

NISGA'A PERSONNEL ADMINISTRATION ACT

NISGA'A LISIMS GOVERNMENT

WILP SI'AYUUKHL NISGA'A

**NISGA'A PERSONNEL
ADMINISTRATION ACT**

**UNOFFICIAL CONSOLIDATION
CURRENT TO OCTOBER 28, 2011**

Explanatory Memorandum

This Act repeals and replaces the *Nisga'a Personnel Administration Act*, enacted on May 11, 2000.

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Definitions**1.** In this Act:

“department” means a department or similar division of the Nisga’a Nation or a Nisga’a Lisims Institution;

“director” means a director of a department;

“employee” means a person employed within the Nisga’a Nation or a Nisga’a Lisims Institution, and includes the Chief Executive Officer and a Nisga’a Lisims Government Director;

“employee policy manual” means an employee policy manual established under section 2(a).

Executive responsibilities**2.** The Executive is responsible for the following aspects of personnel management within the Nisga’a Nation and Nisga’a Lisims Institutions:

- (a) establishing an employee policy manual respecting personnel policies, standards, procedures and related matters;
- (b) establishing or determining employment positions within the Nisga’a Nation and Nisga’a Lisims Institutions;
- (c) determining those employment positions or employees that are to be paid in the form of hourly wages or salary;
- (d) establishing wage scales or salaries of employees;
- (e) conducting a comprehensive review of all salaries and hourly wages before recommending approval of the provisional budget for the Nisga’a Nation for the next fiscal year to Wilp Si’ayuukhl Nisga’a under the *Nisga’a Financial Administration Act*;
- (f) establishing any designated paid holidays that are in addition to those established under applicable labour law;
- (g) establishing benefit plans for employees;
- (h) establishing policies for the payment or reimbursement of expenses, including accommodation, meals, travel and similar expenses, of
 - (i) employees, and

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- (ii) Nisga'a Lisims public officers, other than employees,
for attending meetings or carrying out the duties of their office or employment;
 - (i) approving persons for appointment to office as Nisga'a Lisims Government Directors;
 - (j) evaluating the job performance of the Chief Executive Officer;
 - (k) providing direction to the Chief Executive Officer in carrying out the responsibilities and exercising the authorities of the Chief Executive Officer under this Act and the regulations.

Departments and directors

3. The Executive may establish departments and offices of director within the Nisga'a Nation and Nisga'a Lisims Institutions, in addition to those established under other Nisga'a Lisims enactments.

Delegation by Executive

4. The Executive may delegate any of its responsibilities under section 2 to the Finance Committee, except its responsibility under section 2(i).

Chief Executive Officer responsibilities

5. (1) Subject to this Act and the regulations, the Chief Executive Officer is responsible for personnel management within the Nisga'a Nation and Nisga'a Lisims Institutions, other than in relation to the Chief Executive Officer's own employment.
- (2) The responsibilities of the Chief Executive Officer under subsection (1) include the following:
 - (a) advising the Executive respecting personnel policies, standards, procedures and related matters;
 - (b) providing direction, advice or assistance to Nisga'a Lisims Government Directors respecting personnel policies, standards, procedures and related matters;
 - (c) subject to paragraph (q), recruiting, selecting and hiring, or providing for the recruitment, selection and hiring, of employees;

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- (d) developing standards and procedures for the filling of vacancies;
 - (e) laying off employees;
 - (f) discipline, suspension and dismissal of employees;
 - (g) developing, providing, assisting in or coordinating personnel training, education and career development programs;
 - (h) developing, establishing and maintaining job evaluation and classification plans;
 - (i) developing, establishing and maintaining occupational health and safety programs;
 - (j) conducting studies and investigations respecting personnel utilization;
 - (k) carrying out research on personnel compensation and working conditions;
 - (l) developing and implementing mechanisms to ensure effective human resource planning and organizational structures;
 - (m) developing, implementing and maintaining processes to monitor, audit and evaluate any delegation of responsibility under section 4 or 9, to ensure compliance with this Act and the regulations;
 - (n) investigating and dealing with any complaints of workplace harassment under the employee policy manual;
 - (o) establishing and maintaining a personnel management information system;
 - (p) monitoring and auditing all personnel functions;
 - (q) with the prior approval of the Executive, appointing persons to office as Nisga'a Lisims Government Directors;
 - (r) together with each Nisga'a Lisims Government Director, evaluating the job performance of the employees, other than that Director, employed within the department headed by the Director;
 - (s) evaluating the job performance of all employees whose job performance is not evaluated under paragraph (r).

