employees Who Have Become Disabled](#);
- members of the Canadian Armed Forces who become disabled and are discharged or members of the RCMP who become disabled and are released, as a result of service in a Special Duty Area;
- employees on leave due to relocation of their spouse or common-law partner and whose jobs have not been staffed indeterminately; and
- surplus employees or laid-off persons or employees with a disabled priority who have accepted a lower-level appointment ([priority for reinstatement](#)).

Persons entitled to either a statutory or regulatory priority are entitled to be appointed without

competition, ahead of all others, including persons on eligibility lists, and without other employees having a right of appeal against the appointment, if the priority entitlement applies to the particular staffing situation. An example of when an entitlement would not apply would be where an employee has a surplus priority entitlement but the appointment would result in a promotion.

**Additional information** about the various types of priority entitlements and their application is available under [Notes on Priority Types](#) on the PSC's electronic priority registration site. Information to assist you in determining whether the appointment of a priority would constitute a [promotion](#) can be found under [Calculating Equivalent Groups and Levels](#) on the same site.

[TOP OF PAGE](#)

## 5.5 ROLES AND RESPONSIBILITIES

### 5.5.1 Treasury Board Secretariat

The Treasury Board Secretariat is responsible for Work Force Adjustment policies; they describe responsibilities and actions to take with respect to employees declared surplus or laid-off.

### 5.5.2 Departments

Departments are responsible to:

- place persons "affected" by work force adjustment and not yet declared surplus.
- place departmental priority persons within their own organization, whenever possible.
- notify the PSC on a timely basis of new persons entitled to a priority - See [Registration Form Priority Administration System](#)
- counsel and inform surplus employees about their status, the Work Force Adjustment Directive, the Priority Administration System (PAS), the department's plans and services, the preparation of a résumé, preparation for an interview, and the employee's rights and obligations.
- in the case of relocation of spouse or common-law partner, advise the employee to contact the PSC upon arrival in the new location in order to be entered into the priority system and marketed. It is the responsibility of the home department to provide the PSC in the new location with appropriate documentation.
- in the case of an employee who becomes disabled and is entitled to a disability priority, provide the employee, once he/she is ready to return to work, with career counselling and advice or training in résumé preparation and in preparing for interviews in order to support and assist the employee in his/her job search.
- ensure that employees are aware of their responsibilities as individuals entitled to a priority entitlement. These responsibilities include things such as:

- cooperate with the department and the PSC in finding a suitable positions;
  - provide up-to-date information that will assist in identification of job referrals. (e.g. mobility, availability, phone numbers, etc.); and
  - give serious consideration to job referrals and job offers.
- give adequate and fair consideration to priority persons referred for appointment consideration
- provide timely feedback to priority persons and the PSC when referrals are made for appointment consideration; this includes the provision of clear and full explanations to any priority persons who are found not qualified for appointment (or for retraining in the case of surplus or layoff priorities).

### •5.5.3 Public Service Commission

The Public Service Commission (PSC) sets the administrative framework which provides the means by which potentially qualified priority persons are matched with jobs being staffed. The approach differs depending on the tenure of the expected appointments.

For indeterminate jobs and term positions over 12 months (and for short-duration term jobs that are staffed through PSC recruitment inventories), the PSC itself facilitates the placement of priority persons through a centralized priority administration system (PAS). The PSC compares jobs being staffed by departments to priority persons registered in a national inventory and refers potentially qualified persons, if any, to departments for assessment. If they are found qualified, departments appoint them ahead of all others. Note that entitlements exist independently of the referral service, of course, and priority persons may occasionally apply to departments directly for priority consideration.

For short-term jobs (under 12 months), PSC priority clearance is not normally applied. Interested priority persons conduct their own job search by their own means and by consulting jobs posted by departments on the PSC recruitment web site at <http://jobs.gc.ca/> and apply directly to the departments doing the staffing. Upon receiving such applications, departments verify the entitlement, assess priority persons, and appoint them ahead of others if qualified.

The following describes how the Priority Administration System (PAS) works.

After receiving registration information about a priority person from the department, the PSC staffing office contacts the person to discuss the employee's plans. Among other things, the PSC will want to find out the person's education and skills, whether the employee is willing to accept a lower level position or a term position, and whether the person is willing to relocate in order to determine and code the types of jobs to which the person could be referred. The PSC staffing

office may also further assess the qualifications and, in the case of surplus employees and lay-offs, their suitability for retraining, before referring the individual for jobs in other departments.

