

INFOPERSONNEL - BULLETIN No. 557 - August 2014

**Subject: 2013-2014 Performance Pay Exercise for represented and excluded Lawyers
classified at levels LP-01 to LP-03**

1.0 Purpose

This InfoPersonnel provides information on the 2013-2014 Performance Pay Plan for employees in the LP-01 to LP-03 groups.

The LP Collective Agreement (C.A.) prevails where there is a conflict between TBS policies and the collective agreement.

2.0 Review Period

This document covers the review period from April 1, 2013 to March 31, 2014 and April 1, 2014 to September 30, 2014 for LP-01's.

3.0 Authorities

The terms and conditions of employment governing performance pay for the represented and excluded lawyers are those of the LP collective agreement, Appendix B.

4.0 Eligibility Requirements

4.1 Eligibility

An employee must have been in an eligible position and be on strength on March 31, 2014 and on April 1, 2014.

An employee who terminated employment, or whose acting appointment in an eligible position ended prior to the end of the review period is not entitled to performance pay.

4.2 Promotion to a position subject to the Performance Management Program (PMP)

Given the March 31st eligibility criteria established by the Collective Agreement (articles 1.1 of part 1 and 4.4 of part 2), an employee who was promoted to a position subject to PMP (C.A. Appendix C), prior to April 1, 2014, from a position that was previously covered by this performance pay plan (C.A. Appendix B), no longer meets the **eligibility criteria** described in section 4.4 above and is thus not entitled to a performance award in accordance with this plan (C.A. Appendix B).

example: LP-03 (C.A. Appendix B) promoted to LP-04 (C.A. Appendix C) on March 1, 2014.

Employees and Managers are advised to consult Compensation prior to making decisions about the effective date of an appointment to ascertain the impacts on salary, benefits and performance pay.

4.3 Performance Reviews

An employee will not be eligible for performance pay if a Performance Review and Employee Appraisal (PREA) has not been completed.

4.4 Employees in an Acting Position

An employee on strength and in an acting situation on March 31st, is eligible for performance pay. The minimum period for employees in an acting position to qualify for performance pay is three (3) consecutive months so long as the employee is at the maximum rate of pay for their substantive group and level. There is no discretion to consider a shorter period.

4.5 Pro-rating

Awards are based on the assessment of performance for the time worked in the eligible position occupied on March 31 and April 1, 2014. Where applicable, lump sums will be pro-rated. Pro-rating will occur in a number of situations such as the following (this is not an exhaustive list):

- New hire
- Leave Without Pay
- Acting Pay
- Promotions
- Retirement
- Change in assigned work week

4.6 Absences

4.6.1 Maternity or Parental Leave Without Pay

An employee who occupies an eligible position, but who was on maternity or parental leave without pay on April 1, 2014, is deemed to be eligible for a performance award.

On June 6, 2011, TBS issued a *Treasury Board Information* bulletin entitled "Maternity and Parental Leave and Performance Pay". This bulletin directs that, beginning with review period 2011-2012, performance pay is in recognition of assessed levels of performance within the same review period. An employee whose rating is "Unable to Assess", will not receive performance pay.

4.6.2 All Other Leave Without Pay Situations

Employees who have been on leave without pay for the full review period will not receive performance awards (as per article 8.2 of part 2).

4.6.3 Language Training

Employees who were on language training through part of the review period or who were on language training on April 1, 2014, are also eligible for performance pay if the manager can establish that there was sufficient time in the review period to make a performance assessment.

4.6.4 Secondments (Interdepartmental)

Employees who meet the performance pay eligibility requirements and who are seconded, to or from the Department of Justice, may also be entitled to a performance award with the host organization unless there is a stipulation in the Secondment Agreement with regard to performance pay that the employee will remain eligible with the home organization.

Copies of signed Secondment or Interchange Canada Agreements must be provided to the Human Resources and Professional Development Directorate. Please contact the [Fast Track staffing team](#).

5.0 Performance Rating Levels with Associated Percentages

The award percentages for each performance rating level for the review period are as follows:

LP Group - LP-01, LP-02, LP-03

<u>Rating</u>	<u>Code</u>	<u>Percentage</u>
Unable to Assess	1	0%
Unsatisfactory	2	0%
Fully Meets	3	4.3%
Exceeds	4	6.5%

6.0 Performance Pay Increments

6.1 LP-02 and LP-03

Employees who have not reached the maximum rate of pay by March 31, 2014 will be entitled to a Performance Pay Increment if their performance has been assessed as Fully Meets or Exceeds.

