

10.1 Dispute Resolution Policy for Excluded Civil Servants

Policy Statement

It is government's policy to provide excluded civil service employees with a mechanism which will allow for resolution of certain disputes arising from their employment.

Definitions

DEPUTY HEAD

A person who is designated as a deputy head under the *Civil Service Act*.

DESIGNATE

An excluded civil service employee within the department/office designated in writing by the deputy head.

EXCLUDED CIVIL SERVICE EMPLOYEE

A person employed in a managerial or confidential capacity who is excluded from collective bargaining.

EMPLOYEE

Excluded civil service employee.

Policy Objectives

The objective of this policy is to provide a fair, timely, and consistent process for excluded civil service employees to resolve disputes relating to the employee's attendance, conduct, or work performance where no other review mechanism exists by policy or regulation.

This policy does not include disputes where the decision making authority rests with the Public Service Commission and does not include disputes relating to the lay off of an employee pursuant to Section 25 of the *Civil Service Act*.

Application

This policy applies to excluded civil service employees whose terms and conditions of employment are set out in the *Civil Service Act* and regulations.

Policy Directives

INFORMAL DISPUTE RESOLUTION PROCESS

- 1) An employee who has a complaint about a decision relating to their attendance, conduct, or work performance shall first discuss the matter with their immediate supervisor no later than twenty-five (25) working days after the date on which they became aware of the circumstance.
- 2) The supervisor shall respond to the employee within two (2) working days of the discussion unless there is mutual agreement to extend this time limit.

FORMAL DISPUTE RESOLUTION PROCESS

- 1) If the employee is not satisfied with the decision of the immediate supervisor under the Informal Dispute Resolution Process, the employee may, within ten (10) working days of having received the supervisor's response, make a formal Request for Review (Appendix 10-A) to the employee's Director of Human Resources for referral to the department's designate for review. A copy of the Request for Review will be provided to the employee's immediate supervisor.
- 2) Upon receipt of a Request for Review, the department's designate will attempt to resolve the complaint.
- 3) If the matter is not resolved within ten (10) working days from the date in which the Request for Review was received by the department's designate, at the employee's request, the Director of Human Resources shall forward the Request for Review to the employee's deputy head, accompanied by any response to the Request for Review.
- 4) The deputy head shall reply in writing to the employee within fifteen (15) working days from the date the deputy head received the Request for Review.
- 5) The decision of the deputy head shall be final and binding upon the employee.

SUSPENSION OR DISMISSAL

If the complaint is regarding disciplinary action which resulted in dismissal or suspension, the employee may appeal the decision of the deputy head or the official to whom the authority to suspend the employee has been delegated by the deputy head, under sections 94 and 95 of the General Civil Service Regulations (Appendix 10-B).

Policy Guidelines

WITHDRAWING THE REQUEST FOR REVIEW

The employee has the right to withdraw the Request for Review at any point in the dispute resolution process. The notification of withdrawal must be submitted in writing to the employee's Director of Human Resources.

TIME LIMITS

At the request of either party, it may be mutually agreed to extend the time limits specified at any stage of the process.

Accountability

DEPUTY HEADS

Deputy heads are responsible for ensuring that employee complaints are reviewed and addressed as provided for in this policy.

MANAGERS/SUPERVISORS

Managers/supervisors are responsible for ensuring that employees are informed of the policy and process.

Monitoring

The Public Service Commission is responsible for monitoring the effectiveness of the process within the policy.

References

The *Civil Service Act* and regulations

Appendices

Appendix 10-A: Request for Review Form

Appendix 10-B: Notice of Appeal Form

Enquiries

General Enquiries, Public Service Commission (902) 424-7660

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Most recent review:

Appendix 10-A

Dispute Resolution Excluded Civil Service Employees

REQUEST FOR REVIEW

I, _____
(Name) (Position title and classification)

of the Department of _____

at _____,

office phone # _____ or home phone # _____

am requesting a review of a decision relating to my attendance, conduct or work performance.

The particulars are as follows (use additional pages if necessary):

Civil Service Act and regulations violation or policy violation (if applicable):

(Employee's signature)

(Date)

Copy to Supervisor

Appendix 10-B

General Civil Service Regulations Excluded Civil Service Employees

NOTICE OF APPEAL

I, _____
(Name) (Position title and classification)

of the Department of _____

at _____,

office phone # _____ or home phone # _____

am appealing the disciplinary decision of _____
(Name)

(Title)

under • Section 26 (suspension) or • Section 27 (dismissal) of the *Civil Service Act*.

The particulars are as follows (use additional pages if necessary):

(Appellant's signature)

(Date)

Copy to Supervisor