The PSC searches the inventory and refers priority persons who are interested and available and who appear to meet the requirements of the position. The manager carries out an assessment of the persons referred to determine if they are qualified for appointment or, in the case of surplus and lay-off priorities, suitable for retraining. If the priority person is found qualified, the manager advises the PSC and the appointment is made by the department. For laid-off or surplus persons who are not qualified but could become so with retraining, the manager advises the PSC of the training required to make the person qualified within the timeframe permitted by the [Work Force Adjustment Directives](#). If it is determined that the laid-off or surplus person would not become qualified, even with training within the specified time frame, the manager must provide the PSC with the rationale for the decision in writing. If necessary, the PSC may undertake further discussion with the department.

The PSC maintains a [contact list](#) for support regarding priority entitlements or for help with problems with the electronic form for registering priorities or the Service Request form for requesting priority clearance and/or recruitment services.

NOTE: Members of the EX group are subject to the [Executive Employment Transition Policy](#) rather than the Work Force Adjustment Directives. In addition, they are marketed directly by the Executive Programs Directorate rather than through the PAS unless they are willing to consider positions that are not in the EX group.

#### 5.5.4 Registering a Priority Person in the Priority Administration System

The Registration Form will be submitted by departments to the PSC for all persons entitled to a priority, except as follows:

- Ministers' Staffs - The PSC will register the priority person (after PSC-HQ has approved the entitlement and the person has provided evidence to the district office that they have ceased to be employed in the Minister's office);
- Reinstatement - the PSC will register the priority after it receives a copy of the letter of offer to a lower level for surplus, layoff and persons who have become disabled;

Note that members of the Canadian Forces and the RCMP who have become disabled and qualify for a priority under PSER [Section 37](#) will be registered by the Department of National Defence or the Royal Canadian Mounted Police respectively.

Departments register new priority persons directly into the PSC's priority inventory via the Internet, using the electronic "[Registration Form - Priority Administration System](#)" (Robot 2). It makes priority persons available for referral faster by eliminating paper flow and the need to send many of the supporting documents. The electronic Registration Form itself contains links to other reference documents, such as: "[Notes on Priority Types](#)" and "[Calculating Equivalent Groups and Levels](#)". These links assist in developing an understanding of entitlements and record appropriate groups and levels for PSC referral purposes.

The Priorities Administration System can only capture one type of priority at a time. Therefore,

in the event the employee is entitled to more than one priority, the system will capture the priority which is for the longest period or has the most benefit to the employee. For example, if the employee is entitled to a statutory leave of absence priority as well as the disability priority, the leave of absence priority would be captured first as this is the highest priority available. Nonetheless, the two priorities would run concurrently. At the end of the leave of absence priority, if the employee remains eligible for the disability priority, this would be entered into the system. If the combination of priorities includes a surplus priority, the surplus priority will always be the identifiable priority in the system. The other priority running concurrently will be registered in the file.

[TOP OF PAGE](#)

## 5.6 WHEN IS PRIORITY CLEARANCE REQUIRED?

Priority clearance is required for all appointments unless otherwise established by the PSC. Where a clearance number is required, it should normally be obtained at the outset of the selection process. In the case of anticipatory staffing, clearance is required at the time an appointment is proposed.

The following list shows situations where staffing actions require or do not require priority clearance:

### External Recruitment Requiring Priority Clearance

Indeterminate appointments (with and without competition) including [EEPMP](#), [FORD/IARD](#), [AETP](#), [EE](#), [PSR](#), [Bridging Mechanisms for Students](#).

PSEA 10(2) appointments pursuant to PSER 5(2)(d), (i) and (j)

Term appointments (with or without competition)

- over 12 months: clearance is required in all cases
- under 12 months - varies \* - no regular clearance required but note that entitlements apply regardless - [see note below ‡](#)

### Outside Recruitment Not Requiring Priority Clearance

Appointments pursuant to certain exclusion approval orders (EAO's), [MTP](#), [FSWEP](#), [COOP](#), [Casual Employment](#)

PSEA 10(2) appointments pursuant to PSER 5(2)(e)

### Inside Public Service Requiring Priority Clearance

Appointments by competition (including [Bridging Mechanisms for Students](#))

Appointments without competition:

