



ALBERTA

Public Service Commission  
*Office of the Minister*

## Ministerial Order No. 10/2020

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### MINISTERIAL ORDER No. 10/2020

#### PUBLIC SERVICE COMMISSION PROVINCE OF ALBERTA

#### Reform of Agencies, Boards and Commissions Compensation Act

#### Reform of Agencies, Boards and Commissions (Post-secondary Institutions) Compensation Regulation, s. 8(2)(a)

#### MINISTERIAL GUIDELINES

I, Travis Toews, President of Treasury Board, Minister of Finance, pursuant to section 8(2)(a) of the *Reform of Agencies, Boards and Commissions (Post-secondary Institutions) Compensation Regulation*, do hereby:

1. Replace the Guidelines established under Ministerial Order 08/2019 with the Guidelines set out in the attached Appendix, effective July 1, 2020;
2. Rescind Ministerial Order 08/2019 effective July 1, 2020.

DATED this 30 day of June, 2020.

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Travis Toews  
President of Treasury Board, Minister of Finance

## APPENDIX

### *Reform of Agencies, Boards and Commissions Compensation Act*

#### Under section 8(2)(a) of the *Reform of Agencies, Boards and Commissions (Post-secondary Institutions) Compensation Regulation*

#### Ministerial Guidelines

#### 1. Interpretation

##### 1.1 In these Guidelines,

- a) words have the same meaning as in the *Reform of Agencies, Boards and Commissions (Post-secondary Institutions) Compensation Regulation*, unless a contrary intention appears in these Guidelines;
- b) “designated executive” has the same meaning as set out in section 3(1) of the *Reform of Agencies, Boards and Commissions (Post-secondary Institutions) Compensation Regulation*;
- c) “executive or private medical benefits” means any form of benefit under which medical expenses are paid, other than group medical insurance, a health spending account or a benefit that is provided to all employees of the relevant public agency;
- d) “existing designated executive” means a person who was a designated executive on the date these Guidelines came into force;
- e) “health spending account” means a private health services plan as defined by the *Income Tax Act* (Canada);
- f) “faculty member” means an academic staff member as defined in the *Post-secondary Learning Act*;
- g) “public agency” means the public agency in respect of which the position of the designated executive is listed in Schedule 1 of the *Reform of Agencies, Boards and Commissions (Post-secondary Institutions) Compensation Regulation*; and
- h) “Regulation” means the *Reform of Agencies, Boards and Commissions (Post-secondary Institutions) Compensation Regulation*.

#### 2. Health Benefits

**2.1** A public agency, may provide health benefits, including group insurance for dental, medical and prescription drug costs, a health spending account, short and long-term disability benefits, and group life insurance plans, to a designated executive if the total annual cost to the public agency, of all health benefits does not exceed 5 percent of the designated executive’s base salary.

**2.2** Notwithstanding section 2.1, a public agency may not provide:

- a) a membership to a gym, sport club, or fitness facility other than the facilities of the relevant public agency; or
- b) executive or private medical benefits,

to a designated executive.

**2.3** In lieu of a benefit referred to in section 2.1, a public agency may pay to the designated executive an amount that does not exceed 5 percent of the designated executive's base salary.

### **3. Retirement Benefits**

**3.1** A public agency may provide to a designated executive any form of retirement benefit (including, pension benefits, supplemental retirement benefits and registered retirement savings plan contributions), pay in lieu of retirement benefits, or a combination thereof in accordance with the following:

- a) in the case of a defined benefit retirement plan, the benefit formula will not result in a benefit that exceeds the benefit under the benefit formula for the Management Employees Pension Plan (MEPP) established by the *Public Sector Pension Plans Act* (2% x highest five year average pensionable salary up to the maximum allowed under the *Income Tax Act* (Canada) x years of pensionable service);
- b) in the case of a defined benefit supplementary retirement plan, the benefit formula will not result in a benefit that exceeds the benefit under the benefit formula for the Supplementary Retirement Plan for Public Service Managers (2% x highest five year average pensionable salary in excess of the highest five year average salary provided under MEPP x years of pensionable service);
- c) in the case of a defined contribution retirement plan or registered retirement savings plan contributions, the employer contribution rate will not exceed the maximum contribution rate allowed under the *Income Tax Act* (Canada) (18% of base salary);
- d) in the case of a defined contribution supplementary retirement plan, the employer contribution rate to the supplementary plan will not exceed the maximum contribution rate allowed under the *Income Tax Act* (Canada) in respect of salary that is in excess of benefits earned under a defined benefit retirement plan or contributions under a defined contribution retirement plan (18% of base salary in excess of base salary for which benefits were earned or contributions were made under a defined benefit or defined contribution retirement plan, respectively);
- e) in the case of pay in lieu of retirement benefits, a public agency may pay to the designated executive an amount that does not exceed 13.20 percent of the designated executive's base salary; and
- f) in the case of pay in lieu of a supplementary retirement plan where the designated executive is a participant in a retirement plan, the employer contributions to the

retirement plan and the amount paid in lieu of a supplementary retirement plan will not exceed the maximum contribution rate allowed under the *Income Tax Act* (Canada) (18% of base salary).

