

 <p><b>HIRING PROCESS</b></p>	<p><b>Human Resource Manual</b></p>
<p><b>Appointments Without Competition</b></p>	<p><b>Section 504</b></p>

## **APPOINTMENTS WITHOUT COMPETITION**

### **PURPOSE**

1. Wherever it is in the best interests of the people and the Government of Nunavut, all positions in the public service of the Government of Nunavut will be filled through the competition process. However, there are circumstances where appointments without competition are both necessary and justified. Clear guidelines are needed to ensure that the practices are consistent and controlled, within well-defined procedures.

### **APPLICATION**

2. The following guidelines apply to all departments. They also apply to the boards and agencies of the GN whose hiring is conducted pursuant to the *Public Service Act*.

### **PROVISIONS**

3. There are four (4) types of appointments without competition:
  - direct appointments (term or indeterminate);
  - transfer assignments (3 year maximum);
  - secondments (usually 1-3 years); and,
  - employees affected by lay-off or restructuring.

Please note: Only a direct appointment requires Cabinet approval.

### **Direct Appointments**

4. Appointments without competition shall only be requested and approved under the following circumstances:
  - The appointment assists the Government of Nunavut and the department in fulfilling its obligations under Article 23 of the *Nunavut Land Claims Agreement* and the Priority Hiring Policy;
  - The position must be filled without delay to complete projects that are government priorities and which could not be successfully completed on time, if the employee were to be hired through the competitive process.




## HIRING PROCESS

## Human Resource Manual

### Appointments Without Competition

### Section 504

- The position is sufficiently specialized that there is a limited body of potential candidates in Nunavut to do the work and only one individual can be identified to take on the job.
  - There are no potential candidates for the specialized position in Nunavut and an outside candidate with all the required qualifications is available on short notice.
  - A candidate who is available from within the public service of the Government of Nunavut or who is a former employee of the Government, either of whom would have the benefit of experience and knowledge that would allow them to be immediately productive without the need for a protracted period of training or orientation;
5. The Deputy Minister of the sponsoring department shall prepare a Request for Decision (RFD) document requesting approval for an appointment without competition. The RFD must contain the signature of the Deputy Minister of the hiring department to be considered.
6. The RFD (without the Minister's signature) will be submitted to the Department of Human Resources who will review the request for the following:
- consistency with one or more of the approved rationale;
  - a reasonable match between the job description and the candidate's skill sets and work experience as described in a current resume (the candidate should meet the screening criteria if the position were filled through the competitive process);
  - information about performance of the individual;
  - information on what the sponsoring department has done to staff the position; and
  - for positions of trust or highly sensitive positions, a criminal record check must be completed.

 <p><b>HIRING PROCESS</b></p>	<p><b>Human Resource Manual</b></p>
<p><b>Appointments Without Competition</b></p>	<p><b>Section 504</b></p>

7. Included with the submission shall be the following documents:
  - an updated and approved job description;
  - a signed staffing action request/job evaluation form;
  - an updated and approved organizational chart; and,
  - a current resume of the candidate being considered for direct appointment.
  
8. If the submission fails to meet all of the above conditions it will be returned to the department for resubmission to Human Resources to be staffed under the competitive process.
  
9. If the submission meets the requirements of provisions 6 and 7, the RFD will be returned to the department for the Deputy to brief the Minister and obtain the Minister's signature. If the Minister agrees, the signed RFD is then resubmitted to Human Resources Headquarters.
  
10. Human Resources will prepare a package for submission to the Secretary to Cabinet for inclusion on the next available Cabinet agenda. The package will include the original documents and one complete copy of the direct appointment request. In addition, the package will include seventeen (17) copies of the Department of Human Resources review and the Departmental RFD.
  
11. Upon Cabinet approval, the Secretary to Cabinet will prepare and submit to Human Resources a Cabinet Extract documenting the direct appointment approval.
  
12. Upon receipt of the Cabinet Extract, Human Resources will prepare a job offer to the appointee.
  
13. Upon receipt of the signed job offer, Human Resources will prepare and submit to the Department of Finance, all the required information for processing of payroll and benefits.

