

Section M

Conditions of Employment
for Managers, Legal Officers
and Deputy Ministers

Introduction

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

- managers
- legal officers
- deputy ministers

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 which 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 3*)
- *Respectful Workplace Policy*
- *Corporate Health and Safety Policy*

Policy Conflicts

In the event of a conflict between Section M and:

- a Yukon government policy or directive, Section M prevails
- an insured benefit or other contract, the insured benefit or other contract prevails.

Review and Amendment

Section M is reviewed every three years, with resulting recommendations made to the Public Service Commissioner. 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 Yukon government maintains a management compensation program that helps 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 managers who achieve targeted results. Compensation for managers is commensurate with their success in achieving Yukon government's departmental and individual goals and objectives.

Guiding principles

Six principles guide our approach to management compensation:

1. We regularly monitor relevant external markets to ensure Yukon government managers have pay opportunities that enable our organization to recruit and retain talent.
2. The management compensation program is revised as business conditions and managers' 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 managers' personal and career goals, 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 management compensation program is designed and managed in a way that achieves ongoing clarity and understanding for managers and our citizens.

Benefits

Our benefit strategy is to provide competitive, cost-effective benefits that will help to attract and retain managers. 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 reflect the vision, values and strategies of the organization. The Yukon government is committed to providing managers with a healthy work environment that includes:

- **Leadership:** We seek leaders who strive to be strategic thinkers and who are innovative in meeting the needs of Yukoners and our employees.
- **Culture:** We are an organization that is transparent, professional and ethical. We strive to be an employer of choice, where people want to work and are proud to be a part of. We offer delegated decision making and flexibility for managers, and an environment that encourages risk and innovation.
- **Respect:** We promote healthy, well-functioning workplaces that address conflict and affirm employee responsibility for workplace conduct and relationships.
- **Learning and career development:** We develop core management competencies and use these to establish career paths and related training. We promote and provide career counselling 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.
- **Personal contribution:** 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 strives to represent the diversity of the population it serves. We value and respect the cultures, traditions and history of all Yukon people. We strive to advance reconciliation through working to satisfy our obligations within Yukon First Nation Final Agreements and strengthening relationships with First Nations.
- **Flexible work arrangements:** We acknowledge the role balance plays in creating personal wellbeing, 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.

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, Yukon government takes into consideration the western provincial and territorial governments. Both the external marketplace and internal classification processes are reviewed on an ongoing basis.

Administration

Salary administration for managers 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 will be paid an annual salary (biweekly) within the salary range of the position to which they are appointed. Except where delegated, the 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, or when a non-management position is excluded and reclassified into the management group, the annual salary for the manager will increase within the range of 5% to 10%. Reclassification does not result in the ability to renegotiate salary. Under no circumstances will a salary change result in an annual salary that is outside of the salary range for the position.

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

Acting assignment

A manager who is assigned to act temporarily in a position having a higher annual maximum salary than that of their substantive position, and performs the duties of the acting assignment for a period of at least 5 consecutive days of work, is entitled to receive acting pay from the commencement of the assignment to its termination.

Acting pay

The normal salary increase on an acting assignment is between 5% to 10% of the manager's salary in their 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 they 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 caretaking function is being performed.

Leave of absence during acting assignment

Under 3 months: If the manager has been in the acting position for 3 months or less and is authorized to take a paid leave of absence, they will be paid for the leave based on the annual salary of their substantive position.

Over 3 months: If the manager has been in the acting position for more than 3 months and is authorized to take a paid leave of absence, they 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 is in an acting assignment, and then acts in a subsequent assignment, the manager's salary will revert to their 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 1 month, and the manager has been in a manager position at least 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 they were 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. This will be 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 their substantive position. If the acting assignment is for a period of 30 days or more, time spent in the acting assignment will not be eligible for performance pay and any manager performance pay entitlement will be prorated and apply only to the time spent in the substantive manager position.

Bargaining unit members acting in management

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

Performance pay

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

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	Performance Award Eligibility*
Below Expectations	Performance meets some and is below other requirements of the objectives. There is a need for further improvement on the job before performance meets the expected objectives.	0%
Solid Contribution	Performance meets objectives in key areas and may exceed some requirements.	2 - 4%
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.	5 - 7%

*Performance awards may only be full or half percentage points within the percentage range for the identified level of performance.

