

Superintendent of Schools Regulation Frequently Asked Questions – June 1, 2018

APPLICATION

1. *Who does the updated Superintendent of Schools Regulation apply to?*
 - This Regulation applies to superintendents of the 74 public, separate, Francophone and charter school boards.
 - Superintendent means a superintendent of schools whose appointment has been approved in accordance with the *School Act* and includes any individual appointed as an acting superintendent.
 - This Regulation does not apply to existing contracts.
2. *I am a current superintendent whose contract does not expire until 2021. Does the compensation framework components of the Regulation apply to me now?*
 - No. The Regulation applies to appointments and reappointments as each comes up. However, if you and your board amend the compensation provisions in your employment contract prior to your contract expiration in 2021, the Regulation applies to the amended contract.
3. *I am currently an acting superintendent. If I become a permanent superintendent, will the framework apply to me?*
 - Yes.
4. *Does this Regulation apply to deputy and associate superintendents or other central office staff?*
 - No. This Regulation is specific to superintendents as defined in the *School Act*.
5. *Will there be a compensation review of deputy and associate superintendents or other central office staff in the future?*
 - There are no plans to extend the review at this time.
6. *Why are private schools not addressed in this Regulation?*
 - Private schools do not have superintendents under the *School Act*. This Regulation applies to the 74 Public, Separate, Francophone and Charter School authorities.
7. *Will there be a compensation review of private schools in the future?*
 - There are no plans to extend the review at this time.
8. *Have the superintendent qualification requirements changed?*
 - No.
9. *Is the Superintendent Leadership Quality Standard (SLQS) incorporated into the Regulation?*
 - No. The SLQS continues to stand separately as Ministerial Order 003/2018, which will come into effect in September 2019.

PROCESSES

1. *What is the process for appointments and reappointments?*
 - All requests for appointments and reappointments are to be sent to the Office of the Registrar, as in the past. New versions of Form 4 (Notice of Intent to Appoint the Superintendent of Schools) and Form 5 (Notice of Intent to Reappoint the Superintendent of Schools) have been prepared to support future submissions in compliance with the regulation. All submissions must now also include the proposed contract of employment. All appointments and reappointments still require Ministerial approval.
2. *What are the timelines for the Minister to approve an appointment or reappointment, from the time that the request is received by the Minister?*
 - The expectation remains that appointments will be processed within approximately one month, as set out in the *School Act*.
3. *Who does the board send the request for Ministerial approval to?*
 - The Office of the Registrar, 2nd Floor, 44 Capital Boulevard, 10044 – 108 Street, Edmonton, AB T5J 5E6.
4. *The employment contract between the board and superintendent is a contract between these two parties. Why do I need to share the employment contract with the department?*
 - Section 113 of the *School Act* provides the appointment as a superintendent requires two decisions: (a) the board's decision to appoint; and (b) the Minister's approval. The Regulation requires the board to disclose contract information to the Minister, so that the Minister can properly consider whether to approve the appointment.
5. *My superintendent's contract has not yet expired but the board and superintendent are discussing whether to amend the contract to align with the expenses and health benefits provisions in the Regulation. Does that mean it is now subject to the new compensation framework, even though the term of the appointment has not yet expired?*
 - Yes. If a superintendent and board agree to amend the employment contract with respect to any compensation items, the contract must be amended to comply with all of the components of the compensation framework.
6. *Is there an employment contract template that a board can use?*
 - The department is considering developing a template, and will do so if necessary and appropriate.
7. *In the past, some superintendents were provided a housing allowance due to the high cost of living in the jurisdiction. Under this Regulation, can the superintendent continue to receive this housing allowance?*
 - No, not in any future employment contract. If the compensation is not outlined in the Regulation, it is prohibited and cannot be offered to the superintendent.

SEVERANCE AND TERMINATION

1. *How is severance pay now calculated?*
 - Severance pay now matches Alberta's public service standards. Each full year of continuous service will entitle the superintendent to four weeks of base salary, up to a maximum of 52 weeks, plus up to 16% of severance in lieu of benefits.
2. *I worked for the Government of Alberta in a ministry that is different from Education. Is this employment part of my continuous service calculation?*
 - Yes. Any employment with the Crown will be part of the continuous service calculation.
3. *I was terminated without cause and received a severance package and a different board has now hired me. My break in service was longer than 30 days and I repaid the severance for the amount that I would not be re-employed. Do I now have a break in service?*
 - Yes, because your break in service was longer than 30 days.
4. *As per my existing contract, I can receive a separation payment. If a different board hires me after I receive that payment, do I need to repay this amount?*
 - No. The separation payment was part of your existing contract, which is not impacted by the Regulation. However, any new contract must be in alignment with the Regulation.
5. *I started my career as a teacher in Board A, became a vice principal in Board B, then a principal in Board B, an associate superintendent in Board B and I am now a superintendent in Board C. I have had no break in service; does this mean that my severance will be based on my full career and not just on being a superintendent?*
 - Yes. This is correct. If you have been employed by one of the 74 boards or the Crown and have had no break in service longer than 30 days, continuous service is calculated on your full employment.