- Term to indeterminate (except appointments of 3- or 5-year term to indeterminate, pursuant to [PSER 5\(2\)\(c\)](#) or [PSER 5\(2\)\(c.1\)](#))
- PSEA 10(2) appointments pursuant to PSER 5(2)(d), (i) and (j)
- Promotion
- Transfers (same group/inter-group, pursuant to [PSEA 10\(1\)](#))
- [Special Assignment Pay Plan \(SAPP\)](#) Appointments
- Appointment of a Priority Person
- Term extensions (re-appointment) - varies \*

Staffing Inside Public Service NOT Requiring Priority Clearance

- [PSEA 10\(2\)](#) appointments, pursuant to [PSER 5\(2\)\(a\)](#) (b), (c), (e), (f), (g) and (h)
- Alternations (applies to person leaving and person staying); see [WFAD 98](#) for definition
- Appointment of surplus to home department where [PSEA29\(1.1\)](#) is invoked
- Priority appointment would create another priority; with or without competition - per provisions of PSEA 31<sup>†</sup>
- Acting appointments
- Deployments
- Secondments/assignments

**\*Regional offices are authorized to require regular clearance for terms appointments less than 12 months if future local conditions make it necessary**

**† Please inform the [nearest PSC district or regional office](#) of the appointment to update the Priority Administration System record**

**‡ Priority clearance is normally used to link potentially qualified priority persons to indeterminate positions and terms over 12 months. Some priority persons may also be interested in short term jobs; they may access the PSC's web-site of job postings open to the public and may, through other means, be informed of opportunities. If they apply for specific positions, or if the departments identify them, their priority entitlement must be observed. The PSC may at any time refer priorities to short term jobs.**

### **Priority Clearance for Approved Employment Equity Programs**

Positions being staffed pursuant to approved employment equity programs are subject to priority entitlements, but only if the persons holding the priority also possess membership in the target employment equity group. Priority persons registered in the priority administration system have been coded as to their membership in employment equity groups.

## **5.7 TO OBTAIN A PRIORITY CLEARANCE**

To obtain priority clearance, the department contacts the PSC to see if there are any priorities to be considered. In order to carry out an inventory search, the PSC requires basic information about the position being staffed such as, geographic location, classification and level, tenure and language requirements. Departments are required to request priority clearance using the [Service Request for Priority Clearance and/or Recruitment](#) (Robot 1).

A clearance is given if:

- the PSC does not identify any suitable priorities;
- if the PSC and the department agree that those referred are not qualified and that retraining is not appropriate;
- the priority person identified is not interested in the position; or
- the department intends to appoint a qualified priority person

For certain occupational groups and levels or for specific locations, there may be few, if any, priority persons available for consideration. In such situations, the PSC may grant clearance to a manager to staff a number of vacancies without having to consult the inventory for each action. To simplify administration, the manager is issued a group or block clearance number. The PSC reserves the authority in these situations to refer a priority person if one becomes available.

## **5.8 VALIDITY PERIOD FOR PRIORITY CLEARANCE**

One priority clearance number is issued for each position that you are staffing. Once a clearance number is issued, the PSC will not normally refer additional priority persons.

A clearance number issued for a selection process that turns out to be unproductive cannot be used to initiate any subsequent selection process for the same position since this is a logical point at which priority persons can once again be considered by the manager. If a decision is made to amend the statement of qualifications in a way that might allow other priorities to be considered and/or to change the type of process, a new clearance request is required.

## **5.9 PRIORITY REFERRALS FOR APPOINTMENTS TO POSITIONS IN APPROVED EMPLOYMENT EQUITY PROGRAMS**

Employment equity programs established under section 5.1 of the PSEA are excluded from consideration of priorities except where there are individuals in the priority system who have self-identified as members of the designated group(s) targeted by the program. In accordance with [PSEER paragraph 4\(1\)\(b\)](#), these individuals may be referred if they meet the requirements for the position being filled.



## **5.10 EXEMPTION FROM THE APPLICATION OF PRIORITY ENTITLEMENTS**

[Section 31 of the PSEA](#) provides a possible exception to the application of both statutory and regulatory priority provisions. In a situation where the appointment of a person with priority entitlement would result in the displacement of another individual who would thus acquire a priority entitlement, the Commission may decide not to apply the priority. This might be the case for example if a department makes an appointment under [PSER 5\(2\)\(c\)](#) of an individual who meets the criteria in the [Long-term Specified Period Employment Policy](#)

## **5.11 CONSIDERING INDIVIDUALS WITH PRIORITY ENTITLEMENT**

Managers will generally find it more efficient and cost-effective to assess persons entitled to a priority for appointment before assessing other candidates. However, managers may assess priority persons at the same time as other applicants as long as the priority entitlement is observed in the results. This means that if a person entitled to a priority for appointment is found qualified to perform the duties he or she must be appointed before any other qualified candidates, regardless of any rank order of merit that may have been established among the candidates.

