

Government of Yukon

Section M

Conditions of Employment for Excluded Groups:
Managers, Legal Officers, and Deputy Ministers



A wide-open career.

comes with the territory

October 18, 2013

Introduction

Issued by the Public Service Commissioner and based on approvals by the Management Board, Section M governs the terms and conditions of employment for the following excluded groups:

- deputy ministers (DM)
- managerial staff (MG)
- legal officers (LE)

Collectively, these groups are known as managers.

Additional Governing Policies

In addition to Section M, a number of human resources policies found in *General Administration Manual, Volume 3*, relate to the terms and conditions of managers' employment and how they carry out their roles. Policies managers should pay particular attention to include, but are not limited to:

- Conflict of interest-related policies (see *Public Service Act* and *General Administration Manual Volume 1*)
- Respectful Workplace Policy
- Corporate Health and Safety Policy

Policy Conflicts

In the event of a conflict between Section M and:

- a policy or directive, Section M is the definitive authority
- an insured benefit or other contract, the insured benefit or other contract will apply.

Review and Amendment

Section M is reviewed every three years with resulting recommendations made to the Public Service Commission. The Management Board is involved in approving conditions that have a financial impact.

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Compensation

Our total management compensation package includes pay and benefits as well as non-monetary components.

Philosophy

The Government of Yukon maintains a management compensation program that helps it attract and retain the managerial and leadership talent needed to grow and further the strategic interests and needs of the Yukon public service.

The management compensation program is designed to motivate, engage and recognize employees who achieve targeted results. Compensation for employees is commensurate with their success in achieving Yukon government, department and individual goals and objectives.

Guiding Principles

Six principles guide our approach to management compensation:

1. Based on recruitment and retention needs, we regularly monitor relevant external markets to ensure Yukon government employees have pay opportunities that enable our organization to recruit and retain talent.
2. The employee compensation program is revised as business conditions and employee needs change. We will continue programs that are effective and modify or eliminate those that are ineffective.
3. We strive to design and deliver compensation programs that take into account employees' personal and career goals and objectives and the needs and requirements of Yukon government.
4. We include specific, value improving performance objectives.
5. Wherever possible, we use quantitative means to measure achievement.
6. The employee compensation program is designed and managed in a way that achieves on-going clarity and understanding for employees and our citizens.

Benefits

Our benefit strategy is to provide competitive, cost effective benefits that will help to attract and retain employees. Our benefits package includes an extensive flexible group insurance package, a defined benefit pension plan, a paid and unpaid leave benefits package and a variety of allowances.

Non-Monetary Components

There are a number of non-monetary components which are an integral part of the total compensation package and which reflect the vision, values and strategies of the organization. The Yukon government is committed to providing management employees with a healthy work environment that includes:

Compensation

- **Leadership:** We encourage leaders who strive to be strategic thinkers and who are innovative in meeting public and public service needs.
- **Culture:** We are an organization that is transparent, professional, and ethical. We offer delegated decision making and flexibility for managers, an environment that encourages risk and innovation and an organization where people want to work and take pride in being a part of.
- **Respect:** We promote healthy, well-functioning workplaces that address conflict and affirm employee responsibility for workplace conduct and relationships.
- **Learning and Career Management:** We develop core management competencies and use these to establish career paths and related training. We promote and provide career counseling and training opportunities for employees to increase and improve their skills in their current jobs and to enhance their careers.
- **Corporate Orientation:** We offer employees a comprehensive corporate orientation.
- **Line of Sight:** We ensure employees understand their role in the public service and how it contributes to the ultimate goal of providing high quality service to the Yukon public.
- **Diversity:** We are an organization that represents the diversity of the population it serves as well as reflects, values and respects the cultures, traditions and history of all Yukon people.

- **Flexible Work Arrangements:** We acknowledge the role balance plays in creating personal well-being, satisfaction and productivity in our workforce.

Salary

Our strategy is to differentiate between levels of performance and to recognize superior levels of performance in the attainment of both short- and long-term objectives.

The salary and cash bonus component of the compensation program takes into consideration current compensation rates found in the external marketplace and balances them with our ability to recruit and retain talent. Rates are reviewed regularly to ensure they remain valid and competitive.

Job value is based on a continuum, anchored at one end by the conditions found in the external marketplace and at the other end by how these relate to the internal role.

The Yukon government reviews this continuum and determines the appropriate classification for each management position. We select varied benchmarks that represent the diversity of hierarchy within the organization.

In defining our external marketplace, the Yukon government takes into consideration the western provincial/territorial governments, the private sector and our geographic area. Both the external marketplace and internal classification processes are reviewed on an on-going basis.

Compensation

Administration

Salary administration for individuals within the management group is determined by the provisions of this section.

Salary administration for individuals transferred or reclassified into one of the bargaining units is determined by the provisions of the relevant collective agreement.

Salary on Appointment

On initial appointment into the management group, or when appointed to a new management position at the same or higher classification level, a manager shall be paid an annual salary (bi-weekly) within the salary range of the position to which they are appointed. Except where delegated, the Yukon Public Service Commission determines the manager's annual salary by considering the following factors:

- market conditions;
- the education and experience of the manager in relation to that of others in the same classification; and,
- the annual salary of the supervisor and subordinates.

Where a manager is appointed to a position with a lower annual salary maximum than that of their previous Yukon government position, the following will be considered:

- reasons surrounding the appointment; and
- the employee's performance history.

Part-time Manager

A part-time manager's annual salary, allowances, designated paid holidays, leaves, severance, Yukon Bonus and benefits are prorated based on the number of actual hours worked per week in comparison to 37.5 hours per week or 7.5 hours per day.

Salary on Transfer

When a manager is transferred, in accordance with Part 7 – Transfer in the *Public Service Act*, to another position at the same classification level, the manager's annual salary will normally remain the same. However, except where delegated, the Public Service Commission may establish a new annual salary for the manager after considering the following factors:

- the manager's qualifications and demonstrated abilities in relation to the position to be occupied; and,
- the relationship of the manager's new annual salary to that of the immediate supervisor, subordinates and peers.