6.2 LP-01 Counsel

For employees at the LP-01 group and level, entitlement to the semi-annual Performance Pay Increment due after March 31, 2014 will be based on the assessed level of performance for the review period leading up to March 31, 2014. The second semi-annual Performance Pay Increment, if applicable, will be based on a semi-annual review covering the period April 1, 2014 to September 30, 2014.

7.0 Lump Sum Performance Award

A performance award in the form of a lump sum payment (or bonus) is payable to employees whose salaries have reached the maximum of the salary scale for their occupational group and level as of May 10 each year. Lump sum awards must be re-earned each year.

The award is payable on May 10, 2014 based on the May 10, 2014 rate of pay (i.e. maximum). The amount will be rounded to the nearest dollar.

Awards are granted in recognition of performance for the review period preceding. Individuals whose performance has been rated as "Unable to Assess" or "Unsatisfactory" are not eligible for a lump sum performance pay award.

Note: Lump sum payments count for pension purposes in the determination of the best five consecutive years of pensionable salary. They are not used for the determination of other employer-sponsored benefits.

8.0 Notification of Calculations

Individualized notifications showing salary and lump sum calculations will be provided electronically.

Employees will be notified by means of an e-mail once Compensation Services has finalized their calculations and has proceeded to payment. Within the body of the e-mail, notification will be a weblink which, when clicked, will display the employee's personal calculations in Self-Service on a page entitled "My Performance Pay".

Employees in an acting situation who are entitled to performance pay in both their substantive and acting positions will receive separate notifications of calculations - a notification under each plan.

In cases involving complex pay adjustments, such as Leave with Income Averaging (LIA), Part-Time employment and Pre-Retirement Transition Leave (PRTL) the notification may be delayed in order for Compensation to obtain a supplementary payment for retroactivity to basic pay.

9.0 Additional Information

For additional information, please contact your Regional Compensation Manager (See Annex A). Questions pertaining to Performance Pay must be directed to Compensation in order to obtain authoritative and comprehensive responses. You are also encouraged to consult the [Compensation Web Portal](#).

Colleen Laframboise
Director, Labour Relations and Compensation
Human Resources and Professional Development Directorate

Annex A

List Of Compensation Managers In Justice

Atlantic

[Eva Street](#)

902-426-2767

Quebec

[Julie Perreault](#)

514-283-2109

National Capital Region (NCR)

[Luc Cousineau](#)

613-941-1907

Ontario

[Marcelle Miller](#)

416-952-2073

Prairies

[Kim Lafleur](#)

780-495-7755

British Columbia and North

Monique.Lamoureux@justice.gc.ca

604-666-6336

INFOPERSONNEL – BULLETIN - No. 563 – August 2014

**Subject: 2013–2014 Performance Management Program (PMP)
Exercise for the Senior Counsel (LP-04, LP-05) of the Law
Practitioners (LP) Group (Represented and Excluded)**

1.0 Purpose

This InfoPersonnel provides information on the 2013-2014 Performance Pay plan outlined in the Performance Management Program (PMP) for employees classified as Senior Counsel employees (LP-04 and LP-05) of the Law Practitioner Group, whether represented or excluded from collective bargaining.

2.0 Review Period

This document covers the review period from April 1, 2013 to March 31, 2014.

3.0 Authorities

The terms and conditions of employment governing performance pay for the represented Law Practitioner group are those of the LP collective agreement, Appendix C. This regime is referred to as LP PMP in this bulletin.

4.0 Eligibility Requirements

4.1 Eligibility

An employee must be in an eligible position to which the PMP applies on March 31, 2014 and be on strength on April 1, 2014. Positions classified as LP-03, LP-04 are subject to LP PMP.

4.2 Performance Reviews

An individual will not be eligible for performance awards if a signed Performance Management Agreement (PMA) had not been established or did not receive a performance assessment for the review period.

4.3 Minimum Periods of Performance

With regard to **substantive** positions, managers have the responsibility and discretion to determine if there is a sufficient period of time within the review period to allow for a proper assessment of performance against the established commitments.

