

**KA:'YU:'K'T'H'/CHE:K'TLES7ET'H'
FIRST NATIONS GOVERNMENT**

GOVERNMENT PERSONNEL ACT

KCFNS 5/2011



This law enacted on April 1, 2011

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TABLE OF CONTENTS

PART 1 - INTRODUCTORY PROVISIONS.....	7
Short title	7
Executive oversight	7
Application	7
Definitions	7
Executive as employer	7
PART 2 - EMPLOYMENT PRINCIPLES	9
Purposes of Act.....	9
Hiring of personnel.....	9
Priorities and limitations in relation to hiring	10
Exceptions to section 2.2	10
Probation.....	11
Policy leadership.....	11
PART 3 - CHIEF ADMINISTRATIVE OFFICER	13
Office of chief administrative officer	13
Personnel responsibilities	13
Administrative responsibilities	14
Delegation authority	15
Operations manual.....	15
PART 4 - PERSONNEL	16
Hiring of personnel.....	16
Affirmation ceremony	16
Personnel integrity	16
Discipline, suspension and dismissal of personnel	16
Political activity of personnel	17
Deemed leaves of absence	17
PART 5 - REVIEW OF EMPLOYMENT DECISIONS	18
General	18
Review by chief administrative officer.....	18
Review by Review Board	18
PART 6 - DEPARTMENT OF COMMUNITY SERVICES.....	20
Department of Community Services established.....	20
Mandate	20
Office of the director of community services established	21
Duties of the director of community services	21
Delegation authority	21
PART 7 - DEPARTMENT OF EDUCATION	24
Department of Education established	24
Mandate	24
Office of the director of education established.....	24
Duties of the director of education	25
Delegation authority	25

PART 8 - GENERAL PROVISIONS 26
Annual report 26
Regulations 26
Commencement 27

PREAMBLE

Through the act of governing and as a treaty first nation, the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations assume the responsibility of providing responsible, efficient and effective government, blending hereditary and modern-day governing institutions. In doing so, our governing structures honour our past and embrace the future ensuring the continued existence of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations as strong political, social and cultural communities that aspire to grow as organized, determined, successful and self-reliant peoples.

As such, the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations requires a Ka:'yu:'k't'h'/Che:k'tles7et'h' administrative that is responsive to the changing requirements of our nation. It is important that we recruit and develop well qualified, efficient and effective personnel to be part of a Ka:'yu:'k't'h'/Che:k'tles7et'h' administrative that encourages creativity and initiative. In doing so, the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations needs to facilitate the long term employment of our Ka:'yu:'k't'h'/Che:k'tles7et'h' citizens, foster long-term career development and promote harmonious relations between the Ka:'yu:'k't'h'/Che:k'tles7et'h' government and its personnel. The public must have trust and confidence in the integrity of the Ka:'yu:'k't'h'/Che:k'tles7et'h' administrative and the Ka:'yu:'k't'h'/Che:k'tles7et'h' government.

To assist with realizing these goals, the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations desires to establish rules and procedures concerning the recruitment, selection, management, discipline, suspension and dismissal of Ka:'yu:'k't'h'/Che:k'tles7et'h' government employees. The values of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations require a hiring process that is consistent, fair and based on merit, but which allows priority to be given to Ka:'yu:'k't'h'/Che:k'tles7et'h' citizens. These values also require rules and procedures that promote the fair and consistent handling of all employment matters and provide for the review of employment decisions.

The Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations adopt this Act based on these values.

PART 1 - INTRODUCTORY PROVISIONS

Short title

1.1 This Act may be cited as the Government Personnel Act.

Executive oversight

1.2 (a) Subject to subsection (b), the member of the Executive holding the community services portfolio is responsible for the executive oversight of this Act.

(b) The member of the Executive holding the education portfolio is responsible for the executive oversight of Part 7.

Application

1.3 This Act governs

- (a) the employment of personnel,
- (b) the Department of Community Services, and
- (c) the Department of Education.

Definitions

1.4 In this Act,

“just cause” means just cause under federal law or provincial law;

“personnel” means a person employed by a Ka:'yu:'k't'h'/Che:k'tles7et'h' institution, regardless of the method of employment, but does not include the chief administrative officer.

“Review Board” means the Administrative Decisions Review Board.

Executive as employer

1.5 (a) The Executive, on behalf of the Ka:'yu:'k't'h'/Che:k'tles7et'h' government, is the employer for the purposes of this Act.

