

March 5, 2012

MEMORANDUM OF UNDERSTANDING

Memorandum of Understanding

between

Minister of Finance

and

Chair of the Ontario Financing Authority (OFA)

Contents

1.	Purpose	3
2.	Definitions	3
3.	OFA's Legal Authority and Mandate	4
4.	Crown Agent Status.....	5
5.	OFA Classification.....	5
6.	Guiding Principles	5
7.	Accountability Relationships.....	6
7.1	Minister	6
7.2	Chair	6
7.3	Board of Directors.....	7
7.4	Deputy Minister.....	7
7.5	OFA Chief Executive Officer (CEO).....	7
8.	Conflict of Interest	8
9.	Roles and Responsibilities	8
9.1	Minister	8
9.2	Role of the Chair.....	10
9.3	Board of Directors.....	12
9.3.1	Responsibilities	13
9.4	Deputy Minister.....	14
9.5	OFA Chief Executive Officer (CEO).....	16
10.	Reporting Requirements	18
10.1	Business Plan	18
10.2	Annual Reports	19
10.3	Other Reports	19
11.	Communications.....	19
12.	Administrative Arrangements.....	20
12.1	Applicable Treasury Board/Management Board of Cabinet and Ministry of Finance Directives (“Directives”)	20
12.2	Administrative and Organizational Support Services	21
12.3	Freedom of Information and Protection of Privacy.....	22
12.4	Delegation of Human Resource Management Authority.....	22
12.5	Records Management.....	22
12.6	Service Standards	23
12.7	Information Technology	23
13.	Financial Arrangements	23
13.1	Funding.....	23
13.2	Financial Reports	24
13.3	Taxation Status: Harmonized Sales Tax (HST)	25
14.	Audit and Review Arrangements.....	25

14.1	Audits.....	25
15.	Staffing and Appointments	26
15.1	Staffing.....	26
15.2	Appointments.....	26
16.	Liability Protection and Insurance	26
17.	Effective Date and Duration and Periodic Review of the MOU	27
17.1	Effective Date of MOU	27
17.2	Reviews	27
18.	Signatures	28
Appendix 1:	Summary of OFA Reporting Requirements	29
Appendix 2:	Applicable TB/MBC and Ministry of Finance Directives.....	31
Appendix 3:	Public Communications Protocol for Ontario Financing Authority and Ontario Electricity Financial Corporation.....	36
Appendix 4:	Administrative or Organizational Support Services	38
Appendix 5:	Public Service Commission Delegation to Commission Public Bodies	39
Appendix 6:	Statutes of Particular Application.....	50
Appendix 7:	“Designated Senior Positions” under Ontario Regulation 381/07.....	51

1. Purpose

- a. The purpose of this Memorandum of Understanding (MOU) is to:
 - Set out the accountability relationships between the Minister of Finance and the Chair of the Ontario Financing Authority (“OFA”) on behalf of the OFA.
 - Clarify the roles and responsibilities of the Minister, the Chair, the Deputy Minister, the OFA CEO, and the OFA Board of Directors.
 - Set out the expectations for the operational, administrative, financial, staffing, auditing and reporting arrangements between the OFA and the Ministry of Finance
- b. This MOU should be read together with the *Capital Investment Plan Act, 1993* (the “Act”). This MOU does not affect, modify or limit the powers of the OFA as set out in the Act, or interfere with the responsibilities of any of its parties as established by law. In case of a conflict between this MOU and any act or regulation, the act or regulation prevails.

2. Definitions

In this MOU:

- a. “Act” means the *Capital Investment Plan Act, 1993*, the act that established and governs the OFA
- b. “OFA” means the Ontario Financing Authority
- c. “AEAD” means the Treasury Board/Management Board of Cabinet Agency Establishment and Accountability Directive
- d. “Appointee” means a director or other member appointed to the OFA by the Minister or by the Lieutenant Governor in Council, but does not mean an individual employed/appointed by the OFA solely as staff
- e. “Other acts” mean the *Financial Administration Act* (“FAA”), the *Electricity Act, 1998*, and the *Province of Ontario Savings Office Privatization Act, 2002*.
- f. “Board” means the board of directors of the OFA
- g. “Chair” means the chair of the OFA
- h. “CEO” means the Chief Executive Officer of the OFA

- i. "Constituting instrument" means the Act
- j. "Deputy Minister" means the Deputy Minister of Finance
- k. "MBC" means Management Board of Cabinet
- l. "Minister" means Minister of Finance
- m. "Ministry" means Ministry of Finance
- n. "OEFC" means the Ontario Electricity Financial Corporation
- o. "PSOA" means the *Public Service of Ontario Act, 2006*, S.O. 2006, c. 35, Sched. A.
- p. "TB" means Treasury Board
- q. "Treasury Operations Services" includes all services, other than consulting services, acquired in connection with Provincial borrowing, debt management, risk management, cash management, banking and investment activities in the fulfillment of the mandate of the Minister and the OFA under the FAA and the Act, and similar services acquired by the OFA for any public body in fulfillment of the OFA's mandate.

