

Alberta Regulation 28/2017
Government Organization Act
DESIGNATION AND TRANSFER OF RESPONSIBILITY
AMENDMENT REGULATION

Filed: February 16, 2017

For information only: Made by the Lieutenant Governor in Council (O.C. 059/2017) on February 15, 2017 pursuant to sections 16, 17 and 18 of the Government Organization Act.

1 The *Designation and Transfer of Responsibility Regulation* (AR 80/2012) is amended by this Regulation.

2 Section 3.1 is amended by adding the following after subsection (5):

(6) Notwithstanding section 3.2(8), the responsibility for that part of the public service associated with the parts of the appropriation transferred under subsection (7) is transferred from the Minister of Community and Social Services to the Minister of Children's Services.

(7) Notwithstanding section 3.2(9), the responsibility for the administration of the unexpended balance of the following parts of the 2016-17 Government appropriation for Human Services is transferred from the Minister of Community and Social Services to the Minister of Children's Services:

- (a) element 7.2, Child Care Subsidy and Supports, and element 7.3, Child Care Accreditation, of program 7, Child Care;
- (b) element 8.1, Early Intervention and Early Childhood Development, of program 8, Early Intervention Services for Children and Youth;
- (c) the portions of program 1, Ministry Support Services, related to the parts of the appropriation transferred under clauses (a) and (b).

3 Section 3.2 is amended by adding the following after subsection (9):

(10) The responsibility for the Alberta Child Benefit program and the responsibility for the administration of the unexpended balance of the statutory appropriation for the Alberta Child

Benefit is transferred to the Minister of Community and Social Services.

Alberta Regulation 29/2017

Oil Sands Conservation Act

**OIL SANDS CONSERVATION RULES (PEACE RIVER
DIRECTIVE) AMENDMENT REGULATION**

Filed: February 22, 2017

For information only: Made by the Alberta Energy Regulator on February 5, 2016 pursuant to section 20(1) of the Oil Sands Conservation Act.

1 The *Oil Sands Conservation Rules* (AR 76/88) are amended by this Regulation.

2 Section 1(2) is amended by adding the following after clause (d.12):

(d.13) “Directive 084” means Directive 084: Requirements for Hydrocarbon Emission Controls and Gas Conservation in the Peace River Area;

3 Section 11.1 is amended by adding “and Directive 084, as applicable” after “Directive 060”.

Alberta Regulation 30/2017

Oil and Gas Conservation Act

**OIL AND GAS CONSERVATION RULES (PEACE RIVER
DIRECTIVE) AMENDMENT REGULATION**

Filed: February 22, 2017

For information only: Made by the Alberta Energy Regulator on February 5, 2016 pursuant to section 10 of the Oil and Gas Conservation Act.

1 The *Oil and Gas Conservation Rules* (AR 151/71) are amended by this Regulation.

2 Section 1.020(2) is amended by adding the following after definition 5.6:

5.7. "Directive 084" means Directive 084: Requirements for Hydrocarbon Emission Controls and Gas Conservation in the Peace River Area;

3 Section 7.035 is amended by striking out "and Directive 039" and substituting " , Directive 039 and Directive 084, as applicable".

Alberta Regulation 31/2017

Reform of Agencies, Boards and Commissions Compensation Act

REFORM OF AGENCIES, BOARDS AND COMMISSIONS COMPENSATION REGULATION

Filed: February 24, 2017

For information only: Made by the Lieutenant Governor in Council (O.C. 068/2017) on February 23, 2017 pursuant to sections 5 and 23 of the Reform of Agencies, Boards and Commissions Compensation Act.

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Schedules

Definitions

- 1 In this Regulation,

- (a) “Act” means the *Reform of Agencies, Boards and Commissions Compensation Act*;
- (b) “designated executive” means a person whose position is designated as an executive position under section 3.

Application

2(1) This Regulation applies

- (a) to those persons who are designated executives when this Regulation comes into force, and
- (b) to those persons who become or are reappointed as designated executives after this Regulation comes into force.

(2) This Regulation does not apply to a designated executive who is paid remuneration pursuant to the *Committee Remuneration Order* (OC 466/2007).