(b) For purposes of this Act, the term “Ka:'yu:'k't'h'/Che:k'tles7et'h' government” is deemed to include Ka:'yu:'k't'h'/Che:k'tles7et'h' public institutions and Ka:'yu:'k't'h'/Che:k'tles7et'h' public corporations.

PART 2 - EMPLOYMENT PRINCIPLES

Purposes of Act

2.1 The purposes of this Act are to

- (a) facilitate the provision of service to Ka:'yu:'k't'h'/Che:k'tles7et'h' citizens and persons ordinarily resident on Ka:'yu:'k't'h'/Che:k'tles7et'h' lands in a manner that is responsive to the changing requirements of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations,
- (b) by means of internal advancement and external recruitment of personnel, recruit and develop well qualified, efficient and effective personnel that are representative of Ka:'yu:'k't'h'/Che:k'tles7et'h' citizens,
- (c) facilitate the long term employment of Ka:'yu:'k't'h'/Che:k'tles7et'h' citizens,
- (d) encourage the training and development of personnel to foster long term career development and advancement of personnel,
- (e) encourage creativity and initiative among personnel, and
- (f) promote harmonious relations between the Ka:'yu:'k't'h'/Che:k'tles7et'h' government and its personnel.

Hiring of personnel

2.2 (a) Subject to section 2.3, hiring personnel under this Act must

- (i) be based on the principle of merit, and
 - (ii) be the result of a process designed to assess the interests, knowledge, skills and abilities of eligible applicants.
- (b) The matters to be considered in determining merit must, having regard to the nature of the duties to be performed and the powers to be exercised, include the applicant's education, skills, knowledge, experience, past work performance and personal suitability.
- (c) Subject to section 2.3, all regulations, standards, policies and procedures respecting recruitment, appointment, transfer and promotion of personnel must be consistent with the principle of merit set out in subsection (a) and must facilitate the purposes of this Act set out in section 2.1.
- (d) Hiring personnel under this Act must not be based on
- (i) personal favouritism,

- (ii) political considerations,
- (iii) nepotism, or
- (iv) any other consideration that is made in bad faith.

Priorities and limitations in relation to hiring

- 2.3** (a) For a vacancy or class of vacancies, applicants for a vacant position are to be given priority or limited, as the case may be, in a manner described in paragraphs (i), (ii) or (iii) or in any combination of any of those paragraphs as follows:
- (i) giving
 - (A) first priority to Ka:'yu:'k't'h'/Che:k'tles7et'h' citizens, and
 - (B) second priority to members of other first nations;
 - (ii) encouraging the career development and advancement of personnel; or
 - (iii) limiting the appointment to personnel of a stated occupational group, position level or organizational unit.
- (b) A vacancy may be filled by means of
- (i) a lateral transfer, or
 - (ii) a promotion of current personnel.
- (c) In determining merit under section 2.2(b), consideration of a Ka:'yu:'k't'h'/Che:k'tles7et'h' citizen's skills as required by that section may include consideration of that Ka:'yu:'k't'h'/Che:k'tles7et'h' citizen's ability to develop the skills necessary for the position in circumstances where that Ka:'yu:'k't'h'/Che:k'tles7et'h' citizen does not at that time possess the requisite skills but education and training are readily available for that Ka:'yu:'k't'h'/Che:k'tles7et'h' citizen to develop the requisite skills for the position.

Exceptions to section 2.2

2.4 Subject to any regulations

- (a) section 2.2(a) does not apply to an appointment that is a lateral transfer or a demotion, and
- (b) section 2.2(a)(ii) does not apply to the following:

- (i) a temporary appointment of not more than six months in duration;
- (ii) a direct appointment by the chief administrative officer in
 - (A) the unusual or exceptional circumstances contemplated in section 4.1(c), or
 - (B) in the circumstances contemplated in section 4.1(d).

Probation

- 2.5** (a) If an individual who is not a member of the Ka:'yu:'k't'h'/Che:k'tles7et'h' administrative is appointed to a position and becomes personnel, the individual is on probation until he or she has worked the equivalent of three months' full time employment.
- (b) If the appointment is made from within the Ka:'yu:'k't'h'/Che:k'tles7et'h' administration, a probation period in the new position not exceeding the equivalent of three months' full time employment may be imposed by the chief administrative officer.
- (c) A Ka:'yu:'k't'h'/Che:k'tles7et'h' director may reject personnel on probation during the probation period if the Ka:'yu:'k't'h'/Che:k'tles7et'h' director considers that the personnel on probation is unsuitable for the position to which he or she was appointed.