Under these circumstances, any increase or decrease in the manager's annual salary will not exceed 4%.

Under no circumstances will a transfer result in an annual salary that is outside the salary range for the new position.

Reclassification

When a management position is reclassified higher, the annual salary for the manager will increase within the range of 5% to 10%. Under no circumstances will a salary change result in an annual salary that is outside the salary range for the position.

When a management position is reclassified lower, the manager will be granted salary protection and continue to receive the applicable performance payments and economic adjustments in accordance with the former classification level.

Market Adjustment of Salaries

Market adjustments are periodic adjustments to salary ranges and will normally be applied on the recommendation of the Public Service Commissioner and approved by the Management Board. Adjustments will be applied in accordance with the *Public Service Act* regulation on salary protection as appropriate.

Market adjustments are based on the market as defined in the compensation philosophy and national and local economic indicators.

Salary on Acting Assignment

A manager who is assigned to act temporarily for a period of at least five (5) consecutive working days, in a position having a higher annual maximum salary than that of his/her substantive position is entitled to receive acting pay from the commencement of the assignment to its termination.

Interruption

Where the five (5) consecutive working days referred to above are interrupted because of a leave of absence (with or without pay), and the manager resumes the acting assignment immediately upon return to the workplace, consecutive working days spent in the acting assignment immediately prior to the leave will be included in the calculation to determine whether and when the acting pay threshold has been met.

Acting Pay

The normal salary increase on an acting assignment is between 5% to 10% of the manager's salary in his/her substantive position. An increase cannot result in an annual salary which is below the minimum or above the maximum of the range for the classification of the acting position.

The following factors are considered to determine the acting salary:

- the annual salary that the incumbent would have received had s/he been promoted to the higher salaried position; and,
- the extent to which the full responsibilities of the higher salaried position are being assumed, or whether a care-taking function is being performed.

Compensation

Leave Of Absence during Acting Assignment

Under 3 months: If the manager has been in the acting position for three (3) months or less and is authorized to take a paid leave of absence, s/he will be paid for the leave based on the annual salary of his/her substantive position.

Over 3 months: If the manager has been in the acting position for more than three (3) months, and is authorized to take a paid leave of absence, s/he will be paid for the leave based on the acting salary to the end of the leave period or to the end of the acting assignment, whichever comes first.

Subsequent Acting Assignments

When a manager in an acting assignment is required to act in a subsequent assignment the manager's salary will revert to his/her substantive annual salary prior to the application of any subsequent acting salary whether or not the acting assignments run consecutively.

Performance Pay while Acting

When an acting assignment extends beyond one (1) month, and the manager has been in a manager position at least six (6) months during the fiscal year, the acting manager, where eligible, will be entitled to receive performance pay consideration in proportion to the amount of time s/he was in the acting position.

Return from Acting Position

Upon return to the manager's substantive position, the manager will revert to the substantive annual salary received at the time of the commencement of the acting assignment, adjusted for any market adjustment or performance pay increase received during the acting assignment, up to but not exceeding the maximum of the substantive range.

Managers Acting in a Bargaining Unit

When a manager acts in a bargaining unit position, the manager's rights and entitlements flow from his/her substantive position.

Bargaining Unit Members Acting in Management

When a bargaining unit member acts in management, the employee's rights and entitlements flow from his/her substantive position.

Compensation

Performance Pay

The annual performance review period is from April 1 to March 31 of the following year. Performance pay will be prorated for managers who take a leave of absence without pay except where the leave of absence is maternity, paternity, adoption, or parental.

Eligibility

Managers below the maximum of their annual salary range on March 31 are eligible for an increase in their salary. They are also eligible to receive a cash payment as recognition for a one-time outstanding contribution on a special project.

Managers at the maximum of their annual salary range on March 31 are eligible for a cash payment but are not eligible for an increase in their annual salary.

Salary increases and cash payments are based on a percentage of the managers' annual salary and are calculated within the following performance rating guidelines:

| Performance Category | Description | Percentage Eligibility* |
|--------------------------|--|-------------------------|
| Below Expectations | Performance meets some and is below other requirements of the objectives. There is need for further improvement on the job before performance meets the expected objectives. | 0 - 1%** |
| Solid Contribution | Performance meets objectives in key areas and may exceed some requirements. | 2 - 5% |
| Outstanding Contribution | Performance consistently exceeds requirements in all core objectives and exceeds most defined expectations. The individual demonstrates a model of excellence for others. Peers, direct reports and higher-level management can readily recognize this level of performance. | 6 - 8% |

* Increases in annual salary may be calculated at full or half percentage points within the percentage range for the identified level of performance.

** Strong consideration should be given before applying a performance award in excess of 0% to a manager in the Below Expectations category.

Compensation

New Managers (in the position for under 1 year)

For a newly appointed manager where the manager's anniversary date predates March 31 by:

- **less than six (6) months**—the manager is not eligible for performance pay. Should the manager be provided performance pay the following fiscal year, the increase to the annual salary will be prorated to reflect the additional one (1) to five (5) months. Cash payments will not be prorated to reflect the additional months.
- **six (6) months or more, but less than twelve (12) months**—the manager may be granted an increase to his/her annual salary prorated to reflect the number of months of service. A cash payment, if provided, will also be prorated.

For further information, see the document "Process and Principles for Performance Pay."

Authorization of Performance Pay

Deputy Ministers are responsible for authorizing annual salary increases and cash payments for their own department managers, subject to the review of the Deputy Ministers' Review Committee (or a sub-committee thereof).

Yukon Bonus

The amount of the Yukon Bonus travel benefit is \$2,242 per year. The Yukon Bonus will automatically be paid on the pay date falling immediately after the managers' continuous service date.

"continuous service" means (unless specified otherwise):

- the period of uninterrupted service from the first day appointed as an employee in the public service;
- the service of a lay-off rehired within a period of one (1) year; prior continuous service of an employee appointed under the *Education Act*, provided there is no interruption in service before becoming a manager but does not include service as a substitute; and,
- may include continuous federal service in accordance with the relevant transfer agreement where the manager's position or function was/is transferred from the Public Service of Canada to the Government of Yukon as a result of the devolution of a federal program to the Government of Yukon.

