

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

**Ministerial Guidelines**

**Under s.8 (2) of the Reform of Agencies, Boards and Commissions Compensation Regulation**

**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, health spending account or a benefit that is provided to all employees of the relevant public agency.
- c) “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*;
- d) “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 and Retirement 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 executive or private medical benefits to a designated executive.

**2.3** A public agency or the Crown, as the case may be, may provide any form of retirement plan or benefit to a designated executive if:

- a) for a retirement plan or benefit that was implemented on or before the effective date of these guidelines, at the time of implementation it would have been reasonable to expect; and
- b) for a retirement plan or benefit that is implemented after the effective date of these guidelines, at the time of implementation there is an intention and reasonable expectation;

that the total cost to the public agency or the Crown, as the case may be, would not be greater than if the designated executive were a participant in the Management Employees Pension Plan established by the *Public Sector Pension Plans Act* and a participant in the Supplementary Retirement Plan for Public Service Managers.

**2.4** If a benefit referred to in sections 2.1 or 2.3 is offered in respect of a position that is designated as an executive position under s.3 of the *Reform of Agencies, Boards and Commissions Compensation Regulation*, and the designated executive who holds that position is otherwise ineligible for that benefit, or chooses not to receive that benefit, the public agency or the Crown, as the case may be, may pay to the designated executive, in lieu of that benefit, an amount not greater than the total cost to the public agency or the Crown, as the case may be, were it providing that benefit to the designated executive.

### **3. Relocation Expenses and Leave**

**3.1** 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.

**3.2** 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.

### **4. Reimbursement of other expenses**

**4.1** A public agency or the Crown, as the case may be, may reimburse a designated executive for any expenses for which an employee as defined under the *Public Service Act* would be reimbursed, at a rate or amount that does not exceed that at which an employee as defined under the *Public Service Act* would be reimbursed, and on provision of a receipt when required for an employee as defined under the

*Public Service Act*, under the [Travel, Meal and Hospitality Expenses Directive \(Treasury Board Directive #1/2015\)](#), other than under s.3(2) of that Directive.

## **5. Vehicle**

**5.1** A public agency or the Crown, as the case may be, 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 \$47,850.

**5.2** 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 with a vehicle allowance, in an amount not greater than \$8000 per year.

## **6. Parking**

**6.1** 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.

## **7. Paid Holidays**

**7.1** 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.

## **8. Vacation Leave**

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

**8.2** A public agency or the Crown, as the case may be, may provide a designated executive with vacation leave of no more than 40 days per year.

**8.3** A public agency or the Crown, as the case may be, may provide a designated executive pay in lieu of vacation leave, in the same circumstances, and in the same amount, as it would be provided to senior management employees.

**8.4** Notwithstanding section 8.3, 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 executive for all outstanding vacation leave.

## **9. General Leave Days**

**9.1** 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.

**9.2** 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.

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

**10.1** 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.

## **11. Coming into Force**

**11.1** These Guidelines come into force on March 16, 2017.