Policy leadership

- 2.6** The legislative chief is responsible for providing policy leadership and overall policy direction to the chief administrative officer.

PART 3 - CHIEF ADMINISTRATIVE OFFICER

Office of chief administrative officer

- 3.1**
- (a) The office of chief administrative officer is established.
 - (b) The legislative chief must appoint an individual to hold the office of the chief administrative officer after considering the recommendation of the Executive on the appointment.
 - (c) The chief administrative officer reports to the legislative chief and is responsible to the Executive.

Personnel responsibilities

- 3.2**
- (a) The chief administrative officer is responsible for all matters relating to personnel recruitment, hiring, promotion, training, discipline, suspension, termination and overall personnel management matters.
 - (b) The general authority in subsection (a) includes
 - (i) advising the Ka:'yu:'k't'h'/Che:k'tles7et'h' government respecting regulations, standards, policies and procedures relating to personnel,
 - (ii) developing and implementing personnel standards, policies and procedures,
 - (iii) providing direction, advice or assistance to Ka:'yu:'k't'h'/Che:k'tles7et'h' directors in the carrying out of regulations, standards, policies and procedures relating to personnel,
 - (iv) recruiting, selecting and appointing, or providing for the recruitment, selection and appointment of personnel to or within the Ka:'yu:'k't'h'/Che:k'tles7et'h' government subject to the annual budget,
 - (v) developing, providing, assisting in or coordinating staff training, educational and career development programs,
 - (vi) developing, establishing and maintaining job evaluation and classification plans,
 - (vii) developing, establishing and maintaining occupational health and safety programs,
 - (viii) developing and implementing employment equity policies and programs,
 - (ix) conducting studies and investigations respecting staff utilization,

- (x) carrying out research on compensation and working conditions,
- (xi) developing and implementing mechanisms to ensure effective human resource planning and organizational structures,
- (xii) developing, implementing and maintaining a process to monitor, audit and evaluate delegations under section 3.4 to ensure compliance with this Act,
- (xiii) establishing and maintaining a personnel management information system, and
- (xiv) performing any other duties and exercising any other powers assigned by the legislative chief respecting personnel consistent with this Act.

Administrative responsibilities

- 3.3** (a) Without limiting section 3.2, the chief administrative officer is also responsible for the general management and administration of the Ka:'yu:'k't'h'/Che:k'tles7et'h' government.
- (b) The general authority in subsection (a) includes
- (i) exercising control and management of the administrative business and affairs of Ka:'yu:'k't'h'/Che:k'tles7et'h' government in accordance with Ka:'yu:'k't'h'/Che:k'tles7et'h' law,
 - (ii) ensuring the efficient and effective operation of the Ka:'yu:'k't'h'/Che:k'tles7et'h' government,
 - (iii) establishing and overseeing administrative policies, practices and procedures necessary to effectively implement Ka:'yu:'k't'h'/Che:k'tles7et'h' laws and the policies and programs of the Ka:'yu:'k't'h'/Che:k'tles7et'h' government, including preparing and maintaining a current organizational chart and making it available to the public,
 - (iv) advising the legislative chief and the Executive,
 - (v) ensuring that decisions of the Executive are implemented,
 - (vi) ensuring that the annual budget is prepared and implemented,
 - (vii) safeguarding the financial integrity of the Ka:'yu:'k't'h'/Che:k'tles7et'h' government by identifying, assessing, monitoring and reporting on financial risks, fraud risks and mitigating measures,

- (viii) ensuring the accountability of the operations of the Ka:'yu:'k't'h'/Che:k'tles7et'h' government, including the activities of management,
- (ix) directing persons who are retained to provide services for the Ka:'yu:'k't'h'/Che:k'tles7et'h' government,
- (x) developing, overseeing and administering contracts and agreements entered into on behalf of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations, and
- (xi) performing any other duties and exercising any other powers given, delegated or assigned under Ka:'yu:'k't'h'/Che:k'tles7et'h' law or by the Executive.

