

2.4 Seconded Positions

The Department of Education has been seconding teachers to its program consultant positions since the early 1980's. As of January 2005 the Department had 246 employees, of which 32 (13% of all employees) were teachers seconded to fill program consultant positions at the Department.

The Department is not complying with its own secondment policy relating to teachers. For example: of the 32 seconded teachers at January 2005, 16 (50%) had been seconded for periods in excess of the Department's three-year limit; 7 (22%) had no contract in place; and 4 had been promoted to a management position, with 3 of the 4 promoted without a job competition being held.

The Department is contravening the spirit and intent of Government's recruitment process (i.e. the Merit Principle) by filling some seconded positions without a job competition. For example, of the 32 seconded teachers at January 2005, 19 (59%) were seconded without a job competition and 3 of the 19 were promoted to management positions, again without any job competition. As well, 1 seconded teacher who, although not in a seconded position as at January 2005 (i.e. not 1 of the 32), was transferred to a management position in the Department without a job competition, and another seconded teacher not in a seconded position as at January 2005 was seconded to a Departmental consultant position (i.e. non-management) in March 2001 and in September 2003 was appointed to the position on a permanent basis without a job competition.

The Department is not complying with Government's policy relating to payment of redundancy. In one instance, a Department employee was seconded to a position with a school board and was paid a redundancy amount of \$82,323 when the seconded position at the board was declared redundant. The Department was involved in this redundancy decision and therefore knew that the employee would be declared redundant. In this case, the seconded employee should have been returned to their permanent position in the Department and no redundancy amount should have been paid.

Although the *Portability of Pensions Act* requires the transfer of pensionable service between various Government pension plans when an employee transfers to a new position, we found 6 instances where individuals on secondment, who were subsequently transferred to permanent positions, were permitted to continue to pay into a pension plan even though they no longer belonged to the group the plan was designed for. Pension plan transfers were not made in 3 instances by the Department, in 1 instance by the Executive Council, in 1 instance by a school board, and in 1 instance by the Newfoundland and Labrador Teachers' Association.

Contrary to Government's policy, during the year the Department paid approximately \$82,000 to 9 management staff relating to salary differentials. There are two issues relating to these overpayments: first, Government policy only allows salary differentials to be paid based on positions which are classified on a job evaluation plan administered by Treasury Board -teaching positions are not classified on such a job evaluation plan, and second, by filling program consultant positions through secondments, the Department is paying these individuals more than the position value because of a bonus amount required by the Newfoundland and Labrador Teachers' Association collective agreement. Contrary to Government policy, the Department included the bonus amount which resulted in some of its management staff receiving a salary differential because of the inflated salary of their subordinates. The practice of paying salary differentials has been ongoing since the Department started seconding teachers into program consultant positions in the early 1980's.

The Department has overpaid one staff member a total of approximately \$2,100 by incorrectly calculating retroactive salary payments.

2.5 Monitoring School Boards

Effective 1 September 2004, 9 of the 11 school boards in the Province were dissolved and 3 new boards were created resulting in four English language school boards and one French language school board. For the 2004-05 school year there were approximately 303 schools in the Province with a total enrolment of 79,439 students.