

Treasury Board

Gouvernement du Québec

C.T. 192495, 29 September 1998

Public Service Act
(R.S.Q., c. F-3.1.1)

Holding of competitions

Regulation to amend the Regulation respecting the holding of competitions

WHEREAS under subparagraphs 1, 2, 3 and 5 of the first paragraph of section 50.1 of the Public Service Act (R.S.Q., c. F-3.1.1), the Conseil du trésor shall determine, by regulation, the procedure for holding recruitment or promotion competitions, geographical areas and criteria to determine whether a person belongs to an area for the purposes of eligibility for a competition or for a candidate inventory in that area, the administrative entity to which a public servant must belong in order to be eligible for a competition, and norms according to which candidates declared qualified in a competition may be grouped into levels and lists of certifications of qualifications may be drawn up;

WHEREAS under paragraph 1 of section 3 of the Regulations Act (R.S.Q., c. R-18.1), that Act does not apply to regulations regulating the management of human resources;

WHEREAS the Office des ressources humaines adopted the Regulation respecting the holding of competitions and the Government approved it by Order in Council 2290-85 dated 7 November 1985;

WHEREAS it is expedient to amend the Regulation;

WHEREAS under section 21 of the Act respecting the transfer of the powers and functions of the Office des ressources humaines (1996, c. 35), regulations made under section 103 of the Public Service Act and in force on 19 June 1996 are deemed to be regulations made by the Conseil du trésor under section 50.1 of the Public Service Act;

WHEREAS in accordance with the second paragraph of section 50.1 of the Public Service Act, the draft Regulation to amend the Regulation respecting the holding of competitions was published in the *Gazette officielle du Québec* of 13 May 1998, with a notice stating that it

could be made by the Conseil du trésor, with or without amendment, upon the expiry of 30 days from that publication;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the holding of competitions, with amendments;

THEREFORE, THE CONSEIL DU TRÉSOR ORDERS:

THAT the Regulation to amend the Regulation respecting the holding of competitions, attached to this decision, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation respecting the holding of competitions^(*)

Public Service Act
(R.S.Q., c. F-3.1.1, s. 50.1, 1st par., subpars. 1, 2, 3 and 5)

1. The Regulation respecting the holding of competitions is amended by substituting the following for section 1:

«**1.** This Regulation applies to competitions for recruitment and promotion held under the Public Service Act (R.S.Q., c. F-3.1.1).».

2. The following is substituted for the first paragraph of section 2:

«**2.** The duties related to the holding of a competition may be performed in whole or in part by an evaluation committee or a resource person. Such a committee or person shall make recommendations in writing.».

3. Sections 3 and 6 are revoked.

4. The following is substituted for section 7:

^(*) The Regulation respecting the holding of competitions, made by Order in Council 2290-85 dated 7 November 1985 (1985, *G.O.* 2, 4072), was amended once by the Regulation made by Order in Council 1678-88 dated 9 November 1988 (1988, *G.O.* 2, 3873).

«7. Eligibility for a competition may be restricted to a geographical area, in consideration of the following criteria:

- (1) the mobility of the available labour force;
- (2) a sufficient number of applications by eligible persons;
- (3) the characteristics of the position to be filled.».

5. The following is substituted for the first paragraph of section 8:

«8. In the case of a competition for promotion, eligibility may be restricted, in consideration of the criteria listed in section 7, to persons belonging to the administrative unit for which the competition is held and to persons on reserve who would otherwise belong to that administrative unit.».

6. The following is substituted for section 10:

«10. Notwithstanding section 9, for recruitment purposes and under the circumstances provided for in a positive action program, the eligibility of a person covered by the program may not be restricted because he belongs to a geographical area other than that specified in the conditions of eligibility.

For promotion purposes and under the circumstances provided for in a positive action program, the eligibility of a person covered by the program may not be restricted because he belongs to an administrative unit other than that specified in the conditions of eligibility.».

7. Section 11 is amended by striking out the words «the Office shall consider» and by inserting the words «shall be considered» at the end.

8. Sections 13, 14 and 15 are revoked.

9. Section 18 is amended:

(1) by substituting the following for the first paragraph:

«18. Only applications received during the period prescribed for filing applications shall be considered.»;

(2) by adding the following paragraph after the first:

«By reason of a failure on the part of the postal service or of any unforeseeable event delaying the receipt of application documents, an application received after the application period shall be considered.».

10. Sections 19 and 23 are revoked.

11. The following is substituted for section 25:

«25. Only knowledge of a language other than French may be a criterion for disqualifying applicants in a competition where such knowledge is considered essential to the carrying out of certain duties of the position.».

12. The words «one year» are substituted for «180 days» in section 27.

13. The words «the following criteria shall be considered:» are substituted for the words «the Office shall consider the following:» in section 28.

14. Sections 30, 31 and 35 are revoked.

15. The words «a person authorized to do so» are substituted for the words «The Office» in section 36.

16. The following is substituted for section 37:

«37. A qualifications list is valid for one year from the date on which it takes effect. However, a person authorized to approve that list may extend the validity period, each extension corresponding to one year, in consideration of the following criteria:

(1) the number of qualified applicants not yet selected;

(2) the foreseen number of positions to be filled;

(3) the appropriateness of the evaluation procedure used in relation to the nature of the position.».

17. The words «or laid off» are inserted after the word «dismissed» in the second paragraph of section 39.

18. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.