3. OFA's Legal Authority and Mandate

- a. The legal authority of the OFA is set out in the *Capital Investment Plan Act, 1993*, S.O. 1993, c. 23.
- b. The OFA and its staff also exercise powers and authority, under the *Financial Administration Act* ("FAA"), the *Electricity Act, 1998*, and the *Province of Ontario Savings Office Privatization Act, 2002*.
- c. The mandate of the OFA is to:
 - conduct borrowing and investment for the Province of Ontario and manage the Provincial debt;
 - provide financial services for the Province;
 - advise ministries, Crown agencies, and other public bodies (including the OEFC) on financial matters; and
 - assist Crown agencies and other public bodies to borrow and invest money through external sources or through loans from the Province or the OFA; and,
 - provide such other financial services as are considered advantageous to the Province or any public body.

- d. Pursuant to the Act, neither the *Corporations Act* nor the *Corporations Information Act* apply to the OFA.
- e. The OFA is a corporation without share capital. The OFA has the capacity, rights, powers and privileges of a natural person subject to the limitations set out in the Act. The following limitations on the OFA's capacity and powers are contained in the Act:
 - certain financial powers can be exercised only pursuant to a by-law approved by the Minister of Finance
 - the OFA may not dispose of all or substantially all its assets. Also, the OFA requires the agreement of the Minister in order to dispose of a part of its business if the disposition will have the effect of replacing employees to whom Part III of PSOA applies with employees to whom it is not applicable or terminating the application of Part III of POSA to those employees.
- f. The Lieutenant Governor in Council may formulate policies for the OFA and the Minister may issue directives to it on matters relating to the exercise of its powers and duties under the Act. The Board must ensure that such policies and directives are implemented promptly and efficiently.
- g. Sections 132 and 136 of the *Business Corporations Act* apply to the OFA.
- h. Statutes of particular application to the OFA are set out in Appendix 6 of this MOU.

4. Crown Agent Status

- a. The OFA is a Crown Agency within the meaning of the *Crown Agency Act*.

5. OFA Classification

- a. The OFA is classified as an Operational Enterprise agency under the AEAD.
- b. The OFA is prescribed as both a Public Body and a Commission Public Body under PSOA.

6. Guiding Principles

The parties agree to the following principles:

- a. The Minister acknowledges that the OFA is a statutory entity which exercises powers and performs duties in accordance with its mandate.

- b. The Minister acknowledges that the OFA plays a meaningful role in the development of the policies and programs of the government, as well as in the implementation of those policies and delivery of programs.
- c. The Chair acknowledges that accountability is a fundamental principle to be observed in the management, administration and operations of the OFA. The Board acknowledges that it is accountable to the Minister, through the Chair, for governance and oversight of the OFA.
- d. As an agency of the government, the OFA conducts itself in accordance with sound business practices and according to the management principles of the Government of Ontario. These principles include ethical behaviour; prudent; efficient, and lawful use of public resources; fairness; high quality service to the public; and openness and transparency to the extent allowed under law.
- e. The OFA and the ministry agree to avoid duplication of services wherever possible.

7. Accountability Relationships

7.1 Minister

The Minister is accountable:

- a. to Cabinet and the Legislative Assembly for reporting and responding to the Legislative Assembly on the affairs of the OFA.
- b. for attesting, reporting and responding to Treasury Board/Management Board of Cabinet on the OFA's performance and compliance with government's applicable directives and operational policies.
- c. to the Cabinet for the performance of the OFA and its compliance with the government's operational policies and broad policy directions.
- d. for receiving and ensuring that the OFA's annual report is made available to the public after tabling it in the Legislative Assembly.

7.2 Chair

The Chair is accountable:

- a. to the Minister for the performance of the OFA in fulfilling its mandate, and for carrying out the roles and responsibilities assigned to the Chair by this MOU and applicable TB/MBC, Public Service Commission, and Ministry of Finance directives

- b. for reporting to the Minister, as requested, on the OFA's activities
- c. for ensuring timely communications with the Minister regarding any issue that affects, or can reasonably be expected to affect, the Minister's responsibilities for the OFA.

7.3 Board of Directors

- a. The Board is accountable to the Minister, through the Chair, for the oversight and governance of the OFA, setting goals, objectives and strategic direction for the OFA within its mandate and subject to direction from the Province, and for carrying out the roles and responsibilities assigned to it by the Act, applicable TB/MBC, Public Service Commission, and Ministry of Finance directives, and this MOU.

7.4 Deputy Minister

- a. The Deputy Minister is accountable to the Secretary of the Cabinet and the Minister for the performance of the Ministry in providing administrative and organizational support to the OFA and for carrying out the roles and responsibilities assigned by the Minister, applicable TB/MBC and Ministry of Finance directives, and this MOU.
- b. Pursuant to the Act, the Chair of the OFA is the Deputy Minister of Finance. Pursuant to subsections 44(4),(5), (9) and (10) of PSOA, the Public Service Commission (PSC) has delegated powers, duties and functions in relation to HR management, including the power to dismiss a public servant, to the Deputy Minister. The PSC delegation document is set out in Appendix 5 of this MOU.