Designation of executive positions

3(1) The positions listed in Column 1 of Schedule 1 in respect of the public agencies listed opposite in Column 2 are designated as executive positions.

(2) The positions of all employees of the public agencies listed in Column 2 of Schedule 1, other than those positions referred to in subsection (1) and the positions of all employees referred to in section 1(2) of the Act, are designated as executive positions.

Establishment and terms of compensation framework

4(1) A compensation framework is established by this Regulation.

(2) The effective date of the compensation framework is March 16, 2017.

(3) Subject to section 7 of the Act, the terms of the compensation framework

- (a) for designated executives whose positions are referred to in section 3(1) are set out in sections 5, 6(1) and (2), 7, 8, 9 and 10;
- (b) for designated executives whose positions are referred to in section 3(2) are set out in section 6.

Base salary

5(1) A public agency or the Crown, as the case may be, may provide to a designated executive an annual base salary that does not exceed the maximum salary for that position as set out in Schedule 2.

(2) Neither a public agency nor the Crown shall provide any type of market modifier to a designated executive's base salary.

Variable pay

6(1) In this section, "variable pay" means a bonus or other incentive pay provided in addition to base salary.

(2) Neither a public agency nor the Crown shall provide variable pay to a designated executive.

(3) A public agency that on the effective date of the compensation framework is providing variable pay to a designated executive whose position is referred to in section 3(2) may submit to the Minister a proposal for the adjustment of the base salary for that designated executive to take effect on or after the 2nd anniversary of the effective date of the compensation framework.

(4) If the Minister approves a proposal submitted under subsection (3), an adjustment of the base salary for the designated executive in accordance with that proposal is deemed to be consistent with the compensation framework.

Severance and termination

7(1) In this section,

- (a) "continuous service" means employment without any interruption in service caused by a termination of that employment;
- (b) "employer" means the public agency or the Crown that is providing severance pay to a designated executive under subsection (2);
- (c) "previous employment" means a designated executive's continuous service with a public agency or the Crown prior to his or her employment with the employer;
- (d) "severance period" means the period starting the day after termination and ending after the number of weeks determined under subsection (2) in respect of which severance is payable.

(2) Subject to subsection (4), an employer may provide severance pay to a designated executive who is terminated without cause in an amount not greater than

- (a) 4 weeks of the designated executive's base salary, plus
- (b) an amount that is equal to the cost to the employer for 4 weeks of the benefits the designated executive was receiving before termination, to a maximum of 16% of the amount referred to in clause (a),

for every year of continuous service with the employer, to a maximum of 52 weeks.

(3) For the purposes of calculating years of continuous service with the employer under subsection (2), the duration of the designated executive's previous employment, if any, is deemed to form part of the designated executive's years of continuous service with the employer if

- (a) there was no break in service greater than 30 days
 - (i) between periods of previous employment, and
 - (ii) between previous employment and employment with the employer,

and

- (b) the designated executive was not provided with any severance, termination or separation pay in respect of that previous employment.

(4) An employer shall not provide severance pay to a designated executive unless the designated executive agrees in writing that if the designated executive becomes employed with either the Crown or a public agency during the severance period, the designated executive will repay the employer a portion of that severance pay equal to the amount of salary, before mandatory statutory deductions and benefits, earned in respect of the person's new employment during the severance period, to a maximum of the severance pay, before mandatory statutory deductions, paid in respect of the portion of the severance period for which the person is employed.

(5) Neither a public agency nor the Crown shall provide severance, termination or separation pay to a designated executive

- (a) in the event of termination for cause,

- (b) in the event of the non-renewal of a contract of employment or term of appointment,
- (c) on resignation or retirement, or
- (d) as a direct or indirect result of the establishment of the compensation framework or an amendment to the compensation framework.

Benefits

8(1) In this section, “benefits” means non-cash compensation that is offered in addition to base salary, and includes

- (a) retirement benefits, including pension benefits, supplemental retirement benefits and registered retirement savings plan contributions,
- (b) health benefits, including dental insurance, medical insurance and prescription drug insurance,
- (c) health spending accounts,
- (d) parking,
- (e) vehicle and vehicle allowance,
- (f) travel and living expenses reimbursement, and
- (g) leave days.