It is important to ensure that persons entitled to a priority for appointment are treated fairly and in a transparent and equitable manner. As with any other candidate, individuals entitled to a priority for appointment must be given a reasonable opportunity to prepare for whatever interviews, exams or other assessment methods that will be used to determine if they are qualified. As with all staffing actions, departments must ensure that the requirements set out in Statements of Qualifications reflect the range of duties to be performed, are established in a manner that gives fair access to persons entitled to a priority for appointment, and are assessed accurately and thoroughly.

Areas of selection, which are used to determine eligibility for appointment in a closed competition or to appointments made without competition, do not apply to persons entitled to a priority for appointment. The priority entitlement is not limited by geographical or organizational boundaries.

Departments must immediately advise the nearest PSC District Office that provides priority administration services when an appointment is to be made of a person entitled to a priority for appointment. This will ensure that the priority inventory is kept up to date.

If a priority person is found not qualified for appointment, departments must clearly and fully inform priority persons of the results of their assessment before an appointment takes place. Departments must also inform the nearest priority administration office of the PSC of the assessment results, in writing; this applies to priority persons who have applied on their own just as they would in a case where the PSC had made a referral. This feedback to the PSC will keep

the person's file up to date, help the PSC make accurate referrals in subsequent cases, and help the PSC act as an intermediary in cases where the priority person is concerned about the assessment.

### **Job Accommodation for, and Assessment of, Employees Who Have Become Disabled**

Employees who have become disabled are certified ready to return to work before they are entitled to the disability priority. These individuals, when being considered for a position, must be assessed with proper consideration for their disability. Information on assessing people with disabilities can be found on the [Personnel Psychology web page](#). In the course of assessing the qualifications of the employee, the department must ensure that careful consideration is given to whether the employee would be able to perform the duties of the job through some form of job accommodation. The placement of the employee may be made possible by the use of technical aids. The PSC can help departments to assess the employee's needs for technical assistance and can loan appropriate technical aids through the Enabling Resource Centre. In addition, funding to assist in the provision of technical aid(s) is available to departments by applying to the Job Accommodation Fund, which is administered by the PSC. Departments can access these services through their [PSC regional office](#). PSC officers will also be able to advise if there are other sources of funding available to assist in the provision of technical aids.

### **Person With Priority Entitlement Who Apply Directly in a Competitive Process**

If at the time of the assessment a person informs the manager or selection board that they have a priority entitlement, confirmation should be obtained from the local PSC office. It is important to ensure that the priority entitlement applies to the context at hand (for example, entitlement to some regulatory priorities do not apply to appointments which constitute a promotion). Confirmation can also be obtained by asking the person for a copy of any correspondence that they might have that describes the nature of their priority entitlement; by consulting with a human resources advisor in the person's department or by checking with the nearest PSC District Office that provides priority administration services.

[TOP OF PAGE](#)

## **5.12 TRAVEL AND RELOCATION COSTS WHILE CONSIDERING OR APPOINTING PRIORITY PERSONS**

The responsibility for travel and relocation costs incurred while considering or appointing priority persons varies with the situation:

**Surplus and laid-off employees:** these persons shall have their travel and relocation costs paid, by the home department as per the work force adjustment agreements and directives.

**Other priority types where the person is an employee:** these persons shall have their travel or relocation costs paid by the hiring department. This applies to the following priority types: leave of absence, reinstatement, employees who have become disabled AND have not been released for cause; employees relocating with their spouse:

**Other priority types where the person is not an employee:** the responsibilities for payment

and the amounts are negotiable between the hiring department and the priority person. This applies to the following priority types: certain Ministers' staffs, employees who have become disabled AND have been released for cause; Armed Forces and RCMP who have become disabled in "special duty" areas.

For more information, consult your human resources advisor, review the applicable work force adjustment agreements, or refer to the Treasury Board's policy on "[Government Travel and Living Accommodations](#)".

---

Last updated: 2003-12-29

[http://www.psc-cfp.gc.ca/staf\\_dot/pol-guid/chap\\_05/index\\_e.htm](http://www.psc-cfp.gc.ca/staf_dot/pol-guid/chap_05/index_e.htm)

Canada<sup>TM</sup>