

# Public Service Commission Policies

## Pay Practices for Non-Represented and Executive Employees

### Policy

Rates of pay are established for an effective period of time and may be amended during that period subject to certain conditions. An employee is paid a rate of pay in accordance with the position to which the employee is appointed. An employee may not receive additional remuneration beyond what the employee is entitled to receive under the pay plan except with the approval of the Public Service Commission.

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## Pay practice principles for the core government employees

The following principles apply to pay practices for core government employees:

- fairness
- consistency
- equity
- merit
- reasonableness

## Pay Plans

Pay Plans for non-represented and executive employees of the Province of Manitoba are established in the following ways:

Pay plans may be amended as the result of the introduction of a new classification or where it is necessary to effect an upward adjustment to a pay range for the purpose of recruitment or retention.

Pay rates for [non-represented and executive employees](#) are established (and may be amended) by the Public Service Commission and ultimately must be approved by the Lieutenant Governor in Council.

## Increases and decreases to an employee's pay

**A non-represented and executive employee's pay will increase** in the following circumstances:

- A [general pay increase](#) (GPI) is implemented.
- A [special adjustment](#) is implemented for a classification or series.
- An employee is [promoted](#) through reclassification or appointment to a position with a higher maximum rate. In this circumstance an employee will be paid, if possible, one full increment more than the rate of pay the employee was being paid in the employee's former position.
- An employee is temporarily assigned to a position with a higher rate of pay through [acting status](#) or [interim reclassification](#). In this circumstance when the temporary assignment ends, an employee's pay reverts back to the appropriate pay rate in the pay range for the employee's former position.

- The Deputy Minister authorizes a [merit increase](#) on the employee's [anniversary date](#).

**A non-represented and executive employee's pay will decrease** in the following circumstances:

- An employee is [reassigned](#) to a position with a lower maximum rate as a result of reorganization or organizational need.
- A [pay adjustment](#) is implemented as a result of a series review.
- The employee is [demoted](#) as to meet skills and abilities or as part of a corrective process.

**A non-represented and executive employee's pay may decrease** or stay the same in the following circumstances:

- An employee accepts a position that has a lower maximum rate of pay.

## **Pay differs from salary attached to position classification**

A non-represented and executive employee cannot be paid higher than the classification of the position except when the employee is eligible for [over-range](#) pay protection. In this case, the employee's pay is maintained at a higher level than the position classification until the approved over-range period expires.

An employee may be paid lower than the classification of the position as an [underfill](#), until criteria required for the full working level are met.

## **Promotion and changes to an employee's anniversary date**

A non-represented and executive employee's [anniversary date](#) does not change upon [promotion](#) except where the employee receives a pay increase of two or more steps in the [pay range](#).

The Deputy Minister can submit a request to the Public Service Commissioner for more than one step (to a maximum of 3 steps) on promotion if an exceptional circumstance exists. If two or more steps in the [pay range](#) are granted: (a) the employee's [anniversary date](#) changes to the effective date of the promotion in accordance with the provisions of this policy; and (b) the employee is ineligible for a merit increase or special merit increase for a 12 month period. The long service steps in the pay range (20 year and 25 year) are excluded from being awarded until the specific criteria for those steps has been met.

## **Situations where pay is lower than the minimum step in pay range for position classification**

### **Underfill**

A non-represented and executive employee may be appointed on an [underfill](#) basis to a position at a pay step that is less than the minimum pay rate in the range for the position classification where the employee does not meet all the requirements of the position classification. In this situation the employer should prepare a development plan to assist the underfill employee to develop the required qualifications and should provide regular coaching and performance feedback.

An employee appointed to a position on an underfill basis may receive a one-step increase in pay towards the level of the position every six months until the employee reaches the level of the position classification. **Note:** Salary adjustments in underfill situations do not change the employee's [anniversary date](#).

## **Situations where pay is higher than the maximum step in pay range for position classification**

### **Over-range pay protection eligibility**

A regular non-represented and executive core employee who is involuntarily [re-assigned](#) or reclassified to a position with a lower maximum salary may be eligible for [over-range](#) pay protection with the approval of the Director, Total Rewards, Public Service Commission where the reclassification is the result of:

- organizational change or restructuring
- a classification series review
- inability to meet new requirements of the position related to changes in the department's business or direction
- medically confirmed inability to perform all of the duties and responsibilities of the position due to diminished health or disability

The purpose of over-range pay protection is to allow the employee time to adjust to the financial impact of a decrease in salary and where possible, take steps to mitigate the impact. The effective date of the over-range pay protection is the first of the bi-weekly following the date the employee is notified of the re-assignment or reclassification to a position with a lower maximum salary. Department management is required to notify the employee of reassignment or reclassification as soon as reasonably practicable.

