

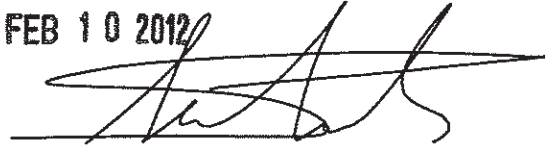
**PROVINCE OF BRITISH COLUMBIA**  
**ORDER OF LIEUTENANT GOVERNOR IN COUNCIL**

Order in Council No.

060

, Approved and Ordered

FEB 10 2012



Lieutenant Governor

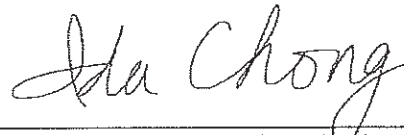
Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective February 15, 2012,

(a) the Schedule to Order in Council 71/2011 is amended by adding the following appointments:

Column 1 Person	Column 2 Position	Column 3 Premier/Minister	Column 4 Remuneration
BOESSENKOOL, Kenneth Jan	Chief of Staff	Premier	Beginning at Step 6
McDONALD, Michael	Principal Secretary	Premier	Beginning at Step 6

- (b) Kenneth Jan Boessenkool, Chief of Staff, Office of the Premier, is declared to have the status of a deputy minister, and
- (c) Michael McDonald, Principal Secretary, Office of the Premier, is declared to have the status of a deputy minister.



Presiding Member of the Executive Council

*(This part is for administrative purposes only and is not part of the Order.)*

Authority under which Order is made:

Act and section: Public Service Act, R.S.B.C. 1996, c. 385, ss. 14 and 15

Other: OIC 71/2011

February 6, 2012

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Resub 1/O/69/2012/12



February 10, 2012

Ken Boessenkool

S22

Dear Ken:

I am pleased to confirm your appointment as Chief of Staff, Office of the Premier, effective February 15, 2012, as specified in your appointing Order in Council.

Your status as Chief of Staff will be that of a Deputy Minister and your salary will be \$195,148.22 per annum. The other terms and conditions of your employment are those established for Category C appointments, set out in the Terms and Conditions for Excluded Employees.

As an Order in Council appointee you must conduct yourself in a manner that maintains and enhances the public's trust and confidence in the public service. Please familiarize yourself with the Standards of Conduct for Public Service Employees. Further, as an Order in Council appointee, your order may be rescinded at any time resulting in the termination of your appointment. Attached are the Employment Termination Standards and the Post-Employment Restrictions for your reference.

Should you have any questions about these policies or your entitlements, please contact Lynda Tarras, Head of the BC Public Service Agency.

Once you have reviewed the attached information and signed this letter indicating your acceptance, please return the original letter to my office.

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Office of the  
Premier

Mailing Address:  
World Trade Centre  
740 - 999 Canada Place  
Vancouver BC V6C 3E1



BRITISH  
COLUMBIA

I would like to thank you for accepting this appointment and I look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christy Clark', written in a cursive style.

Christy Clark  
Premier

Attachments

cc: Lynda Tarras  
Head, BC Public Service Agency

A handwritten signature in black ink, appearing to read 'Ken Boessenkool', written in a cursive style.

Ken Boessenkool

13 FEB 2012

Date

## Post Employment Restrictions for Senior Management in the BC Public Service

### Definitions

- "confidential information" means information that is unavailable to the public;  
"outside entity" means a person or entity other than a public sector employer as defined in section 1 of the *Public Sector Employers Act*;

### BEFORE LEAVING PUBLIC SERVICE

- 1 (1) the following are conditions of your employment with the government:
- (a) you must not allow yourself to be influenced in carrying out your employment responsibilities by prospects for or an offer of
    - (i) employment as an employee of an outside entity; or
    - (ii) remuneration or other reward from an outside entity for doing anything for it in a capacity other than as an employee of the outside entity;
  - (b) you must immediately disclose to the Deputy Minister to the Premier and Head of the BC Public Service Agency
    - (i) any offer described in paragraph (a), if the offer does or could place you in a conflict of interest situation; or
    - (ii) your acceptance of any offer described in paragraph (a).

### AFTER LEAVING PUBLIC SERVICE

- 2 (1) The following are conditions of your employment with the government:
- (a) after your employment ends, you must not disclose confidential information that you obtained through your employment;
  - (b) if you had a substantial involvement in dealings with an outside entity at any time during the year immediately preceding the end of your employment then, for a year after the end of your employment, you must not
    - (i) accept an offer of employment, an appointment to the board of directors or a contract to provide services to that outside entity;
    - (ii) lobby or otherwise make representations for that outside entity to the government; or
    - (iii) give counsel to that outside entity, for its commercial purposes, concerning the programs or policies of any organization or ministry of the government in which you were employed at any time during the year immediately preceding the termination of your employment; or
  - (c) until one year after your employment ends, you
    - (i) must not lobby or otherwise make representations for any outside entity to any ministry or organization of the government in which you were employed at any time during the year immediately preceding the termination of your employment; or
    - (ii) act for an outside entity in connection with any ongoing proceedings; transaction, negotiation or case in which the outside entity and the government are involved
  - (A) if you, during your former employment with the government, acted for or advised the government concerning the proceedings, transaction, negotiation or case; and
  - (B) acting for the outside entity in that connection would result in the receipt by the outside entity of a private or commercial benefit or of any benefit not for general application.

