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GNWT TRANSFER POLICY

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The Government of the Northwest Territories supports and encourages the transfer of authority and responsibility for government programs to community governments. Transfers of programs may occur through either devolution or delegation.

DEVOLUTION

Devolution will occur only to community governments.

The objectives of devolution are:

1. maximum local decision-making with respect to the way in which programs are delivered;
2. the turning over of resources to the community government for the delivery of programs;
3. the delivery of programs by community government employees;
4. community government ownership or control of buildings, equipment and other assets required to deliver programs;
5. consideration of community choice with respect to the programs to be devolved and the role to be assumed by the community government for co-ordination of the delivery of programs within the community;
6. community government accountability for devolved programs.

DELEGATION

Delegation of responsibility to community governments is encouraged and supported where a community government does not wish to take on all aspects of program delivery or the GNWT does not wish to devolve, or is restricted from devolving, certain programs.

Delegation to organizations other than community governments may be considered subject to specific Executive Council approval.

The objectives of delegation are:

1. local decision-making with respect to the way in which programs are delivered;
2. the turning over of resources to community governments, or organizations other than community government, for the delivery of programs;
3. the delivery of programs by employees under the direction of the recipient organization;
4. local management of buildings, equipment and other assets required to deliver programs;
5. local responsibility for delegated programs.

PRINCIPLES

Unless a specific exception has been approved by the Executive Council, the following principles apply:

1. Devolution of programs will be accompanied by devolution of related support services.
2. Delegation of programs will include provision of related support services by GNWT service departments through agreements with recipients.
3. Funds for delivery of programs and direct costs of support services will be transferred to the recipient.
4. The timing, conditions and extent of transfer of GNWT programs shall be specified in a Program Transfer Plan.
5. Program quality should not be diminished.
6. GNWT employees affected by a transfer are to be treated in a fair and consistent manner.
7. There should be no net increase in costs to the GNWT.
8. All Executive Council approved policies and directives apply to programs or services transferred by delegation.

9. With delegated programs, centralized collective bargaining remains the responsibility of the GNWT where employees remain public service employees.
10. Decisions made by a recipient subsequent to a transfer which will result in any requirement for increased resources from the GNWT are subject to Ministerial approval.



Government Leader and
Chairman of the Executive Council

Reference

For elaboration of this Policy refer to Directive.



SCOPE

This directive applies to all departments and agencies of the Government of the Northwest Territories.

DEFINITIONS

1. Transfer

The passing of a degree of authority, responsibility, and resources for program delivery to community governments or to organizations other than community governments. Transfers may occur through devolution or delegation defined as follows:

(a) Devolution

The passing of political and legislative authority, responsibility and resources for the delivery of government programs from the Government of the Northwest Territories to a community government.

(b) Delegation

The passing of responsibility and resources for the delivery of government programs from the Government of the Northwest Territories to a community government, or organization other than a community government, as approved by Executive Council.

2. Community Government

Cities, Towns, Villages, Hamlets, Settlements, and Charter Communities as defined in the Cities, Towns and Villages Act, the Hamlets Act, the Settlements Act and the Charter Communities Act.

3. Program Transfer Plan

A plan providing details of a program transfer, prepared under the authority of a Lead Minister.

4. Lead Minister

A Minister initiating transfer of a program from the Government of the Northwest Territories.

5. Capital Asset

As defined in the GNWT Financial Administration Manual.

6. Support Services

Includes functions listed in appendix A.

PROVISIONS1. Authority and Accountability(a) Executive Council

Approves Program Transfer Plans in principle, final Program Transfer Plan, and other stages where appropriate.

(b) Financial Management Board

(i) Makes recommendations to Executive Council on the financial aspects of proposed transfers regarding approvals-in-principle and final approval.

(ii) Approves specific budget transfers from both the program department and service departments pursuant to an Executive Council approved program transfer plan.

(c) Priorities and Planning Committee

Makes recommendations to the Executive Council on the policy and organizational aspects of proposed transfers regarding approvals-in-principle and final approvals.

(d) Lead Minister

The Lead Minister shall:

(i) Initiate development of preliminary program transfer plans and submit an Information Item to Executive Council at that time.

(ii) Ensure that input from Ministers affected is incorporated in the preliminary program transfer plan.

- (iii) Recommend the preliminary program transfer plan for approval in principle to Executive Council first through the Priorities and Planning Committee and, subsequently, the Financial Management Board.
- (iv) Initiate negotiations with program recipient(s).
- (v) Ensure that input from Ministers affected is incorporated in the event the program transfer plan is amended as a result of negotiations with the program recipient.
- (vi) Recommend final program transfer plan and related agreements to Executive Council first through the Priorities and Planning Committee and, subsequently, the Financial Management Board.

