



**FEB 15 2012**

Ms. Suzanne Labbé  
Executive Director  
Judicial Compensation  
and Benefits Commission  
99 Metcalfe Street  
Ottawa, Ontario  
K1A 0E3

Dear Ms. Labbé:

My office has collaborated with the Department of Justice in providing the Commission with data in respect of the compensation and tenure of Deputy Ministers. I have been asked to provide information in addition to that provided by Ms. Cathy Beagan Flood in her e-mail of February 3, 2012, in response to the questions set out in your letter of February 2, 2012. I have also provided below answers to questions raised in the last section of the Report of Robert Levasseur and Larry Moate of McDowell Associates dated January 27, 2012, that is Annex B to the Joint Submissions of the Canadian Superior Courts Judges Association and the Canadian Judicial Council.

In your letter, the Commission requested additional information regarding the 24 DMs at the DM-3 or DM-4 level who were terminated between 2000 and June 22, 2011. As noted by Ms. Flood, the Government's complete analysis can be found at Tab 26A of the principal parties' Joint Book of Documents. I understand that this document was shared with the Association and the Council prior to the parties' opening submissions. In addition, attached to this letter is a document detailing years of experience, age of appointment as a deputy minister, and age at retirement for these 24 individuals (appropriately anonymized). Please note, for the purposes of this analysis, "terminations" fall into three categories defined as:

- "Retired" indicating a voluntary termination with election of immediate pension benefits;
- "Resignation" indicating that the person has left the public service, without electing for immediate pension benefits;
- "Promo/transfer" indicating a move out of the DM group into a position still within the public service, and continues to contribute to a pension plan.

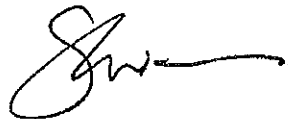
The report of McDowall Associates asks several questions regarding the spreadsheet on deputy minister tenure (Tab 26 of the Joint Book of Documents). In my opinion, the McDowall Associates report does not accurately describe the types of individuals included in the database, or the time period. The authors of the report may have not recognized that the database contains several entries for the same individual, each signifying one period at a particular level, as is shown by the use of the identical Name ID for several entries in a row. The Commission may find the following clarifications helpful:

- The McDowall Associates report seeks confirmation of whether the database is complete, suggesting that "It lists all deputy ministers since 1960 (DM-2s and above)". As noted at Tab 26A, the database was designed to include only those who reached at least the DM-3 level, and the chart is based on terminations as far back as 1963.
- The report questions why the Parliament of Canada Web site lists 28, as opposed to 15, active deputy ministers. That list of 28 includes all active deputy heads, many of whom are DM-2s. As noted, the database was restricted to individuals who had reached the DM-3 or DM-4 level. At the time the database was created, there were 15 individuals active at the DM-3 or DM-4 level.
- The report also asks about the frequency of "promo/transfer" as the reason for termination in the database. There are two reasons. First, the database has multiple records per individual as they progress from one position/rank to another. Second, as explained above and in the Government's submission, deputies may move out of the DM rank to other positions prior to retirement. [Note that in the list of 24 referenced in your letter of February 2, 2012, only 6 have "promo/transfer" as their reason for termination.]
- The McDowall Associates report questions why 7 of the 12 DM-4s in the database were tagged with "promo/transfer". In fact, there are only 8 individual DM-4s, not 12, since 4 have two records each. Of these 8, 3 are still active, 2 are retired, and 3 are indicated as "promo/transfer". Similarly, the report suggests that there are 247 DM-3s in the database. In fact, there are multiple records describing the careers of 107 individuals.

Finally, paragraph 64 of the Joint Reply Submission states: "The DM-2 level is attained automatically after one year of service as a DM-1". There is no automatic promotion for deputy ministers. In fact, many remain at the DM-1 level for a number of years, and some do not advance to the DM-2 level at all. Each appointment to a higher level is made by the Prime Minister.

I trust the Commission will find the foregoing information helpful and would be pleased to consider such further questions as may arise in the course of the Commission's inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Misener', with a long horizontal flourish extending to the right.

Steven Misener  
Director, Compensation and  
Leadership Development  
Senior Personnel

Attachment

c.c.: Ms. Cathy Beagan Flood  
Mr. Pierre Bienvenu

	Age at Appt	Age at termination	DM experience at termination	Reason for termination
1	44	58	13	Promo/Transfer
2	47	60	12	Resignation
3	45	59	14	Retired
4	39	58	20	Retired
5	48	59	11	Term Expired
6	45	53	8	Promo/Transfer
7	51	62	11	Term Expired
8	49	55	6	Promo/Transfer
9	46	57	11	Promo/Transfer
10	54	63	9	Retired
11	48	55	7	Resignation
12	39	54	15	Retired
13	51	58	7	Promo/Transfer
14	45	58	12	Resignation
15	50	61	11	Retired
16	41	58	17	Retired
17	57	61	4	Promo/Transfer
18	48	57	10	Retired
19	51	64	13	Retired
20	51	59	8	Retired
21	44	55	11	Retired
22	57	65	9	Retired
23	57	61	4	Term Expired
24	37	57	20	Retired
	48	59	11	Average
	46	59	13	Average(Retirements only)