

15-1

Mr. Seddon.

NEW ZEALAND GOVERNMENT RAILWAYS AND OTHER EMPLOYEES.

ANALYSIS.

- | | |
|--|--|
| <p>Title.</p> <p>1. Short Title.</p> <p>2. Act not to apply to officers.</p> <p>3. Act not to apply to previous appointments.</p> <p>4. Interpretation.</p> <p>5. Persons employed when Act passed to be employés within meaning of same.</p> <p>6. Names of employés and length of service to be gazetted.</p> <p>7. Constitution of Boards and their duties.</p> <p>8. First employment.</p> <p>9. Medical examination of employés.</p> <p>10. Employment of persons other than permanent employés during pressure of work.</p> <p>11. Promotion.</p> <p>12. Promotion in the case of vacancies.</p> <p>13. Appointment of persons of special ability.</p> <p>14. Increment.</p> <p>15. Appeals.</p> <p>16. Absence on account of accident or illness.</p> | <p>17. Leave of absence.</p> <p>18. Superannuation.</p> <p>19. Superannuation before sixty years of age.</p> <p>20. Disabled on duty.</p> <p>21. Retiring from ill-health.</p> <p>22. Retiring after twenty years' service.</p> <p>23. Loss of life in discharge of duty.</p> <p>24. Governor may recommend increase of gratuity or allowance.</p> <p>25. Superannuation Fund.</p> <p>26. Percentage to be deducted from wages.</p> <p>27. Application for gratuities and allowances.</p> <p>28. Insubordination.</p> <p>29. Wrongful suspension of employés.</p> <p>30. Witnesses.</p> <p>31. Insolvency.</p> <p>32. Reinstatement of employés.</p> <p>33. Employés becoming insane or committing suicide.</p> <p>34. Regulations.</p> <p>Schedule.</p> |
|--|--|

A BILL INTITULED

AN ACT to provide for the Appointment of New Zealand Railways, Public Works, and Mines Services Boards, and to regulate the Appointment of Railways and other Employés, and for other Purposes. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The New Zealand Government Railway and other Employés Act, 1883." Short Title.

2. Nothing in this Act contained shall apply to any officers under the operation of the Civil Service Acts, or to any civil engineers, surveyors, draughtsmen, accountants, clerks, or other officers on the staff of the Departments of the New Zealand Railways, Public Works, Mines, or Defence. Act not to apply to officers.

3. Nothing in this Act contained shall affect any acts done, liabilities incurred, or appointments, rules, orders, or regulations made previously to the passing of this Act, if not inconsistent therewith. Act not to apply to previous appointments.

4. In this Act, if not inconsistent with the context,— Interpretation.

"Board" means the New Zealand Railway, Public Works, and Mines Services Boards for the North and South Islands:

"Department" means the Railway, Public Works, and Mines Departments:

"Employé" means and includes every mechanic and labourer employed in connection with the Department of the New Zealand Railways, Public Works Department, and Mines Department:

"Minister" means the responsible Ministers of the Crown for the time being administering the Departments.

Persons employed when Act passed to be employés within meaning of same.

5. Every person who is at the time of the coming into operation of this Act employed in the occupations indicated in the *third* subsection of clause *four* shall, without further or other appointment than this Act, be an employé within the meaning of and for the purposes of this Act, and shall have all the privileges and rights thereto appertaining. 5

Names of employés and length of service to be gazetted.

6. As soon as conveniently may be after the passing of this Act, and once in every three years subsequently, a list showing the names of each employé, the date of his first employment, and the length of his services, shall be published in the Government *Gazette*, and such lists shall be for the purposes of this Act *prima facie* evidence of the length of service of every person named therein. 10

Constitution of Boards and their duties.

7. The Governor in Council shall appoint a Board for the North Island and a Board for the Middle Island; and such Boards shall consist of not less than three nor more than five members, to be named the New Zealand Railways and Public Works Service Boards, whose duties shall be— 15

- (1.) To appoint as many employés as the Minister may certify to be necessary;
- (2.) To fill up where necessary all vacancies occurring in the number of employés; 20
- (3.) To make all necessary promotions;
- (4.) To keep a correct record of every employé in the service, and prepare the lists for the *New Zealand Gazette*;
- (5.) To examine applicants for employment, appointments, and promotions; 25
- (6.) To adjudicate upon all cases of appeal;
- (7.) To suspend, if it thinks fit, any employé guilty of a breach of the provisions of this Act;
- (8.) To visit at least twice in each year every branch of the department, and all places where employés are engaged, so as to obtain full knowledge of the working and requirements of each and every branch, and report thereon to the Minister, and generally to carry out the provisions of this Act subject to the Minister, and deal with any matters referred to the Board by the Minister. 30 35

In all matters which the Board is authorized to deal with or decidé, the decision of the Board shall be final and without appeal.