Delegation authority

- 3.4** (a) Upon the approval of the Executive, the chief administrative officer may delegate, in writing, the performance of any of the chief administrative officer's duties or the exercise of any of the chief administrative officer's powers to
- (i) another Ka:'yu:'k't'h'/Che:k'tles7et'h' director,
 - (ii) a Ka:'yu:'k't'h'/Che:k'tles7et'h' government employee, or
 - (iii) an independent contractor of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations.
- (b) Despite the delegation of any duties or powers under subsection (a), the chief administrative officer remains responsible for ensuring that the duties are performed properly and the powers are exercised appropriately.

Operations manual

- 3.5** (a) The chief administrative officer must prepare and maintain a current operations manual respecting every element of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations' administrative system, including any financial administration systems.
- (b) The operations manual must be made available to Ka:'yu:'k't'h'/Che:k'tles7et'h' government representatives, committees of the Legislature and all personnel.
- (c) If any part of the operations manual is relevant to the services being provided by a contractor or agent of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations, that part of the operations manual must be made available to that contractor or agent.

PART 4 - PERSONNEL

Hiring of personnel

- 4.1** (a) Subject to subsection (b) and sections 2.2, 2.3 and 2.4, the chief administrative officer is responsible for the recruitment, hiring, promotion, transfer and training of all personnel.
- (b) Subject to Ka:'yu:'k't'h'/Che:k'tles7et'h' legislation providing otherwise, the Executive must appoint an individual to hold the office of a Ka:'yu:'k't'h'/Che:k'tles7et'h' director after considering the recommendation of the chief administrative officer on the appointment.
- (c) In unusual or exceptional circumstances, the chief administrative officer may limit to one the number of applicants for a vacant position in the Ka:'yu:'k't'h'/Che:k'tles7et'h' administration.
- (d) The chief administrative officer may transfer or promote personnel by way of direct appointment if the appointment is otherwise consistent with section 2.2.

Affirmation ceremony

- 4.2** All new personnel must participate in a Ka:'yu:'k't'h'/Che:k'tles7et'h' personnel affirmation ceremony, which must include
- (a) a pledge of honour, respect and confidentiality, and
- (b) other matters the Executive may prescribe.

Personnel integrity

- 4.3** For certainty, all personnel are subject to the provisions of the Integrity Act applicable to personnel.

Discipline, suspension and dismissal of personnel

- 4.4** (a) The chief administrative officer or, in relation to personnel within the Department he or she is a director of, a Ka:'yu:'k't'h'/Che:k'tles7et'h' director, may
- (i) discipline personnel for just cause,
- (ii) suspend personnel from the performance of their duties or the exercise of their powers for just cause, or
- (iii) dismiss personnel for just cause.

- (b) For certainty, the legislative chief and any other Ka:'yu:'k't'h'/Che:k'tles7et'h' government representative must not discipline, suspend or dismiss any personnel.

Political activity of personnel

- 4.5**
- (a) Personnel must not be required to participate in partisan political activity, including actively supporting a candidate for elected office.
 - (b) Personnel must not be prohibited from participating in partisan political activity.

Deemed leaves of absence

- 4.6** If an individual who is a Ka:'yu:'k't'h'/Che:k'tles7et'h' public employee becomes a Ka:'yu:'k't'h'/Che:k'tles7et'h' government representative,
- (a) that individual is deemed to have requested a leave of absence without pay from his or her position in the Ka:'yu:'k't'h'/Che:k'tles7et'h' administration,
 - (b) the request under subsection (a) is deemed to be approved,
 - (c) the approved leave of absence without pay continues until that individual is no longer a Ka:'yu:'k't'h'/Che:k'tles7et'h' government representative, and
 - (d) upon the termination of the leave of absence, that individual may resume his or her position in the Ka:'yu:'k't'h'/Che:k'tles7et'h' administration on the same terms and conditions as those that existed immediately prior to the leave of absence or a similar position in the Ka:'yu:'k't'h'/Che:k'tles7et'h' administration with substantially similar terms and conditions as agreed to between that individual and the chief administrative officer.

PART 5 - REVIEW OF EMPLOYMENT DECISIONS

General

5.1 For certainty, no

- (a) civil remedy, or
- (b) remedy under federal law or provincial law

is available to an individual against the Ka:'yu:'k't'h'/Che:k'tles7et'h' government as employer if suspended or affected by this Part.

