

TOPIC STAFFING METHODS

POLICY Positions in the civil service are filled by competitive appointment or direct appointments. A competitive examination determines merit where there are two or more candidates. A direct appointment, on the other hand, may be appropriate under specific conditions.

QUESTIONS AND ANSWERS

1. What is the difference between a competitive appointment and a direct appointment?
2. Who is authorized to make appointments?
3. What are the options for appointing employees to duties?
4. Under what specific conditions can a direct appointment occur?
5. What are the guidelines for acting status appointments?
6. What are the guidelines for interchange agreements?
7. What are the guidelines for secondments?

AUTHORITY

- *Civil Service Act* 3,9, 11(7), 13-16, 18(1),19(2), 22, 23, 29(1), 32, 35, 37, 39
- *Civil Service Regulations* 14
- *Executive Government Organization Act* 16
- GEMA 5:04, 66, 11
- CSC Minute #14-96/97-15
- CSC Minute #12-98/99-8 (amended)
- CSC Minute #10-99/00-9 (amended)

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QUESTIONS AND ANSWERS

1. What is the difference between a competitive appointment and a direct appointment?

A **competitive appointment** is based on a competitive examination of two or more candidates and includes subsequent or alternate appointment(s) from a <competition> or <eligibility list>.

A **direct appointment** occurs when the person selected is the only person considered for appointment under the specific conditions outlined in Question 5 of this policy.

The staffing principles of <merit, equity and fairness> apply to both competitive and direct appointments. A competitive appointment is by its nature more transparent, and therefore may be perceived by employees and the public to be more fair.

2. Who is authorized to make appointments?

An authorized commission officer makes appointments subject to *The Civil Service Commission Act*, regulations, policies, the staffing delegation agreement and Civil Service Commission review.

3. What are the options for appointing employees to duties?

There are many options for appointments, employee types and position categories. The following appointment options can occur through <competitive appointment> or <direct appointment>:

- transfer
- appointment from the Re-employment List
- job share or job split
- promotion on reclassification
- temporary appointments
 - ▶ <acting status>
 - ▶ <interchange>
 - ▶ <secondment>
 - ▶ student/coop placement
 - ▶ temporary reclassification
 - ▶ term appointment to a term position or to a regular position

The options for employee type are

- <regular employee>
- <term employee>
- <casual employee>
- <departmental employee>
- <contract> employee
- <technical employee>
- secretaries to Ministers (AYM classification).

There are four employment categories distinguished by the frequency and duration of employment: <regular employment>, <temporary employment> <contract> and <casual employment>. Employment may be full-time, part-time or seasonal.

4. Under what specific conditions can a direct appointment occur?

All <direct appointments> must be authorized by an authorized commission officer. A direct appointment can occur only when one or more of the following conditions are met in accordance with the authority named. Although a direct appointment may be legitimate in any of the following conditions, an authorized commission officer may decide that it is appropriate to hold a competition.

- <Contract>
- Conversion from Term
- Minister's Secretaries
- Re-Employment
- Reclassification
- Civil Service appointment requiring an Order-in-Council
- Technical Officer
- <Acting Status>
- Temporary/Casual
- Veterans
- Reassignment
- *Acting Status to Regular
- *Employment Equity initiative
- *Career Development initiative
- *<Interchange>
- *Succession Plan
- *Lateral Transfer
- *Difficult to Recruit to Position and/or Location
- *Only Available Candidate
- *Former Employee Returning
- *Other Direct Appointments

**A written explanation is required for direct appointment in these conditions. It should indicate why the direct appointment is warranted outlining any impact on other employees.*

5. What are the guidelines for acting status appointments?

Acting status is the temporary assignment of an employee to the duties of another position with a higher maximum rate of pay. When acting status is revoked, the employee returns to the employee's original position and rate of pay. An employee in acting status is informed of any extensions to the acting period. If two or more employees are rotated in the acting position, each acting period is for such time as to warrant acting pay.

Authorization. An employing authority recommends and an authorized commission officer approves acting status appointments.

Conditions. To be eligible for acting status, the employee must satisfy these conditions:

- meet the essential criteria for the higher level position (Note: an <underfill> acting status appointment may occur where the employee does not meet the criteria)
- perform all the duties of the higher level position that the incumbent would have performed during the acting period
- act in the position for a minimum number of consecutive working days, subject to the collective agreement.

Acting status is not an available option under the following conditions:

- The higher level position was classified "classification incumbent specific".
- The employee's classification or assigned duties includes the responsibility to assume the duties of a higher level classification in the absence of the regular incumbent, for example, Assistant Director.

Pay & Benefits. The following considerations apply to acting status:

- If an employee receives 2 or more increments when acting status is granted, the employee's anniversary date changes according to policy.
- <Increments during the acting status period> occur under specified conditions.
- When acting status is revoked, the employee reverts back to the pay rate of the employee's original position as if there had never been a temporary appointment.
- If a bargaining unit employee acts in an excluded position, union dues shall continue to be deducted during the acting period. If an excluded employee acts in a bargaining unit position, union dues should not be deducted during the acting period.

6. What are the guidelines for interchange agreements?

Interchange is the temporary assignment of regular employees within their staff year to work in another level of government. Interchanges are possible with the Government of Canada, another province, municipality or other public sector organization. An informal loan of an employee can also occur.

Authorization. An interchange is formalized by a written agreement. The loaned employee is a party to the agreement. The formal interchange agreement will guarantee the employee's return to the previous position or to a comparable position, and that the borrowing employer will not offer the employee continuing employment upon completion of the assignment. Interchange agreements are approved by the Deputy Minister or employing authority of the borrowing organization and the lending organization and reviewed by the Civil Service Commission.