First employment.

8. After the passing of this Act no person shall (except as hereinafter provided) be permanently appointed an employé unless he has been previously examined by the Board, as to his fitness, physically and otherwise, for the position to which he may be appointed. 40

Medical examination of employés.

9. No person shall be appointed permanently an employé without undergoing examination by two legally-qualified medical practitioners approved by the Minister, who shall report to the Board the state of health of every applicant for permanent employment. 45

Employment of persons other than permanent employés during pressure of work.

10. If at any time, in consequence of the pressure of work or business, and the inability of the number of employés in the departments to carry on such work or business efficiently, it shall become necessary to temporarily increase the number of employés, the Board may authorize the temporary employment without examination of as many persons as may be required. Persons so employed shall not be entitled to any of the privileges conferred by this Act on employés. 50

159

11. Nothing in this Act shall prevent any employé who is capable of fulfilling the duties of any position in the department (other than that of an employé) being appointed to such position. Promotion.

12. When any vacancy occurs in the number of employés, or when it is intended to make any promotion, three clear days' notice of intention to fill such vacancy or make such promotion shall be posted in at least three conspicuous places in the department, including the branch where the vacancy has occurred or where the promotion is to be made. Promotion in the case of vacancies.

10 Any person being an employé may lodge with the Board an application for such vacancy or promotion, and the Board shall inquire fully into and examine every applicant, and recommend for appointment the employé most fit for the carrying-out of duties of the particular service required.

15 Where no application has been sent in, the Board shall proceed to recommend for promotion or transfer such employé as they may deem fit.

Long service and merit shall always receive favourable consideration from the Board.

20 13. If at any time, owing to the progress of science, it is considered necessary to confer on some person not an employé an appointment in the department of which he has special capabilities, such person may be appointed an employé on the Board certifying that no employé in the service is competent to fill any such position. Appointment of persons of special ability.

25 14. Any employé appointed at the ordinary rate of pay who, in the opinion of his overseer or officer in charge, performs his duties in a manner that will add to the efficiency of the department, shall, after every four years of service, with the sanction of the Board and Minister, receive an increment of one-twentieth of the said ordinary rate of pay. No employé shall receive more than four increments whilst employed in the same class of work. Increment.

30 15. In the event of any employé feeling himself aggrieved, or that he has suffered an injustice at the hands of his superior officer, he may demand an inquiry into his case by the Board. Appeals.

35 16. If, by any accident in the discharge of his duty, an employé is temporarily disabled from execution of his work, he shall receive full pay during his necessary absence; and during any temporary illness not brought about by any fault of his own an employé shall receive half-pay. Absence on account of accident or illness.

40 No employé shall be entitled to either full pay or half-pay as aforesaid until he has furnished a medical certificate proving the necessity for his absence.

45 17. Every employé shall, irrespective of any public general holidays which he may be allowed, be entitled each year to one week's holiday for recreation with full pay, with an additional week without pay. If not applied for in any year, such holidays shall be cumulative on the holidays for the following year; but if not then applied for they shall lapse. Leave of absence.

50 Every employé after fifteen years' continuous service shall be entitled to three months' leave of absence on full pay, with an additional three months' leave of absence without pay.

Superannuation.

18. When any employé has served for a period of not less than ten years, and has attained the full age of sixty years, he may be superannuated, and shall on retirement receive at his option either a gratuity of one month's pay for each year of service, or a yearly superannuation allowance according to the following scale, that is to say, after ten years of service, ten-fiftieths of the yearly pay received by him, and an increase of one-fiftieth for each succeeding year up to thirty years of service complete. 5

Superannuation before sixty years of age.

19. When any employé has served for ten years, and has not attained the full age of sixty years, if a certificate to the effect set forth in the Schedule to this Act, signed by two legally-qualified medical practitioners approved of by the Minister, be forwarded to the Minister by the Board, the Governor in Council may, on the recommendation of the Board and the Minister, superannuate such employé, and he shall thereupon be entitled to receive at his option the gratuity or the superannuation allowance provided by the last preceding section for employés who have attained the full age of sixty years. 15

Disabled on duty.

20. When any employé has served for a less period than ten years, if, without his own fault and in the execution of his duty, he receive such bodily injury as to incapacitate him for service, he may retire from active service, and the Governor in Council may, on the recommendation of the Board and the Minister, grant to such employé a gratuity of one month's pay for each year of service on a superannuation allowance of half the yearly pay received by him. 20

In the event of his death before so retiring, such gratuity shall be granted to his widow and children in such proportions as the Board may determine. 25

Retiring from ill-health.

21. When any employé has served for a less period than ten years, if a certificate to the effect set forth in the Schedule to this Act, signed by two legally-qualified medical practitioners approved by the Minister, be forwarded to the Board, such employé shall be entitled to his discharge, and to receive a gratuity of one month's pay for each year of service. 30

Retiring after twenty years' service.