Dismissal and suspension

6. An employee other than the Chief Executive Officer may be suspended or dismissed from their employment only by

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- (a) the Chief Executive Officer, or
- (b) a Nisga'a Lisims Government Director authorized by the Chief Executive Officer.

Chief Executive Officer retention of services

7. The Chief Executive Officer may retain the services, including professional services, of such persons as they consider necessary to assist in carrying out their responsibilities under this Act or any other Nisga'a Lisims enactment.

Annual report

8. The Chief Executive Officer must prepare and present to Wilp Si'ayuukhl Nisga'a as soon as practicable after the end of a fiscal year, a report respecting the work of the Executive and the Chief Executive Officer in respect of employment within the Nisga'a Nation and Nisga'a Lisims Institutions during that fiscal year.

Delegation by Chief Executive Officer

9. Subject to section 6, with the approval of the Secretary-Treasurer, the Chief Executive Officer may delegate any of their responsibilities under section 5 to another person.

Deemed resignation on taking oath of office

10. If a person is elected to office as a member of the House in a regular election or a by-election held under the *Nisga'a Elections Act* and, at the time that person takes the oath of office after that election, the person holds the position or office of
- (a) an employee of the Nisga'a Nation or a Nisga'a Village, including, without limitation, a Nisga'a Lisims Government Director or the Chief Administrator of a Nisga'a Village Government, or
 - (b) a Nisga'a Public Officer whose position or office is prescribed by the Executive for the purposes of this section,

by taking that oath of office, the person resigns from any position or office referred to in paragraph (a) or (b).

Appointments signed by President

11. The appointment of a person to office under section 25(1), 37 or 41(1) of the *Nisga'a Government Act*, or under section 5(2)(q) of this Act,
- (a) must be signed by the President, and
 - (b) takes effect on the date that it is signed by the President.

Officer designation

12. Despite anything in this Act, the regulations or any other Nisga'a Lisims enactment, a person other than the President, the Chairperson, the Secretary-Treasurer or the Chairperson of the Council of Elders is not an Officer of Nisga'a Lisims Government unless that person holds an office expressly provided in Nisga'a Lisims legislation to be the office of an Officer of Nisga'a Lisims Government for the purposes of section 38(1) of the *Nisga'a Constitution*.

Regulations

13. The Executive may make regulations that it considers necessary or advisable for the purposes of this Act.

Repeal

14. The *Nisga'a Personnel Administration Act*, enacted on May 11, 2000, is repealed.

Commencement

15. This Act comes into force by regulation of the Executive.

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LEGISLATIVE HISTORY

Nisga'a Personnel Administration Act, NLGSR 2006/05, in force October 31, 2006 [NLGSR 2006/09]

Amendments

Section	Amendment	In Force
10	repealed [2008/18, s. 1] added [2011/03, s. 36; 2011/04, s. 5]	October 29, 2008 October 28, 2011 [2011/05]

Amending Acts:

NLGSR 2008/18 *Nisga'a Personnel Administration Amendment Act No. 1, 2008*
 NLGSR 2011/03 *Nisga'a Elections Amendment Act, 2011*
 NLGSR 2011/04 *Nisga'a Elections Amendment Act (No. 2), 2011*

Regulations:

NLGSR 2001/05 *Regulation Under Nisga'a Personnel Administration Act*
 NLGSR 2002/13 *Employee Dismissal Review Regulation*
 NLGSR 2002/21 *Employee Dismissal Review Amendment Regulation, 2002*
 NLGSR 2006/09 *Nisga'a Personnel Administration Act In Force Regulation*
 NLGSR 2011/05 *Nisga'a Elections Amendment Act, 2011 In Force Regulation*