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 6 months—the manager is not eligible for performance pay. Should the manager be provided performance pay the following fiscal year, it will be prorated to

reflect their service in the previous fiscal year as per established processes and principles for the calculation of performance pay.

- 6 months or more, but less than 12 months—the manager may be granted an increase to their annual salary prorated to reflect the number of months of service in a management position. 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 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”:

- includes the period of uninterrupted service from the first day appointed as an employee in the public service;
- includes the service of a layoff rehired within a period of 1 year;
- includes 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 teacher on call; 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 Yukon government as a result of the devolution of a federal program to Yukon government.

Unless the manager provides written direction, 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 in the North*; and
- the manager must have completed two years of continuous service with Yukon government.

**Any time spent working in a work location that does not qualify 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 their last qualifying date, or in the case of the initial Yukon bonus, since the commencement of their employment.

Leave of absence without pay

With the exception of maternity, other parent, adoption or parental leave, a manager's Yukon bonus is reduced proportionally for each period of 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	\$2310
Carcross	\$683
Carmacks	\$1785
Dawson City	\$2310
Destruction Bay	\$1785
Drury Creek	\$2310
Faro	\$2310
Haines Junction	\$1166
Herschel Island	\$8610
Mayo	\$2310
Old Crow	\$8610
Pelly Crossing	\$2310
Ross River	\$2310
Stewart Crossing	\$2310
Swift River	\$2310
Tagish	\$683
Teslin	\$1166
Watson Lake	\$1785

Travel bonus

Travel bonus credits are earned on a quarterly (3-month) basis provided the manager works at least 1 working day in the quarter. Credits 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

Mileage

All regular managers whose headquarters area is outside the City of Whitehorse are entitled to submit a claim once per fiscal year equivalent to the cost of 1 round trip to Whitehorse at the mileage rate paid to an employee in accordance with the employer's current travel directive. The mileage rate will be that in effect on the date the regular employee submits their claim and the round trip will be based on the official road mileage distance from the regular employee's community to Whitehorse and return.

Allowances for Legal Officers

Practice head allowance

In recognition of additional supervisory responsibilities, all managing counsels are entitled to a practice head allowance of 5% of their annual salary, paid on a biweekly basis.

Chief Legislative Counsel allowance

In addition to the practice head allowance, in recognition of additional statutory obligations assigned to the position, the Chief Legislative Counsel is entitled to an allowance of 2% of their annual salary, paid on a biweekly basis.

Hours of work

Managers are expected to work the hours required to meet the operational demands of their position. Normal hours of work for a manager are scheduled with the approval of their 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 "Leave – Manager's Leave" for further information.

For administrative purposes, 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 by 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 their supervisor.

Remote work agreements

Where it makes sense for both the manager and the organization, a manager may enter into a remote work agreement. A remote work agreement will only be considered where the manager's position and remote workplace are suitable for such an arrangement and the agreement must comply with relevant remote work policies and guidelines.

Designated paid holidays

Managers are entitled to 13 designated paid holidays per calendar year, plus any special holiday proclaimed by Yukon government. The designated paid holidays are:

- New Year's Day
- Heritage Day
- Good Friday
- Easter Monday
- Victoria Day
- National Indigenous Peoples 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 for this purpose. The manager may be required to provide documentation verifying that their doctrine prevents them from attending work and that the religious organization is registered as such under the *Income Tax Act*.

Leave

Vacation

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

Managers are advanced vacation leave for the fiscal year on April 1. Those appointed after April 1 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

Transferable continuous service from a government agency under special circumstances

Years of continuous service with certain employers may be considered for vacation entitlement purposes in exceptional circumstances and under the following conditions:

- prior approval of the Public Service Commissioner has been obtained;
- a demonstrated skills shortage exists;
- the manager is being recruited into a specialized and/or difficult to fill position; and
- the manager is hired within 90 consecutive days after terminating as an employee of one of the following:
 - a federal, provincial, territorial or municipal government, school board or government corporation
 - a Yukon municipality
 - Council of Yukon First Nations
 - a Yukon First Nation
 - Yukon University
 - Yukon Hospital Corporation.

Unused vacation leave from another employer is not transferable to Yukon government.

Long service

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

Manager's leave

A manager is entitled to up to 10 days paid leave per year 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 they, for a full calendar month, are 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 8 weeks. In order to do so, managers must submit their request in writing to the Public Services Commission, HR Shared Services. Long service leave that has not been used within 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. Manager's leave earned and unused as of March 31 will be paid out in April based on the manager's annual salary as of March 31.

