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Dr. A. K. Newman.

TEMPORARY EMPLOYEES.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Incorporation.</p> <p>3. Persons to whom the Act applies.</p> <p>4. Grading for pay.</p> <p>5. Date on which such pay commences.</p> | <p>6. Appointment and payment under paragraph (a) of section 5.</p> <p>7. Appeal.</p> <p>8. Break in service.</p> <p>9. Persons partly employed in the Legislative Department.</p> |
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A BILL INTITULED

AN ACT to provide for certain Clerks and Others who were temporarily employed in the Public Service (Clerical Division) on the Coming into Force of the Public Service Act, 1912. Title.

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

1. This Act may be cited as the Temporary Employees Act, 1920. Short Title.
- 10 2. Section three of the Public Service Act, 1912, shall apply to this Act, unless the context or subject-matter otherwise indicates or requires. Incorporation.
- 15 3. Every person qualified under the provisions of sections three and four of the Temporary Employees Act, 1913, and the regulations now in force thereunder as to length of service, and who has been recommended to the Public Service Commissioner by the permanent head of a Department as a suitable person to be appointed a permanent officer of the Clerical Division of the Public Service, and who has been approved by the said Commissioner for that purpose, Persons to whom the Act applies.
- 20 but who has been ineligible for such appointment by reason of being over one of the ages prescribed by the said regulations or by reason of his not having at the date of the recommendation on his behalf the length of service prescribed by Regulation 1(e), gazetted on the sixteenth day of April, nineteen hundred and fourteen, but
- 25 who, when recommended, had the length of service prescribed by the amending regulation, gazetted on the sixth day of August, nineteen hundred and fourteen, and every person so qualified as aforesaid who may hereafter be recommended as aforesaid to the Public Service Commissioner by the permanent head of a

Department, who under the said regulations was or would be ineligible for appointment by reason of his age, shall in either case, as from the date of the said recommendation on his behalf, become and henceforth be a permanent officer of the said Division in all respects save that (any statute to the contrary notwithstanding) he shall not be entitled to any pension for length of service, shall not be called upon to pay contribution towards superannuation, and shall not be compellable to retire on attaining the age of sixty-five years so long as his normal state of health is satisfactory. 5

Grading for pay.

4. Save as provided in paragraph (a) of section *five* hereof, every such person shall from the dates hereinafter mentioned be graded for pay as of Class VI, First Subdivision, of the Third Schedule in the Supplement to the *Gazette* of the third day of July, nineteen hundred and nineteen, or such higher pay as he may be then receiving, and shall be entitled to annual increments and to promotion as if he had been appointed a permanent officer by virtue of the provisions of the Public Service Classification and Superannuation Act, 1907, as varied by section *three* hereof. 10 15

Date on which such pay commences.

5. Such grading for pay shall take effect as follows:—

(a.) Where the person has already been recommended by the permanent head of a Department in terms of the regulations made under the Temporary Employees Act, 1913, and has been approved by the Public Service Commissioner but has not been made a permanent officer as aforesaid for either or both of the reasons set out in section *three* hereof, then the date of his said grading shall be the date of such recommendation; and from such date until the thirty-first day of March, nineteen hundred and nineteen, such grading shall be of Class VII of the Third Schedule to the Public Service Act, 1912, commencing with the Fifth Subdivision thereof, and such grading shall carry with it full annual increments of the subsequent subdivisions of Class VII for the period between the date of such recommendation and the thirty-first day of March, nineteen hundred and nineteen; and from and after the first day of April, nineteen hundred and nineteen, such grading shall be of Class V, First Subdivision, in the said Third Schedule of the said Supplement to the *Gazette* of the third day of July, nineteen hundred and nineteen, and shall carry the like annual increments of the said Class V; and he shall receive forthwith the cash difference between the pay he was receiving (exclusive of war bonus) at the passing of this Act and the higher rates which he would have been receiving from time to time during the periods aforesaid if he had been made a permanent officer at the date of the recommendation on his behalf. 20 25 30 35 40 45

(b.) Where the person has not been recommended and approved in terms of paragraph (a) hereof, then his grading for pay under the provisions of this Act shall take effect as from the date of any recommendation hereafter to be made in his favour by the permanent head of a Department. 50

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6. The Public Service Commissioner shall within twenty-one days next after the passing of this Act notify by registered letter addressed and posted to each of the persons whom he has appointed to be permanent officers of the Public Service (Clerical Division) by virtue of sections *three* and *four* and paragraph (a) of section *five* hereof, and shall forthwith, after such notification, pay to each of such persons the amounts respectively due to them under paragraph (a) of section *five* hereof.

Appointment and payment under paragraph (a) of section 5.

7. Any person claiming to be made a permanent officer and to be notified and paid as last aforesaid, and any person claiming pay in excess of the amount or amounts so paid to him as aforesaid, and any person claiming to be made a permanent officer by virtue of sections *three*, *four*, and paragraph (b) of section *five* hereof, shall be entitled to appeal to the Public Service Appeal Board in respect of such claim in the same manner in all respects as if he were a permanent member of the Public Service.

Appeal.

8. No break in continuous service either between the fifth day of November, nineteen hundred and nineteen, and the date of the passing of this Act or between the date of the passing of this Act and the appointment or omission or refusal to appoint by the Public Service Commissioner to be a permanent officer of the Public Service under sections *three*, *four*, and *five* hereof of any person claiming to be entitled to be so appointed shall, until his claim has been finally adjudicated, constitute broken service so as to debar him from obtaining the rights claimed by him under this Act.

Break in service.

9. Persons now employed or hereafter to be employed in the service of either branch of the Legislature and otherwise qualified within the meaning of the Temporary Employees Act, 1913, and of this Act, shall be entitled to retain and renew such employment, which shall count as continuous service for the purpose of annual increment under the Public Service Act, 1912, or any amendment thereof, or under this Act; but such persons shall not be entitled to receive pay under section *five* hereof from any Department regulated by the said Public Service Act, 1912, whilst so employed in either branch of the Legislature. They shall give at least four days written notice (such period not to include a Sunday) to the Secretary to the Public Service Commissioner of their intention to report themselves to him for duty in a Department so regulated, and they shall receive full pay from the Department so regulated as aforesaid from the date on which they actually report themselves for duty to the said Secretary or to some Department by his direction. Until they receive the direction last mentioned they shall be paid by the Department of Internal Affairs as from the date of so reporting to the said Secretary.

Persons partly employed in the Legislative Department.