22. Any employé who has attained the age of forty years, and who has served not less than twenty years, shall be entitled to retire upon a gratuity at the rate of one month's pay for each year of service. 35

Loss of life in discharge of duty.

23. If any employé lose his life in the discharge of his duty, a gratuity or superannuation allowance equal to what he would have been entitled to if he had reached the age of sixty years shall be paid to his widow or children, or to any other relation of such employé depending upon him for support, as the Board may decide. 40

Governor may recommend increase of gratuity or allowance.

24. Nothing in this Act contained shall prevent the Governor from recommending, by message to the House of Representatives any addition to any gratuity or allowance in consideration of any special services rendered by an employé entitled thereto or of any other unusual circumstances. 45

Superannuation fund.

25. The sum of five thousand pounds shall be appropriated out of the consolidated revenue for the purpose of forming a fund which shall be known as the New Zealand Government Employés Fund, which 50

461

New Zealand Government Railways and other Employés. 5

shall be invested in New Zealand Government stock or debentures in the name of the Treasurer of New Zealand, and entered in the stock ledger to a separate account. There shall also be paid out of the consolidated revenue every year to the credit of the said fund the sum of one thousand pounds. The interest accruing from all sums so invested in stock or debentures, or from the said fund, together with all fines imposed under this Act on any employé, shall also be paid to the credit of the fund, which is hereby permanently appropriated to the payment of gratuities and superannuation allowances under this Act.

10 **26.** That there may be sufficient income to liquidate all gratuities and superannuation allowances authorized under this Act, each and every employé shall have deducted from his pay a sum at the rate of two pounds and ten shillings for every hundred pounds of his pay for the time being, and all sums so deducted shall be forthwith paid 15 to the credit of the said fund. Percentage to be deducted from wages.

27. Employés entitled under this Act to gratuities or superannuation allowances shall apply for the same to the Board. Application for gratuities and allowances.

All gratuities and superannuation allowances shall be calculated on the rate of pay received by the employé who is to receive the same 20 during the year preceding his retirement.

28. If any disagreement occurs by which an employé is charged 25 by his superior officer for insubordination, neglect of duty, or destroying Government property or otherwise, the said officer may suspend such employé, and shall within twelve hours forward to the Board in writing full particulars of the charge for which he suspended the said employé. The Board shall immediately proceed to inquire into the said charge, and, if satisfactorily proved, shall punish by fine, reduction, or dismissal, as they may deem fit. Insubordination.

29. If any officer of the department suspend any employé upon 30 a frivolous or insufficient charge, and the fact be proved to the satisfaction of the Board, such officer shall be punished by fine or reduction in the service, or such other punishment as the Minister may deem fit. Wrongful suspension of employés.

30. Any officer of the department or employé being charged 35 before the Board may, upon application to the Board, obtain the attendance of any witness necessary to his case. Witnesses.

31. If any employé become bankrupt, or apply to take the benefit 40 of any Act now or hereafter to be in force for the relief of insolvent debtors, or by any deed or writing compound with his creditors, or make any assignment of his pay for their benefit, he shall be deemed to have forfeited his position as an employé, with all the privileges and benefits thereof. Insolvency.

32. When any such employé has forfeited his office by reason of 45 any such pecuniary embarrassment as aforesaid, if he prove to the satisfaction of the Board that such embarrassment has not been caused or attended by any fraud, extravagance, or dishonourable conduct, the Board may, with the approval of the Minister, reinstate such employé in his former position in the service, with all its accrued privileges and benefits. Reinstatement of employés.

33. If any employé become insane, or take away his life, his 50 widow and children, or any other relation of such employé depending Employés becoming insane or committing suicide.

6 *New Zealand Government Railways and other Employés.*

upon him for support, shall be entitled to a gratuity equal to what the said employé would be entitled to if he resigned on account of ill-health.

Regulations.

34. On the recommendation of the Board the Governor in Council may from time to time make and publish in the Government *Gazette* regulations, and may repeal or vary the same, concerning the duties to be performed by employés and the discipline to be observed, and concerning any other matters connected with employés not specifically provided for in this Act. 5

Any employé who shall be guilty of a breach of such regulations shall, if his offence is not so serious as to warrant his dismissal from the service, be liable to a penalty not exceeding *five* pounds. 10

Copies of every regulation shall be posted in at least three conspicuous places in the department, including any branch thereof to which any such regulation may particularly relate. 15

Schedule.

SCHEDULE.

We certify that on the day of 18 , we examined a New Zealand Government employé, who is years of age, and we further certify that we believe that he is incapable for the discharge of his duties in the departments, from infirmity of [*Here state whether of mind or body*]; and that we believe such infirmity is likely to be permanent, and was not occasioned by any excess or misconduct on his part.

Dated this day of , 18 .