

E-mail Message

From: Fischer, Lori PSA:EX [SMTP:Lori.Fischer@gov.bc.ca]
To: Der, Connie J PSA:EX [SMTP:Connie.Der@gov.bc.ca]
Cc:
Sent: 2013-06-12 at 11:16 AM
Received: 2013-06-12 at 11:16 AM
Subject: SETTLEMENT:: Graham Whitmarsh; EE# S22 ; Effective June 11, 2013

Graham Whitmarsh's employment terminated effective end of day June 10, 2013. A settlement agreement has been reached and he has elected S22

S22

Please input the following CHIPS entries:

S22

Also, please ensure that any scheduled salary adjustments applicable to the employee's/appointee's position S22

S22

Please instruct TSS to:

deactivate Graham Whitmarsh's TOL;

S22

S22

This settlement also includes payment of his Executive Holdback. Please make the appropriate payments as follows:

S22 (minus standard withholding tax). This amount represents S22 of the 10% holdback for the period S22

S22

S22 (minus standard withholding tax). This amount represents S22 of the 10% holdback for the period

S22

If you have any questions regarding this process please contact me directly.

Thank you

Lori Fischer, Employee Relations Specialist

Workforce Restructuring | Employee Relations Division | BC Public Service Agency

1st Floor, 810 Blanshard | Victoria, BC | V8W 2H2 | 250-356-6232

AskMyHR: HYPERLINK "<http://www.gov.bc.ca/myhr/contact>"www.gov.bc.ca/myhr/contact
Phone: 250.952.6000 | Toll Free 1.877.277.0772

E-mail Message

From: Fischer, Lori PSA:EX [SMTP:Lori.Fischer@gov.bc.ca]
To: Der, Connie J PSA:EX [SMTP:Connie.Der@gov.bc.ca]
Cc:
Sent: 2013-06-13 at 9:04 AM
Received: 2013-06-13 at 9:04 AM
Subject: FW: SETTLEMENT:: Graham Whitmarsh; EE# S22 Effective June 11, 2013

Please see correction below in red.

From: Fischer, Lori PSA:EX
Sent: Wednesday, June 12, 2013 11:16 AM
To: Der, Connie J PSA:EX
Subject: SETTLEMENT:: Graham Whitmarsh; EE# S22 : Effective June 11, 2013

Graham Whitmarsh's employment terminated effective end of day June 10, 2013. A settlement agreement has been reached and he has elected S22

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Please input the following CHIPS entries:

S22

Also, please ensure that any scheduled salary adjustments applicable to the employee's/appointee's position S22

S22

Please instruct TSS to:

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S22

S22 (minus standard withholding tax). This amount represents S22 of the 10% holdback for the period S22

S22

If you have any questions regarding this process please contact me directly.

Thank you

Lori Fischer, Employee Relations Specialist

Workforce Restructuring | Employee Relations Division | BC Public Service Agency

1st Floor, 810 Blanshard | Victoria, BC | V8W 2H2 | 250-356-6232

AskMyHR: HYPERLINK "<http://www.gov.bc.ca/myhr/contact>"www.gov.bc.ca/myhr/contact
Phone: 250.952.6000 | Toll Free 1.877.277.0772

Margetish, Brenda R CITZ:EX

From: Fischer, Lori PSA:EX
Sent: Monday, June 10, 2013 12:25 PM
To: 'Graham Whitmarsh'
Cc: Tarras, Lynda PSA:EX
Subject: RE: Confidential Correspondence
Attachments: Post_Employment_Restrictions_Senior_Executive.pdf

Hi Graham - Post-employment, the confidentiality portion of the Standards of Conduct continue to apply. I am attaching the relevant wording below for your convenience. Also please note the Post Employment Restrictions for Senior Management in the BC Public Service apply to you as well (please see attached).

Lori

Standards of Conduct (Human Resources Policy 9) Confidentiality Confidential information, in any form, that employees receive through their employment must not be disclosed, released, or transmitted to anyone other than persons who are authorized to receive the information. Employees with care or control of personal or sensitive information, electronic media, or devices must handle and dispose of these appropriately. Employees who are in doubt as to whether certain information is confidential must ask the appropriate authority before disclosing, releasing, or transmitting it.