7.5 OFA Chief Executive Officer (CEO)

The OFA CEO may be a public servant under Part III of PSOA and/or, appointed by the LGIC. Currently the CEO is employed under Part III of PSOA.

- a. The CEO works under the direction of the Chair and the Board to implement policies and operational decisions, and reports the agency's performance to the Board, through the Chair.
- b. Pursuant to subsections 44(4),(9) and (10), and clause 55(1)(c) of PSOA, the Public Service Commission (PSC) has delegated powers, duties and functions in relation to HR management to the OFA CEO, who is prescribed for this purpose under PSOA Regulation 148/10. The PSC delegation document is set out in Appendix 5 of this MOU.
- c. The OFA's employees report to, and are accountable to the CEO for their performance. The CEO supervises the performance of OFA employees in their responsibilities for the OFA, the Province, and other public bodies, including OEFC.

- d. The CEO, under the direction of the OEFC Board, supervises the management of the OEFC.

8. Conflict of Interest

- a. The OFA is required to follow the conflict of interest rules for ministries that are set out in Ontario Regulation 381/07, subject to developing its own conflict of interest rules and having them approved and published by the Conflict of Interest Commissioner.
- b. Pursuant to PSOA (s. 58.4), Ontario Regulation 381/07 applies to the OFA, with necessary modifications. To ensure compliance with Ontario Regulation 381/07 as it applies to the OFA, the OFA is required to identify senior positions in the OFA that are “designated senior positions” for the purposes of Ontario Regulation 381/07 as it applies to the OFA. These positions are identified in Appendix 7 of this MOU.
- c. The Chair is responsible for ensuring that appointees and staff of the OFA are informed of the ethical rules to which they are subject, including the rules on conflict of interest, political activity and protected disclosure of wrongdoing that apply to the OFA.

9. Roles and Responsibilities

9.1 Minister

The Minister is accountable to Cabinet and to the Legislative Assembly for:

- a. Reporting and responding to the Legislative Assembly on the affairs of the OFA
- b. Attesting, reporting and responding to TB/MBC on the OFA’s performance, compliance with applicable TB/MBC directives, the government’s operational policies and policy directions
- c. Where required, recommending to Treasury Board/Management Board of Cabinet the merger, any change to the OFA’s mandate or dissolution of the OFA
- d. Recommending to TB/MBC the powers to be given to, or revoked from, the OFA when a change to the mandate of the OFA is being proposed
- e. Determining at any time the need for a review or audit of the OFA, and recommending to TB/MBC any changes to the governance or administration of the OFA resulting from any such review or audit

- f. When appropriate or necessary, taking action or directing that corrective action be taken with respect to the OFA's administration or operations
- g. Receiving the OFA's annual report and ensuring that the annual report is made available to the public after tabling it in the Legislative Assembly
- h. The Minister will review the OFA's annual business plan and will promptly advise the Chair whether or not he/she concurs with the directions proposed by the OFA. The Minister may advise the Chair where and in what manner the OFA's plans vary from government or ministry policy or priorities as may be required, and the OFA will revise its plan accordingly
- i. Informing the Chair of the government's priorities and broad policy directions for the OFA
- j. Consulting, as appropriate, with the Chair (and others) when significant new directions for the OFA are contemplated or when the government is considering regulatory or legislative changes for the OFA
- k. Developing the OFA's MOU with the Chair and signing it into effect after it has been signed by the Chair
- l. Reviewing and approving the OFA's annual business plan
- m. Recommending to TB/MBC any provincial funding to be allocated to the OFA
- n. Directing the Chair to undertake reviews of the OFA on a periodic basis, and making recommendations to TB/MBC as may be required after such reviews are completed
- o. Recommending the OFA's MOU to TB/MBC for approval before it is signed by the parties
- p. Reviewing the advice or recommendation of the Chair on candidates for appointment or re-appointment to the Board
- q. Pursuant to the Act, approving by-laws, as required, for the exercise of certain financial powers by the OFA
- r. Issuing directives to the OFA on matters relating to the exercise of the OFA's powers and duties under the Act
- s. Approving agency by-laws and strategic directions, where applicable.

9.2 Role of the Chair

The Deputy Minister of Finance is required by the Act to be the Chair of the OFA. There may be instances where this individual must provide advice to one of the parties (either the OFA Board or the Minister of Finance), where this advice might conflict with advice provided to the other party. The Chair will ensure that the possibility of such conflict of interest is understood by the parties.