In the case of diminished health or disability where the need for re-assignment to another position or reclassification within position is identified, the effective date of the over-range pay protection is the date the employee was medically deemed unable to perform all the duties and responsibilities of the position due to diminished health or disability. This may include when the employee is no longer able to perform the full scope of their position and modification of duties and responsibilities within their position occurs. The period of over-range pay protection includes when the employee is on a leave of absence, re-assignments on a trial basis, graduated return to work in the same or different position, other measures to support accommodation, and may also include sick leave. The pay protection period will not be extended due to any leaves of absence.

Over-range pay protection may be approved for a period up to two years if the employee has been in the higher [pay range](#) for at least two years. If the employee has occupied the position at the higher pay range for less than two years, the period of pay protection will be pro-rated.

An employee's pay rate is "frozen" until the expiry of the over-range period. Frozen means that the employee is not eligible to receive any form of pay increase until the maximum salary of position classification becomes equal to or greater than the employee's over range pay rate. Following expiry of the over range period an employee's salary reverts to the appropriate pay rate for the employee's position classification.

An employee is not eligible for over-range pay protection where the employee's reclassification is the result of:

- [demotion](#) as part of a corrective process
- workforce adjustment
- voluntary appointment to a position with a lower range
- poor performance where performance issues have been documented and communicated to the employee over a reasonable period of time.

The Director of Total Rewards, Public Service Commission has the authority to approve over-range pay protection. A request for over-range pay protection for an employee must be supported in writing by the Deputy Minister of the department.

## **Qualification Pay**

Certain positions may receive qualification or specialist pay in accordance with the conditions for the equivalent position under the applicable collective agreement, unless otherwise stated in the employment contract. These are:

- a non-represented or executive physician or nurse;

- a non-represented Senior Medical Officer 1 or 2.

## **Professional Fees**

An eligible non-represented and executive core employee may be reimbursed for professional fees up to \$500 per year, based on statute, class specification and position requirement.

For the purpose of this section, an eligible employee refers to non-represented and executive employees, and applicable term employees as outlined in the Professional Fees guideline.

Further information on Professional Fees can be found on the [Workforce Relations website](#).

## **Acting status**

A non-represented and executive employee employed in one position may be directed to temporarily perform the full duties and responsibilities of another position having a higher grade of pay. If the employee does so and continues to perform for 10 or more consecutive working days the duties and responsibilities of the other position, the employee shall be appointed temporarily to the other position with [acting status](#). The employee shall then be paid at the rate of pay applicable to the other position from the date of taking over the duties and responsibilities of the other position until the temporary appointment is revoked. An employee who is temporarily appointed to another position on an acting basis is not considered to be on probation.

## **Administration of merit increases**

A Deputy Minister may authorize a [merit increase](#) for an eligible non-represented and executive employee on the employee's [anniversary date](#) in accordance with the provisions of this policy for non-represented and executive employees. A merit increase is granted in recognition of satisfactory service and should not be considered automatic.

Where the [pay range](#) of an employee's classification permits, an employee is eligible to receive a merit increase on the employee's anniversary date provided the employee has accumulated 1008 regular hours of work during the 12-month period preceding the employee's anniversary date. Where an employee's anniversary date falls during the

maternity leave period, the employee is eligible for their applicable merit increase effective on their return to work.

An employee is eligible for a merit increase regardless of whether or not the employee was initially appointed at a rate of pay higher than the minimum of the pay range. An employee may progress through the pay range for the employee's position classification until the maximum pay rate is reached. An employee must be notified of the granting or denial of a merit increase by the Deputy Minister on or prior to the employee's anniversary date. Where a merit increase has been denied an employee must be provided with the reasons for the denial in writing.

An eligible employee that has 20 or more years of calendar service on the employee's anniversary date, and has been at the maximum step in their pay range for a minimum of 12 consecutive months, may receive the [long service step](#) identified in the pay plan for each classification. An eligible employee that has 25 or more years of calendar service on the employee's anniversary date, and has been at the 20 year long service step for a minimum of 12 consecutive months, may receive the **25 long service step** identified in the pay plan for each classification. For the purpose of this part, an eligible employee non-represented and executive employees. More information on long service step can be found on the [Workforce Relations website](#).