SCHEDULE 1 – BASE SALARY

1. *How were the levels and base salary ranges determined?*
 - Alberta Education developed the Regulation informed by a review conducted by the Korn Ferry Hay Group, an independent national consulting firm; jurisdictional research of broader public sector compensation framework initiatives; input from board chairs and superintendents to understand their various and different roles and job complexity; and consultations with other government departments to ensure public sector compensation framework alignment. Alberta also looked to other Canadian jurisdictions, including British Columbia and Ontario.
2. *Why am I in Level 2 and not Level 3?*
 - Alberta Education relied on job scope and complexity, demographic factors and Korn Ferry Hay Group's job evaluation to inform the levels.
3. *Who is impacted by these new base salary ranges?*
 - New superintendents and superintendents who are being reappointed are subject to the new base salary ranges.

4. *How does a board make a request to hire a superintendent above the school board maximum?*
 - Requests for approval to pay between the school board maximum and absolute maximum should only be made in exceptional cases, to recognize unique recruitment challenges. School boards will work with the department in these cases.
5. *How was the charter schools' base salary set and why is Foundation for the Future Charter Academy a Level 2 Board?*
 - Charter schools are unique to Alberta. The size and complexity of these boards informed this level. School principals were used as a starting point. Twelve of the thirteen charter schools are Level 1, while Foundation for the Future Charter Academy was evaluated as Level 2.
6. *We are a charter school board and we are looking to hire a part-time superintendent. How do we calculate the base salary?*
 - Where a superintendent is a part time employee of the board, the board may only pay a pro-rated share of the annual base salary no less than the minimum and no greater than the midpoint set out in the base salary schedule (Schedule 1).
7. *I would like to negotiate a separation allowance. Can I do this?*
 - No. Any bonus, allowance, or other pay provided in addition to base salary is prohibited in the Regulation. This includes a separation allowance.
8. *Can I maintain allowances in my current employment contract that are not permitted under the updated Regulation?*
 - Yes, if it is in your current contract. Such provisions are prohibited in any new contracts.

SCHEDULE 2 – BENEFITS

1. *I am being reappointed by my board and my health benefits package is the same as teachers and central office staff in my district. Does my health benefits package need to change?*
 - No, provided that it does not exceed 5% of the superintendent's salary.
2. *I do not see accidental death and dismemberment benefit in the Regulation. Can this be offered?*
 - Yes. This is a typical benefit that is provided with life insurance benefits.
3. *Are health and insurance benefits for the superintendent only or does this include a family plan?*
 - The health and insurance benefits could apply to either a single or family benefits plan.
4. *Can I claim private medical benefits in this section if the benefits have not yet exceeded 5% of the superintendent's base salary?*
 - No. Gym/fitness and executive/private medical benefits are prohibited.
5. *Can the board offer health and insurance benefits and provide the difference as payment in lieu if the health and insurance benefits do not cost 5%?*
 - No. The board can either offer to provide the health and insurance benefits or provide payment in lieu but not both.

6. *How much is the Northern Allowance benefit annualized?*
 - \$6,300.
7. *I am not working full-time, how is the Northern Allowance calculated?*
 - The allowance will be pro-rated.
8. *I live and work in a high cost of living area that is below the 57th parallel of north latitude, is there any type of allowance to address this?*
 - No. The only allowance that is authorized by the Regulation is a northern allowance.
9. *Can I receive copies of the directives and regulations referred to in the Regulation such as the Government of Alberta Travel, Meal and Hospitality Expenses Directive?*
 - Yes. A package of information on this Regulation will be provided to each board including the directives and regulations referred to in the Regulation such as the Government of Alberta Travel, Meal and Hospitality Expenses Directive.
10. *Does this Travel, Meal and Hospitality Expenses Directive apply to a superintendent in his/her current contract as relates to expense and mileage reimbursement.*
 - No. This Regulation applies specifically to new appointments or reappointments.
11. *Do I need to change our board policy to align with this Travel, Meal and Hospitality Expenses Directive?*
 - You do not necessarily need to change your board policy as it may have application to more than just the superintendent but you need to ensure that the directive is adhered to as it applies to the superintendent.
12. *What is considered a reasonable professional development expense?*
 - It is recognized that flexibility and balancing the board's and the superintendent's professional development goals will guide the approach to reasonable professional development expenses.
13. *Do the relocation expenses and leave apply to a superintendent in his/her current contract?*
 - No. This Regulation applies specifically to new appointments or reappointments.
14. *Do I need to change our board policy to align with this Part 7 of the Relocation Expenses and Allowances Regulation?*
 - You do not necessarily need to change your board policy as it may have application to more than just the superintendent, but you need to ensure that the directive is adhered to as it applies to the superintendent.
15. *My board has provided a vehicle for my use that is valued over the maximum value as specified in the Regulation. Does this vehicle need to be replaced when the Regulation takes effect?*
 - No. This Regulation will apply to vehicles provided during the term of a new appointment or reappointment of a superintendent.

16. *I chose the vehicle allowance option. Can I claim mileage, gas and maintenance for my vehicle?*

- You are eligible to claim mileage as per the travel and hospitality expenses pursuant to the Government of Alberta Travel, Meal and Hospitality Expenses Directive, #1, 2015 as amended from time to time, which is currently 50.5 cents/km. You cannot claim operating (i.e. gas) and/or repair expenses.

17. *Is reimbursement for parking at the workplace a taxable benefit?*

- Parking is a taxable benefit. Refer to the Canada Revenue Agency rules relating to parking at the workplace.