The proper handling and protection of confidential information is applicable both within and outside of government and continues to apply after the employment relationship ends.

Confidential information that employees receive through their employment must not be used by an employee for the purpose of furthering any private interest, or as a means of making personal gains

-----Original Message-----

From: Graham Whitmarsh [mailto: S22]
Sent: Monday, June 10, 2013 11:51 AM
To: Fischer, Lori PSA:EX
Cc: Tarras, Lynda PSA:EX
Subject: Re: Confidential Correspondence

Lori, further to our conversation I think that we can close this off now.

S22

This clears the way for me to sign the agreement. I would as I mentioned like to get a copy

S22

Many Thanks

Graham

On 2013-06-10, at 11:10 AM, "Fischer, Lori PSA:EX" <Lori.Fischer@gov.bc.ca> wrote:

> Hi Graham -

S22

S22

>
> Graham, I hope this addresses your concerns, however if you have any further questions or
if I may be of further assistance, please do not hesitate to contact me.
> Lori

>
>

> -----Original Message-----

> From: Graham Whitmarsh [mailto: S22]
> Sent: Friday, June 7, 2013 9:11 PM
> To: Fischer, Lori PSA:EX
> Cc: Tarras, Lynda PSA:EX
> Subject: Re: Confidential Correspondence

>
>> Lori, thank you for your response.
>

S22

>

S22

>
>> Thanks again for your help. I would really like to be able to sign the agreement and have it with you on Monday.

>
>> Best regards

>
>> Graham

>
>> ps please use my personal email as above on future correspondence.

>
>
>>
>> From: "Fischer, Lori PSA:EX"
>> <Lori.Fischer@gov.bc.ca<mailto:Lori.Fischer@gov.bc.ca>>
>> Date: 7 June, 2013 7:27:00 PM PDT
>> To: "Whitmarsh, Graham HLTH:EX"
>> <Graham.Whitmarsh@gov.bc.ca<mailto:Graham.Whitmarsh@gov.bc.ca>>
>> Cc: "Tarras, Lynda PSA:EX"
>> <Lynda.Tarras@gov.bc.ca<mailto:Lynda.Tarras@gov.bc.ca>>
>> Subject: RE: Confidential Correspondence

>>
>> WITHOUT PREJUDICE

>>
>> Hi Graham - thank you for your email. S22
S22 Please advise if this is acceptable.

>>
>> As requested, I am attaching the link to the Public Sector Employment
>> Termination Regulation. You can view it here
>> http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/11_3

>> 7
>> 9_97

>>
>> In case you do consider pursuing opportunities in the public sector, the repayment/re-employment requirements in your settlement package are based on the Employment Termination Standards regulation which applies to all excluded government employees. They apply if you become re-employed or enter into a contract for services with a public sector employer during a period that overlaps with your severance/notice period.

>>
>> If you have questions regarding a specific employer and whether they would be considered a BC Public Sector employer, feel free to contact me directly. For your information, I am also including the definition of a Public Sector employer from the Public Sector Employers Act (below).
>>