(e) Other Ministers

Ministers of departments affected by a program transfer shall:

- (i) Ensure that appropriate input to the preliminary and final program transfer plan as well as associated agreements is provided at each stage of the transfer process.
- (ii) Ensure facilitation of the transfer process at each stage.
- (iii) Ensure that the transfer plans address the redeployment and redirection of resources and the management of responsibilities remaining after transfer.

(f) Lead Deputy Minister

The Deputy Minister for the lead department:

- (i) Is responsible for the development and implementation of transfer plans.
- (ii) Recommends transfer plans to the Lead Minister.

(iii) Calls together and chairs the Interdepartmental Committee.

(g) Other Deputy Ministers

Deputy Ministers of departments affected by a proposed program transfer will:

(i) Provide input to both preliminary and final program transfer plans and agreements and facilitate their implementation through participation on the Interdepartmental Committee.

(ii) Prepare their departmental resource redeployment and redirection plan, where applicable, and the management of responsibilities remaining after transfer, for incorporation into specific program transfer plans.

(h) Interdepartmental Committee

An interdepartmental committee, chaired by the Lead Deputy Minister, will be established to deal with each transfer. It will be made up of representatives of affected departments including the following as a minimum:

Finance
Government Services
Personnel
Culture and Communications
Justice
Public Works and Highways
Financial Management Secretariat
Priorities and Planning Secretariat
Regional representative designated by the
Deputy Minister, Executive Council

The committee will:

- (i) provide input into development of a program transfer plan;
- (ii) assess the plan's compliance with approved principles of this policy; and,
- (iii) monitor the implementation of the approved plan

2. Transfer Scope

Programs may be transferred to community governments through either devolution or delegation. Devolution involves the transfer of political and legislative authority to a community government. With delegation, such authority remains with the Minister but responsibility and resources may be delegated to a community government or other organization.

Within delegation there is a wide range of responsibilities which may be transferred.

(a) Factors

The degree of responsibility transferred in each case will be determined by the Lead Minister and approved by the Executive Council based on:

- (i) The objectives and principles of this policy;
- (ii) The degree to which overall program delivery could be improved through local control and delivery while maintaining accountability;
- (iii) The degree to which GNWT-wide standards are required to be maintained.

(b) Asset Transfers

Any transfer of assets will be provided for by means of an agreement signed jointly by the Lead Minister, the Minister of Public Works and Highways and the recipient. Where such transfers involve title to lands, the Minister of Municipal and Community Affairs will be included as a co-signatory.

Where a program is being devolved to a community government with Municipal Taxing Authority, the agreement will provide for capital asset ownership with full right of disposal and use.

Where a program is being devolved to a community government without Municipal Taxing Authority, the agreement will provide for capital asset ownership with conditions consistent with those listed in (i), (ii), and (iii) below.

Capital asset ownership will not be transferred in the case of delegation. Leases or other arrangements may be entered into respecting the use of GNWT capital assets by the recipient in accordance with the following conditions:

- (i) Inspection of the capital assets at specified times by representatives of the Minister of Public Works and Highways.
- (ii) A schedule of maintenance procedures which are based, to the extent necessary, on the maintenance standards in the Public Works and Highways Maintenance Management System.
- (iii) Provisions covering the acquisition, disposal, replacement, refurbishing, upgrading or design and construction of new capital assets within the authorities of the Lead Minister and the Minister of Public Works and Highways.

(c) Employee Transfers

Where a program or support service is devolved, the community government will become the employer.

Where a program or service is delegated to an organization other than a community government, the GNWT remains the employer and will normally retain the following responsibilities:

- Centralized administration
- Centralized collective bargaining
- Classification
- Final approval for terminations
- Staffing appeals and third level grievances
- Housing

Recruitment activities and recommendations for termination may be provided for by means of an agreement with the Minister of Personnel.

(d) Level of Support Service

Services provided by GNWT departments will conform to the following:

- (i) Provision of a standardized and consistent level of services and/or quality of work at reasonable costs.

- (ii) Regular reporting to the recipient of the costs of providing services.
- (iii) Agreements will provide for the retention by the recipient of a portion of savings resulting from any cost saving measures implemented by the recipient in the area of service delivery.

3. Program Transfer Plan

A Program Transfer plan will be developed as illustrated in Appendix B and specifically as follows:

(a) Lead Deputy Minister

The Lead Deputy Minister will develop a Program Transfer plan containing details in the following areas at both the approval in principle stage as well as accompanying the request for final approval. The level of detail will be commensurate with whether the approval being requested is in principle or final.