Conditions. An interchange may be an appropriate option in the following situations:

- The successful candidate in a competition is from another public sector agency.
- A department wishes to make a direct appointment of an employee from another public sector agency who meets the requirements for a position.
- Another government requests the services of a Manitoba civil service employee.
- It advances Employment Equity goals and objectives.

Pay & Benefits. The following considerations apply to interchanges:

- The employee remains within his/her staff year for the duration of the interchange.
- The employee's salary plus a percentage for benefits costs are normally paid by the lending employer and costs are recovered from the borrowing employer.
- The borrowing employer pays relocation expenses to the new duties and the lending employer pays return relocation expenses on the return of the employee.

7. What are the guidelines for secondments?

Secondment is the temporary assignment of employees within their staff years to another branch, department or agency of the Manitoba Government or a crown corporation.

Authorization.

Managers of the borrowing organization and the lending organization approve a secondment agreement.

Conditions. A secondment is an appropriate staffing option in the following situations:

- Special program needs are best met by using existing government employees.

- The temporary work assignment requires expertise found within the civil service.
- It advances Employment Equity goals and objectives.
- It provides a development opportunity for a civil service employee.

Pay & Benefits. The following considerations apply to secondments:

- Employees are usually seconded within their classification. An interim re-classification may be appropriate in some situations.
- The borrowing department provides information on attendance and benefits usage to the lending organization.

COMMENT BOXES

Acting Status	Defined in Staffing Methods Policy 2.1.5, Q5
Casual employee	Link to Civil Service Regulations 1(1) "casual employment".
Competitive appointment	Defined in Staffing Methods Policy 2.1.5, Q1
Competition	A competition is an examination of two or more candidates for a position. The posting of an employment notice is not a prerequisite for there to be a competition.
Contract	<p>Contract refers to the employment of a person as an independent contractor with the specific approval of Treasury Board and the Civil Service Commission. Independent employment contracts are used ONLY when:</p> <ul style="list-style-type: none">▶ special knowledge or expertise is required but not available within the civil service▶ objectivity is of particular importance▶ the work is of a temporary, non-recurring nature.
Departmental employee	Departmental employee means a person employed by Manitoba Transportation & Government Services or Manitoba Conservation whose appointment is made to a departmental employee classification contained within the Trades and Physical Sciences components of the GEMA.
Direct appointment	A direct appointment occurs when only one person is considered for a position. The candidate's qualifications are assessed against the selection criteria established for the position.
Eligibility List	An eligibility list is a ranked listing of qualified candidates for a particular type of employment or job classification. An eligibility list is identified through a competition. See also Competition Policy 2.2.1, Q4.

Executive Government Organization Act 16

Provides for "Agreements with other Authorities" as follows:
The Lieutenant Governor in Council may authorize a minister, for and on behalf of the government, of an agency of the government to enter into an agreement with:

- a) The Government of Canada, or a minister or agency of the Government of Canada; or
- b) the government of another province of Canada, or a minister or agency of the government of another province of Canada; or
- c) a municipality, school district, school division or other local authority; or
- d) any person or group of persons;
For the benefit or purpose of the residents of Manitoba or any part thereof.

Increments during the acting status period

An employee in acting status is eligible for increments under the following conditions:

1. If the employee's anniversary date falls within the acting status period, the employee receives an increment in the employee's original position under certain conditions:
 - ▶ if the employee is eligible for an increment within the pay range of the original position
 - ▶ if the merit increment is granted during the acting period.
2. The employee is eligible for an increment within the acting position range on the employee's anniversary date if:
 - ▶ the employee's salary in the acting position becomes equal to or less than what the employee would be eligible for in the original position, or if granting the increment in the employee's original position results in the differential between the two rates being less than one step.
 - ▶ the employee becomes eligible for an increment in the acting position range after having an anniversary date changed according to the Merit and Promotion Increase Policy.
 - ▶ the employee received less than two steps, had no change in anniversary date and has been acting in the position continuously for one year.

Interchange	Defined in Staffing Methods Policy 2.1.5, Q7
Merit, equity & fairness	Defined in Staffing Principles 2.0
Regular employee	A regular employee is an employee who carries out and occupies a continuing function in a departmental program and who has all the rights and privileges of employees of permanent status.
Regular employment	Appointment to a civil service position with <regular employee> status
Secondment	Defined in Staffing Methods Policy 2.1.5, Q8
Technical employee	Technical employee refers to Deputy Ministers, the Clerk of the Executive Council, The Clerk of the Legislative Assembly, and other officers appointed at the pleasure of the lieutenant governor.
Term employee	A term employee (also called "temporary employee") is employed for an assignment on a temporary basis as defined in the <Civil Service Act Regulations 1(1)>.
Temporary employment	<p>Temporary employment refers to a term appointment. The expiry date of the term appointment is clearly communicated to the term employee. Temporary employment is an appropriate staffing option when the work may not be on-going or to anticipate future downsizing. Options include:</p> <ul style="list-style-type: none"> • filling a <regular position> with a term employee • filling a <term position> for a specific period of time • hiring a <casual employee> for a period no longer than two pay periods • hiring students through STEP or co-op education • hiring project employees and sessional staff.
Underfill	Underfill means a person is appointed to a position in spite of not fully meeting all selection criteria and therefore is appointed at a rate of pay lower than the classification of the position.