



Reference: 262635

June 30, 2021

VIA EMAIL: Kevin.Kriese@bcfpb.ca

Kevin Kriese. Chair
Forest Practices Board
PO Box 9905 Stn Prov Govt
Victoria, British Columbia
V8W 9R1

Dear Kevin Kriese:

Thank you for the Forest Practices Board remuneration plan decision note signed May 25, 2021 for my consideration. I have reviewed the remuneration plan and support it as presented. Please consider this approval to replace the earlier decision I shared in my letter of April 27, 2021 on this topic.

I understand next steps are for you to work with ministry staff and CABRO to determine a performance evaluation approach of the Board Chair position which minimizes possible conflict of interest.

Thank you for continuing the good work of the Forest Practices Board on behalf of British Columbians.

Sincerely,

Katrine Conroy
Minister

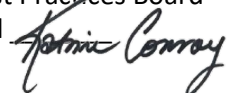
Attachment 1: Approved Remuneration Plan

Attachment 2: Signed Decision Note

FOREST PRACTICES BOARD

Remuneration Plan

The Forest Practices Board
Approved



June 25, 2021

Section 1.0 - Performance Framework and Remuneration Plan Background

Tribunals, including the Forest Practices Board (FPB), are part of the broader “government” but operate independently when performing their decision-making function. Tribunal independence means that they do not take direction from the Minister on the substantive issues before them. To ensure public accountability, tribunals must submit a report to the Minister Responsible. Tribunals are also accountable for their budgets and organizational operations and must disclose appointee remuneration every year to ensure the information is accessible and transparent to the public.

Treasury Board Directive ([Directive 1/20](#)) sets out the maximum rates, principles, and general policies for the administration of appointee remuneration. Directive 1/20 also specifies numerous policy objectives, one of which is to support a comprehensive framework for appropriate and consistent appointee remuneration and expense reimbursement. It requires the Minister Responsible to approve a remuneration plan that must also be reviewed and approved at least once every three years. This Remuneration Plan applies to the appointees of the FPB and not staff.

This Remuneration Plan applies to the FPB, and is modelled on plans for other tribunals in BC. It provides the framework for the implementation of initial and incremental remuneration. It also describes responsibilities for performance appraisal.

The Forest and Range Practices Act requires that the FPB has

- A Chair, who is responsible for the overall management of the FPB;
- A Vice Chair, who can act on behalf of the Chair as needed, and
- Members.

Since its inception, the Chair has been a full-time position, and the Vice Chair and members are part time. The number of members has varied between four and eight. All appointments are made by Order in Council following a merit-based process.

The Remuneration Plan serves two key functions:

- 1) It provides a mechanism and set of principles for determining the appropriate placement of each tribunal member within the remuneration range established by TB 1/20; and,
- 2) It guides the application of initial remuneration and incremental increases based on established performance criteria.

Section 2.0 - Principles

- Remuneration increases for tribunal appointees must be managed within the tribunal’s existing budget/funding and in accordance with this remuneration plan.
- Remuneration and performance appraisal decisions must not be contingent upon or related to the outcome of tribunal decisions.
- Minimum rate is automatically applied to any temporary member appointed under

section 6 of the *Administrative Tribunals Act* or applicable Acts. “Temporary member” means any member appointed for a term that does not exceed 6 months.

- The Chair may recommend remuneration adjustments that differ from the remuneration plan, and the Minister may make changes to this remuneration plan that are consistent with Directive 1/20 or may request an exemption to Directive 1/20 Treasury Board.

Section 3.0 - Performance Appraisals

A performance appraisal is required as part of any reappointment process. In addition, the Chair will conduct annual performance appraisals for Vice Chair and each member. Performance appraisals will consider an individual’s effectiveness and contribution to the FPB, its mandate, and overall success.

Annual performance appraisals provide an opportunity to assess whether the responsibilities and accountabilities outlined in the Notice of Position, as well as the duties and commitments as set out in the code of conduct, and policies of the FPB, are being met by the individual being assessed.

Performance appraisals are integral to support objective and transparent changes in remuneration and should include the following factors, applied by the Chair in the context of the FPB and the specific role of that member:

- Levels of skills;
- Knowledge;
- Experience;
- Level of responsibility;
- Effectiveness;
- Efficiency;
- Compliance with the ethical guidelines created by government in the Candidate Profile and Declaration (code of conduct, conflict of interest, charter of expectations, and integrity and public accountability), the General Conduct Principles for Public Appointees, and the FPB Code of Conduct; and
- Any other factors the Chair considers appropriate.

A separate memorandum of understanding will be developed between the FPB, CABRO and the Ministry that defines the process for undertaking a performance appraisal of the Chair, that is consistent with the independence of the FPB.

Section 4.0 - Remuneration Plan

An appointee’s remuneration must not exceed the maximum rate set for the position within the classification level for their tribunal. The FPB is classified as a Level 3 Tribunal. Increases to remuneration are subject to satisfactory performance appraisals, as outlined in this plan. There is no requirement that the maximum remuneration rate be paid. The remuneration plan must be applied in a manner respectful of the established fiscal budget

and discretion must be applied to avoid operating in a deficit position.