Review by chief administrative officer

5.2 (a) An individual who is

- (i) a Ka:'yu:'k't'h'/Che:k'tles7et'h' citizen whose application for an advertised position in the Ka:'yu:'k't'h'/Che:k'tles7et'h' administration is not accepted, or
- (ii) dismissed from a position in Ka:'yu:'k't'h'/Che:k'tles7et'h' administration

may apply to the chief administrative officer for a review of the decision of non-acceptance or dismissal, as the case may be.

- (b) The chief administrative officer must expeditiously review the decision with the applicant and by order may
 - (i) reverse or modify the decision with or without conditions, or
 - (ii) confirm the decision.
- (c) As soon as practicable after completion of the review, the chief administrative officer must deliver to the applicant written notice
 - (i) stating the outcome of the review, and
 - (ii) advising the applicant of the right to request a review of the order, as described in section 5.3.

Review by Review Board

5.3 (a) No later than 10 days after receipt of the written notice under section 5.2(c), the applicant may request a review of the order made under section 5.2(b) by the Review Board.

- (b) The grounds for a review under this section are that the order is inconsistent with this Act or the standards, policies and procedures referred to in section 3.2(b)(ii).
- (c) After conducting a review, the Review Board may
 - (i) dismiss the review request, or
 - (ii) if it determines that the order is inconsistent with this Act or the standards, policies and procedures referred to in section 3.2(b)(ii), either
 - (A) reverse the decision, or
 - (B) alter the decision to include a remedy.

PART 6 - DEPARTMENT OF COMMUNITY SERVICES

Department of Community Services established

6.1 The Department of Community Services is established as a division of the Ka:'yu:'k't'h'/Che:k'tles7et'h' administration.

Mandate

- 6.2** (a) The mandate of the Department of Community Services is to provide the services set out in subsection (b) to
- (i) Ka:'yu:'k't'h'/Che:k'tles7et'h' citizens, and
 - (ii) those persons ordinarily resident on Ka:'yu:'k't'h'/Che:k'tles7et'h' lands who are not Ka:'yu:'k't'h'/Che:k'tles7et'h' citizens and entitled to receive those services in accordance with a Ka:'yu:'k't'h'/Che:k'tles7et'h' enactment.
- (b) The following services will be provided by the Department of Community Services in accordance with subsection (a):
- (i) the citizenship and enrolment services contemplated in the Citizenship Act;
 - (ii) any services necessary or desirable in accordance with Chapter 13 Governance of the Maa-nulth Treaty or any other Ka:'yu:'k't'h'/Che:k'tles7et'h' enactment relative to
 - (A) adoption,
 - (B) child protection, custody or care,
 - (C) health services,
 - (D) social development,
 - (E) solemnization of marriages,
 - (F) public order, peace and safety,
 - (G) emergency preparedness, and
 - (H) community correctional services;
 - (iii) any other services as required by the Executive by regulation; and

- (iv) any other services as required by the chief administrative officer by order.

Office of the director of community services established

- 6.3**
- (a) The office of the director of community services is established as an office within the Department of Community Services.
 - (b) The Executive must appoint an individual to hold the office of the director of community services after considering the recommendation of the chief administrative officer on the appointment.
 - (c) The director of community services reports to the chief administrative officer.

Duties of the director of community services

- 6.4**
- (a) The director of community services is responsible for the general management and administration of the Department of Community Services.
 - (b) The general authority in subsection (a) includes the following duties and powers:
 - (i) to ensure that Ka:'yu:'k't'h'/Che:k'tles7et'h' government employees within the Department of Community Services carry out the duties assigned to them
 - (A) under this or any other Ka:'yu:'k't'h'/Che:k'tles7et'h' enactment,
 - (B) by the chief administrative officer, or
 - (C) by the director of community services;
 - (ii) to report, as required by the chief administrative officer, to the Executive on the Department of Community Services and its activities;
 - (iii) to perform any other duties or exercise any other powers assigned to the director of community services
 - (A) under this or any other Ka:'yu:'k't'h'/Che:k'tles7et'h' enactment, or
 - (B) by the chief administrative officer by order.

Delegation authority

- 6.5**
- (a) Upon the approval of the chief administrative officer, the director of community services may delegate, in writing, the performance of any of the director of community services' duties or the exercise of any of the director of community services' powers to

- (i) another Ka:'yu:'k't'h'/Che:k'tles7et'h' director,
 - (ii) a Ka:'yu:'k't'h'/Che:k'tles7et'h' government employee, or
 - (iii) an independent contractor of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations.
- (b) Despite the delegation of any duties or powers under subsection (a), the director of community services remains responsible for ensuring that the duties are performed properly and the powers are exercised appropriately.

