



ALBERTA

Public Service Commission  
*Office of the Minister*

**Ministerial Order  
No. 05/2021**

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**MINISTERIAL ORDER No. 05/2021**

**PUBLIC SERVICE COMMISSION  
PROVINCE OF ALBERTA**

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

**Reform of Agencies, Boards and Commissions 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 Compensation Regulation*, do hereby:

1. Replace the Guidelines established under Ministerial Order 09/2020 with the Guidelines set out in the attached Appendix, effective July 15, 2021;
2. Rescind Ministerial Order 09/2020 effective July 15, 2021.

DATED this 30 day of June, 2021.

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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 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 Compensation Regulation*, unless a contrary intention appears in these Guidelines;
- b) “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;
- c) “existing designated executive” means a person who was a designated executive on the date these Guidelines come into force;
- d) “health spending account” means a private health services plan as defined by the *Income Tax Act* (Canada);
- e) “relevant 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 Compensation Regulation*; and
- f) “senior management employees” means employees in the relevant public agency who exercise managerial functions and report directly to one or more designated executives of that public agency.

### **2. Health Benefits**

**2.1** A public agency or the Crown, as the case may be, 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 or the Crown, as the case may be, of all health benefits does not exceed 5 percent of the designated executive’s base salary.

**2.2** Notwithstanding section 2.1, neither a public agency nor the Crown may provide:

- a) a gym or fitness facility membership; 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 or the Crown, as the case may be, may pay to the designated executive an amount that does not exceed 5 percent of the designated executive's base salary.

**2.4** Notwithstanding section 2.1, the employer cost for health benefits may exceed five per cent of a part-time designated executive's pro-rated salary, as long as the health benefits are aligned with the health benefits offered to full-time employees and the part-time designated executive works at least 40 per cent full time equivalent.

**2.5** Designated executives working less than 40 per cent full time equivalent are not eligible for the same health benefits offered to full-time employees.

### **3. Retirement Benefits**

**3.1** A public agency or the Crown, as the case may be, may provide to a designated executive any form of retirement benefit, including pension benefits, supplemental retirement benefits and registered retirement savings plan contributions, or pay in lieu of retirement benefits 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* ( $2\% \times$  highest five year average pensionable salary up to the maximum allowed under the *Income Tax Act* (Canada)  $\times$  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 ( $2\% \times$  highest five year average pensionable salary in excess of the highest five year average salary provided under MEPP  $\times$  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 or the Crown, as the case may be, may pay to the designated executive an amount that does not exceed 13.20 percent of the designated executive's 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. Relocation Expenses and Leave**

4.1 A public agency or the Crown, as the case may be, may reimburse a designated executive for any expenses incurred as a result of relocating for which senior management employees would be reimbursed.

4.2 A public agency or the Crown, as the case may be, 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 in the relevant public agency.

#### **5. Reimbursement of other expenses**

5.1 A public agency or the Crown, as the case may be, may reimburse a designated executive for expenses in accordance with the *Travel, Meal and Hospitality Expenses Directive*, 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.

#### **6. Vehicle**

6.1 A public agency or the Crown, as the case may be, may provide a vehicle for the use of a designated executive whose position is assigned to level 3 or above in Schedule 2 of the *Reform of Agencies, Boards and Commissions Compensation Regulation* 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.

**6.2** Instead of providing the use of a vehicle under section 5.1, a public agency or the Crown, as the case may be, may provide a designated executive, whose position is assigned to level 3 or above in Schedule 2 of the *Reform of Agencies, Boards and Commissions Compensation Regulation*, with a vehicle allowance, in an amount that does not exceed \$6,000 per year.

**6.3** Despite sections 6.1 and 6.2, those sections do not apply where an existing designated executive continuing in the same position under the same contract, agreement or appointment, is receiving a vehicle or vehicle allowance that is consistent with a prior version of these Guidelines.

## **7. Parking**

**7.1** A public agency or the Crown, as the case may be, may provide a designated executive with parking at the designated executive's primary work location.

## **8. Paid Holidays**

**8.1** A public agency or the Crown, as the case may be, may provide a designated executive with the same paid holidays as are provided to senior management employees.

## **9. Vacation Leave**

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

**9.2** A public agency or the Crown, as the case may be, 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.

**9.3** Notwithstanding section 9.2, 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.

## **10. General Leave Days**

**10.1** 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.

**10.2** A public agency or the Crown, as the case may be, may provide a designated executive, with the same general leave entitlements as are provided to senior management employees.

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

**11.1** A public agency or the Crown, as the case may be, may provide a designated executive with a leave of absence, either with or without pay, if it is in the best interest of the relevant public agency or the Crown.

## **12. No Additional Benefits**

**12.1** Neither a public agency nor the Crown shall provide to a designated executive any benefit that is not expressly authorized by these Guidelines.

## **13. Coming into Force**

**13.1** These Guidelines, which replace all prior versions of these Guidelines, come into force on July 15, 2021.