



TERMS AND CONDITIONS OF EMPLOYMENT FOR EXCLUDED STAFF POSITIONS

A. PURPOSE:

The following outlines the terms and conditions of employment for employees who are excluded from membership in the support staff union certification, in accordance with the Labour Relations Code of British Columbia, by reason of their appointment in a confidential capacity.

B. SCOPE:

These terms and conditions of employment shall be applicable to the following excluded staff positions:

1. Executive Secretary to the President
2. Executive Secretary to Board of Governors & Legal Services
3. Executive Secretary to VP, Education
4. Executive Secretary to VP, Finance & Administration
5. Executive Secretary to VP, Students
6. Executive Secretary to Director, Human Resources
7. Executive Secretary to Director, Public Affairs
8. Executive Secretary to Dean, Arts & Foundational Programs
9. Executive Secretary to Dean, Trades & Apprenticeship
10. Executive Secretary to Dean, Science, Technology & Health
11. Executive Secretary to Dean, School of Business
12. Executive Secretary to Director, Continuing Studies
13. Executive Secretary to Director, International Education
14. Executive Secretary to Director, Facilities Planning & Management
15. Executive Secretary to Director, Ancillary & Business Services
16. Executive Secretary to Director, Student Services
17. Confidential Secretary to Director, Advancement & Alumni
18. Human Resources Assistant, Exempt Staff
19. Human Resources Assistant, Faculty & Vocational
20. Human Resources Assistant, Support Staff
21. Executive Office Assistant
22. Executive Office Clerk

C. PROBATIONARY PERIOD:

Excluded staff employees shall complete an initial probationary period of one (1) year from date of appointment to any established position covered by this document.

D. REGULAR APPOINTMENT BENEFITS:

The following benefits and leaves shall apply to excluded staff employees in accordance with the B.C. Government and Service Employees' Union (B.C.G.E.U.) collective agreement:

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| - Bereavement | - Parental Leave |
| - Continuation of Benefit Coverage | - Political Activity |
| - Deceased Employee | - Private Vehicle Insurance |
| - Deferred Salary Leave Plan | - Severance Pay |
| - Educational Leave & Employee Training Program | - Sick Leave Provisions* <i>see below</i> |
| - Employee Assistance Plan | - Special Leave |
| - Exchange Leave | - Statutory Holidays |
| - Firefighting Pay | - Subsistence Allowances |
| - Health and Welfare Plans | - Superannuation |
| - Jury Duty | - Transfer Expenses |
| - Leave of Absence | - Travel Allowance |
| - Leave of Absence With Pay: | - Vacations |
| Christmas Floater | - Workers' Compensation Board Claim |
| - OC Course Registration | - Health and Safety |
| - Harassment | - Indemnity – Civil and Criminal Actions |

(Note: Per Bill 66 effective January 1, 2003: Administrators & Excluded Staff hired after December 31, 2002 can no longer be paid out accumulated sick leave upon retirement). For more information please see [Addendum](#).

E. PROFESSIONAL DEVELOPMENT:

Excluded staff employees are eligible to apply for leave or financial assistance to attend courses or programs aimed at maintaining or improving their knowledge and skills relative to their responsibilities. Requests should be directed to the excluded staff employee's supervisor.

F. TEMPORARY APPOINTMENT BENEFITS:

- \$0.55 per hour in lieu of Health and Welfare benefits,
- 6% vacation pay in lieu of time off,
- statutory holidays,
- leave of absence in accordance with the B.C. Government and Service Employee's Union (B.C.G.E.U.) collective agreement.

G. SALARY/CLASSIFICATION:

Excluded staff employees shall be classified and receive the salary and classification benefits in accordance with the OC Exempt Staff Salary Scale.

H. HOURS OF WORK:

The normal work week for excluded staff employees shall consist of five (5) seven-hour days from Monday to Friday inclusive.

I. OVERTIME:

Where the supervisor requires overtime to be worked, an excluded staff employee:

- shall receive a rate of time-and-one-half for the first two hours and double time thereafter; this shall apply for Monday through Friday inclusive.
- shall receive a rate of double-time for all hours worked on Saturday and Sunday.

J. JOB ACTION:

In the event of any job action at the University College, excluded staff employees shall be expected to continue to report for duty, unless advised to the contrary by the Director, * Labour Relations. In addition to regular duties, excluded staff employees may be required to assume other responsibilities, possibly outside the scope of the position, for the duration of the job action.