Given the March 31st eligibility criteria established for this performance pay plan, employees who were promoted to a position subject to LP PMP (example: promotion to LP-04), prior to April 1, 2014, from a position formerly subject to LP-01 to LP-03 performance pay, no longer meet the **eligibility requirements under the former régime**. No payment will be made in recognition of the former position.

It is strongly recommended at all times that managers and employees consult Compensation Services prior to an appointment to ascertain the impact of the move on various benefits, including performance pay.

4.4 Acting in a Position Subject to LP PMP

To be eligible for performance pay, an employee acting in a position subject to LP PMP must have been in the position on March 31, 2014, be on strength on April 1, 2014 and must have been acting in an eligible position for a **minimum** period of three (3) consecutive months. There is no discretion to consider a shorter period.

In-range increases

Employees must also be at the maximum rate of pay in their substantive position to qualify for an in-range increase under LP PMP (see Ongoing Commitments Section).

However, if an employee's substantive rate of pay is not at the maximum, and an increase (increment or in-range) to their substantive salary does not, upon recalculation, result in a higher salary in their acting position, they may qualify for an in-range increase under the LP PMP.

Examples :

(1) An LP-02 @ \$99,976 begins an acting assignment an LP-04 @ \$136,332. During the acting assignment, the employee receives an increment in the substantive LP-02 bringing the salary to \$104,675. The increase in the substantive does not cause an increase in the acting rate of pay. In this case, the employee would be eligible for an in-range increase in the LP-04 position effective April 1st (if still acting).

(2) An LP-03 @ \$139,054 begins an acting assignment an LP-04 @ \$145,981. During the acting assignment, the employee receives an increment in the substantive LP-03

bringing the salary to \$145,590. The increase in the substantive does cause an increase in the acting rate of pay bringing it to \$152,517. In this case, the LP-04 position would not be eligible for an in-range increase.

At-risk Pay and Bonus (lump sums)

Employees who are acting in an eligible position subject to LP PMP, who are entitled to a lump sum payment for key commitments (see Key Commitments section), will have the amount calculated on their acting salary in effect on March 31, 2012.

4.5 Employees not classified as LP-04 acting in an LP-04 position

Employees, not substantively classified as LP-04, who are acting in a position subject to LP PMP and who are not in this position on March 31, 2014, may also be entitled to a pro-rated lump sum payment if they have been acting for a **minimum** period of at least four (4) consecutive months during the review period. There is no discretion to consider a shorter period.

A lump sum payment may be payable so long as this payment exceeds the value of any lump sum payable under another performance pay plan to which the employee could be eligible.

The lump sum payment will be based on the salary in effect at the end of the acting period. If two eligible positions are involved, each position will be treated separately.

4.6 Absences

4.6.1 Leave Without Pay

Employees who have been on leave without pay for the full review period will not receive performance pay awards. Employees who were at work for at least three months during the review period may be eligible for a pro-rated performance award based on the assessed level of performance.

4.6.2 Language Training

Employees on language training have only one ongoing commitment for the duration of the language training: attendance at language training in order to meet the language requirements of the position and must be considered to have met ongoing commitments. Since there are no key commitments for the period of training, they receive a level 0 rating (Unable to Assess) for key commitments for the period in review.

4.6.3 Secondments (interdepartmental)

Employees who meet the performance pay eligibility requirements and who are seconded, to or from the Department of Justice, may also be entitled to performance awards with the host

organization unless there is a stipulation in the Secondment Agreement with regard to performance pay that the employee will remain eligible with the home organization.

Copies of signed Secondment and Interchange Canada Agreements must be provided to the Human Resources Branch. Please contact the Fast Track staffing team at FTHRU@justice.gc.ca

5.0 Performance Rating Levels

The following performance rating levels apply for the review period:

Rating Level - Description

- 0 - Unable to Assess
- 1 - Did Not Meet Most
- 2 - Met Most
- 3 - Met All, Succeeded, Met
- 4 - Exceeded, Surpassed

6.0 Performance Awards

Performance awards include in-range movement and lump sum payments. Lump sum payments take the form of At-risk pay and a bonus payment.

Awards are calculated on the employee's salary in effect on March 31, 2014

The calculations are based on the performance rating level achieved under each type of commitment as well as the percentages associated with each performance rating level for ongoing and key commitments.