S22

>>
>> "public sector employer" means
>>

>> (a) the government,
>>
>> (b) unless exempted by the regulations,
>>
>> (i) a corporation or an unincorporated board, commission, council,
>> bureau, authority or similar body that has on its board of management
>> or board of directors 50% or more members who are appointed by an
>> Act, a minister or the Lieutenant Governor in Council, or
>>
>> (ii) a subsidiary, as defined in section 1 (1) of the Business
>> Corporations Act, of a corporation that is a public sector employer,
>>
>> (c) a board of school trustees as defined in the School Act or a
>> francophone education authority as defined in that Act,
>>
>> (d) a university as defined in paragraph (a) of the definition of
>> "university" in section 1 of the University Act,
>>
>> (d.1) Royal Roads University continued under the Royal Roads
>> University Act,
>>
>> (d.2) [Repealed 2002-35-12.]
>>
>> (d.3) the Thompson Rivers University,
>>
>> (e) an institution as defined in the College and Institute Act and a
>> special purpose, teaching university as defined in the University
>> Act,
>>
>> (f) a hospital as defined in the Hospital Act or an employer that is
>> designated in the regulations as a health care employer, and
>>
>> (g) an employer that is designated in the regulations as a social
>> services employer;
>>
>>
>> Please do not hesitate to contact me if you have any further questions.
>>
>> Lori
>>
>> _____
>> From: Whitmarsh, Graham HLTH:EX
>> Sent: 06 June 2013 3:20 PM
>> To: Fischer, Lori PSA:EX
>> Cc: Tarras, Lynda PSA:EX
>> Subject: Fwd: Confidential Correspondence
>>
>> Lori, a couple of questions, please may I have the following;
>>
>> 1. A copy of the Public Sector Employment Standard Termination Regulation, which is
referred to in the letter?
>>

>>
>> Many thanks graham
>>
>>
>> Begin forwarded message:
>>
>> From: "Mose, Jennifer PSA:EX"
>> <Jennifer.Mose@gov.bc.ca<mailto:Jennifer.Mose@gov.bc.ca><mailto:Jenni
>> f
>> er.Mose@gov.bc.ca>>
>> Date: 6 June, 2013 2:19:29 PM PDT
>> To: "Whitmarsh, Graham HLTH:EX"
>> <Graham.Whitmarsh@gov.bc.ca<mailto:Graham.Whitmarsh@gov.bc.ca><mailto:
>> Graham.Whitmarsh@gov.bc.ca>>
>> Subject: Confidential Correspondence
>>
>> Graham,
>>
>> On behalf of Lynda Tarras, and in follow up to your conversation with Lynda, I am
attaching your letter.
>>
>> Jennifer A. Mose, Senior Executive Assistant Office of the Head of
>> the BC Public Service Agency 4th floor, 810 Blanshard Street |
>> Victoria, BC | V8W 2H2 | Tel 250 952-6296
>> www.gov.bc.ca/myhr/contact<<http://www.gov.bc.ca/myhr/contact>><[http://](http://www.gov.bc.ca/myhr/contact)
>> www.gov.bc.ca/myhr/contact> | 250.952.6000 | Toll Free
>> 1.877.277.0772
>

WITHOUT PREJUDICE

June 6, 2013

Graham Whitmarsh

S22

Dear Graham Whitmarsh:

The purpose of this letter is to confirm that your employment with the Government of the Province of British Columbia will end effective end of day, June 10, 2013. This letter and the enclosed documents will detail the terms and conditions and agreement of settlement.

As per the executive notice and severance provisions of the *Employment Termination Standards Regulation* under the *Public Sector Employers Act*, your settlement is equal to S22 months salary and benefits, in the amount of \$388,924.

In addition, the Province agrees to provide you with the following lump sum payments with respect to the Executive Holdback:

- S22 (minus standard withholding tax). This amount represents S22 of the 10% holdback for the period S22
- S22 (minus standard withholding tax). This amount represents S22 of the 10% holdback for the period S22

These Executive Holdback lump sum payments will be subject to the same repayment obligations outlined on page 5 of this package.

You must return all government property with the exception of the cell phone assigned to you on the understanding that you will make arrangements for your own usage plan and will be responsible for all operating charges after the date of the termination of employment.

Two individual or combined options are available to you for payment of your severance settlement. Details of each of these options are enclosed for your consideration, as is further explanatory and general information related to your severance.