**3.2** Despite section 3.1(e), that section does not apply where an existing designated executive continuing in the same position under the same contract, agreement or appointment, is receiving pay in lieu of retirement benefits that is consistent with a prior version of these Guidelines.

#### **4. Administrative Leave**

**4.1** A public agency that offered administrative leave to any non-bargaining unit employee of the public agency on the effective date of the Regulation, may provide administrative leave to a designated executive if the designated executive will return to, or will otherwise be employed in, a faculty member position following the expiration of the designated executive's employment contract or term of appointment.

**4.2** If a benefit referred to in section 4.1 is offered to a designated executive, and the designated executive is otherwise ineligible for that benefit, or chooses not to receive that benefit, the public agency shall not provide the designated executive with pay in lieu of that benefit.

#### **5. Relocation Expenses and Leave (other than Administrative Leave)**

**5.1** A public agency may reimburse a designated executive for any expenses incurred as a result of relocating for which non-bargaining unit employees would be reimbursed.

**5.2** A public agency may provide up to 5 days leave with pay to a designated executive, if the designated executive is required to relocate:

- a) because the job location for the position of the designated executive changes; or
- b) to commence his or her position as a designated executive, if immediately prior to commencing that position the designated executive was an employee or appointee of the relevant public agency.

#### **6. Northern Allowance**

**6.1** A public agency may provide premium pay to a designated executive for:

- a) a northern allowance where the designated executive is in the same circumstances, and at the same rate or amount, as an employee as defined under the *Public Service Act* would be eligible pursuant to the [Public Service Employment Regulation](#); or
- b) a Fort McMurray allowance where the designated executive is in the same circumstances, and at the same rate or amount, as an employee as defined under the *Public Service Act* would be eligible pursuant to the [Public Service Relocation and Employment Expenses Regulation](#).

**6.2** A public agency may provide premium pay for a 55<sup>th</sup> to 57<sup>th</sup> parallels retention allowance to a designated executive in the same circumstances, and at the same rate or amount, as an employee as defined under the *Public Service Act* would be eligible pursuant to the [Government of Alberta Premium Pay Directive](#).

**6.3** A designated executive who is eligible to receive a Fort McMurray allowance is not eligible to receive a 55<sup>th</sup> to 57<sup>th</sup> parallels retention allowance.

## **7. Reimbursement of other expenses**

**7.1** A public agency may reimburse a designated executive for expenses in accordance with the [Travel, Meal and Hospitality Expenses Directive \(Treasury Board Directive #1/2015\)](#), other than section 3(2) of that Directive, at a rate or amount that does not exceed that at which an employee as defined under the *Public Service Act* would be reimbursed.

## **8. Vehicle**

**8.1** A public agency may provide a vehicle for the use of a designated executive if the total purchase price of the vehicle does not exceed, or in the case of a leased vehicle would not exceed, the maximum total purchase price of \$39,000.

**8.2** Instead of providing the use of a vehicle under section 8.1, a public agency may provide a designated executive with a vehicle allowance, in an amount that does not exceed \$6,000 per year.

## **9. Parking**

**9.1** A public agency may provide a designated executive with parking at the designated executive's primary work location.

## **10. Use of Accommodation, Residence or Housing**

**10.1** A public agency may provide a designated executive with the use of accommodation, residence, or housing owned or leased by the public agency, if the designated executive pays full market value rent resulting in no taxable benefit.

## **11. Paid Holidays**

**11.1** A public agency may provide a designated executive with the same paid holidays as are provided to non-bargaining unit employees.

## **12. Vacation Leave**

**12.1** In this section, "vacation leave" includes vacation supplement.

**12.2** A public agency may provide a designated executive with vacation leave, pay in lieu of vacation leave, or any combination of vacation leave and pay in lieu of vacation leave, in an amount not exceeding 40 days per year.

**12.3** Notwithstanding section 12.2, on the termination of the designated executive's employment contract or term of appointment, pay in lieu of vacation leave may be provided to the designated executive for all outstanding vacation leave.

### **13. General Leave Days**

**13.1** In this section, "general leave" includes illness leave, family illness leave, bereavement leave, personal leave, maternity, parental or adoption leave, and leave for attendance at a court or tribunal.

**13.2** A public agency may provide a designated executive, with the same general leave entitlements as are provided to non-bargaining unit employees.

### **14. Leave of Absence With or Without Pay**

**14.1** A public agency may provide a designated executive with a leave of absence with pay or a leave of absence without pay, as defined in the *Public Service Employment Regulation* if it is in the best interest of the relevant public agency.

**14.2** For greater certainty, "leave of absence" in section 14.1 does not include administrative leave.

### **15. No Additional Benefits**

**15.1** A public agency shall not provide to a designated executive any benefit that is not expressly authorized by these Guidelines.

### **16. Coming into Force**

**16.1** These Guidelines, which replace all prior versions of these Guidelines, come into force on July 1, 2020.