6.1 Pro-rating

Awards are based the assessment of performance for the time worked in an eligible position. The PMP is a results based program. Thus, it is appropriate to base performance ratings and the resulting performance awards on the results achieved as well as how they were achieved. Pro-rating of awards applies in a number of situations such as the following (this list is not exhaustive):

- New hire
- Leave Without Pay
- Acting Pay
- Promotions

- Retirement
- Change in assigned work week

6.2 In-range Increases

The achievement of ongoing commitments results in progression through the salary range for those employees not at the maximum rate of pay for their group and level.

Employees whose ongoing commitments are assessed as level 0 (Unable to Assess) or level 1 (Did Not Meet Most) will not be eligible for an in-range increase. **Employees with a "Did Not Meet Most" rating for ongoing commitments are not entitled to any economic increase which may become due during the 2013-2014 fiscal year.**

Salaries will be rounded to the nearest multiple of \$100 without exceeding the maximum rate of pay for the salary range.

6.3 Lump Sum Payments (At-risk pay and bonuses)

Lump sum payments in the form of at-risk pay and bonuses are based on the achievement of key commitments.

A prerequisite for access to at-risk pay and bonuses is that expectations for the achievement of ongoing commitments have been met. Only those who receive at least a level 2 rating for the achievement of ongoing commitments and a level 4 performance rating for the achievement of their key commitments are eligible for a bonus.

At-risk pay and bonuses must be re-earned each year. Lump sum payments are pro-rated for part-time employees and for leave without pay situations occurring within the review period. Lump sum payments will be rounded to the nearest dollar.

Note: At-risk pay and bonuses count for pension purposes in the determination of the best five consecutive years of pensionable salary. These amounts are not used for the determination of other employer-sponsored benefits.

7. 0 Performance Rating Levels with Associated Percentages

The Deputy Minister has approved the following percentages for the associated ratings for ongoing and key commitments for the 2013-2014 review period:

Ongoing Commitments

Ratings	LP-04 to 05
	In-range increases
0	0%
1	0%
2	2.0 %
3	5.0 %
4	6.0 %

Key Commitments

Ratings	LP-04 to 05	
	At-risk Pay	Bonus
0	0%	0%
1	0%	0%
2	2.5%	0%
3	6.5%	0%
4	7.0%	3.0%

8.0 Notification of Calculations

Individualized notifications showing salary and lump sum calculations will be provided electronically.

Employees will be notified by means of an e-mail once Compensation Services has finalized their calculation and has proceeded to making payment in the pay system. Within the body of the

e-mail notification will be a weblink which, when clicked, will display the employee's personal calculations in Self-Service on a page entitled "**My Performance Pay**".

Employees in an acting situation who are entitled to performance pay in both their substantive and acting positions will receive separate notifications of calculations - a notification under each plan.

In cases involving complex pay adjustments, such as Leave with Income Averaging (LIA), Part-Time employment and Pre-Retirement Transition Leave (PRTL), the notification may be delayed to give time for Compensation to obtain a supplementary payment for retroactivity to basic pay.

9.0 Additional Information

For additional information, please contact your Regional Compensation Manager (see Annex A for a list of regional contacts). Questions pertaining to Performance Pay must be directed to Compensation in order to obtain authoritative and comprehensive responses.

You are also encouraged to consult the Compensation Web Portal at the following link:

<http://jusnet.justice.gc.ca/eng/benefit-avantage/index.html>

Colleen Laframboise

Director, Labour Relations and Compensation

Human Resources Branch

LIST OF COMPENSATION MANAGERS
IN THE DEPARTMENT OF JUSTICE

REGION	MANAGER	PHONE NUMBER	E-MAIL ADDRESS
Atlantic	Eva Street	902-426-2767	eva.street@justice.gc.ca
Quebec	France Rondeau	514-283-6720	france.rondeau@justice.gc.ca
National Capital Region (NCR)	Luc Cousineau	613-941-1907	luc.cousineau@justice.gc.ca
Ontario	Marcelle Miller	416-952-2073	marcelle.miller@justice.gc.ca
Prairies	Kim Lafleur	780-495-7755	kim.lafleur@justice.gc.ca
British Columbia and North	Monique Lamoureux	604-666-6336	monique.lamoureux@justice.gc.ca