The following steps will assist you in working through the severance process:

- Fully consider the terms and conditions of each option available to you;
- Obtain any legal, financial or other advice you feel is necessary to assist you in making your decision;
- Indicate your selected option on the enclosed Agreement and Release, sign and have it witnessed by a non-relative, age 21 or over; and

- Complete and return the applicable forms by **June 24, 2013** to the following address:

BC Public Service Agency
Workforce Restructuring Services
Attention: **Lori Fischer**
PO Box 9404 Stn Prov Govt
Victoria, BC V8W 9V1
Email: Lori.Fischer@gov.bc.ca

Confidential career and/or financial counseling support is available to assist in your transition from your current position to other employment. To access these services, or if you have any questions regarding your severance information package, please contact Lori Fischer at 250-356-6232 or by e-mail at Lori.Fischer@gov.bc.ca

Please confirm by noon on June 12, 2013, if you wish your salary to continue beyond June 10, 2013. An extension of the pay can be implemented on the understanding and agreement that any payments made to you after June 10, 2013, will be deducted from your severance settlement. For additional information regarding the cessation dates for your benefits, please refer to the enclosed individual options.

Your leave balances, if any, will be paid out to you, less statutory deductions, as soon as possible after your termination date. (Note: current year's vacation entitlement will be prorated to reflect your termination date of June 10, 2013.)

Please accept my sincere best wishes for your continued success. On behalf of the BC Public Service, thank you for your dedication and service to the Province of British Columbia.

Yours truly,



Lynda Tarras
Head of the BC Public Service Agency

pc: Lori Fischer, Employee Relations Specialist, BC Public Service Agency

Enclosures

- Bi-weekly Severance Installments option
- Lump Sum Severance Payment option
- Re-employment and Re-payment Requirements
- Agreement and Release – **to be signed and returned to the BC Public Service Agency**
- Benefit Plan Coverages Information Sheet
-

S22

Biweekly Severance Installments option

S22

Benefits & Conditions

For the duration of the severance payment period, all normal payroll and flexible benefits deductions will continue and the following occurs:

- Extended Health and Dental Plan coverages (if applicable) terminate end of the day on which severance payments cease;
- all other flexible benefit coverages terminate on the last day of the month in which severance payments cease; and
- you will continue to be covered by the Public Service Pension Plan.

Refer to the attached information on extending life insurance, health and dental coverage.

All other terms and conditions of employment, with the exception of the applicable sections of the Standards of Conduct for Public Service Employees, cease effective end of day June 10, 2013. In addition, you will not be covered by:

- Short Term Illness and Injury Plan (STIIP);
- Long Term Disability Plan (LTD);
- any leave, allowance or wage replacement provisions; and
- you will not accrue vacation time.

Under the Severance Administration Policy, you must mitigate your losses to the best of your ability by seeking employment during the severance payment period. Severance payments are conditional on you reporting any offer of employment to the BC Public Service Agency, c/o Lori Fischer. If you receive, but do not accept an offer of employment within the Public Service or with a BC Public Sector employer that is commensurate with your abilities, and which would be reasonable for you to take, you will no longer be entitled to the balance of the severance payments and any further obligation on the part of the Province will cease.

Lump Sum Severance Payment option

S22

Benefits & Conditions

Under this option the following occurs:

- Extended Health and Dental coverages (if applicable) terminate end of the day June 10, 2013;
- All other flexible benefit coverages terminate on June 30, 2013.

Refer to the attached information on extending life insurance, health and dental coverage.

All other terms, conditions, benefits and coverages related to employment cease end of day June 10, 2013 and the applicable sections of the Standards of Conduct Policy for Public Service Employees continue to apply.

Re-employment & Repayment Requirements

The provisions of the *Public Sector Employment Termination Standard Regulation* under the *Public Sector Employers Act* apply. "British Columbia Public Sector Employer" includes the Government and an employer who receives a substantial portion of its funding either directly or indirectly from the Province and includes, but is not limited to, public sector employers as defined in the *Public Sector Employers Act*. In the event there are uncertainties as to whether an employer fits the above definition, the BC Public Service Agency (Workforce Restructuring Services) will determine whether repayment is required.

If you are re-employed during the severance period the following repayment requirements apply:

S22

Page 15 redacted for the following reason:

S22

BENEFIT PLAN COVERAGES INFORMATION SHEET

Information on extending your benefit plan coverages is outlined below.

Employee Basic Life Insurance coverages:

- You have the option of converting Basic Employee Life Insurance to an individual policy with our carrier, the Great West Life Assurance Company. You have 60 days from the end of the month in which your pay and benefits are terminated to action this conversion privilege and must contact the Benefits Service Centre.
- Spouse coverage under the Family Funeral Benefit coverage may also be converted to an individual policy.
- The group life policy is no. 6878 GL (5).