The Chair is responsible for:

- a. Providing leadership to the OFA
- b. Ensuring the implementation of actions that support the goals, objectives, and strategic direction of the OFA
- c. Seeking strategic policy direction for the OFA from the Minister
- d. Ensuring timely communications with the Minister regarding any issues or events involving the OFA, including decisions or opinions of the Board, that may concern, or can reasonably be expected to concern the Minister in the exercise of his/her responsibilities relating to the OFA
- e. Consulting with the Minister in advance regarding any activity which may have an impact on the government and ministry's policies, directives or procedures, or on the OFA's mandate, powers or responsibilities as set out in the OFA's constituting instrument
- f. Monitoring the performance of the OFA
- g. Reporting to the Minister as requested on the OFA's activities within agreed upon timelines
- h. Ensuring that the OFA operates within its approved budget allocation in fulfilling its mandate
- i. Developing the OFA's MOU with the Minister and signing it as directed by the OFA Board
- j. Reviewing and approving the OFA's business plan, budget, annual report and financial reports to the Minister or TB/MBC and submitting them to the Minister in accordance with the time lines specified in the applicable TB/MBC and Ministry of Finance directives, and this MOU
- k. Providing the Minister with a copy of every audit report, a copy of the OFA's response to each report, and any recommendations in the report, other than for internal audit engagements undertaken by Ontario Internal Audit Division in

accordance with the OFA's annual Audit and Consulting Plan approved by the OFA's Board or the Audit and Risk Management Committee of the OFA Board

- I. Advising the Minister annually on any outstanding audit recommendations, excluding recommendations contained solely in reports of audits undertaken by Ontario Internal Audit Division in accordance with the OFA's annual Audit and Consulting Plan approved by the OFA's Board or the Audit and Risk Management Committee of the OFA Board)
- m. Sharing reports and outstanding issues from internal audit engagements undertaken at the request of the OFA Board and with the approval of the Ministry's Audit Committee with the Minister upon request
- n. Ensuring that Board members are informed of their responsibilities under the PSOA with regard to the rules of ethical conduct (Part IV of the PSOA), including the political activity rules (Part V of the PSOA)
- o. Making sure that appropriate management systems are in place (financial, information technology, human resource) for the effective administration of the OFA
- p. Making sure that an appropriate framework is in place for OFA staff and appointees to receive adequate orientation and training
- q. Making sure that OFA staff and appointees are aware of and comply with applicable TB/MBC and Ministry of Finance directives
- r. Making sure a process for responding to and resolving complaints from the public and OFA clients is in place
- s. Carrying out effective public communications and relations for the OFA as its chief spokesperson
- t. Cooperating with any review or audit of the OFA directed by the Minister or TB/MBC
- u. Fulfilling the role of ethics executive for public servants who are government appointees to the OFA, promoting ethical conduct and ensuring that all members of the OFA are familiar with the ethical requirements of the PSOA, and the regulations and the directives made under that act, including in respect of conflict of interest, political activity and the protected disclosure of wrongdoing
- v. Providing leadership to the board and monitoring the Board's performance
- w. Signing the MOU for the OFA, as authorized by the Board
- x. Keeping the Minister informed of upcoming appointment vacancies and provide recommendations for appointments or re-appointments

- y. Reviewing and approving claims for per diems, and expenses of Board members for the purposes of the *Public Sector Expenses Review Act, 2009*, provided that the Chair may delegate the review and approval of per diem payments
- z. Evaluating the performance of the CEO in consultation with the Board and pursuant to performance criteria established by the Board, including the Chair
- aa. Providing to the Minister, the annual Financing, Debt and Electricity Management Plan for the Province and OEFC as prepared by OFA staff and approved by the Board
- bb. Advising the other appointees on the requirements of the AEAD
- cc. Recommending to the Minister proposals affecting the OFA's mandate, management, operations, and funding
- dd. Ensuring that the OFA's annual report and business plan fulfill the requirements of the AEAD
- ee. Ensuring that the OFA operates in accordance with all applicable TB/MBC, Public Service Commission, and Ministry of Finance directives as well as applicable ministry financial and administrative policies and procedures. Appendix 2 to this MOU provides a list of applicable directives and ministry policies
- ff. Ensuring that the OFA delivers its services at a quality standard that reflects the principles of the OPS Service Directive
- gg. Ensuring that a system is in place for the creation, collection, maintenance, and disposal of records; and that the OFA complies with applicable TB/MBC records management directives; and the *Archives and Recordkeeping Act, 2006*, S.O. 2006, Chapter 34, Schedule A.

9.3 Board of Directors

It is acknowledged that the OFA is an agent of the Crown and that it is intended to implement government policy. Accordingly, the role of the Board is not to formulate government policy. It is primarily to supervise the management of the OFA, including implementation of government policy by it and to provide advice concerning the OFA to OFA management through the CEO and the Chair, and to the Minister through the Chair. The Board does not select, hire or dismiss the Chair or the CEO or other officers.

It is acknowledged that in order to fulfill its capital markets mandate of conducting the Provincial borrowing; managing the debt and managing or supervising the investments of the Province and other crown entities, the OFA must attract and retain highly qualified individuals with unique skills in the OPS (i.e. to plan, price, execute, measure and

monitor values and exposures of financial transactions and positions). Therefore, subject to the approval by the Minister of compensation ranges or any additional benefits, the Board, including the Chair, determines compensation and establishes policies relating to compensation, for prescribed classes of employees as provided under section 8 of the Act.

