

YUULU?IL?ATH GOVERNMENT
GOVERNMENT PERSONNEL ACT
AMENDMENT ACT NO. 1

YFNS 61/2019



This law enacted on January 23, 2019

Signed

Handwritten signature of Leslie Doiron in black ink.

Leslie Doiron, President of the
Yuulu?il?ath First Nation

DEPOSITED IN THE
REGISTRY OF LAWS AND
OFFICIAL RECORDS

ON 28/ January / 2019

Handwritten signature of the Law Clerk in black ink.

Signature of Law Clerk

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PART 1 - INTRODUCTORY PROVISIONS

Short title

- 1.1** This Act may be cited as the Government Personnel Act Amendment Act No. 1.

Executive oversight

- 1.2** The member of the Executive holding the community services portfolio is responsible for the executive oversight of this Act.

Definitions

- 1.3** In this Act,
“Act” means the Government Personnel Act.

PART 2 - GENERAL PROVISIONS

Amendments

- 2.1 (a) The Act is amended by striking out all instances of “Yuulu?i?ath? First Nation”, including all instances on the title page and in the headers but excluding the two instances in the first paragraph of the Preamble, and substituting “Yuulu?i?ath? government”.
- (b) The second paragraph of the Preamble in the Act is amended by striking out “our Yuulu?i?ath? citizens” and substituting “indigenous individuals”.
- (c) The following paragraphs and sections of the Act are amended by striking out “Yuulu?i?ath? citizens” and substituting “indigenous individuals”:
- (i) the third paragraph of the Preamble;
 - (ii) section 2.1(c);
 - (iii) section 2.3(a); and
 - (iv) section 9.2(b)(i)(F).
- (d) Section 1.3 of the Act is repealed and the following substituted:
- “Application**
- 1.3 (a) This Act is enacted under
- (i) 13.11.1c. of Chapter 13 Governance of the Maa-nulth Treaty, and
 - (ii) sections 3.2(b) and (gg) of the Constitution.
- (b) This Act applies to
- (i) the employment and management of personnel,
 - (ii) the Department of Community Services, and
 - (iii) the Department of Asset Management.”.

(e) Section 2.1(b) of the Act is amended by striking out “the Yuulu?i?ath? citizens” and substituting “indigenous individuals”.

(f) Section 2.3(c) of the Act is amended by

 - (i) striking out “a Yuulu?i?ath? citizen” and substituting “an indigenous individual”, and
 - (ii) striking out the three remaining instances of “Yuulu?i?ath? citizen” and substituting “indigenous individual”.

(g) Section 2.4(b) of the Act is amended by striking out “paragraph” at the beginning of that section.

- (h) Section 2.5(a) of the Act is amended by striking out “the equivalent of four months’ full time employment” and substituting the following:
- “the equivalent of,
- (i) in the case of a senior manager, six months’ full time employment, and
 - (ii) in the case of all other personnel, four months’ full time employment.”.
- (i) Section 2.5(e) of the Act is repealed.
- (j) Section 2.5(c) of the Act is amended by adding “in” before “subsections (a) or (b)”.
- (k) Section 3.1(b) of the Act is amended by striking out “President” and substituting “Executive”.
- (l) Section 3.1(c) of the Act is amended by striking out “to the President”.
- (m) Section 3.3(b)(xvii) of the Act is amended by striking out “President” and substituting “Executive”.
- (n) Section 4.2(b)(iii) of the Act is amended by adding “regarding personnel matters” after “Yuulu?il?ath government departments”.
- (o) Section 4.4(c) of the Act is repealed and the following substituted:
- “(c) assist the Executive with a performance evaluation of the director of operations;”.
- (p) Section 4.4(g) of the Act is amended by striking out “senior managers of departments” and substituting “the director of operations”.
- (q) Section 4.4(h) of the Act is amended by striking out “administration” and substituting “managers”.
- (r) Section 4.4(i) of the Act is amended by striking out “and administration of the Yuulu?il?ath First Nation”.
- (s) Section 4.4(j) of the Act is repealed and the following substituted:
- “(j) annually review the human resources needs of the Yuulu?il?ath government and develop, and amend as may be necessary or desirable from time to time, a human resources succession plan to ensure the human resources

requirements of the Yuulu?il?ath government are met for the next five years; and”.

- (t) Section 4.4(d) of the Act is repealed and the subsequent subsections in section 4.4 are renumbered, accordingly.
- (u) Section 5.4(b) of the Act is amended by adding “suspend or” before “dismiss”.
- (v) Section 5.4(c) of the Act is amended by striking out “the President and any other” and substituting “a”.
- (w) Section 5.5(b) of the Act is amended by
 - (i) adding “by actively supporting a candidate for elected office” after “political activity”, and
 - (ii) adding a new subsection (c) as follows:

“(c) Despite subsection (a) and (b), personnel owe a duty of honesty, loyalty and good faith to the Yuulu?il?ath government, Yuulu?il?ath government representatives, the director of operations and Yuulu?il?ath senior managers.”.
- (x) Section 6.2 of the Act is amended by striking out “a Yuulu?il?ath citizen” and substituting “an individual”.
- (y) Part 5 of the Act is amended by adding the following after section 5.5:

“Personnel and elections

- 5.6 (a) If an individual who is employed by the Yuulu?il?ath government assumes the office of, or is appointed as, a member of the Legislature, that employee must resign his or her employment with the Yuulu?il?ath government within 30 days after his or her election or appointment to that office.
- (b) In an election, an individual who is personnel must not use his or her employment or office to acquire or access information that is in the custody or under the control of the Yuulu?il?ath First Nation or the Yuulu?il?ath government that is not generally available to all candidates in that election to promote a particular candidate or for purposes of campaigning in that election.”

Commencement

- 2.2 This Act comes into force on the date it is enacted.