(See also Vacation Leave Entitlement, Maternity/Paternity/Adoption Leave, Parental Leave, Sick Leave and Severance Entitlements sections.)

Unless the manager provides written direction otherwise, the Yukon Bonus will be paid as an untaxed benefit.

Eligibility

In order to be eligible for the Yukon Bonus:

- the manager's work location must be north of 60 degrees latitude*, and;
- the manager must have completed two years of continuous service with the Government of Yukon.

**Any time spent working in an unqualified work location will be prorated accordingly once the manager has qualified.*

Part-time Managers

A part-time manager is entitled to a prorated Yukon Bonus for each full year of continuous service, based on the actual hours worked since his/her last qualifying date, or in the case of the initial Yukon Bonus, since the commencement of his/her employment.

Leave of Absence Without Pay

With the exception of maternity, paternity, adoption or parental leave, a manager's Yukon Bonus is reduced proportionally for each period of thirty (30) consecutive days of leave without pay that the manager takes.

Community Allowance and Travel Bonus

A manager whose headquarters is outside of Whitehorse may be eligible for a Community Allowance and Travel Bonus to offset the higher cost of living in those communities.

Community Allowance

In addition to regular pay, an annual Community Allowance is paid on a prorated biweekly basis. The Community Allowance is not paid to managers who receive free room and board.

The value of the annual Community Allowance depends on the manager's headquarters location as follows:

| Community | Allowance amount |
|------------------|------------------|
| Beaver Creek | \$2000 |
| Carcross | \$650 |
| Carmacks | \$1700 |
| Dawson City | \$2000 |
| Destruction Bay | \$1700 |
| Drury Creek | \$2000 |
| Faro | \$2000 |
| Haines Junction | \$1110 |
| Herschel Island | \$8200 |
| Mayo | \$2000 |
| Old Crow | \$8200 |
| Pelly Crossing | \$2000 |
| Ross River | \$2000 |
| Stewart Crossing | \$2000 |
| Swift River | \$2000 |
| Tagish | \$650 |
| Teslin | \$1110 |
| Watson Lake | \$1700 |

Community Allowance and Travel Bonus

Travel Bonus

Travel Bonus credits are earned on a quarterly (3 month) basis provided the manager works at least one (1) working day in the quarter. They cannot be carried over from one fiscal year to another. Unused credits are paid out during the first pay period in May.

Travel Bonus credits are awarded as follows:

| Community | Credit amount per quarter |
|-----------------|---------------------------|
| Carcross | 1.5 days |
| Carmacks | 1.5 days |
| Haines Junction | 1.5 days |
| Tagish | 1.5 days |
| Teslin | 1.5 days |
| All others | 2 days |

Hours of Work

Managers are expected to work the hours required to meet the operational demands of their jobs. Normal hours of work for a manager are scheduled with the approval of his/her supervisor and take into consideration operational requirements and the duties of the position, including the need to service clients, the need to supervise, the convenience of serving the public and ensuring our offices are open during prescribed business hours.

Compensation for overtime, standby and callback hours is addressed through a Manager’s Leave Entitlement. Please see “Leaves – Manager’s Leave” for further information.

For administrative purposes (leaves, etc.), the number of hours worked by full-time managers is set at 37.5 hours per week or 7.5 hours per day.

Flexible Work Arrangements

Where operationally feasible and in agreement with the supervisor, work arrangements that allow for flexible daily/weekly/monthly hours of work and days of work may be entered into between a manager and his/her supervisor.

Designated Paid Holidays

Managers are entitled to twelve (12) designated paid holidays per calendar year, plus any special holiday proclaimed by the Government of Yukon. The designated paid holidays are:

- New Year’s Day
- National Heritage Day
- Good Friday
- Easter Monday
- Victoria Day
- Canada Day
- Discovery Day
- Labour Day
- Thanksgiving Day
- Remembrance Day
- Christmas Day
- Boxing Day

When a holiday falls on the manager’s day of rest, the manager will receive the next working day as the designated paid holiday.

Religious Holy Days

Supervisors make every reasonable effort to grant managers time off with pay for religious holidays when a religious holiday prevents the manager from reporting for work. The manager can use Personal Needs Leave (PNL) for this purpose. The manager may be required to provide documentation verifying that his/her doctrine prevents him/her from attending work and that the religious organization is registered as such under the *Income Tax Act*.

Leaves

Vacation

Managers earn vacation leave on a monthly basis provided that they have received pay for at least ten (10) working days in the calendar month, except when on pre-retirement leave. Vacation leave can be accumulated from year-to-year.

Managers are advanced vacation leave for the fiscal year on April 1. Those appointed after April 1st are advanced leave on a prorated basis for the balance of that fiscal year.

| Years of continuous service* | Vacation entitlement |
|------------------------------|----------------------|
| 1 to 3 | 20 days |
| over 3 to 14 | 25 days |
| over 14 to 25 | 30 days |
| over 25 | 35 days |

*For the purpose of calculating vacation leave entitlement, “continuous service” includes prior periods of interrupted service with the Government of Yukon where the break in service is for a period of ninety (90) consecutive days or less and where the reason for the break in service was not dismissal or abandonment of position. The period of the break in service is not included in the calculation of “continuous service.”

Transferable Continuous Service from another Government Agency under special circumstances

Years of continuous service with certain employers may be considered for vacation purposes under the following conditions:

- prior approval of the Public Service Commissioner has been obtained, and;
- a demonstrated skills shortage exists, and;
- the manager is hired within ninety (90) consecutive days after terminating as an employee of one of the following:
 - a federal, provincial or other territorial government, school board or crown corporation
 - a Yukon municipality
 - the Council for Yukon First Nations
 - a Yukon First Nation
 - Yukon College
 - Yukon Hospital Corp.

Unused vacation leave from another employer is not transferable to the Government of Yukon.