9.3.1 Responsibilities

The Board is responsible for:

- a. Approving goals, objectives, and strategic directions for the OFA within its mandate as defined by the Act, government policies as appropriate, any policies or directives from the LGIC or the Minister under the Act, and this MOU
- b. Supervising the management of the business and affairs of the OFA and setting overall priorities so as to fulfill the OFA's mandate
- c. Directing the development of, and approving the OFA's business plans for submission to the Minister within the timelines agreed upon with the Ministry or this MOU
- d. Directing the preparation of, and approving the OFA's annual reports for submission to the Minister for tabling in the Legislative Assembly within the timelines established by the Act or the AEAD as applicable
- e. Making decisions consistent with the annual business plan approved for the OFA, and ensuring that the OFA operates within its allocations
- f. Ensuring that the OFA manages its affairs in compliance with applicable TB/MBC directives
- g. Ensuring that the OFA uses public funds prudently and only for the business of the OFA based on the principle of value for money, and in compliance with applicable legislation and TB/MBC directives
- h. Ensuring that OFA funds are used with integrity, honesty, fairness and effective controllership
- i. Establishing such board committees or oversight mechanisms as may be required to advise the Board on effective management, governance or accountability procedures for the OFA
- j. Approving the MOU for the OFA in a timely manner and authorizing the Chair to sign it on behalf of the OFA

- k. Approving reports and reviews of the OFA that may be requested by the Minister from time to time for submission to the Minister within agreed upon timelines, if requested by the Chair or the Minister
- l. Directing the development of an appropriate risk management framework, including a risk management plan and arranging for risk-based reviews and audits of the OFA as needed
- m. Where applicable, ensuring that conflict of interest rules that the OFA is required to follow, as set out in Ontario Regulation 381/07, are in place for the members of the board and employees of the OFA
- n. Establishing performance measures, targets and management systems for monitoring and assessing the OFA's performance
- o. Directing corrective action on the functioning or operations of the OFA, if needed
- p. Cooperating with and sharing any relevant information on any risk-based or periodic review directed by the Minister or TB/MBC
- q. Providing advice to the Minister, through the Chair, on issues within or affecting the OFA's mandate and operations and seeking policy direction from the government.
- r. Participating in the assessment of the performance of the CEO, and together with the Chair, approving, at least annually, performance criteria, including benchmarks, for compensation purposes, making final determinations of compensation within ranges approved by the Minister, and establishing policies and procedures relating to compensation and/or benefits, for prescribed classes of OFA employees under section 8 of the Act
- s. Passing by-laws or resolutions regulating OFA procedures
- t. Recommending the establishment of guidelines, policies, and practices under which the agency operates, as appropriate
- u. Ensuring that directives issued by the Minister to the OFA are implemented promptly and efficiently.

9.4 Deputy Minister

Pursuant to the Act, the Chair of the OFA is the Deputy Minister of Finance. Pursuant to subsections 44(4),(5), (9) and (10) of PSOA, the Public Service Commission (PSC) has delegated powers, duties and functions in relation to HR management, including the power to dismiss a public servant, to the Deputy Minister. The PSC delegation document is set out in Appendix 5 of this MOU.

The Deputy Minister is responsible for:

- a. Advising and assisting the Minister regarding the Minister's responsibilities for the OFA
- b. Advising the Minister on the requirements of the AEAD, the Government Appointees Directive and other directives that apply to the OFA.
- c. Recommending to the Minister, as may be necessary, the evaluation or review, including a risk-based review, of the OFA or any of its programs, or changes to the management framework or operations of the OFA.
- d. Facilitating regular briefings and consultations between him/herself as the Chair and the Minister, and between Ministry staff and OFA staff
- e. Attesting to Treasury Board/Management Board of Cabinet as required, to the OFA's compliance with the mandatory accountability requirements set out in the AEAD
- f. Ensuring that the Ministry and the OFA have the capacity and systems in place for on-going risk-based management, including appropriate oversight of the OFA
- g. Ensuring that the OFA has an appropriate risk management framework, including a risk management plan in place for managing risks that the OFA may encounter in meeting its program or service delivery objectives
- h. Undertaking timely risk-based reviews of the OFA, its management or operations, as may be directed by the Minister or TB/MBC
- i. Establishing a framework for reviewing and assessing the OFA's business plans and other reports
- j. Supporting the Minister in reviewing the performance targets, measures and results of the OFA
- k. Advising the Minister on documents submitted by the OFA to the Minister for review or approval, or both
- l. Submitting to the Minister, as part of the annual planning process, a risk assessment and management plan for each risk category
- m. Undertaking reviews of the OFA as may be directed by the Minister
- n. Cooperating with any review of the OFA as directed by the Minister or TB/MBC