(2) A public agency or the Crown, as the case may be, may provide benefits to a designated executive or payments in lieu of benefits if those benefits and payments are consistent with

- (a) any guidelines established by the Minister as amended or replaced from time to time, or
- (b) in the case of a public agency, a policy of the public agency, if the policy has been approved by the Minister responsible for the public agency.

(3) Any guidelines established by the Minister under subsection (2)(a) form part of the compensation framework.

(4) Where the Minister establishes guidelines, the Minister must publish the guidelines on the website of the Minister’s department.

(5) A policy referred to in subsection (2)(b) must provide the same benefits to the designated executive as are provided to all other employees of the public agency who

- (a) exercise managerial functions, and
- (b) report directly to one or more designated executives of that public agency.

(6) An approval under subsection (2)(b) may be for any period specified by the Minister responsible for the public agency to a maximum of 5 years.

Fixed term contracts and appointments

9(1) The employment contract or term of appointment for every designated executive shall be for a fixed term of not more than 6 years.

(2) The employment contract or term of appointment of a person who is a designated executive on the effective date of the compensation framework whose employment contract or term of appointment provides for an indefinite term of employment or appointment expires 2 years after the effective date of the compensation framework.

No additional compensation

10(1) Neither a public agency nor the Crown shall provide to a designated executive any form of compensation that is not expressly authorized by the compensation framework.

(2) Subsection (1) does not apply in respect of statutory benefits, including statutory holidays and employer contributions in respect of the Canada Pension Plan and Employment Insurance premiums.

Exemption or modification

11(1) The Minister may by order

- (a) exempt a designated executive or a class of designated executives from the application of one or more provisions of the compensation framework, or
- (b) modify one or more provisions of the compensation framework in respect of a designated executive or a class of designated executives.

(2) An exemption or modification under subsection (1) may be for any period specified by the Minister.

(3) Where the Minister makes an order under subsection (1), the Minister must make the order public in any manner the Minister considers appropriate.

Sharing of information

12(1) For the purpose of requesting approval of a policy under section 8, the head of a public agency may disclose to the Minister responsible for the public agency personal information as the Minister responsible for the public agency considers necessary to consider the request.

(2) For the purpose of considering a request for approval of a policy under section 8, the Minister responsible for a public agency may

- (a) collect and use personal information as the Minister responsible for the public agency considers necessary,
- (b) collect information referred to in clause (a) indirectly, without the consent of the designated executive to which the information relates, and
- (c) disclose personal information as the Minister responsible for the public agency considers necessary to the Minister, the Treasury Board or the Executive Council, and the Minister, the Treasury Board and the Executive Council may collect that personal information from the Minister responsible for the public agency.

(3) The head of a public agency may disclose to the Minister personal information as the Minister considers necessary to consider a proposal under section 6(3) or an exemption or modification under section 11.

(4) For the purpose of considering a proposal under section 6(3) or an exemption or modification under section 11, the Minister may

- (a) collect and use personal information as the Minister considers necessary,
- (b) collect information referred to in clause (a) indirectly, without the consent of the designated executive to which the information relates, and
- (c) disclose personal information as the Minister considers necessary to the Treasury Board or the Executive Council, and the Treasury Board and the Executive Council may collect that personal information from the Minister.