Merit increases become effective the first day of the bi-weekly pay period that includes the day on which the employee becomes eligible for the increase.

### **Merit increases while in acting status**

A non-represented and executive employee who has been appointed temporarily to a position with [acting status](#) is eligible to receive a [merit increase](#) in the acting position pay range on the employee's [anniversary date](#). Upon revoking or expiry of the acting status, an employee will return to the appropriate rate of pay in the pay range for the position to which the employee was assigned prior to the acting status appointment.

Where an employee is appointed temporarily to a position with acting status the employee's anniversary date is established as if the employee were permanently appointed to the position. In this circumstance the employee's anniversary date does not change except where the employee receives a pay increase of two (2) or more steps in the pay range. Where an employee receives two (2) or more steps, the employee's anniversary date is changed to the effective date of the [promotion](#) and the employee becomes ineligible for another merit increase or special merit increase for a

12 month period, in accordance with the provisions applicable in this policy for non-represented and executive employees.

If the employee is subsequently permanently appointed to the position the employee's anniversary date will not change (i.e. the employee is simply confirmed in the acting position with no change in salary.)

## **Withholding a merit increase**

A decision to withhold a non-represented and executive employee's [merit increase](#) must be based on a formal assessment of an employee's performance that is documented and communicated to the employee. The Deputy Minister must notify the employee that a merit increase is being withheld on or before the employee's [anniversary date](#). Where a merit increase has been withheld and the employee remedies the performance issues, the Deputy Minister may grant the merit increase on a subsequent monthly anniversary date in accordance with this policy for non-represented and executive employees. Where a merit increase has been withheld the employee must be provided with the reasons for withholding the merit increase in writing. An employee who has had a merit increase withheld is eligible to be considered for a merit increase in subsequent years on the employee's anniversary date.

## **Additional remuneration for public servant being appointed to a government board, commission or agency**

A core public servant appointed to a government funded board, commission or agency, for which there is a payment of a stipend from government funds, may be entitled to receive the stipend under specified conditions.

Specific circumstances under which payment of additional remuneration to a public servant may be considered are as follows:

- Where an employee has been appointed in other than the employee's official capacity; and
- Where the additional remuneration requested is for attendance at a board meeting(s); and
- Where the employee is not receiving any salary or other remuneration for the period of time during which the employee attends the board meeting(s).



A core public servant appointed to a board, commission or agency is expected to negotiate a suitable arrangement with the employee's home department that satisfies the limitations expressed by this policy. Where necessary, guidance can be obtained from the [Workforce Relations Division](#), Public Service Commission.

The Public Service Commissioner may approve additional remuneration for public servants appointed to government boards, commissions or agencies, in accordance with this policy.

Where approval of the payment of additional remuneration to a public servant appointed to a board, commission or agency is being requested, it is the responsibility of the sponsoring department (the department responsible for the board appointment) to submit the request on behalf of the public servant. Submissions including all relevant information pertaining to the request should be submitted to the Director, Total Rewards, Public Service Commission.

### **Additional special compensation in recognition of exceptional performance**

When a situation of exceptional performance on the part of a non-represented and executive employee comes to the attention of management it should be encouraged by some form of recognition. Recognition may include:

- verbal commendation or a letter of commendation
- face to face meeting with the Minister
- recognition in a newsletter or other publication
- plaque, certificate or other memento of recognition
- special training and development opportunity

For the purpose of this policy, exceptional performance means performance by an employee which can be demonstrated to be at a level beyond the normal standards and expectations of the employee's regular assigned job requirements and for which the employee has not and cannot otherwise be recognized by way of a tangible form of reward or other appropriate means applicable to the situation.

Careful consideration of any request for additional special compensation in these circumstances is required to ensure that such recommendations are truly justified and

based on exceptional performance. Requests for additional special compensation should be considered on the basis of internal relativity within the public service; assessing how the employee's performance relates to other employees performing similar functions in the same department or same classification across core government.

Where exceptional performance is related to the handling of additional duties and responsibilities or the completion of a special project/assignment, the use of an [interim reclassification](#) or [acting status](#) should be considered before requesting a [special merit increase](#) or [lump sum payment](#).