- o. Monitoring the OFA on behalf of the Minister while respecting the OFA's authority, identifying needs for corrective action where warranted, and recommending to the Minister ways of resolving any issues that might arise from time to time
- p. Negotiating a draft MOU, as directed by the Minister
- q. Consulting with the OFA's CEO , as needed, on matters of mutual importance including services provided by the ministry and compliance with TB/MBC directives and ministry policies
- r. Arranging for administrative, financial and other support to the OFA as specified in this MOU
- s. Informing the CEO, in writing, of new government directives and any exceptions to or exemptions in whole or in part from TB/MBC directives or Ministry administrative policies
- t. When required, submitting a report to the secretaries of TB/MBC on the wind-down of the OFA, including disposition of any assets, completion of any outstanding responsibilities by the OFA, and the termination of any appointments

9.5 OFA Chief Executive Officer (CEO)

Pursuant to subsections 44(4),(9) and (10), and clause 55(1)(c) of PSOA, the Public Service Commission (PSC) has delegated powers, duties and functions in relation to HR management to the OFA CEO, who is prescribed for this purpose under PSOA Regulation 148/10. The PSC delegation document is set out in Appendix 5 of this MOU.

The Chief Executive Officer is responsible for:

- a. Managing the day-to-day operations of the OFA in accordance with the mandate of the OFA, applicable TB/MBC and Ministry of Finance directives, accepted business and financial practices, including capital markets practices, and this MOU
- b. Advising the Chair on the requirements of and compliance with the AEAD, as well as other TB/MBC and Ministry of Finance directives and policies, and OFA by-laws and policies
- c. Applying policies and procedures so that public funds are used with integrity and honesty
- d. Providing leadership and management to OFA staff, including financial resources management

- e. Establishing and applying a financial management framework for the OFA in accordance with applicable Minister of Finance controllership directives, policies and guidelines
- f. Translating the goals, objectives and strategic directions of the Board into operational plans and activities in accordance with the OFA's approved business plan
- g. Ensuring that the OFA has the oversight capacity and an effective oversight framework in place for monitoring its management and operations
- h. Keeping the Board, directly or through the Chair, informed with respect to implementation of policy and the operations of the OFA
- i. Establishing systems to ensure that the OFA operates within its approved business plan
- j. Ensuring that the OFA has an appropriate risk management framework and risk management plan in place, as directed by the Board
- k. Supporting the Chair and Board in meeting their responsibilities
- l. Carrying out in-year monitoring of the OFA's performance and reporting on results to the Board directly or through the Chair
- m. Keeping the Ministry and the Chair advised on issues or events that may concern the Minister or the Deputy Minister/Chair in the exercise of their responsibilities
- n. Seeking support and advice from the Ministry, as appropriate, on OFA management issues
- o. Establishing a system for the retention of OFA documents and for making such documents publicly available when appropriate, for complying with the *Freedom of Information and Protection of Privacy Act* and the *Archives and Recordkeeping Act* where applicable
- p. Undertaking timely risk-based reviews of the OFA's management and operations
- q. Consulting with the Chair/Deputy Minister as needed, on matters of mutual importance, including services provided by the Ministry, and on TB/MBC and Ministry of Finance directives and Ministry policies
- r. Cooperating with a periodic review directed by the Minister or TB/MBC
- s. Fulfilling the role of ethics executive for public servants, other than government appointees, who work in the OFA. Promoting ethical conduct and ensuring that all

members of the OFA are familiar with the ethical requirements of the PSOA and the regulations and directives made under that act, including in respect of conflict of interest, political activity, and the protected disclosure of wrongdoing

- t. Carrying out Human Resources management powers, duties and functions under PSOA pursuant to the Public Service Commission delegation dated July 20, 2007 and attached as Appendix 5 to this MOU, and pursuant to policies and procedures established under s. 8 of the Act
- u. Supervising the preparation of the OFA's annual business plan and presenting it to the Board, and to the Minister, and directing the implementation of the plan as approved
- v. Keeping the Board, directly or through the Chair, informed about operational matters
- w. Supervising the preparation of the OFA's annual reports, subject to any direction from the Board, and presenting them to the Board for approval
- x. Preparing financial reports for review/approval by the Board
- y. Implementing the performance review system mandated by MBC for OFA staff appointed under Part III of PSOA excluding designated classes under section 8 of the Act, and implementing a performance review system for designated classes of employees under section 8 of the Act as may be approved by the Board
- z. Fulfilling the responsibilities of Deputy Head where applicable MBC Directives identify this role and do not otherwise define it
 - aa. Ensuring that the legal, financial and other interests of the government in intellectual property are protected, where appropriate, in any contract that the OFA may enter into with a third party that involves the creation of intellectual property.

10. Reporting Requirements

10.1 Business Plan

- a. The Chair will ensure that the Minister is provided annually with the OFA's business plan covering a minimum of three years from the current fiscal year, that includes a financial budget and a risk management plan, for approval within the timelines established by the Minister for this purpose
- b. The Chair is responsible for ensuring that the OFA's annual business plan meets the requirements of the AEAD

- c. The Chair will ensure that the business plan includes a risk assessment and risk management plan to assist the Ministry to develop its risk assessment and risk management plan information in accordance with the requirement of the AEAD, to assess risks, develop and maintain necessary records and report to TB/MBC
- d. The Minister will review the OFA's annual business plan and will promptly advise the Chair whether or not he/she concurs with the directions proposed by the OFA. The Minister may advise the Chair where and in what manner the OFA's plans vary from government or ministry policy or priorities as may be required, and the OFA will revise its plan accordingly
- e. The Chair is responsible for ensuring that the OFA's business plan includes a system of performance measures and reporting on the achievement of the objectives set out in the business plan. The system must include performance goals, how they will be achieved, and target results and time frames
- f. The Minister or TB/MBC may also request the OFA's business plan to be brought forward to TB/MBC for review, as required.