Coming into force

13 This Regulation comes into force on March 16, 2017.

Schedule 1
Designated Executives

Column 1 Position	Column 2 Public Agency
President and Managing Director	Agriculture Financial Services Corporation
Chief Executive Officer	Alberta Energy Regulator
President and Chief Executive Officer	Alberta Enterprise Corporation
Chief Executive Officer	Alberta Gaming and Liquor Commission
Chief of the Commission and Tribunals Member	Alberta Human Rights Commission
Chief Executive Officer	Alberta Innovates
President and Chief Executive Officer	Alberta Local Authorities Pension Plan Corp.
President and Chief Executive Officer	Alberta Pensions Services Corporation
Chief Executive Officer	Alberta Petroleum Marketing Commission
Chair and Chief Executive Officer	Alberta Securities Commission
Chair	Alberta Utilities Commission
Vice-chair	Alberta Utilities Commission
Member	Alberta Utilities Commission
Chief Appeals Commissioner	Appeals Commission under the <i>Workers' Compensation Act</i>
Vice-chair	Appeals Commission under the <i>Workers' Compensation Act</i>
Appeals Commissioner	Appeals Commission under the <i>Workers' Compensation Act</i>
Chief Executive Officer	Balancing Pool
Chief Executive Officer	Credit Union Deposit Guarantee Corporation
Chief Executive Officer	Energy Efficiency Alberta
Chief Executive Officer	Health Quality Council of Alberta
Chair	Labour Relations Board
Vice-chair	Labour Relations Board
Chair	Land Compensation Board
Vice-chair	Land Compensation Board
Member	Land Compensation Board
Market Surveillance Administrator	Market Surveillance Administrator
Chair	Natural Resources Conservation Board
Member	Natural Resources Conservation Board
Chair	Surface Rights Board
Vice-chair	Surface Rights Board
Member	Surface Rights Board
Chief Executive Officer	Travel Alberta
President of the Board	The Workers' Compensation Board

NOTE: The title of a position listed in Column 1 includes any other title or name that is or may be used for that position.

**Schedule 2
Base Salary**

Public Agency	Position	Level	Minimum Salary (\$)	Mid-point Salary (\$)	Maximum Salary (\$)
Alberta Securities Commission	Chair & CEO	7	333 280	416 600	499 920
Alberta Energy Regulator	CEO	6	264 480	330 600	396 720
Alberta Innovates	CEO	6	264 480	330 600	396 720
Alberta Utilities Commission	Chair	6	264 480	330 600	396 720
The Workers' Compensation Board	President of the Board	6	264 480	330 600	396 720
Agriculture Financial Services Corporation	President and Managing Director	5	223 040	262 400	301 760
Alberta Gaming and Liquor Commission	CEO	5	223 040	262 400	301 760
Alberta Pensions Services Corporation	President & CEO	5	223 040	262 400	301 760
Alberta Petroleum Marketing Corporation	CEO	5	223 040	262 400	301 760
Credit Union Deposit Guarantee Corporation	CEO	5	223 040	262 400	301 760
Alberta Enterprise Corporation	President & CEO	4	184 365	216 900	249 435
Alberta Human Rights Commission	Chief of the Commission and Tribunals	4	184 365	216 900	249 435
Alberta Local Authorities Pension Plan Corp.	President & CEO	4	184 365	216 900	249 435
Alberta Utilities Commission	Vice-chair	4	184 365	216 900	249 435
Appeals Commission under the <i>Workers' Compensation Act</i>	Chief Appeals Commissioner	4	184 365	216 900	249 435
Health Quality Council of Alberta	CEO	4	184 365	216 900	249 435
Labour Relations Board	Chair	4	184 365	216 900	249 435
Land Compensation Board	Chair	4	184 365	216 900	249 435
Natural Resources Conservation Board	Chair	4	184 365	216 900	249 435
Surface Rights Board	Chair	4	184 365	216 900	249 435
Travel Alberta	CEO	4	184 365	216 900	249 435
Alberta Utilities Commission	Member	3	153 595	180 700	207 805
Balancing Pool	CEO	3	153 595	180 700	207 805
Energy Efficiency Alberta	CEO	3	153 595	180 700	207 805
Market Surveillance Administrator	Market Surveillance Administrator	3	153 595	180 700	207 805
Alberta Human Rights Commission	Member	2	130 135	153 100	176 065
Appeals Commission under the <i>Workers' Compensation Act</i>	Vice-chair	2	130 135	153 100	176 065
Labour Relations Board	Vice-chair	2	130 135	153 100	176 065
Land Compensation Board	Vice-chair	2	130 135	153 100	176 065
Natural Resources Conservation Board	Member	2	130 135	153 100	176 065
Surface Rights Board	Vice-chair	2	130 135	153 100	176 065
Appeals Commission under the <i>Workers' Compensation Act</i>	Appeals Commissioner	1	111 775	131 500	151 225
Land Compensation Board	Member	1	111 775	131 500	151 225
Surface Rights Board	Member	1	111 775	131 500	151 225