### REDUCTION OF ONE-YEAR LIMITATION

The Head of the BC Public Service Agency in consultation with the Deputy Minister to the Premier may reduce the one-year restriction, upon your application, after considering the following:

- (a) the circumstances under which your employment ended;
- (b) your general employment prospects;
- (c) the significance to the government of information you possessed by virtue of your position with the government;
- (d) the desirability of a rapid transfer of your skills to an employer other than the government;
- (e) the degree to which the new employer might gain unfair commercial advantage by hiring you;
- (f) the authority and influence you possessed while employed by the government;
- (g) the disposition of other cases.

Effective October 30, 2009

This is not the official version.  
Deposited November 18, 1997

Effective May 1, 1997  
B.C. Reg 379/97  
O.C. 1266/97

## Public Sector Employers Act

The Employment Termination Standards established by the Public Sector Employers Council are adopted as employment termination standards for the purposes of section 14.4 of the *Public Sector Employers Act*.

### EMPLOYMENT TERMINATION STANDARDS

[Includes amendments up to those made by 2002-64-Sch.]

#### Contents

- 1 Definitions
- 2 Limitation on notice period and severance
- 2.1 Limitation on retiring allowance
- 3 Duties of employee during notice period
- 4 Severance payment instead of notice
- 5 Amount of notice and severance
- 5.1 Executive-notice-and severance
- 6 Re-employment in the public sector
- 7 Term of employment contracts

#### Definitions.

1 In these standards:

"Act" means the *Public Sector Employers Act*;

"employee" has the same meaning as in section 14.1 of the Act;

"notice of termination" means notification by a public sector employer to an employee that his or her contract of employment will be terminated;

"notice period" means the length of time from the date on which notice of termination is given to an employee until the date on which employment will terminate;

"retiring allowance," means a payment that, by a contract of employment, an employee may receive on or after retirement of the employee from his or her employment in recognition of the employee's service, but does not include the following:

- (a) superannuation or a pension benefit;
- (b) an amount received as a consequence of the death of the employee;
- (c) a benefit designated by the minister;

"severance" means the severance payment made in lieu of the notice period;

(2) If an employee refuses to perform duties assigned by the employer in accordance with this section, the employee is deemed to have voluntarily resigned and is not entitled to a continuation of the notice period or any payment in lieu of the notice period.

### **Severance payment instead of notice**

4 (1) If an employer terminates employment without cause and excuses the employee from performing his or her duties under section 3 (1) (d), the employer, in its sole discretion, may provide the employee with severance.

(2) Severance must be in the form of periodic payments unless the employer, in its sole discretion, considers a lump sum payment to be more appropriate.

### **Amount of notice and severance**

5 (1) A notice period or severance must not exceed the following:

(a) an amount calculated according to an employment termination plan for the employee that has been approved by the minister;

(b) if no employment termination plan has been approved by the council, the lesser of

(i) an amount equal to the remaining term of the contract, or

(ii) an amount provided under common law calculated as though the employee were subject to an indefinite term agreement with no provision regarding severance.

(1.1) An employment termination plan approved by the council before this subsection comes into force is deemed to be an employment termination plan approved by the minister for the purposes of subsection (1).

(2) Despite subsection (1), the maximum notice period that an employee may be given is 18 months.

(3) Despite subsection (1), the maximum severance that an employee may be given is the value of salary and benefits the employee would otherwise be entitled to for the notice period.

(am. 2002-64-Sch s. 4)

### **Executive notice and severance**

5.1 (1) In addition to the limits imposed under section 5, this section applies in relation to employees of a public sector employer, other than an employer referred to in paragraph (g) of the definition of "public sector employer" in section 1 of the Act, who are appointed to or employed in the following positions:

(a) deputy minister;

(b) chief executive officer or president of a public sector employer;

(c) superintendent of a school.

(2) The notice period or severance that may be given to an employee in a position referred to in subsection (1) must not exceed

(a) an amount calculated according to an employment termination plan for the employee that has been approved by the Treasury Board, or

(b) if no employment termination plan has been approved by the Treasury Board, the following limits:

(i) up to a 6 month notice period or severance, if the employee has served or been employed in that position for fewer than 12 months;