10.2 Annual Reports

- a. The Chair is responsible for ensuring that the OFA's annual report is submitted to the Minister for tabling in the Legislative Assembly. The Chair will submit the annual report to the Minister within 90 days of the OFA's fiscal year end, as required by the Act
- b. The Chair is responsible for ensuring that the OFA's annual report fulfills the requirements of the AEAD.

10.3 Other Reports

The Chair is responsible for:

- a. Ensuring that the reports and documents set out in Appendix 1 to this MOU are submitted for review and approval to the Minister in accordance with the prescribed time lines
- b. At the request of the Minister, supplying specific data and other information that may be required from time-to-time for the purpose of ministry administration.

11. Communications

The parties to this MOU recognize that the timely exchange of information on the operations and administration of the OFA is essential for the Minister to meet his responsibilities for reporting and responding to the Legislative Assembly on the affairs of

the OFA. The parties also recognize that it is essential for the Chair to be kept informed of the government initiatives and broad policy directions that may affect the OFA's mandate and functions.

The parties, therefore, agree as follows:

- a. The Chair will keep the Minister advised, in a timely manner, of all planned events and issues that concern or can be reasonably expected to concern the Minister in the exercise of his responsibilities
- b. The Minister will consult with the Chair, as appropriate, on broad government policy initiatives or legislation being considered by the government that may impact on the OFA's mandate or functions
- c. The Minister and the Chair will consult with each other on public communications strategies and publications. They will keep each other informed of the results of stakeholder and other public consultations and discussions
- d. The Minister and the Chair will meet at least annually, or as requested by either party, to discuss issues relating to the fulfillment of the OFA's mandate, management and operations and the Chair will report to the Minister regarding any issues or events involving the OFA, including decisions or opinions of the Board, that may concern, or can reasonably be expected to concern the Minister in the exercise of his/her responsibilities
- e. The Deputy Minister and the CEO will meet as required to discuss issues relating to the OFA, including any issues relating to the efficient operation of the OFA and the provision of services by the Ministry to the OFA.
- f. The OFA and Ministry will adhere to the Public Communications Protocol in Appendix 3 of the MOU.

12. Administrative Arrangements

12.1 Applicable Treasury Board/Management Board of Cabinet and Ministry of Finance Directives (“Directives”)

- a. The Chair is responsible for ensuring that the OFA operates in accordance with all applicable TB/MBC, Public Service Commission, and Ministry of Finance directives, as well as applicable ministry financial and administrative policies and procedures. Appendix 2 to this MOU provides a list of applicable directives and ministry policies
- b. The CEO is responsible for ensuring that the legal, financial and other interests of the government in intellectual property are protected, where appropriate, in any

contract that the OFA may enter into with a third party that involves the creation of intellectual property

c. It is acknowledged that:

The OFA must operate in the domestic and foreign capital markets in order to conduct the Province's borrowing, debt management and investment transactions (treasury functions). This involves borrowing, hedging and investing billions of dollars on a continuous basis.

In order to transact effectively in the capital markets, large borrowers such as the Province of Ontario must constantly compete for access to the market at the most advantageous times and on the best possible terms. This requires confidentiality, flexibility and speed. The OFA must be able to plan the Province's market strategy and individual transactions confidentially, so other market participants cannot take unfair advantage of the Province's position or capitalize on its opportunities. The OFA must also be able to change its plans at any time to adapt to volatile market conditions and to move immediately to take advantage of financial opportunities as they arise.

To avoid the risk of the Province defaulting in a payment or missing an opportunity to transact, the OFA must have specialized state of the art technology and trusted banks and fiscal agents for all relevant jurisdictions. In addition, when conducting the Province's treasury functions, the OFA must ensure compliance with the regulatory regimes and market standards in the different jurisdictions where the Province's bonds are issued. To effectively market the Province's debt and contain costs through hedging and other financial contracts, the OFA must also engage the services of the major credit rating agencies and it must use the data services and financial indices that are accepted by the market generally and by the counterparties to its transactions.

The nature of the capital markets does not permit the OFA to comply with the MBC Procurement Directive, Contractor Security Screening Operating Policy, or the I&IT Directive when fulfilling its mandate of conducting the Province's treasury operations. Such operations are excluded from the interprovincial trade agreements and other Provincial borrowers, like their private sector counterparts, transact in accordance with market practices. In conducting its treasury operations, the OFA has, since its inception, used efficient, ethical business practices for retaining the necessary services, and in some cases the OFA's methods have served as a model and been adopted by other provinces for their own capital markets programs.