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 their annual salary effective the day before the appointment date.

Interrupted leave

When a manager's vacation, long service or manager's leave is cancelled by the employer 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 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 their 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

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

To be eligible for travel status leave, a manager must have been required to be on travel status for more than 4 weekend days* per year. After the initial 4 day qualification, managers are entitled to receive 1 day of travel status leave for each weekend day on travel status to a maximum of 6 days of travel status leave 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 travel status leave at the end of the year will be paid out for such leave based on their annual salary effective March 31.

Personal needs leave

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

A manager is credited with 6 days of personal needs leave upon appointment and subsequently at the beginning of each year of continuous service up to a maximum of 30 days.

Personal needs leave is subject to the approval of the supervisor who may, at their discretion, ask for proof of the need for and the length of the leave.

Restrictions

A manager is not entitled to take personal needs leave 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 (as defined under "Sick Leave")
- leave of absence without pay
- suspension
- long-term disability benefits.

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

Personal needs leave advance

When a manager has insufficient personal needs leave credits to permit the granting of a request, they may apply to the deputy minister for an advance of up to 5 personal needs leave days. Advanced days will be deducted from future earned personal needs leave credits.

Yukon Teachers' Association or Yukon Employees' Union

Where applicable, employees who are appointed into management from the Yukon Teachers' Association or Yukon Employees' Union are eligible to convert their banked special leave to personal needs leave.

Unused personal needs leave

Unused personal needs leave credits are not paid out.

Compassionate leave without pay

A manager may take up to 8 weeks of compassionate leave without pay to care for a critically ill member of the manager's immediate family without being required to access their accrued paid leave entitlements. A deputy head may require reasonable notice prior to the manager's commencement of compassionate leave without pay.

Maternity, other parent and adoption leaves

Maternity leave without pay

A pregnant manager is entitled to a maternity leave of absence without pay for a period of 37 consecutive weeks for the purpose of childbirth. Such leave will normally begin no sooner than 11 weeks prior to the expected delivery date and normally end within 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 the pregnant 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 78 weeks after the child's birth.

Other parent leave without pay

A manager, who is not the birthing parent, is entitled to a leave of absence without pay for a period beginning on the date of the birth of their child (or at a later date to be requested by the manager) and ending no later than 26 weeks after the date of the child's birth.

Managers must notify their supervisor in writing of their intention to take other parent leave 12 weeks prior to the expected start date of the leave. The manager may be required to provide verification of the child's birth.

Where a manager's newborn child is born prematurely or requires hospitalization following birth, the other parent leave may be extended beyond the original end date. This extension will end no later than 78 weeks after the child's birth.

Adoption leave without pay

A manager who adopts a child is entitled to leave without pay for a period not to exceed 26 weeks. Such leave may not begin earlier than 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 5 weeks prior to the expected start date of the leave. The manager may be required to present proof of adoption.

Restrictions

A managerial couple cannot be on their respective maternity, other parent, adoption or parental leaves at the same time if they work in the same department and branch in the same headquarters.

Notice of return to work

Before returning to work, the manager must give the employer at least 1 week's notice of their intended date of return.

Impact on continuous service

Maternity, other parent 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.

Maternity, other parent and adoption leave allowance

A manager with 1 year of continuous service prior to the birth or adoption of a child who is granted maternity, other parent or adoption leave without pay will be paid a leave allowance in accordance with the Supplementary Employment Insurance Benefit Plan as long as they:

- sign 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 6 months; and
- provide the employer with proof that they have applied for, and are in receipt of, employment insurance benefits.

If a manager fails to fulfill the return to work agreement for reasons other than death, layoff, disability or medical retirement, the manager agrees that they will repay the full amount received as leave allowance.

Leave allowance payments

Maternity, other parent and adoption leave allowance payments made according to the Supplementary Employment Insurance Benefit Plan consist of the following:

- where the manager is subject to a waiting period of 1 week before receiving employment insurance benefits, an allowance of 93% of their weekly salary, less any other monies earned during this period; and
- payments equivalent to the difference between the standard federal employment insurance benefits that the manager receives at the time of the leave and 93% of their weekly salary, less any other monies earned during this period, for up to a maximum of 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 they receive the

Supplementary Employment Insurance Benefit Plan's allowance, the manager's substantive annual salary will be adjusted.