Leaves

Long Service

At the completion of each five (5) years of continuous service, a manager is entitled to one five (5)-day period of paid leave. This long service leave must be taken prior to the completion of the next five (5)-year period.

Manager's Leave

A manager is entitled to up to ten (10) days paid leave per year (or 10/12's days per month) as recognition for their required extra hours. Manager's leave may be taken during the year in which it is earned with the approval of the supervisor and subject to operational requirements.

Leave is advanced on a prorated basis on the date of appointment as manager and thereafter on April 1 of each year.

Managers do not earn manager's leave when s/he, for a full calendar month, is on:

- a leave of absence without pay
- suspension
- pre-retirement leave
- in receipt of long-term disability benefits.

Leave Carryover and Pay Out

Managers may elect to be paid out any amount of earned and unused vacation and long service leave in excess of eight (8) weeks. In order to do so, managers must submit their request in writing to their Departmental Human Resource branch. Long service leave that hasn't been used within five (5) years of entitlement will be paid out automatically.

Managers may also apply to be paid out other amounts of earned but unused vacation leave.

Earned and unused manager's leave is paid at the end of the year based on the manager's annual salary as of March 31st.

When a manager is appointed to a position that is not entitled to manager's leave, any earned but unused manager's leave at the new appointment date will be paid out to the manager based on his/her annual salary effective the day before the appointment date.

Interrupted Leave

When a manager's vacation, long service or manager's leave is cancelled prior to its commencement due to operational requirements, the manager will be reimbursed for non-refundable payments forfeited as a result of the cancellation.

When a manager is granted sick leave or Personal Needs Leave (PNL) during vacation, long service or manager's leave, the displaced period of leave will be re-credited to the manager.

Recall to Duty

When a manager is recalled to duty during a period of vacation, long service or manager's leave, the manager will be reimbursed for reasonable expenses incurred in accordance with the travel directive. This includes reimbursement for any non-refundable payments forfeited as a result of the recall.

If the manager immediately resumes leave upon completing the assignment for which the manager was recalled, the manager will be reimbursed for all expenses incurred on the return trip. A manager will not be considered to be on leave during any period of the recall.

If a manager is on vacation, long service or manager's leave outside of his/her headquarters' area and is recalled to duty, the manager will be credited one extra day of leave. Known as "recall leave," this leave is treated as part of whatever leave was interrupted.

Termination of Employment

Any vacation, long service or manager's leave that has been earned but not taken by the manager's termination date will be paid to the manager upon termination of their employment. In the case of death of the manager, any such leaves will be paid to the manager's estate.

If a manager has taken vacation or manager's leave that has not yet been earned, the manager will be required to pay it back upon termination of their employment. In the case of death of the manager, the estate will not be required to pay back the used but unearned vacation, long service or manager's leave.

Travel Status Leave (TSL)

To compensate managers who are frequently required to be on travel status on weekends or their regular days off, TSL provides the manager with a period of paid leave for their time and personal inconvenience.

To be entitled to TSL, a manager must have been required to be on travel status for more than four (4) weekend days* per year. After the initial four (4) day qualification, managers are entitled to receive one (1) day of TSL for each weekend day on travel status to a maximum of six (6) days of TSL per year.

*A "weekend day" is equal to any minimum 7.5 hour period in a 24 hour period that would normally be the manager's day of rest and occurs:

- between Friday at midnight to Sunday at midnight, or
- during a statutory holiday.

Managers who have earned an unused TSL at the end of the year will be paid out for such leave based on his/her annual salary effective March 31st.

Leaves

Personal Needs Leave (PNL)

PNL provides the manager with a period of paid leave when personal circumstances prevent the manager from performing his/her duties. Managers are expected to use PNL with a view toward responsibly balancing their work and personal requirements.

A manager is credited with six (6) days of PNL upon appointment and subsequently at the beginning of each year of continuous service up to a maximum of thirty (30) days.

PNL is subject to the approval of the supervisor who may, at his/her discretion, ask for proof of the need for and the length of the leave.

Restrictions

A manager is not entitled to take PNL while the manager is on:

- retiring leave (this is the period of leave, prior to retirement or pre-retirement leave and includes accrued paid leaves such as vacation, long service or manager's leave)
- pre-retirement leave
- leave of absence without pay
- suspension
- long-term disability benefits.

PNL is not meant to supplement sick, vacation, long service, maternity, paternity, adoption, parental, or manager's leave, or to be used where another type of leave is available. A manager on PNL who becomes ill may substitute sick leave for the period of PNL during which the illness occurs.

PNL Advance

When a manager has insufficient PNL credits to permit the granting of PNL, s/he may apply to the Deputy Minister for an advance of up to five (5) PNL days. Advanced days will be deducted from future earned PNL credits.

Yukon Teachers Association or Yukon Government Employees Union

Where applicable, employees who are appointed into management from the Yukon Teachers Association or Yukon Government Employees Union are eligible to convert his/her banked special leave to PNL.

Unused PNL

Unused PNL credits are not paid out.

Maternity, Paternity and Adoption Leaves

Maternity Leave Without Pay

A female manager is entitled to a leave of absence without pay for a period of thirty-seven (37) consecutive weeks for the purpose of childbirth. Such maternity leave will normally begin no sooner than eleven (11) weeks prior to the expected delivery date and normally end within twenty-six (26) weeks after the child's birth.

Managers may be authorized to commence or complete their maternity leave earlier or later than these dates upon receipt of a medical certificate.

Where a manager's newborn child is born prematurely or requires hospitalization following birth, the maternity leave may be extended beyond the original end date. This extension will end no later than fifty-two (52) weeks after the child's birth.

Paternity Leave Without Pay

A male manager is entitled to a leave of absence without pay for a period beginning on the date of the birth of his child (or at a later date to be requested by the manager) and ending no later than twenty-six (26) weeks after the date of the child's birth.

Managers must notify their supervisor in writing of their intention to take paternity leave twelve (12) weeks prior to the expected start date of the leave. The manager may be required to submit the child's birth certificate.