 <p style="text-align: center;"><b>HIRING PROCESS</b></p>	<p style="text-align: center;"><b>Human Resource Manual</b></p>
<p style="text-align: center;"><b>Appointments Without Competition</b></p>	<p style="text-align: center;"><b>Section 504</b></p>

### **Transfer Assignments**

14. Department can choose one of the following three options to implement a transfer assignment :
  - Option A – Non Competitive Transfer Assignment
  - Option B – Competitive Internal Transfer Assignment
  - Option C – Competitive Inter-departmental Transfer Assignment
15. Transfer assignments are temporary opportunities for current GN employees to develop new skills or to provide expertise in a particular field to assist the department in delivering programs or services.
16. Transfer assignments are temporary in nature and can run to a maximum of three years including all extensions. Transfer assignments can be between individual departments (inter-departmental) or within a department (intra-departmental)
17. Transfer assignments are often promotional in nature and as such are limited with regard to salary determination. For additional information on salary determination refer to section 1809 in the Human Resources Manual.
18. Salary determination on transfer assignments for NEU or excluded to senior management positions can be negotiated with the department and require Deputy Head approval.
19. When employees accept a transfer assignment they must accept the terms and conditions of the assigned position including any transfer to a different bargaining unit.
20. Upon completion of the transfer assignment, under option A the employee is guaranteed to return to their former position. Under option B and C the employee is guaranteed to return to their former position or to a comparable position with the original hiring department or to the transfer assignment position.
21. All transfer assignments must be signed off by the employee, the Deputy Heads and submitted to Human Resources Headquarters for review. The Deputy Minister of Human Resources will sign off on acceptable transfer assignments and HR will initiate any pay actions required.

	
<p style="text-align: center;"><b>HIRING PROCESS</b></p>	<p style="text-align: center;"><b>Human Resource Manual</b></p>
<p><b>Appointments Without Competition</b></p>	<p><b>Section 504</b></p>

22. Transfer assignment can be amended with the agreement of all parties or terminated with 30 days notice by any party.
23. Employees applying on option B and C must have written support from their Deputy Minister included with their application.
24. Additional information on transfer assignments may be found in section 308 of this manual.

**Secondments**

25. A secondment is the temporary assignment of a government employee to a position in an outside organization, or an individual with a position in an outside organization to a position with the government.
26. Secondments provide a process for the Government or an outside agency to meet their short term human resource needs when those needs cannot be effectively met through the staffing process, or to address the career development of employees to satisfy future needs within the Government.
27. Secondments are not exclusively for the purpose of career development. However, they must provide a residual benefit to the Government by developing an employee’s knowledge, skills, abilities and experience necessary to help the Government achieve its goals.
28. The receiving organization usually pays the full costs associated with the secondment including all salary, benefits, travel, administrative costs as well as those for moving to and from the secondment location and any other related expenses. There may be situations, however, where there will be cost-shared arrangements.
29. To be considered for a secondment, an employee must meet the following criteria:
  - have indeterminate employment status;
  - have completed the probationary period;
  - have a current positive performance appraisal; and,
  - have formally requested and been granted approval from the Deputy of the employing organization.
30. A template for secondments is available in the public folders.

 <p style="text-align: center;"><b>HIRING PROCESS</b></p>	<p style="text-align: center;"><b>Human Resource Manual</b></p>
<p style="text-align: center;"><b>Appointments Without Competition</b></p>	<p style="text-align: center;"><b>Section 504</b></p>


31. Additional information on secondments may be found in section 307 of this manual.

**Lay-offs**

32. Lay-off means an employee whose employment has been terminated because of lack of work or because of the discontinuance of a function and who is suitable for continued in the public service.
33. Priority staffing privileges exist for employees that have been identified for lay-off.
34. Indeterminate public service employees whose positions will be eliminated or transferred to another community are provided with written notice of affected employee status and, in some cases, Layoff Notice by the Department of Human Resources. In the case of term employees, every effort is made to continue employment for the remainder of their term.
35. The Department of Human Resources is responsible for ensuring that affected employees are considered for all vacant positions within their departments before advertising vacancies as open competitions.
36. Additional information on lay-offs may be found in section 1802 (d) of this manual.

**AUTHORITIES AND REFERENCES**

37. Nunavut Public Service Act  
Sections 16-22
38. Nunavut Land Claims Agreement  
Article 23
39. Nunavut Human Rights Act
40. Canadian Charter of Human Rights and Freedoms
41. Canadian Human Rights Act
42. Priority Hiring Policy

 <b>HIRING PROCESS</b>	<b>Human Resource Manual</b>
<b>Appointments Without Competition</b>	<b>Section 504</b>

## **CONTACTS**

43. For clarification or further information, please contact:

**Director Staffing  
Department of Human Resources  
Iqaluit, Nunavut**

**Or**

**Directors Community Operations  
Department of Human Resources**

- **Igloolik**
- **Rankin Inlet**
- **Cambridge Bay**