PART 7 - DEPARTMENT OF EDUCATION

Department of Education established

7.1 The Department of Education is established as a division of the Ka:'yu:'k't'h'/Che:k'tles7et'h' administration.

Mandate

- 7.2** (a) The mandate of the Department of Education is to provide the services set out in subsection (b) to
- (i) Ka:'yu:'k't'h'/Che:k'tles7et'h' citizens, and
 - (ii) those persons ordinarily resident on Ka:'yu:'k't'h'/Che:k'tles7et'h' lands who are not Ka:'yu:'k't'h'/Che:k'tles7et'h' citizens and entitled to receive those services in accordance with a Ka:'yu:'k't'h'/Che:k'tles7et'h' enactment.
- (b) The following services will be provided by the Department of Education in accordance with subsection (a):
- (i) any services necessary or desirable in accordance with Chapter 13 Governance of the Maa-nulth Treaty or any other Ka:'yu:'k't'h'/Che:k'tles7et'h' enactment relative to
 - (A) language and culture education,
 - (B) kindergarten to grade 12 education, and
 - (C) post secondary education;
 - (ii) any other services as required by the Executive by regulation; and
 - (iii) any other services as required by the chief administrative officer by order.

Office of the director of education established

- 7.3** (a) The office of the director of education is established as an office within the Department of Education.
- (b) The Executive must appoint an individual to hold the office of the director of education after considering the recommendation of the chief administrative officer on the appointment.
- (c) The director of education reports to the chief administrative officer.

Duties of the director of education

- 7.4** (a) The director of education is responsible for the general management and administration of the Department of Education.
- (b) The general authority in subsection (a) includes the following duties:
- (i) to ensure that Ka:'yu:'k't'h'/Che:k'tles7et'h' government employees within the Department of Education carry out the duties assigned to them
 - (A) under this or any other Ka:'yu:'k't'h'/Che:k'tles7et'h' enactment,
 - (B) by the chief administrative officer, or
 - (C) by the director of education;
 - (ii) to report, as required by the chief administrative officer, to the Executive on the Department of Education and its activities;
 - (iii) to perform any other duties and exercise any other powers assigned to the director of education
 - (A) under this or any other Ka:'yu:'k't'h'/Che:k'tles7et'h' enactment, or
 - (B) by the chief administrative officer by order.

Delegation authority

- 7.5** (a) Upon the approval of the chief administrative officer, the director of education may, in writing, delegate the performance of any of the director of education's duties or the exercise of any of the director of education's powers to
- (i) another Ka:'yu:'k't'h'/Che:k'tles7et'h' director,
 - (ii) a Ka:'yu:'k't'h'/Che:k'tles7et'h' government employee, or
 - (iii) an independent contractor of the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations.
- (b) Despite the delegation of any duties or powers under subsection (a), the director of education remains responsible for ensuring that the duties are performed properly and the powers are exercised appropriately.

PART 8 - GENERAL PROVISIONS

Annual report

- 8.1** The chief administrative officer must
- (a) prepare a report annually on matters related to this Act, and
 - (b) present the report to the Executive no later than two months after the end of each fiscal year.

Regulations

- 8.2**
- (a) The Executive may make regulations which it considers necessary or advisable for the purposes of this Act.
 - (b) Without limiting subsection (a), the Executive may make regulations
 - (i) respecting all or any of the following:
 - (A) classifications of positions;
 - (B) remuneration of personnel;
 - (C) applications and selection of personnel;
 - (D) appointment of personnel;
 - (E) internal advancement of personnel;
 - (F) the giving of
 - (I) first priority to Ka:'yu:'k't'h'/Che:k'tles7et'h' citizens, and
 - (II) second priority to members of other first nations;
 - (G) lateral transfers of personnel;
 - (H) short term or casual appointments;
 - (I) benefits;
 - (J) terms of employment;
 - (K) review and evaluation of performance;
 - (L) leaves of absence;

- (M) competitions and exclusions from competitions;
- (N) position titles and job descriptions;
- (O) promotions;
- (P) disciplinary action;
- (Q) training and human resource development;
- (ii) defining words and expressions that are used but not defined in this Act,
and
- (iii) generally for the purpose of giving effect to this Act.

Commencement

8.3 This Act comes into force on the Maa-nulth Treaty effective date.