

GENERAL ADMINISTRATION MANUAL

VOLUME 3: HUMAN RESOURCE POLICIES

TITLE: CONFIDENTIAL EMPLOYEES

EFFECTIVE: November 27, 2012

1.0 SCOPE

1.1 Authority

1.1.1 This policy was issued under authority of Cabinet Minute No. 94-40, dated October 27, 1994, and amended under the authority of the Deputy Ministers Review Committee, November 27, 2012.

1.2 Application

1.2.1 This policy applies to all employees hired under the *Public Service Act* who have been excluded from the bargaining unit because they are employed in a confidential capacity in accordance with the *Yukon Public Service Labour Relations Act*.

1.2.2 *Section 3.0 - Grievance Procedure for Confidential Employees - shall also apply to Managerial employees until such time as an equivalent and corresponding grievance procedure is established for them in Section M or another corporate policy.*

1.3 Purpose

1.3.1 To identify the extent to which terms and conditions of employment, established and regulated within the framework of collective bargaining shall apply to confidential employees.

1.3.2 To outline the grievance process for confidential employees.

1.4 Definitions

Confidential employee: An employee of the Yukon government who has been excluded from the bargaining unit because they are employed in a confidential capacity in accordance with the *Yukon Public Service Labour Relations Act*.

2.0 TERMS AND CONDITIONS OF EMPLOYMENT

2.1 Confidential employees shall be entitled to and regulated by the terms and conditions of employment generally applicable to employees in the bargaining unit, as if the confidential employees were included in the bargaining unit, with the following exceptions:

2.2 Confidential employees are not eligible for coverage under provisions dealing with rights and benefits flowing from inclusion in a bargaining unit, including, but not limited to:

- Union business;
- Union leave;
- Grievance procedure;
- Competition appeal process; and
- Joint consultation.

3.0 GRIEVANCE PROCEDURE FOR CONFIDENTIAL EMPLOYEES

3.1 Where a confidential 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.

3.2 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.

3.3 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.

3.4 Where the issue is not within the authority of the deputy head to decide, the employee shall submit the grievance directly to the Public Service Commissioner. The employee may consult with the Staff Relations Branch of the Public Service Commission to determine whether the issue grieved is within the authority of the deputy head to decide.

3.5 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.

4.0 RELATED DOCUMENTS

- Collective Agreement – Government of Yukon and the Public Service Alliance of Canada
- *Public Service Labour Relations Act*
- *Public Service Act*