

Draft Regulation

Public Service Act
(chapter F-3.1.1)

Promotion further to the upgrading of a position

Notice is hereby given, in accordance with the second paragraph of section 50.1 of the Public Service Act (chapter F-3.1.1), that the Regulation respecting promotion further to the upgrading of a position, appearing below, may be made by the Conseil du trésor, with or without amendment, on the expiry of 30 days following this publication.

The draft Regulation determines, in particular, the conditions under which the upgrading of a position may allow the promotion of a public servant otherwise than by means of a qualification process. Thus, the draft Regulation indicates the conditions that must be met by a public servant whose position has been upgraded in order to be promoted. It also sets forth the rule respecting promotion of a public servant to a position as a team leader or manager. These provisions are essentially the same as those currently set forth in the Promotion without a Competition Regulation (chapter F-3.1.1, r. 4). They have been reformulated in order to reflect the new terminology introduced into the Public Service Act by the Act to amend the Public Service Act mainly with respect to staffing (2013, chapter 25) and to clarify the current text.

The draft Regulation has no impact on citizens and businesses, in particular, small and medium-sized businesses.

Further information may be obtained by contacting François Bernard, Direction de la gestion de la main-d'œuvre, Secrétariat du Conseil du trésor, 875, Grande Allée Est, Québec (Québec) G1R 5R8; telephone: 418 643-0875, extension 4679; fax: 418 644-4938; or email: francois.bernard@sct.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 30-day period to Jocelyne Tremblay, Principal Director, Bureau de la gouvernance en gestion des ressources humaines, Secrétariat du Conseil du trésor, édifice H, 875, Grande Allée Est, Québec (Québec) G1R 5R8.

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*Minister responsible for Government Administration
and Ongoing Program Review and Chair
of the Conseil du trésor*

Regulation respecting promotion further to the upgrading of a position

Public Service Act
(chapter F-3.1.1, s. 50.1, 1st par., subpar. 6)

1. Subject to the provisions of the second paragraph of section 42 of the Public Service Act (chapter F-3.1.1), a public servant whose position has been upgraded shall be promoted where all of the following conditions are met:

(1) the public servant's classification must be at the same level as that of the position occupied before the position was upgraded;

(2) the public servant must have held the position for at least one year before it was upgraded;

(3) the position held by the public servant must have been upgraded as a result of a complexification in some or all of the principal and usual duties of the position;

(4) the upgraded position must require predominantly the same type of skills as those required by the position held by the public servant before the position was upgraded;

(5) the public servant has not already had his qualifications assessed with a view to the upgraded position under this Regulation or the Promotion without a Competition Regulation (chapter F-3.1.1, r. 4).

In addition, the promotion of a public servant under this Regulation to a team leader position or manager position is permitted only if the position occupied by the public servant before the upgrading included, principally and usually, team leader or manager responsibilities.

2. The Promotion without a Competition Regulation (chapter F-3.1.1, r. 4) is revoked.

3. This Regulation comes into force on the (*date corresponding to the fifteenth day following its publication in the Gazette officielle du Québec or any later date*).

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