Where a manager's newborn child is born prematurely or requires hospitalization following birth, the paternity leave may be extended beyond the original end date. This extension will end no later than fifty-two (52) weeks after the child's birth.

Adoption Leave Without Pay

Managers who adopt a child are entitled to leave without pay for a period not to exceed twenty-six (26) weeks. Such leave may not begin earlier than one (1) week prior to the expected date of adoption.

Managers must notify their supervisor in writing of their intention to take adoption leave at least five (5) weeks prior to the expected start date of the leave. The manager may be required to provide proof of adoption.

Restrictions

A managerial couple cannot be on their respective leaves at the same time if they work in the same department and branch in the same headquarters.

Maternity, Paternity and Adoption Leave Allowance

A manager with one (1) year of continuous service prior to the birth or adoption of a child who is granted maternity, paternity or adoption leave without pay will be paid a leave allowance in accordance with the Supplementary Employment Insurance Benefit Plan (SEIB) as long as he/she:

- signs an agreement to return to work after the expiry of the leave (unless this date is modified with the employer's consent) for a period of at least six (6) months; and,
- provides the employer with proof that he/she has applied for, and is in receipt of, employment insurance benefits.

If a manager fails to fulfill the return to work agreement for reasons other than death, lay-off, disability or medical retirement, the manager agrees that s/he will repay the full amount received as leave allowance.

Leaves

Leave Allowance Payments

Maternity, paternity and adoption leave allowance payments made according to the SEIB consist of the following:

- where the manager is subject to a waiting period of two (2) weeks before receiving employment insurance benefits, an allowance of ninety-three percent (93%) of his/her weekly salary for each week of the two week waiting period, less any other monies earned during this period; and,
- payments equivalent to the difference between the federal employment insurance benefits that the manager receives at the time of the leave and ninety-three percent (93%) of his/her weekly salary, less any other monies earned during this period, for up to a maximum of fifteen (15) weeks.

The weekly salary is based on the manager's substantive position. Where a manager is granted a performance pay increase or an economic adjustment during the period he/she receives the SEIB allowance, the manager's substantive annual salary will be adjusted.

Notice of Return to Work

Before returning to work, the manager must give the employer at least one (1) week's notice of his/her intended date of return.

Impact on Continuous Service

Maternity, paternity and adoption leave is counted in the calculation of continuous service for the purpose of determining severance pay, vacation leave entitlement, Yukon Bonus and performance pay.

Parental Leave

A manager is entitled to parental leave without pay for a period of up to fifty-two (52) consecutive weeks following the birth or adoption of a child. Parental leave must be taken subsequent to and continuous with maternity, paternity or adoption leave. The total leave cannot extend beyond fifty-two (52) weeks.

A manager who wishes to take parental leave without pay must provide twelve (12) weeks' notice in writing to his/her supervisor, indicating the anticipated begin and end dates.

A managerial couple cannot be on their respective leaves at the same time if they work in the same department and branch in the same headquarters.

Additional Parental Leave Without Pay

A manager may request an additional period of parental leave without pay of up to fifty-two (52) weeks. Granting of this leave is subject to operational requirements. Additional parental leave without pay is taken contiguous with and subsequent to any previous period of parental leave without pay.

Parental Leave Allowance

A manager with one (1) year of continuous service prior to the birth or adoption of his/her child, who is granted parental leave without pay, will be paid a leave allowance in accordance with the Supplementary Employment Insurance Benefit Plan (SEIB) as long as s/he:

- signs an agreement to return to work after the expiry of the leave (unless this date is modified with the employer's consent) for a period of at least six (6) months, and
- provides the employer with proof that s/he has applied for, and is in receipt of, employment insurance parental benefits.

If the manager fails to fulfill the return to work agreement for reasons other than death, lay-off, disability, or medical retirement, the manager agrees to pay back the full amount received as leave allowance.

Parental Leave Allowance Payments

Parental leave allowance payments made according to the SEIB consist of the following:

- where the manager is subject to a waiting period of two (2) weeks before receiving employment insurance benefits, an allowance of ninety-three percent (93%) of his/her weekly salary for each week of the two (2) week waiting period, less any other monies earned during this period; and,
- payments equivalent to the difference between the federal employment insurance benefits that the manager receives at the actual time of the leave and ninety-three percent (93%) of his/her weekly salary, less any other monies earned during this period for up to a maximum of fifteen (15) weeks.

The weekly salary is based on the manager's substantive position. Where a manager is granted a performance pay increase or an economic adjustment during the period he/she receives the SEIB allowance, the manager's substantive annual salary will be adjusted.

Leaves

Notice of Return to Work

Before returning to work, the manager must give the employer at least one (1) week's notice of her/his intended date of return.

Impact on Continuous Service

Parental leave is counted in the calculation of continuous service for the purpose of determining severance pay, vacation leave entitlement, Yukon Bonus and performance pay.

Sick Leave

Sick leave provides income protection for managers unable to attend to his/her duties due to illness, injury, quarantine or a voluntary medical procedure.

Managers accrue sick leave at the rate of 1.25 days per calendar month in which at least ten (10) days pay is received.

Managers who qualify are eligible to use sick leave up to the maximum of their sick leave accruals plus any advance of sick leave provided.

A Deputy Head may require a manager to prove his/her need for sick leave by providing a medical certificate or manager-signed affidavit that the manager is unable to perform the manager's duties due to an illness, injury, quarantine or voluntary medical procedure.

Restrictions

Managers do not earn sick leave while on:

- a leave of absence without pay, including long-term disability
- pre-retirement leave
- suspension.

Sick leave entitlements are frozen at the time any of the above mentioned restrictions commence and accruals resume on the manager's return.

Sick Leave Advance

At the manager's request and at the discretion of the Deputy Head, an advance of up to fifteen (15) days of sick leave may be provided where the manager has insufficient sick leave to cover his/her absence from work.

Sick leave advances will be deducted from future earned sick leave. If the manager's service is terminated before the advance is repaid, the leave will be deducted from compensation otherwise owed to the manager.

Sick leave advances will not be granted unless all accrued and transferred sick leave has been used.