Neither a special merit increase nor a lump sum payment can be considered in the following situations:

- if the employee has already been compensated through interim reclassification, acting status
- if filling in for a position at a higher pay level is built into the specifications for the position classification
- if the employee assumes duties at a higher pay level in the absence of another employee without the employer's approval

### **Special Merit Increase**

A special merit increase may be considered following the completion of the special circumstances during which a non-represented and executive employee's performance was demonstrated to be exceptional.

With the approval of the Deputy Minister of the department concerned, an employee may be granted a special merit increase equivalent to one step in the pay range of the employee's position on the employee's anniversary date or any other monthly [anniversary date](#) deemed appropriate.

A Deputy Minister, after consultation with the Public Service Commissioner, may approve more than one step (to a maximum of 3 steps). In extenuating circumstances, and with the approval of the Public Service Commissioner, more than 3 steps can be provided.

If the employee receives a pay increase of two or more steps: (a) the effective date is the first of the bi-weekly following the approval; and (b) the employee's anniversary date will change; and (c) the employee is ineligible for a merit increase or another special

merit increase for a 12-month period. The long service steps in the pay range (20 year and 25 year) are excluded from being awarded until the specific criteria for those steps has been met.

## **Lump Sum Payment**

A [lump sum payment](#) may be considered following the completion of the special circumstances during which a non-represented and executive employee's performance was demonstrated to be exceptional. With the approval of the Public Service Commissioner an employee may be granted a lump sum payment calculated as the difference between the employee's normal pay rate and an appropriate higher pay rate applied to the specific period during which an employee's performance was demonstrated to be exceptional.

Submissions including all relevant information pertaining to the request should be submitted to the Director, Total Rewards, Public Service Commission.

For additional information on employee recognition please refer to Employee Recognition in the [General Manual of Administration](#).

## **Service Allowance**

A [service allowance](#) is available to eligible long-service non-represented and executive core public service employees who are covered by [Part 3 of the Public Service Regulation](#) under [The Public Service Act](#).

### **Service Allowance upon Retirement**

The government will provide [non-represented and executive](#) core public service employees who have completed nine or more years of accumulated service (or portion thereof) with a service allowance if their employment is terminated as a result of retirement in accordance with the provisions of The Civil Service Superannuation Act.

“Accumulated service” is as defined in [the Public Service Regulation](#), section 3.3(1)(b).

For the purpose of calculating accumulated service for each completed year or portion thereof, an example is as follows: Ten (10) years, eight (8) complete months of accumulated service equals ten and eight-twelfths (10 8/12) years of accumulated service.

The quantum of the service allowance for an eligible retiring employee is determined based on the employee’s completed years of accumulated service (or portion thereof) up to a maximum of 23 weeks’ pay as outlined in the following chart:

<b>Employee’s Completed Years of Accumulated Service</b>	<b>Service Allowance Entitlement</b>
9 years	9 weeks’ pay
10 years	10 weeks’ pay
11 years	11 weeks’ pay
12 years	12 weeks’ pay
13 years	13 weeks’ pay
14 years	14 weeks’ pay
15 – 19 years	15 weeks’ pay
20 – 24 years	17 weeks’ pay
25 – 29 years	19 weeks’ pay
30- 34 years	21 weeks’ pay
35 years or more	23 weeks’ pay

### **Service Allowance upon Death**

Upon the death of a non-represented and executive core public service employee with nine or more years of accumulated service (or portion thereof), the government will provide the employee’s estate with a service allowance. “Accumulated service” is as defined in the [Public Service Regulation](#), section 3.3(1)(b).

The quantum of the service allowance in cases of death is determined based on the employee’s completed years of accumulated service (or portion thereof) up to a maximum of 15 weeks’ pay as outlined in the following chart:

<b>Employee’s Completed Years of Accumulated Service</b>	<b>Service Allowance Entitlement</b>
9 years	9 weeks’ pay
10 years	10 weeks’ pay
11 years	11 weeks’ pay
12 years	12 weeks’ pay
13 years	13 weeks’ pay
14 years	14 weeks’ pay

15 years or more	15 weeks' pay
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The weekly rate of pay shall be determined on the basis of the employee's last regular bi-weekly rate of pay, excluding allowances, that was in effect for the employee at the time of retirement or death.