Section 4.1 - Remuneration Placement and Adjustments

1. Initial Appointment – Subject to the qualifications below, minimum rate is applied automatically for initial appointments for Chairs, Vice Chairs and members.
 - a. If a higher rate is more appropriate for an appointee at the time of an initial appointment due to specific circumstances, this is permitted with approval from the Minister. The request for a higher rate, with details, must be included in the appointment request package.
 - b. If a lower rate is more appropriate for an initial part time appointment due to specific circumstances such as a developmental position, the Chair has the authority to make that decision without the approval from the Minister.
2. Remuneration increases must be applied in a progressive manner, subject to satisfactory performance appraisals as discussed above in section 3.0.
3. For a Vice Chair or member, after an initial 18 month period, the Chair has the authority to increase the appointee’s remuneration to the mid-point of the range, provided that a performance appraisal is satisfactory, and any and all training is complete (excluding ongoing professional development). The rate increase applies at the time of the approval and is not retroactive.
4. For a Chair, after an initial 18-month period, the remuneration will be increased to the mid-point of the range, unless:
 - a. there are documented performance issues
 - b. training is incomplete (excluding ongoing professional development), or
 - c. the Minister determines, in the absolute and unfettered discretion of the Minister, to establish remuneration at a different rate.
5. Chair, Vice Chair, or member re-appointment - Either upon first and subsequent reappointments, or after two years, whichever occurs sooner, the maximum rate of the Directive 1/20 (or other formal Government direction) that was in force at the time of the previous appointment will be applied, provided that the performance appraisal is satisfactory and any and all training is complete (excluding ongoing professional development).
 - a. The Chair may set a lower rate or maintain the current rate if the chair considers it appropriate for a member due to specific circumstances such as incomplete training or not yet meeting satisfactory performance.
 - b. If a new Treasury Board Directive (or other formal Government direction) comes into force, this framework and remuneration plan will be updated to reflect those changes.

Section 4.2 - Category C Appointees – Full and Part-time Regular Positions

1. Minimum and maximum annual remuneration rates for full-time appointees. The table below shows rates set out in the current Treasury Board Directive:

Classification	Chair	
	Minimum	Maximum
Level 3	\$147,000	\$168,000

2. Regular full-time remuneration is paid on a bi-weekly basis. Regular full-time appointees receive those benefits as set out in part 10 of the British Columbia Government's Terms and Conditions of Employment for Excluded Employees and Appointees, Category C.

Section 4.3 - Category D Appointees – “As and When Required” Service

1. Category D appointees are part-time appointees remunerated for their service on an “as and when required basis,” and are responsible for submitting to the tribunal invoices for work performed.
2. Approved remuneration rates are set out as full-day per diems and are based on an eight-hour day. For the purposes of invoicing, alternate calculations of the approved per diem rates by partial hour, hour, flat rate per file or other appropriate calculation may be applied at the discretion of the chair.
3. Minimum and Maximum Part-Time appointee full day rates are set below:

Classification	Vice Chair		Member	
	Minimum	Maximum	Minimum	Maximum
Level 3	\$550	\$625	\$450	\$500

4. Part-Time appointees may be reimbursed at the Chair's discretion for:
 - a. attending required professional development or training;
 - b. undertaking recruitment or outreach activities;
 - c. mentoring and/or onboarding staff or members; and
 - d. performing administrative and other duties for the purpose of achieving the tribunal's statutory objectives and improving access to justice.
5. A part-time appointee who must travel on FPB business, more than 32 kms from the appointee's residence, outside of regular business hours, may receive reimbursement for travel and chair approved meal expenses within the approved [Group II Rates](#), as set out in Core Policy and Procedures Manual.

Section 5.0 – Payroll Deductions

Section 5.1 – Employment Insurance (EI)

The service of appointees to which this remuneration plan applies is not insurable and therefore remuneration is not subject to EI deductions.

Section 5.2 – Canada Pension Plan (CPP)

The service of Category C appointees is considered pensionable work and remuneration is subject to CPP deductions.

The service of Category D appointees (“as and when required”) is not pensionable work and therefore remuneration is not subject to CPP deductions.

Section 5.3 – Income Tax

Appointee remuneration is taxable income and income tax may be payable in accordance with the federal *Income Tax Act* unless the total remuneration for the tax year for the appointee (from all sources) is less than the basic personal amount (see CRA website for the applicable amounts each year).

Section 5.1 – GST/HST

Appointees to tribunals are considered to be “office holders” under the *Excise Tax Act*, not employees or contractors, and therefore appointee remuneration is not subject to GST/HST.

Appointees with complicated tax situations should seek tax advice from a qualified tax specialist, at their own expense.

More information regarding Excluded Terms and Conditions for Appointees can be found online: at <https://www2.gov.bc.ca/gov/content/careers-myhr/managers-supervisors/employee-labour-relations/conditions-agreements/excluded-employees-appointees>