Transfer or Reinstatement of Earned and Unused Sick Leave from another Government Agency under special circumstances

The Government of Yukon may accept, upon submission of a certified statement from one of the employers listed below, the transfer of sick leave to a maximum of sixty-five (65) days from that employer provided such leave was accrued and unpaid at the time of separation.

Transfer or reinstatement will only be granted under the following circumstances:

- prior approval of the Public Service Commissioner has been obtained, and;
- a demonstrated skills shortage exists, and;
- the manager is hired within ninety (90) consecutive days after terminating as an employee of one of the following:
 - a federal, provincial or other territorial or municipal government, school board or crown corporation
 - a Yukon municipality
 - the Council for Yukon First Nations
 - a Yukon First Nation
 - Yukon College
 - Yukon Hospital Corp.

Special Conditions of Transferred Sick Leave

Transferred sick leave is:

- depleted by one (1) day for each day of sick leave subsequently earned with the Government of Yukon
- used only when earned Government of Yukon leave is not available
- not included in determining the appropriate payout for unused sick leave on termination or retirement.

Reinstatement Eligibility

Where a new manager was a previous employee of the Government of Yukon and returns within five (5) years of termination, the employer accepts the reinstatement of a maximum of sixty-five (65) days of sick leave provided such leave was earned, unused and unpaid at the time of separation. Once re-instated, the sick leave is subject to the normal sick leave treatment.

Sick Leave Restrictions

Transfers and Reinstatements

Transferred or reinstated sick leave combined with regular sick leave cannot exceed a total of sixty-five (65) days.

A transfer or reinstatement cannot be made more than once in respect of a particular period of employment.

Leaves transferred to the Government of Yukon cannot be reinstated in future.

Leaves

Usage

A manager may not take paid sick leave while on:

- retiring leave
- pre-retirement leave
- a leave of absence without pay
- long-term disability
- suspension.

Conversion of Unused Sick Leave to Pre-retirement Leave

Managers with five (5) years of continuous service who retire from the Government of Yukon and are eligible for an immediate annuity or annual allowance may convert up to 33 1/3% (to a maximum of sixty (60) days) of their earned but unused sick leave into pre-retirement leave. Pre-retirement leave must be taken during the period immediately preceding their retirement date.

Payout of Unused Sick Leave

A manager with five (5) years of continuous service who resigns or terminates employment for any reason except abandonment or disciplinary dismissal may convert 33 1/3% of his/her earned but unused sick leave to a cash payout based on the manager's annual salary at termination. The cash payout cannot exceed an amount equivalent to sixty (60) days of sick leave.

A manager who terminates his/her employment more than once is limited to a maximum of sixty (60) days leave in total.

Injury-on-Duty Leave

A manager is entitled to paid injury-on-duty leave where the Workers' Compensation Health and Safety Board (WCH&SB) determines that the manager is unable to perform his/her duties because of:

- personal injury accidentally received in the performance of duties and not caused by the manager's willful misconduct
- illness resulting from the nature of the manager's employment
- over exposure to radioactivity or other hazardous conditions in the course of the manager's employment.

The leave extends from the date of the injury to a maximum of ninety (90) days.

The leave will only be granted if the manager agrees to pay the Employer any money received by him/her for loss of wages in settlement of any claim s/he may have in respect of such injury, illness or exposure.

If a manager used sick leave and is subsequently approved for injury-on-duty leave during the same period, the used sick leave will be re-credited to the manager.

During injury-on-duty paid leave the manager continues to earn sick and other leave entitlements.

Court Leave

A manager who is summonsed to serve as a juror or is subpoenaed to attend as a witness, other than for the purposes of carrying out the duties of the manager's position, will be granted leave of absence with pay.

Whenever possible, the manager will return immediately to work in order to complete the workday.

Deferred Salary Leave

The Deferred Salary Leave Plan provides managers with the opportunity to finance a leave of absence of three (3) to twelve (12) months by deferring payment of portions of their annual salary to their period of leave subject to the application agreement. Further information can be found on the application agreement.

Leave Without Pay

Refer to the employer's leave without pay policy.

Benefits

This section provides an overview of benefits available to managers. For a detailed description of each benefit, as well as a description of options, please refer to the Benefit Guide for Managers. The authority in all cases is the appropriate act, regulation or contract for the specific insurance carriers.

Long Term Disability (LTD)

LTD provides income replacement protection for managers who are unable to work for an extended period of time due to illness or injury. Participation in the LTD plan is mandatory and the employer pays 100% of the premium.

Base Extended Health Care (EHC)

Base EHC provides coverage, within limits, for medically necessary expenses not covered by the Yukon Health Care Insurance Plan. Participation in the EHC plan is mandatory and the employer pays 100% of the premium.

Base Dental Plan

The base dental plan provides limited coverage for dental expenses such as routine check-ups and extensive procedures. Participation in the Dental plan is mandatory and the employer pays 90% of the premium and the manager pays 10%.

Basic Life Insurance

Basic life insurance provides a benefit to the manager's beneficiaries or estate in the event of the manager's death. The basic life insurance benefit is equal to one times the manager's annual salary. The employer pays 100% of the premium.

Post-Retirement Life Insurance

Post-retirement life insurance provides life insurance for retired managers at the MG01, MG02 or MG03 classification levels. The employer pays 100% of the premium.

Accidental Death & Dismemberment Insurance

Accidental death and dismemberment insurance provides a financial benefit where the manager's death or dismemberment results from an accident. The employer pays 100% of the premium.

Dependent Life/Accidental Death & Dismemberment Insurance

For managers with dependents, this insurance provides a financial benefit in the event of the accidental death or dismemberment of the manager's spouse or child. The employer pays 100% of the premium.

Optional Benefits

Enhanced Extended Health Care

The enhanced extended health care benefit package differs from the base EHC by providing lower deductible levels in some areas and increased vision and supplementary health coverage.

Enhanced Dental

The enhanced dental plan differs from the base dental plan by providing a lower deductible amount, increased reimbursement levels and higher allowable annual maximums.

