

Treasury Board

Gouvernement du Québec

T.B. 196868, 10 July 2001

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

**Holding of competitions
— Amendments**

Regulation to amend the Regulation respecting the holding of competitions

WHEREAS, under subparagraphs 1, 2, 3, 5, and 7 of the first paragraph of section 50.1 of the Public Service Act (R.S.Q., c. F-3.1.1), amended by section 135 of chapter 8 of the Statutes of 2000, 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 or candidate inventory and the norms relating to qualifications lists and the use of candidate inventories;

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

WHEREAS the Office des ressources humaines made the Regulation respecting the holding of competitions and the Government approved the Regulation 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 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, a draft of the Regulation to amend the Regulation respecting the holding of competitions was published on 25 April 2001 in

the *Gazette officielle du Québec* with a notice that it could be made by the Conseil du trésor, with or without amendment, upon the expiry of a 30-day period following its publication;

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

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation respecting the holding of competitions, attached hereto, 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, 5 and 7; 2000, c. 8, s. 135)

1. Section 1 of the Regulation respecting the holding of competitions is amended by adding the words “and to candidate inventories constituted under the Act” at the end.

2. Section 2 is amended

(1) by inserting the words “or to the constitution of a candidate inventory” after the word “competition” in the first paragraph;

(2) by inserting the words “or for which the candidate inventory is constituted” after the word “held” in the second paragraph.

3. Section 7 is amended by inserting the words “or a candidate inventory” after the word “competition”.

* The Regulation respecting the holding of competitions, made by Order in Council 2290-85 dated 7 November 1985 (1985, *G.O.* 2, 4072) was last amended by the Conseil du trésor Decision 192495 dated 29 September 1998 (1998, *G.O.* 2, 4251). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

4. Section 8 is amended by substituting the following for the first paragraph:

“8. Where a competition for promotion is held, or an inventory of candidates for the promotion is constituted, 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 or for which the candidate inventory is constituted and to persons on reserve who would otherwise belong to that administrative unit.”.

5. Section 10 is amended by substituting the following for the first paragraph:

“10. Notwithstanding section 9, for recruitment purposes and in the circumstances provided for in an affirmative action program or in a program designed to ensure the hiring of handicapped persons, the eligibility of a person covered by the program may not be restricted because that person belongs to another geographical area than the one specified in the conditions of eligibility.”.

6. The heading of Division IV is amended by striking out the words “POUR LA TENUE DE CONCOURS” in the French text.

7. The following is substituted for section 12:

“12. The period allowed for the filing of applications for a competition or a candidate inventory shall be at least 10 working days. The closing date shall be indicated in the call for candidates.”.

8. The headings of Divisions V and VI are amended by striking out the words “À UN CONCOURS” in the French text.

9. Section 21 is amended by inserting the words “or constitution of a candidate inventory” after the word “competition” in the first paragraph.

10. Section 22 is amended by adding the following paragraph at the end:

“A person who is eligible for a candidate inventory shall be responsible for updating his application form and the required supporting documents.”.

11. The following is substituted for section 27:

“27. The result a person obtains on an examination or part of an examination for a competition or the constitution of a candidate inventory may be transferred to any competition or candidate inventory where the following two conditions are met:

(1) the content of the examinations or parts of examination is identical; and

(2) the period between the dates of those examinations or parts of examination does not exceed twelve months.”.

12. The following is inserted after Division VII:

“DIVISION VII.1 USE OF CANDIDATE INVENTORIES

31.1. A candidate inventory may be used for a period of two years from the date of its constitution. Notwithstanding the foregoing, the period for using the candidate inventory may be extended, each extension corresponding to one year, by taking the following criteria into consideration:

(1) the number of applicants eligible for the candidate inventory or whose eligibility is established by the evaluation, as the case may be, who have not yet been declared qualified;

(2) the number of positions likely to be filled after competitions are held from the candidate inventory; and

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

31.2. A candidate inventory may only be used for the purposes set forth in the call for candidates.”.

13. Division VIII, including sections 32 to 34, is revoked.

14. Section 39 is amended by striking out the words “at his level” in the second paragraph.

15. Section 40 is amended

(1) by substituting “either one of the lists may be used” for “the list which first took effect shall have priority for purposes of using the lists for a given staffing method” in the first paragraph; and

(2) by deleting the third paragraph.

16. Section 40 as amended by section 15 of this Regulation does not apply in respect of a qualifications list that took effect before the coming into force of this Regulation until the date provided for its expiry at the time of the coming into force of this Regulation.

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