K. TERMINATION:

The College reserves the right to terminate the appointment of an excluded staff employee for cause without notice or payment in lieu of notice.

The College may terminate regular appointments for reasons other than for cause by giving two months' notice, or two months' salary in lieu of notice.

The College may terminate temporary appointments for reasons other than for cause by giving one week's notice, or one week's salary in lieu of notice.

L. APPEALS:

Matters of discipline and/or grievance shall be referred in the following sequence: the Vice-President, Education, the President, and the Executive *

The decision of the College President shall be final and binding.

Disputes between excluded staff employees and the College shall be settled without work stoppage or slow-down.

M. AMENDMENT:

These terms and conditions of employment may be changed, in whole or in part, or may be added to or revised, at the discretion of the College. Excluded staff employees retain the right to recommend or request changes or additions to the terms of employment.

ADDENDUM

BILL 66, PUBLIC SECTOR EMPLOYERS AMENDMENT ACT, 2002

What is the *Public Sector Employers Act*?

Statutory provisions of the *Public Sector Employers Act* apply to excluded and executive compensation practices in British Columbia's Public Sector (<http://www.psec.gov.bc.ca/>). In particular the *Public Sector Employers Act* addresses:

- Compensation plans
- Severance standards including accrual of vacation and sick leave.

Who does this apply to?

The *Public Sector Employers Act* applies to all employees in the public sector who are excluded from membership in a bargaining unit (exempt employees). At Okanagan College, exempt (excluded and executive) employees include all Senior Management, Administrators and Excluded Support Staff.

What is Bill 66?

On October 21, 2002, the provincial government introduced Bill 66,

Public Sector Employers Amendment Act 2002, which included amendments to both the *Public Sector Employers' Act* and the *Employment Termination Standards Regulation* (ETS).

Bill 66 introduced a new set of rules for public sector exempt compensation practices and reduced severance and accumulated benefit payments and ensured that all contracts must be fully disclosed.

You may access Bill 66 at (http://www.leg.bc.ca/37th3rd/3rd_read/gov66-3.htm).

What areas of the *Public Sector Employers Act* did Bill 66 change?

The *Public Sector Employers Act* changed in five (5) major areas:

1. Exempt Compensation Plans

Effective March 31, 2003, all public sector employers must provide Public Sector Employer's Council (PSEC) with copies of contracts of employment and other information for its exempt employees for the purpose of monitoring compliance with employment compensation standards and employment termination standards.

2. Vacation and Sick Leave Benefits

Vacation: effective January 1, 2003 the *Public Sector Employers Act* prohibits the banking, accumulation, carry forward, or payout of any unused vacation leave, beyond the year in which it is entitled to be taken. The new rules specify that unused vacation leave may be carried over to the year following when it was accumulated however it must be used before the end of that year.

However, employees who have previously accumulated banked vacation time prior to January 1, 2003, will not lose that time; it will be paid out under the previous rules under which it was accumulated prior to December 31, 2002.

Carry forward provisions for unused vacation entitlement will remain the same as outlined in the provisions of the Board policy governing your employment at Okanagan College.

Sick Leave: effective January 1, 2003, the *Public Sector Employers Act* prohibits employees being paid out for any unused sick leave. Employees who are entitled to sick leave under their employment contract may accumulate or carry forward unused sick days, but can only use them in future years if they are sick; i.e., sick leave can only be used for the purpose of illness. It cannot be used for any other purpose, nor can employees be paid out their banked sick days upon termination, resignation, or retirement.

However, employees who have accumulated sick leave time, prior to January 1, 2003, will not lose that time; it may still be paid out based on the previous rules under which it was accumulated prior to December 31, 2002.

3. Employment Termination Standards

The maximum amount of severance payable has been reduced from 24 to 18 months for all exempt employees.

4. Filing and Disclosure of Contract Information

Employers must provide all compensation-related contract information for senior employees earning a base salary of \$125,000 or more a year to Public Sector Employer's Council (PSEC).

5. Compliance

After the October 21, 2002 effective date, if a person accepts money or receives a benefit from a public sector employer that exceeds the amount or benefit permitted, the excess money or cost to the employer of the benefit is a debt that is payable to the government by the person who received the amount or benefit.

You may access additional information and frequently asked questions in "*A Guide to Excluded and Executive Compensation in the British Columbia Public Sector*" at

http://www.aved.gov.bc.ca/psec/documents/executive_compensation_guide.pdf