Optional Life Insurance

Optional life insurance provides additional financial benefit to the manager's beneficiaries or estate either at one (1) or two (2) times his/her annual salary in the event of the manager's death. Optional life insurance requires medical evidence of insurability.

Combination Plans

Managers can select one of four combinations of optional benefits in addition to the minimum benefits provided. Increased premium costs are covered by either the employer or the manager depending on the plan.

Option A - increase life insurance 2x annual salary

- 2 x Optional Life Insurance: employer pays 1x and employee pays 1x

Option B – increase life insurance 1x and increase EHC and Dental

- 1 x Optional Life Insurance: employee pays 1x
- Enhanced EHC: employer pays difference in premium from base EHC
- Enhanced Dental: employer pays difference in premium from base Dental

Option C – increase life insurance 2x and increase EHC and Dental:

- 2 x Optional Life Insurance: employee pays 2x
- Enhanced EHC: employer pays difference in premium from base EHC
- Enhanced Dental: employer pays difference in premium from base Dental

Option D – increase life insurance 2x and increase EHC and Dental:

- 2 x Optional Life Insurance: employer pays 1x & employee pays 1x
- Enhanced EHC: employee pays difference in premium from base EHC
- Enhanced Dental: employee pays difference in premium from base Dental

Pension

The Yukon Government participates in the federal Public Service Superannuation Pension Plan (the Plan) and pension plan contributions and benefit provisions are set by the Plan. The Plan provides post-retirement income and supplementary death benefits to managers. Participation in the plan is mandatory and the costs of the plan are shared by the employer and the manager. For details of the pension plan, refer to the following Yukon Government website:
<http://www.psc.gov.yk.ca/employeeinfo/pensionplan.html>

Discipline & Grievance Processes

Just Cause

Managers may be disciplined for just cause. Where discipline is suspension or dismissal, the appeal provisions in the *Public Service Act* apply.

Formal Discipline

A manager will be given the reason for any formal discipline in writing. Any formal discipline notice becomes void and is not used in any future disciplinary decision after a manager has attained a clear work record for 24 months from the time of the last notice.

Void discipline notices can be removed from a manager's Public Service Commission personnel file at the manager's written request. The notice will be placed in a sealed envelope in the Staff Relations Branch, where it can only be opened by Staff Relations, the employee, or an agent of the employee.

At a hearing relating to disciplinary action, the employer cannot introduce as evidence any document that the manager was unaware of at the time it was filed or within a reasonable period after it was filed.

Grievance Process

If a manager feels aggrieved with respect to his/her terms and conditions of employment, the manager may submit a grievance to his/her deputy head. The grievance must be filed in writing no later than twenty (20) working days after the date on which he/she is notified orally or in writing or on which he/she first becomes aware of the action or circumstances giving rise to the grievance.

A deputy head may elect to convene a hearing into the grievance, but will normally reply to a manager's grievance within ten (10) working days after the grievance is presented.

If the decision is not satisfactory to the manager, and in any event within fifteen (15) working days after receipt of the deputy head's decision, the employee may submit the grievance to the Public Service Commissioner.

Where the issue is not within the authority of the deputy head to decide, the employee must submit the grievance directly to the Public Service Commissioner. The employee may consult with the Staff Relations Branch of the Public Service Commission to determine whether the issue grieved is within the authority of the deputy head to decide.

The Public Service Commissioner may elect to convene a hearing into the grievance, but will normally reply in writing within twenty (20) working days of the presentation of the employee's grievance. The decision rendered by the Public Service Commissioner is final and binding.

Respectful Workplace Policy

The Respectful Workplace Policy (General Administration Manual Policy 3.47) outlines the Yukon government’s commitment to providing workplaces that are respectful and free of harassment. All employees have the right to work in a safe workplace that is free from disrespectful, discriminating and bullying behaviour.

The policy has several examples of disrespectful behaviour and an overview of the government’s approach to resolving issues, which is based on appropriate dispute resolution processes. Read the Respectful Workplace Policy: http://internal.gov.yk.ca/pubs/gam/volume3/docs/3_47.pdf

Supervisors and leaders in the workplace are responsible for modeling respectful behaviour, intervening when they see a problem and providing guidance and assistance to employees. Supervisors must take complaints about disrespectful behaviour seriously and address them, seeking help from human resources, management or the Respectful Workplace Office when appropriate.

Supervisors must also be familiar with the Respectful Workplace Policy and educate their employees about it.

The policy describes examples of abuse of authority but also supports supervisors’ responsibility to carry out managerial duties like giving advice and instruction, employee evaluations and appropriate discipline.

Any employee, including managers and human resources staff, can contact the Respectful Workplace Office for confidential advice, resources and assistance when dealing with conflict in the workplace or disrespectful behaviour.

Contact:

<http://www.psc.gov.yk.ca/Respectful-Workplace-Office.html>

100 - 211 Hawkins Street
Whitehorse, Yukon Y1A 1X3

Phone: 867.667.3536

Email: respectful.workplace@gov.yk.ca

Severance

Severance is payable upon termination of employment for any reason except abandonment or dismissal. The amount is based on completed years of continuous service* as follows:

| Years of service | Severance provision per year |
|------------------|------------------------------|
| 1 to 4 | 1 day |
| 5 to 9 | 2.5 days |
| 10 to 14 | 3.5 days |
| 15 to 19 | 5 days |
| 20+ | 5.5 days |

* Continuous service includes prior periods of broken service with the Government of Yukon where the break in service is for a period of ninety (90) consecutive days or less and the reason for the break in service was not due to dismissal or abandonment of position and where severance has not already been paid out for that period. The period of the break in service is not included in the calculation of continuous service for this purpose.

Severance for part-time managers will be prorated (based on their normal weekly hours divided by five) in order to calculate the equivalent of a day. The only exception to this is in the case where a manager goes to part-time hours from full-time hours within two years prior to their retirement date, and where the majority of their continuous service has been at full-time hours. Severance in this case will be based on full-time hours.