Where an employee in their ninth year of accumulated service fails to complete nine years of accumulated service because of retirement in accordance with *The Civil Service Superannuation Act*, or death, the government shall pay the employee or the employee's estate a service allowance on the basis of nine weeks' pay multiplied by the portion of one year of accumulated service which the employee has acquired in the employee's ninth year of accumulated service.

## Definitions

**Acting Status** – The temporary assignment of an employee to the full duties of another position with a higher maximum rate of pay. When acting status is revoked, the employee returns to his/her original position and rate of pay.

**Anniversary date** – An employee's **anniversary date** is the first of the month which follows the date on which the employee is employed in a position in the public service.

**Bargaining unit employees** – Employees to whom the terms and conditions of a collective agreement apply. Conditions of employment for bargaining unit employees are as set out in the applicable collective agreement.

**Demotion** – **Demotion** means reducing an employee's level of pay or classification as a method of corrective discipline. Decisions related to demotion should be discussed with the Workforce Relations Division, Public Service Commission.

**Development Plan** – Link to [Performance Development Policy](#)

**Exceptional performance** – Performance by an employee which can be demonstrated to be at a level beyond the normal standards and expectations of the employee's regular assigned job requirements and for which the employee has not and cannot otherwise be recognized by way of a tangible form of reward or other appropriate means applicable to the situation.

**General Pay Increase** – **General pay increase** refers to an across the board increase in pay afforded to all employees in the core public service.

**Interim reclassification** – **Interim reclassification** means reclassifying a position for a limited and specific duration of time. Requests for interim reclassification are handled in the same manner as other classification reviews.

**Long Service Step (20 and 25 year)** – **Long service step** in relation to an employee means the long service step identified in the pay plan for the employee's classification. Specific criteria must be met for both the 20 year long service step and the 25 year long service step.

**Merit Increase** – **Merit increase** means a one step increase in the pay range of an employee's position in recognition of satisfactory service.

**Non-represented employees and executive** – Employees who are excluded from the terms and conditions of a collective agreement. Conditions of employment for non-represented and executive employees are as set out in [Part 3 of the Public Service Regulation](#).

**Over-range** – **Over-range** means that an employee's pay rate is higher than the maximum rate of pay for the position classification.

**Pay range** - A **pay range** is a series of rates of remuneration for a class that provides for a minimum rate, a maximum rate, and such intermediate rates as may be considered necessary to permit periodic increases in remuneration.

**Promotion** – **Promotion** means a change of employment from one position to another having a higher maximum salary. A promotion can result from direct or competitive appointment, or reclassification.

**Re-assignment** – **Re-assignment** means appointing an employee to a position with the same pay range or a lower pay range. It is non-disciplinary and can be voluntary or involuntary.

**Service Allowance** – A **service allowance** is available to eligible long-service, non-represented and executive core public service employees who are covered by [Part 3 of the Public Service Regulation](#) under [The Public Service Act](#).

**Special Merit Increase** – A **special merit increase** is an increase equivalent to one step in an employee's pay range which may be granted in addition to an annual merit increase. This can only be applied where an employee has not yet reached the maximum of their pay range.

A Deputy Minister, after consultation with the Public Service Commissioner, may approve more than one step (to a maximum of 3 steps). In extenuating circumstances, and with the approval of the Public Service Commissioner, more than 3 steps can be granted. If two 2 or more steps are awarded: (a) the effective date is the first of the bi-

weekly following the approval; (b) the employee's anniversary date will change; and (c) the employee is ineligible for a merit increase or another special merit increase for a 12-month period. The long service steps in the pay range (20 year and 25 year) are excluded from being awarded until the specific criteria for those steps has been met.

**Lump Sum Payment** – A **lump sum payment** is a payment made to an employee in recognition of exceptional performance. Authority to approve a lump sum payment rests with the Public Service Commissioner.

**Special Pay Adjustment** – A **special pay adjustment** is a pay increase granted to selected classifications, usually to address an internal or market pay inequity.

**Underfill** – **Underfill** means an employee is appointed to a position at a pay step that is less than the minimum pay rate for the classification.

## Authority

- [The Public Service Act \(gov.mb.ca\)](http://gov.mb.ca)
- [Public Service Regulation, M.R. 11/2022 \(gov.mb.ca\)](http://gov.mb.ca)
- [Civil Service Superannuation Act Manitoba Laws \(gov.mb.ca\)](http://gov.mb.ca)
- [Pension Benefits Act C.C.S.M. c. P32 \(gov.mb.ca\)](http://gov.mb.ca)

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