Parental leave

A manager is entitled to parental leave without pay for a period of up to 78 consecutive weeks following the birth or adoption of a child. Parental leave must be taken subsequent to and continuous with maternity, other parent or adoption leave. The total leave cannot extend beyond 78 weeks.

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

A managerial couple cannot be on their respective maternity, other parent, adoption or parental leaves at the same time if they work in the same department and branch in the same headquarters.

Notice of return to work

Before returning to work, the manager must give the employer at least 1 week's notice of their 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.

Parental leave allowance

A manager with 1 year of continuous service prior to the birth or adoption of their child, who is granted parental leave without pay, will be paid a leave allowance in accordance with the Supplementary Employment Insurance Benefit Plan as long as they:

- sign 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 6 months; and,
- provide the employer with proof that they have applied for, and are in receipt of, employment insurance 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 that they will repay the full amount received as leave allowance.

Parental leave allowance payments

Parental leave allowance payments made according to the Supplementary Employment Insurance Benefit Plan consist of the following:

- where the manager is subject to a waiting period of 1 week before receiving employment insurance benefits, an allowance of 93% of their weekly salary, less any other monies earned during this period; and,
- payments equivalent to the difference between the Employment Insurance standard parental benefits that the manager is entitled to at the time of the leave and 93% of their weekly salary, less any other monies earned during this period, for up to a maximum of 16 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 they receive the Supplementary Employment Insurance Benefit Plan allowance, the manager's substantive annual salary will be adjusted.

Parenthood leave without pay

A manager may request a period of parenthood leave without pay of up to 26 weeks. Granting of this leave is subject to operational requirements and is treated as personal leave without pay for benefit administration purposes. Parenthood leave without pay must be taken as one continuous period of leave immediately following a period of parental leave without pay.

Sick leave

Sick leave provides income protection for managers unable to attend to their 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 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 their 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.

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 aforementioned 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 15 days of sick leave may be provided where the manager has insufficient sick leave to cover their 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

Yukon government may accept, upon submission of a certified statement from one of the employers listed below, the transfer of sick leave to a maximum of 65 days from that employer provided such leave was accrued and unpaid at the time of termination.

Transfer or reinstatement will only be granted in exceptional circumstances and under the following conditions:

- prior approval of the Public Service Commissioner has been obtained;
- a demonstrated skills shortage exists;
- the manager is being recruited into a specialized and/or difficult to fill position; and
- the manager is hired within 90 consecutive days after terminating as an employee of one of the following:
 - a federal, provincial, territorial or municipal government, school board or government corporation
 - a Yukon municipality
 - Council for Yukon First Nations
 - a Yukon First Nation
 - Yukon University
 - Yukon Hospital Corporation.

Special conditions of transferred sick leave

Transferred sick leave is:

- depleted by 1 day for each day of sick leave subsequently earned with Yukon government

- used only when earned Yukon government 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 Yukon government and returns within 5 years of termination, the employer will reinstate a maximum of 65 days of Yukon government sick leave provided such leave was earned, unused and unpaid at the time of termination. 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 65 days. A transfer or reinstatement cannot be made more than once in respect of a particular period of employment. Leaves transferred to Yukon government cannot be reinstated in future.

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 5 years of continuous service who retire from Yukon government and are eligible for an immediate annuity or annual allowance may convert up to 33 1/3% (to a maximum of 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. Under no circumstances will a manager be called back to work once pre-retirement leave has commenced. See also – “Payout of unused sick leave”.

Payout of unused sick leave

A manager with 5 years of continuous service who resigns, retires or terminates employment for any reason except abandonment or disciplinary dismissal may convert 33 1/3% of their 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 60 days of sick leave.

The conversion of earned but unused sick leave on termination allows the manager to either access pre-retirement leave or to receive a payout, not both. A manager who terminates their employment, including if they terminate their employment more than once, is limited to converting a maximum of 60 days of leave in total.

Injury-on-duty leave

A manager is entitled to paid injury-on-duty leave where the Yukon Workers' Compensation Health and Safety Board determines that the manager is unable to perform their 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 90 days.

The leave will only be granted if the manager agrees to pay the employer any money received by them for loss of wages in settlement of any claim they 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 3 to 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:

<https://yukonnect.gov.yk.ca/employee-info/Pages/deferred-salary.aspx>.

Leave without pay

Refer to the employer's *Discretionary 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.

Managers are provided a comprehensive package of employer paid basic benefit coverages. Managers may choose to participate in additional optional coverages at their cost.