Benefits Service Centre Contact Information
Block E, 2261 Keating Cross Road
Saanichton BC V8M 2A5
Email: BenefitsServiceCentre@telus.com
Phone: 1-877-277-0772 (toll free)
Fax: 250-652-4882

BC Medical Services Plan (MSP):

- You will need to make personal arrangements for continuation of coverage. The MSP website includes contact information and frequently asked questions at www.healthservices.gov.bc.ca/msp/

Extended Health Plan and Dental Plan coverages:

- You may contact Pacific Blue Cross regarding individual coverage.

Pacific Blue Cross / BC Life
PO Box 7000
Vancouver, BC V6B 4E1
Email: https://www.pbchbs.com/contact/contact_form.html
Phone: Individual Health and Dental Plans
Lower Mainland area: 604-419-2200
Outside Lower Mainland area: 1-800-873-2583

Pages 17 through 18 redacted for the following reasons:

S22

EXCLUDED NOTICE OF TERMINATION - PACKAGE PARAMETERS / SUMMARY

rundate: Jun 11, 2013

Graham Whitmarsh

S22

SEVERANCE TYPE: Non-Redundant

CATEGORY: OIC

SPECIAL CATEGORY: n/a

BIWEEKLY RATE @ TERMINATION: 8,624.23

8,624.23

8,624.23

	START	END	netWorkDays	MONTHS	SAL&BEN	\$VALUE
NOTICE ENTITLEMENT	Tue Jun 11, 2013		S22			388,924.00
base rate	Tue Jun 11, 2013			S22		
				-	-	-
				-	-	-

IMMEDIATE TERMINATION				-	-	-
				-	-	-
				-	-	-
				-	-	-

BIWEEKLY SEVERANCE	Tue Jun 11, 2013		S22			388,924.00
base rate	Tue Jun 11, 2013			S22		
				-	-	-
				-	-	-
BIWEEKLY LUMP SUM				-	-	-

SPA OWN TIME BANKS		HOURS	DAYS TIME	DAYS CASH
V60, V90	Archived (Cash only @ rate earned)		n/a	-
V70	Occupational Health & Safety (time only)		-	-
OSS,POS	OSS TIME (cash @ rate earned)		-	-
CTO	CTO (cash @ rate earned)		-	-
ETO	ETO		-	-
V66	Bill 66 Vacation Carryover (2012)		-	-
V99,VCO	Vacation carryover		-	-
Vacation	Current Year (2013) *		-	-
EBU	Executive Benefit Plan Purchased (cash @ rate earned)		-	-
EBP	Executive Benefit Plan Earned		-	-
Other			-	-
SUBTOTAL			-	-
Final Year Vacation (not applicable)			-	-
S58	Pre-1978 50% Sick Bank *	x 50% =	-	-
SPA OWN TIME TOTAL			-	-
SPA SEVERANCE		Tue Jun 11, 2013	S22	388,924.00
		S22		
SPA LUMP SUM			-	-

EXECUTIVE HOLDBACKS (Deputy Minister, Associate DM & Assistant DM)

10% Holdback = 25,000.00 FY Start End months monthly gross
 % last year =
 yearly =
 monthly =

S22

EXCLUDED NOTICE OF TERMINATION - DISBURSEMENTS & RECOVERIES

Graham Whitmarsh

S22

LUMP SUM CHEQUES (T4)		ELIG LIMIT	ACCRUAL \$		Non-Redundant			ACCR FY			
								FY2014			
INVOICE #	PAYEE	ELIGIBLE	NON-ELIG	GROSS	TAX	OVERPAY	NET	Required	FY	Acc?	Sent
MGT					-		-			n	
MGT					-		-			n	
MGT					-		-			n	
MGT					-		-			n	
MGT					-		-			n	
MGT					-		-			n	
		-	-	-	-	-	-				

BALANCE OF LUMPSUM = -

OTHER CHEQUES (NO T4)