Both preliminary and final program transfer plans will include:

- (i) A listing and description of the program or programs to be transferred.
- (ii) The objective(s) of the proposed transfer and description of how the plan achieves those objectives.
- (iii) Justification of any transfer to other than a community government. Identification of the organization to which the program will be transferred and its relationship to other organizations. This should include the membership of the organization and how members will be elected or appointed. If the geographical/jurisdictional boundaries of the organization are inconsistent with the administrative boundaries of the GNWT, justification is required.
- (iv) The degree of Ministerial control being transferred. Any exceptions to GNWT policies and directives must be justified.

- (v) Specification of the authorities retained by the Lead Minister and by other Ministers affected by a transfer, including the circumstances under which a transfer agreement might be rescinded by the Lead Minister and the means of doing so.
- (vi) Specification of responsibilities retained by each service department and the lead department.
- (vii) An operational plan outlining how the transferred program will operate including the arrangements with service departments for services they provide.
- (viii) An estimate of costs and person year implications of the transfer to the GNWT and recipient including one time transfer costs and on-going cost implications compared to the existing method of delivery.
- (ix) A timetable showing when the program and related service delivery functions are to be transferred. If the transfer is to take place in stages, details of interim arrangements must be provided.
- (x) The basis on which future funding will be provided, including surplus retention provisions.
- (xi) The positions to be transferred, both to deliver the program and any related support personnel from the program department and/or from service departments. (Transfer of related support personnel is not applicable in the case of delegation.)
- (xii) Terms and conditions related to any transfer of employees.
- (xiii) Legislation or policy affected as well as any proposed amendments required to give the transfer recipient the necessary operating authority.

- (xiv) A copy of the transfer agreement will accompany the request to the Executive Council for final approval of the transfer plan. The agreement will lay out the terms and conditions and financial details of the transfer.
- (xv) Identification of liability and insurance implications.
- (xvi) A post transfer evaluation plan specifying how achievement of stated objectives will be measured, when and by whom.

(b) Other Deputy Ministers

Departments affected will review and analyze program transfer proposals prepared by the Lead Department and provide input in the areas that affect them, primarily:

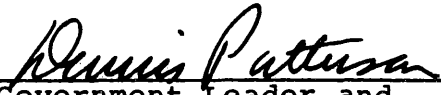
- (i) Identify and cost current services being provided by the Department including financial and personnel resources and assets.
 - Identification and costing of any support services to be provided by agreement on behalf of the recipient after the transfer.
- (ii) Assess, raise any issues, and make recommendations regarding:
 - Method of delivery, timing, and method of transfer.
 - Identification of areas where proposed transfers cannot be readily separated from existing operations.
 - Identification and costing of any responsibilities to be performed on behalf of the recipient after the transfer.
- (iii) Identify savings which may be realized in the long term.

4. Transfer Agreements

Any transfer of authority or responsibility to a community government or other organization will be specified in a transfer agreement detailing specific responsibilities transferred and those retained (through agreements with recipients for delivery of services) by GNWT service departments.

5. Prerogative of the Executive Council

Nothing in this directive shall in any way be construed to limit the prerogative of the Executive Council to make decisions or take action, respecting the transfer of authority for the delivery of government programs to community government or other organizations, outside the provisions of this directive.



Government Leader and
Chairman of the Executive Council

APPENDIX A
LIST OF SERVICES PROVIDED BY
GNWT SERVICE DEPARTMENTS
(by department)

PUBLIC WORKS AND HIGHWAYS

Design and construction of buildings and works

Preventative maintenance and repair of buildings and works

Provision of office space through construction and leasing

Design and construction of office tenant improvements

EXECUTIVE

Audit operations

CULTURE AND COMMUNICATIONS

Interpreter/translator
Printing services

PERSONNEL

Staffing and Classification
Benefit Administration
Employee Benefits
Systems Operation
Housing
Human Resource Planning

Provision of specifications for new vehicles

Preventative maintenance and repair of vehicles

Leasing of staff accommodation

Energy conservation programs for government buildings and works

FINANCE

Payroll
Regional Processing
Credit and Collections
Systems Operation
Insurance and Investments
Systems Control

GOVERNMENT SERVICES

Cartage
Courier
Purchasing and expediting
Freight and Communications
Systems Support
Furniture and Equipment
Office Services and
Administration Warehousing

JUSTICE

Legal Services

APPENDIX B PROGRAM TRANSFER PROCEDURE