Cash Gratuity

In the event a manager dies in service, an amount equal to one (1) times the manager’s weekly salary for each completed year of continuous service (less any period for which severance was previously paid) will be paid to the manager’s spouse (or other person as determined by the Public Service Commission). The amount will not exceed thirty (30) weeks’ salary.

Removal Expenses

The employer will pay removal expenses in accordance with the employer’s policy on Removal Expenses, Interview & Relocation Expense.

Layoff

Managerial layoffs are governed by Part 10 of the *Public Service Act*. The following Additional Terms should also apply:

If the manager has taken vacation or manager's leave that exceeds the amount earned, they must pay it back to the employer.

A manager who has one (1) year or more of continuous employment is entitled to be paid severance at the time of layoff.

Any vacation, long service or manager's leave earned but not taken by the layoff date will be paid out to the manager.

A manager with five (5) years of continuous service who is laid off may convert 33 1/3% of his/her total Government of Yukon earned but unused sick leave to a cash payout based on the manager's annual salary at layoff. The cash payout will not exceed an amount equivalent to sixty (60) days of sick leave.

A prorated Yukon Bonus will be paid out to the manager based on completed months of continuous service since his/her last qualifying date or, if it is their first Yukon Bonus, since the commencement of his/her employment.

Deputy Ministers

Deputy Heads of departments are referred to as deputy ministers. The conditions of employment for managers apply to deputy ministers except as varied below.

Appointment at Pleasure

Deputy ministers serve at the pleasure of the government.

Pay

The main objectives of the pay plan for deputy ministers are to:

- reward deputy ministers on a basis which reflects Cabinet's judgment of their worth; and
- permit greater flexibility of assignment (in accordance with Cabinet's perceived needs and priorities) than is possible under a conventional job evaluation plan.

Salary on Appointment

In all cases where an individual is appointed into a deputy minister position, the deputy minister's salary will be determined on an individual basis by the Premier on behalf of Cabinet.

In establishing the appropriate salary of a deputy minister, the Public Service Commissioner, in consultation with the Premier will advise on the:

- nature and extent of the policy and administrative responsibilities carried by the deputy minister, both currently and in previous assignments;

- capacity of the deputy minister to effectively discharge the deputy minister's departmental responsibilities; and,
- capacity and demonstrated ability of the deputy minister to contribute to the general development of good government in Yukon and to respond effectively to challenges beyond those that flow directly from the deputy minister's departmental duties.

Salary on Transfer

The Premier may transfer deputy ministers from one department to another.

Performance Pay

A deputy minister may be granted performance pay when his/her conduct and performance has been satisfactory. The performance rating and the amount of performance pay awarded to a deputy minister are subject to the decision of Cabinet or the Premier on behalf of Cabinet. Performance pay for deputy ministers is a percentage increase in annual salary and or cash bonus ranging from 0% to 12%.

Hours of Work

Deputy Ministers may be required to work large numbers of hours and this is a condition of employment for positions at this very senior level.

Deputy Ministers

Vacation Leave

Deputy ministers may accumulate vacation leave for an indefinite period of time; however, they are expected to take vacation leave each year.

No deputy minister may take any sort of leave without the prior approval of the deputy minister's minister.

Conflict of Interest

Deputy ministers have an obligation to act in a manner so scrupulous that it will bear the closest public scrutiny. Deputy ministers must adhere to the Conflict of Interest Authorities and disclose in writing to their minister matters that might be construed as being in actual or potential conflict with their official duties and responsibilities. Following disclosure, a deputy minister will adhere to the written advice of the responsible minister.

Political Activity

Deputy ministers cannot:

- seek nomination
- be a candidate
- work on behalf of a candidate or a political party in any federal, territorial or municipal election or by-election
- contribute funds to a candidate or a political party.

Contravention of the above may result in the Deputy minister being suspended or dismissed by the Premier on recommendation of the Public Service Commissioner. Refer to *Public Service Act*, Part 9 & 13.

Discipline

All Deputy ministers serve at the pleasure of the government and as such they may be terminated by the Premier without recourse. The section on Discipline for managers does not apply to deputy ministers.

Severance

Release Without Cause

The Severance Policy for Deputy Heads applies to all deputy ministers except where varied by the terms of an individual severance contract entered into with a deputy.

In cases where there is a severance contract with the deputy minister, the terms of the contract apply.

Severance for Retirement

A deputy minister is entitled to receive severance pay on retirement from the Yukon Public Service, provided the deputy minister is in receipt of an immediate annuity under the *Public Service Superannuation Act*.

Deputy Ministers

Severance pay on retirement is based on the following:

| Years of service | Severance pay formula |
|------------------|--|
| 0 to 4 | Weekly rate of pay on termination x (multiplied by) the number of completed years of Yukon government continuous service, - (less) any period for which severance was previously paid. |
| 5+ | Monthly rate of pay on termination x (multiplied by) twelve (12) months, - (less) any period for which the deputy minister was granted severance pay. |

Entertainment Allowance

Deputy ministers are paid an unaccountable monthly entertainment allowance of \$85.00 or such amount as may be determined from time to time by Executive Council. The primary purpose of the allowance is to reimburse deputy ministers for entertaining official visitors in their homes. Persons appointed as acting deputy ministers for a period of more than three (3) months are entitled to an entertainment allowance.

Relocation

Deputy ministers earn “relocation credits” at the rate of \$1,000 per year of completed service as a deputy minister, including continuous Yukon government service to date, to a maximum of five (5) years (\$5,000).

A deputy minister who resigns or retires after a minimum of three (3) years of continuous service, is entitled to draw on these credits within a period not exceeding six (6) months to provide either:

- reimbursement of removal expenses incurred or borne by the deputy minister, up to but not exceeding his/her credit to a maximum of \$5,000, or;
- a cash payment equal to half the entitlement of the above where a claim for removal expenses is not made.

Post-Retirement Life Insurance

Deputy ministers are entitled to Post-Retirement Life Insurance as outlined in the Benefits section of this document.

Prepared by the Government of Yukon, Public Service Commission

Please submit any suggestions, comments and questions that you have to the Government of Yukon, Public Service Commission, Employee Compensation Branch at 867.667.3067.

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