INVOICE #	PAYEE	DETAILS	AMOUNT				Required	FY	Acc?	Sent
MGT									n	
MGT									n	
MGT									n	
MGT									n	
MGT									n	
MGT									n	
			-							

PAYLIST	START	END	#PP	BIWKLY	SALARY \$	CB%	BENEFIT \$	TOTAL \$	FY	Acc?
										n
										n
										n
Ministry Severance										n
Ministry Severance										Y
										n

S22

JOURNAL VOUCHER #	MINISTRY	DETAILS	AMOUNT				Effective	FY	Acc?	Sent
									n	
									n	
									n	
									n	
									n	
									n	
									n	
			-							

S22

EXCLUDED NOTICE OF TERMINATION - PACKAGE PARAMETERS / SUMMARY

rundate: Jun 5, 2013

Graham Whitmarsh

S22

SEVERANCE TYPE: Non-Redundant

CATEGORY: OIC

SPECIAL CATEGORY: n/a

BIWEEKLY RATE @ TERMINATION: 8,624.23

8,624.23

8,624.23

	START	END	netWorkDays	MONTHS	SAL&BEN	\$VALUE
NOTICE ENTITLEMENT	Tue Jun 11, 2013		S22			388,924.00
base rate	Tue Jun 11, 2013			S22		

IMMEDIATE TERMINATION						

BIWEEKLY SEVERANCE	Tue Jun 11, 2013		S22			388,924.00
base rate	Tue Jun 11, 2013			S22		

BIWEEKLY LUMP SUM						
-------------------	--	--	--	--	--	--

	SPA OWN TIME BANKS	HOURS	DAYS TIME	DAYS CASH
V60, V90	Archived (Cash only @ rate earned)		n/a	-
V70	Occupational Health & Safety (time only)		-	
OSS, POS	OSS TIME (cash @ rate earned)		-	
CTO	CTO (cash @ rate earned)		-	
ETO	ETO		-	
V66	Bill 66 Vacation Carryover (2012)		-	
V99, VCO	Vacation carryover		-	
Vacation	Current Year (2013) *		-	
EBU	Executive Benefit Plan Purchased (cash @ rate earned)		-	
EBP	Executive Benefit Plan Earned		-	
Other			-	
	SUBTOTAL		-	
	Final Year Vacation (not applicable)		-	
S58	Pre-1978 50% Sick Bank * x 50% =		-	
	SPA OWN TIME TOTAL		-	

SPA SEVERANCE	Tue Jun 11, 2013		S22			388,924.00
			S22			
SPA LUMP SUM						

EXECUTIVE HOLDBACKS (Deputy Minister, Associate DM & Assistant DM)

10% Holdback = 25,000.00

FY

Start

End

months

monthly

gross

% last year =

yearly =

monthly =

S22

EXCLUDED NOTICE OF TERMINATION - ENTITLEMENT CALCULATION

Strategic / DM / ADM - send email**Graham Whitmarsh**

rundate: Apr 4, 2013

S22

JUN 10

	Scenario #1	Scenario #2	Scenario #3
NOTICE DATE		S22	
CLASSIFICATION LEVEL	DM	DM	DM
BIRTH DATE, AGE			
START DATE, SERVICE			
GUIDELINE MONTHS		S22	
LUMP SUM \$ VALUE			
AGREED MONTHS		-	-
LUMP SUM \$ VALUE		- \$ -	- \$ -

	Standard Hours = 35.00	Effective Date:	Effective Date:
ANNUAL SALARY	base rate 225,000.00	base rate 225,000.00	base rate 225,000.00
BIWEEKLY SALARY	8,624.23	8,624.23	8,624.23

S22

S22

LTD (% of monthly)

PENSION CONTRIB. START
 SEV END DATE
 DM appt. before Sept.1, 2001?
 UP TO YMPE
 ABOVE YMPE
 CONTRIBUTIONS STATUS:

S22

CPP tables
 OTHER ALLOWANCES (DM-car)
 SALARY & BENEFITS

S22

+ EXEC H.B.