

Terms & Conditions for Excluded Employees & Appointees Part 01 - Introduction

Last updated March 15, 2022

1. Objective

The objective of this policy is to define and facilitate consistent application of the terms and conditions of employment for covered groups.

2. Application and scope

This policy applies to all employees excluded from a bargaining unit agreement and to all appointments made by the Lieutenant Governor in Council that are designated for coverage under this policy.

3. Definitions

appointee means an Order in Council appointee.

basic pay means the rate of pay established for a position classification, including an add-to-pay resulting from salary protection.

common-law spouse includes same sex and opposite sex individuals where the employee/appointee has signed a declaration or affidavit that they have been living in a common-law relationship or have been cohabiting for at least 12 months. The period of cohabitation may be less than 12 months where the employee/appointee has claimed the common-law spouse's child/children for taxation purposes.

continuous service means uninterrupted regular employment in the Public Service of British Columbia or any period of regular employment with an employer listed in Schedule 9 provided no break in service has occurred between employment with that employer and the appointment to the Public Service. Continuous service for a regular part-time employee shall be pro-rated on the basis of one year's service for every 1,827 hours worked.

Crown counsel refers to employees designated as such pursuant to the *Crown Counsel Act*.

dependant means any of the following:

1. One spouse of an employee/appointee;
2. Any unmarried child, stepchild, legally adopted child or legal ward, mainly supported by the employee/appointee who is a dependant for income tax purposes and who is:
 1. under age 19 years; or
 2. of any age but who, because of mental or physical infirmity, is accepted as a dependant for income tax purposes; or
 3. under age 25 and in full-time attendance at a school, university or vocational institution which provides a recognized diploma, certificate or degree. Full-time attendance means enrollment in the minimum number of credit courses specified by the institution to be considered full-time or if not specified by the institution, enrollment in a minimum of 15 hours of classroom instruction per week each school term

double time means twice the straight time rate.

double time and one-half means two and one-half times the straight time rate.

employee means the categories of employees specified in this policy, excluding Order in Council appointees, who are excluded from the provisions of a collective agreement, including

1. regular: employees whose work is of a continuous full-time or part-time nature
2. auxiliary under 1,827 hours: employees who are hired for a set term and have completed fewer than 1,827 hours of work, as calculated in accordance with the provisions in effect for the majority of bargaining unit employees
3. auxiliary over 1,827 hours: employees who are hired for a set term and have completed 1,827 hours of work in 33 pay periods

employer means her Majesty the Queen in the right of the Province of British Columbia.

field status applies to employees who are normally required to work away from their point of assembly and who, on a day-to-day basis, do not work in an office, institution, plant, or other similar fixed location which is their normal point of assembly.

headquarters or geographic location is that area within a radius of 32 kilometers of where an employee/appointee ordinarily performs his/her duties. When an employee/appointee is relocated, the headquarters area may be redefined where exceptional circumstances such as unusual road conditions exist. For the purposes of Employer-initiated relocation and privatization and expenses arising therefrom, headquarters or geographic location will be redefined as a radius of 50 kilometers (32 kilometers in the GVRD or CRD) of where an employee ordinarily performs his/her duties.

hourly rate is the rate calculated by taking the annual salary and dividing it by 1,827 or by taking the bi-weekly rate and dividing it by 70.

legal counsel are Crown Counsel and other legal counsel admitted to the Law Society of British Columbia and included in the Legal Counsel Classification Series.

NOT included in the legal counsel series are:

- Assistant Deputy Attorney General, Criminal Justice
- Director, Operations
- Regional Crown Counsel
- Director, Policy and Legal Services
- Director, Criminal Appeals and Special Prosecutions
- Director, Special Programs, Environmental Law and Indigenous Justice
- Director, Programs and Initiatives for Vulnerable Persons
- Deputy Regional Crown Counsel

and any other position excluded from the series by the Head of the BC Public Service Agency.

management employee means an employee whose duties and responsibilities are evaluated under the Management Compensation and Classification Framework.

monthly salary is equal to the bi-weekly rate multiplied by 26.0893 and divided by 12.

no break in service occurs when an employee/appointee moves from his/her position or organization to a new position or organization on the next available working day, taking into account shift changes, weekends, scheduled vacation, statutory holidays, scheduled earned time off or any other approved paid scheduled time off.

Order in Council appointees are individuals appointed by the Lieutenant Governor in Council as specified below:

1. Category A: Order in Council appointments to positions referenced in [Appendix 1](#).
Typically, they are:
 1. Senior Executives (e.g., Deputy Ministers); or
 2. Management and professional appointees, including those who support Executive Council, the judiciary or Ministries (e.g., Administrative Coordinator to Executive, Supreme Court Registrar, Chief Negotiator); or,
 3. Chairs and members of some agencies, boards, commissions and administrative tribunals (e.g., Chief Coroner, Fire Commissioner)
2. Category B: Order in Council appointments to positions referenced in [Appendix 2](#).
Typically, they are: Administrative support staff to Executive Council, all of whom have bargaining unit classifications.

3. Category C: Order in Council appointments to positions referenced in [Appendix 3](#). Typically, they are:
 1. Appointees who provide direct management support to elected officials; or
 2. Appointees in agencies, boards or commissions in the broader public sector including Crown Corporations; or
 3. Chairs and members of the majority of administrative tribunals.
4. Category D: Order in Council appointments made on a per diem or stipend basis for the provision of specialized consultation or service as and when required. Typically, they are: Appointees who are assigned to agencies, boards, commissions or administrative tribunals on a per diem or stipendiary basis

salaried physicians are employees whose salaries are based on the Alternative Payments Subsidiary Agreement under the Physician Master Agreement between the Government of British Columbia and the Doctors of BC.

schedule A employees are employees in excluded positions having bargaining unit classifications.

shift means:

1. Day Shift – all hours worked on any shift that starts between 4:30 a.m. and 1:59 p.m., inclusive
2. Afternoon Shift – all hours worked on any shift that starts between 2:00 p.m. and 8:59 p.m., inclusive
3. Night Shift – all hours worked on any shift that starts between 9:00 p.m. and 4:29 a.m., inclusive

spouse includes husband, wife or common-law spouse.

statutory term appointees are individuals employed for a period of less than 31 calendar days who are excluded from the provisions of a collective agreement under the *Public Service Labour Relations Act*.

straight time means the hourly rate of basic pay.

time and one-half means one and one-half times the straight time rate.

travel status means the absence of the employee/appointee from their designated headquarters or geographic location on government business with the approval of the Employer, but travel status does not apply to an employee/appointee temporarily assigned to a position outside of the designated headquarters or geographic location or to a field status

4. Assignment of terms and conditions

4.1 Legal counsel

Legal counsel are covered by the terms and conditions applicable to management employees except where otherwise specified in this policy, in the Agreement between the Government of British Columbia and the British Columbia Crown Counsel Association, or in a Treasury Board Order.

4.2 Salaried physicians

Salaried physicians' salaries are based on the Alternative Payments Subsidiary Agreement under the Physician Master Agreement between the Government of British Columbia and the Doctors of BC. All other terms and conditions for salaried physicians are those applicable to management employees except where otherwise specified in this policy.