Long term disability

Long term disability 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 long term disability plan is mandatory and the employer pays 100% of the premium.

Basic extended health care

Basic extended health care provides coverage, within limits, for medically necessary expenses not covered by the Yukon Health Care Insurance Plan. Participation in either the basic or enhanced extended health care plan is mandatory and the employer pays 100% of the basic extended health premium.

Basic dental plan

Basic dental plan provides limited coverage for dental expenses such as routine check-ups and extensive procedures. Participation in either the basic or enhanced dental plan is mandatory and the employer pays 100% of the basic dental premium*.

**Effective June 1, 2021. Cost-sharing arrangement in place before June 1, 2021 was 90% employer/10% employee paid.*

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 those retired managers who were appointed at the MG01, MG02 or MG03 classification levels as at March 31, 2020. Managers appointed at the MG01, MG02 or MG03 classification levels on April 1, 2020 or later will not be entitled to post-retirement life insurance on retirement. The employer pays 100% of the premium.

Accidental death and 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 and 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

Optional benefits provide additional coverage for managers at a cost to the employee.

Enhanced extended health care

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

Enhanced dental

The enhanced dental plan differs from the basic dental plan by having no annual deductible, increased reimbursement levels for major dental services and a higher allowable annual maximum.

Optional life insurance

Optional life insurance provides additional financial benefit to the manager's beneficiaries or estate in the event of the manager's death. Optional life insurance coverage is based either on the manager's annual salary or twice their annual salary. Optional life insurance requires medical evidence of insurability.

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: <https://yukon.ca/en/pay-benefits-pension>

Discipline and 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 Labour Relations Branch, where it can only be opened by Labour 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 their terms and conditions of employment, the manager may submit a grievance to their deputy head. The grievance must be filed in writing, no later than 20 working days after the date on which they are notified orally or in writing or on which they first become aware of the action or circumstances giving rise to the grievance.

A deputy head will conduct a hearing into the grievance either in person or by way of written submissions. The deputy head will issue a decision normally within 10 working days after the hearing.

If the decision is not satisfactory to the manager, they may submit the grievance to the Public Service Commissioner within 20 working days after receipt of the deputy head's decision.

Where there is question of whether the issue is within the authority of the deputy head to decide, the manager may consult with the Labour Relations Branch of the Public Service Commission. Where it has been decided that the issue is not within the authority of the deputy head to decide, the manager must submit the grievance directly to the Public Service Commissioner.

The Public Service Commissioner will conduct a hearing into the grievance either in person or by way of written submissions. The Public Service Commissioner will issue a decision normally within 20 working days after the hearing. The decision rendered by the Public Service Commissioner is final and binding.

For additional guidance, please contact the Labour Relations Branch of the Public Service Commission.

Respectful Workplace Policy

The *General Administration Manual (GAM) Policy 3.47: Respectful Workplace* 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](#).

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:

<https://yukonnect.gov.yk.ca/department/PSC/Branches/Pages/RWO.aspx>

102 - 211 Hawkins Street
Whitehorse, Yukon Y1A 1X3

Phone: 867-667-3536
Email: respectful.workplace@yukon.ca

Severance

Severance is payable upon termination of employment for any reason except abandonment, non-culpable release or dismissal for years of continuous service* completed as of December 31, 2019 as below. A manager whose employment commenced on or after January 1, 2020 is not entitled to severance pay on resignation or retirement.

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

*Years of continuous service as of December 31, 2019; severance entitlements upon resignation or retirement ceased to accrue as of January 1, 2020.

Severance for part-time managers will be prorated (based on their normal weekly hours divided by 5) 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 of a manager's death in service, an amount equal to 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 30 weeks' salary.

Removal expenses

The employer will pay removal expenses in accordance with the employer's *Interview and Relocation Expense Directive*.

Layoff

Managerial layoffs are governed by Part 10 of the *Public Service Act*. The following additional terms 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 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 5 years or more of continuous service who is laid off may convert 33 1/3% of their total Yukon government 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 60 days of sick leave.
- A prorated Yukon bonus will be paid out to the manager based on completed months of continuous service since their last qualifying date or, if it is their first Yukon bonus, since the commencement of their employment.

Auxiliary on call

Auxiliary on call (AOC) managers typically work either on short-term or intermittent work assignments or projects or are used to backfill for managers who are unavailable for work. As a manager is not entitled to overtime, it is expected that the AOC manager and their supervisor will organize the assignment's hours of work so that no overtime is incurred.

