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**Terms of Reference for the Public Administrator
Appointed for the MacKenzie Regional Health Services
Pursuant to Section 11.8(3) of the
TERRITORIAL HOSPITAL INSURANCE SERVICES ACT**



WHEREAS the Minister of Health has appointed a Public Administrator to manage the affairs of the MacKenzie Regional Health Services (hereinafter called the Services);

AND WHEREAS the Minister of Health may prescribe terms and conditions governing the powers, duties and responsibilities of the Public Administrator;

AND WHEREAS the Minister of Personnel may delegate powers, functions and duties pursuant to the Public Service Act;

NOW THEREFORE the Minister of Health and the Minister of Personnel jointly prescribe as follows:

1. The Public Administrator has had, since his appointment, the authority to manage, control and operate the health facilities, programs and services of the MacKenzie Regional Health Services and continues to have such authority for the period of appointment.
2. The Public Administrator shall manage, control and operate the health facilities, programs and services in accordance with the Territorial Hospital Insurance Services Act, and any regulations thereunder and in accordance with the Public Service Act and regulations thereunder.
3. The MacKenzie Regional Health Services is an independent corporate body and is not an agent of the Commissioner and does not exercise its power and authority as an agent of the Commissioner.
4. (a) The Public Administrator shall have the exclusive responsibility of hiring all employees, including the Executive Director, in accordance with sections 15 and 16 of the Public Service Act, necessary for the management, control and operation of the health facility/facilities.

- (b) The Public Administrator may recommend to the Minister of Personnel that an employee be dismissed pursuant to sections 29, 30, 31 and 32 of the Public Service Act; however, any such dismissal shall be carried out under the signature and authority of the Minister of Personnel.
- (c) The Public Administrator shall have the exclusive responsibility for evaluating the performance of the Executive Director.

5. The Minister of Personnel acknowledges the MacKenzie Regional Health Services as a "department" and the Public Administrator a "Department Head" for the purposes of the Public Service Act.

6. Without restricting the generality of the preceding paragraphs but subject to the Public Service Act and regulations and the Territorial Hospital Insurance Services Act and regulations, the Public Administrator shall have, in respect of the health facility, sole and exclusive responsibility in the following areas:

- (a) Establishment and implementation of operative policies and procedures.
- (b) Issuing policy directives to the Executive Director for implementation.
- (c) Determining the pay level of the employees of the health facility within the rates of pay established for appropriate classification or sub-classification by the Department of Personnel.
- (d) The use, maintenance, safeguarding and insurance of all property and equipment related to the operations of the health facilities, wheresoever situate.
- (e) Administrative procedures and functions.
- (f) Retaining the services of accountants, auditors, solicitors, architects and consultants.

7. The Minister of Personnel, in respect of the Health Services, hereby delegates to the Public Administrator, the following powers, functions and duties of the Minister under the Public Service Act:

The powers, functions and duties enumerated in sections 9, 10, 15(1), 16(1), 17, 18, 19(2), 24, 29, 30(2), 31(2), 33(4), 33(6), 35(4), 36, 37(2), 39(2), and 46(2).

8. The Minister of Personnel agrees not to appoint a lay-off Government of the Northwest Territories public servant to any position in the health facility without the prior consent of the Public Administrator.

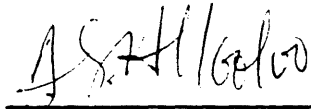
9. The powers, duties and functions delegated to the Public Administrator by virtue of paragraph 7 are in addition to the powers, duties and functions of the Public Administrator which he has under the Public Service Act as "Head of a department", pursuant to paragraph 5 herein.

10. (a) Any collective bargaining with an Employees' Association as defined in section 42 of the Public Service Act with respect to employees of the Government of the Northwest Territories at the health facilities, shall be conducted by the Department of Personnel of the Government of the Northwest Territories.
- (b) The Department of Personnel shall consult with the Public Administrator during the collective bargaining process, and the Public Administrator shall participate in the collective bargaining process.
- (c) Any collective agreement entered into with an Employees' Association shall be signed by the Minister of Personnel.
- (d) The Public Administrator shall be bound by the terms of any collective agreement entered into with an Employees' Association by the Minister of Personnel.

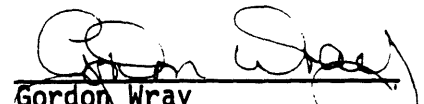
11. (a) The classification of employees shall be conducted by the Department of Personnel of the Government of the Northwest Territories.
 - (b) The Department of Personnel shall consult with the Public Administrator during the classification process, and the Public Administrator shall participate in the classification process.
 - (c) If the Public Administrator is not satisfied with the classification of any position in the health facilities, the Public Administrator may apply to the Minister of Personnel for a review of such classification.
12. The Public Administrator shall have exclusive management, control and operation of the health facilities, however, the Public Administrator may at his option from time to time avail himself of the services of any government department and enter into a memorandum of understanding with any such department.
13. The Public Administrator may authorize the borrowing of money for operational or capital programs which have been approved by the Territorial Hospital Insurance Services Board, subject to the limit set by the Financial Management Board.
14. The Public Administrator shall not encumber the property, real or personal, of the Government of the Northwest Territories.
15. The Public Administrator may establish a foundation for the purpose of soliciting and receiving endowments and donations, and for the purpose of administering any such monies.
16. The Public Administrator may enter into contracts for the supply to the health facilities of any goods or services.

17. The Public Administrator shall provide an annual report to the Territorial Hospital Insurance Services Board, which report shall include the audited financial statements (prepared by the facilities' own auditors) of the financial activities of the facilities for the immediately preceding fiscal year.

18. The Public Administrator shall obtain necessary liability insurance for the facility/facilities, programs and services which are the responsibility of the Board, to indemnify and save harmless the Government of the Northwest Territories from any and all liabilities, damages, costs, claims, suits or actions arising out of the activities of the Keewatin Regional Health Board programs and facilities.



Nellie J. Cournoyea
Minister of Health



Gordon Wray
Minister of Personnel