An AOC manager is eligible for many of the same entitlements as a regular manager; however, the terms and conditions of the entitlements may vary. An AOC manager has the following entitlements and terms and conditions of employment.

Vacation pay

An AOC manager is entitled to vacation pay at the rate of 8% of regular pay. AOC managers who were in receipt of a higher rate of vacation pay than 8% in their AOC manager position as of January 22, 2020 are grandfathered to continue to receive the higher entitlement.

Statutory holiday pay

An AOC manager is entitled to holiday pay when they have worked during the 14 days immediately prior to a statutory holiday, prorated based on hours worked.

Performance pay

An AOC manager is eligible to be assessed for a performance award if the minimum number of hours worked threshold is met for the performance year (i.e. at least 975 hours). Performance pay will be prorated for hours worked and will be subject to the established processes and principles for the calculation of performance pay.

Yukon bonus

The Yukon bonus is a \$2,242 travel benefit which will be paid out once a manager has completed an initial requirement of 3900 hours in continuous service as an AOC. A further Yukon bonus will be paid out on completion of each further 1950 hours of work. Unless the manager provides written direction otherwise, the Yukon bonus will be paid as an untaxed benefit.

Community allowance

An AOC manager whose headquarters is outside Whitehorse is eligible for a community allowance prorated for hours worked. See the community allowance section for more information including rates.

Release due to inactivity

An AOC manager who has not actively worked in their on-call position for a period of 24 months will be permanently released from their position.

Other than the entitlements listed above, AOC managers are not eligible for any other benefits or entitlements (i.e. premium payments in lieu of benefits, severance on resignation, cash gratuity, long service or any others not specified).

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 Premier.

Pay

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

- reward deputy ministers in a manner which reflects their experience and expected contribution; and
- permit greater flexibility of assignment 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 Public Service Commissioner as per Section 67 of the *Public Service Act*.

In establishing the appropriate salary of a deputy minister, the Public Service Commissioner will consider:

- the minimum and maximum thresholds of the deputy ministers' salary range at the time of appointment;
- the nature and extent of the policy and administrative responsibilities carried by the deputy minister, both currently and in previous assignments;
- the capacity of the deputy minister to effectively discharge the deputy minister's departmental responsibilities; and,
- the 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. In most cases, the deputy minister's salary will not change on transfer to another department.

Performance pay

A deputy minister may be granted performance pay when their 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 the Premier. Performance pay for deputy ministers is a percentage increase in annual salary and or cash bonus ranging from 0% to 10%.

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.

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 their 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 policies and provisions and disclose in writing to the Premier 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 Premier and/or the Conflict of Interest Commissioner.

Political activity

Deputy ministers cannot:

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

Contravention of the above may result in the suspension or dismissal of the deputy minister. Refer to *Public Service Act*, Parts 9 and 13.

Discipline

All deputy ministers serve at the pleasure of the Premier 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

A deputy minister is entitled to the same severance provisions as a manager except as specifically outlined below.

Release without cause

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 for years of continuous service completed as of December 31, 2019, provided the deputy minister is in receipt of an immediate annuity or annual allowance under the *Public Service Superannuation Act*. A deputy minister whose employment commenced on or after January 1, 2020 is not entitled to severance pay on retirement.

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 as of December 31, 2019 - (less) any period for which severance was previously paid.
5+	Monthly rate of pay on termination x (multiplied by) 12 months, - (less) any period for which the deputy minister was granted severance pay.

* Years of continuous service as of December 31, 2019; severance entitlements upon retirement ceased to accrue as of January 1, 2020.

Entertainment allowance

Deputy ministers are paid a monthly entertainment allowance of \$85.00. The primary purpose of the allowance is to reimburse deputy ministers for entertaining official visitors. Deputy ministers are not required to submit receipts for these expenses. Persons appointed as acting deputy ministers for a period of more than 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 5 years (\$5,000).

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

- reimbursement of removal expenses incurred or borne by the deputy minister, up to but not exceeding their 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 or a relocation does not occur.

Post-retirement life insurance

Deputy ministers are entitled to post-retirement life insurance as outlined in the benefits section of this document if they were appointed to an MG03 or higher classification level prior to April 1, 2020.

Prepared by the Yukon government Public Service Commission

Please submit any suggestions, comments and questions that you have to the Yukon government, Public Service Commission, Compensation and Benefit Programs Branch at 867-667-8780.

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