12.2 Administrative and Organizational Support Services

- a. The Deputy Minister is responsible for providing the agency with the administrative and organizational support services listed in Appendix 4 to this MOU, and for negotiating with Ontario Shared Services concerning these services, as appropriate

- b. Appendix 4 may be reviewed at any time at the request of either party
- c. The Deputy Minister will ensure that the support or services provided to the agency are of the same quality as those provided to the Ministry's own divisions and branches.
- d. Terms and conditions for specialized services provided by the Ministry are to be agreed upon between the OFA and the Ministry.
- e. The OFA is classified as an Operational Enterprise in accordance with the policy and directives prescribed by MBC. As such, the OFA may:
 - perform administrative and specialized functions through its own staff;
 - obtain such services from external sources; and/or,
 - obtain administrative and specialized services, such as legal, human resources, freedom of information and communications services, from the Ministry.

12.3 Freedom of Information and Protection of Privacy

- a. The Minister is the institution head for the purposes of the *Freedom of Information and Protection of Privacy Act* (“FIPPA”)
- b. The Minister delegates powers and duties of the head of the OFA for the purposes of FIPPA to specific positions. OFA staff act in accordance with such delegations, as may be amended or superceded from time to time.

12.4 Delegation of Human Resource Management Authority Under the Public Service of Ontario Act, 2006

- a. The Deputy Minister and OFA CEO are accountable for exercising their delegated human resources management authority pursuant to the PSC delegation under PSOA (attached as Appendix 5 to this MOU) in compliance with any relevant legislation, directives, or policies, in accordance with the mandate of the OFA, and within the parameters of the delegated authority.

12.5 Records Management

The Chair is responsible for:

- a. Ensuring that a system is in place for the creation, collection, maintenance, and disposal of records
- b. Ensuring that the OFA complies with applicable TB/MBC records management directives

- c. Ensuring that the OFA complies with the *Archives and Recordkeeping Act, 2006*, S.O. 2006, Chapter 34, Schedule A.
- d. Ensuring that the OFA maintains policies addressing the principles contained in MBC policies related to corporate recordkeeping.

12.6 Service Standards

- a. The Chair will ensure that the OFA delivers its services at a quality standard that reflects the principles of the OPS Service Directive.
- b. The OFA has in place a process for responding to complaints or inquiries about the quality of services received by members of the public that reflects the government's service quality standards.
- c. The OFA's annual business plan will include performance measures and targets for client service and the agency's response to complaints.

12.7 Information Technology

The OFA does not generally use OPS IT Infrastructure, with the exception of its telephony system¹. The OFA requires an independent technology infrastructure to support the government's payments and receipts of hundreds of million dollars per day. Many of these transactions need to settle within a timeframe of hours, or even minutes. A single failure to make good on the Province's obligations could result in penalty interest payments, or even an event of default on debt obligations, possibly resulting in a downgrade of the Province's credit rating and a material increase in its cost of borrowing. The speed at which financial markets move calls for a nimble support infrastructure unencumbered by the rigid management structure typical of large organizations. If the OFA was unable to adapt to rapidly changing conditions in the financial marketplace, there is the potential for materially increased cost. Because of its independence, the OFA has been able to implement many unique technology solutions that would not otherwise have been achievable in the required timeframes. For example, the OFA's Business Continuity Plan, which is critical to supporting its ongoing operations, was only possible because of the OFA's ability to control and manage its IT infrastructure.

13. Financial Arrangements

13.1 Funding

¹ The OFA plans to acquire its own telephony system via a Request for Proposals to be issued in late 2011.

- a. The OFA is primarily funded from the Consolidated Revenue Fund and its costs are allocated to the Treasury Program.
- b. The OFA provides financing to various public bodies based on direction from the Province. Principal repayments received from public bodies by the OFA are forwarded to the Province. The interest rates charged to public bodies will generally be slightly higher than the rate charged on the advances from the Province to fund the loans (“the spread”). The OFA will retain the spread in order to recover the administrative costs of managing the loans.
- c. Based on the OFA’s powers of a natural person under the Act, the OFA may charge fees, commissions or other amounts for financial services provided by it. The OFA may deposit any revenue or other funds received in its own bank accounts. The OFA may borrow and invest on its own account pursuant to a by-law approved by the Minister. The OFA may make banking and other arrangements with the Minister of Finance or any public body and with financial institutions in order to manage monies effectively.
- d. The CEO will prepare estimates of the OFA’s expenditures for its annual business plan, and for inclusion in the Ministry’s Results Based Plan. The Chair will deliver these estimates to the Minister in sufficient time to be analyzed and approved by the Minister.
- e. The estimates provided by the OFA may, after appropriate consultation with the Chair, be altered as required.
- f. Financial procedures of the OFA must be in accordance with applicable TB/MBC and Ministry of Finance directives and guidelines and other applicable government direction.
- g. When ordered to do so by the Minister of Finance, pursuant to Section 16.4 of the Financial Administration Act or section 17(1) of the Act, the OFA will pay into the Consolidated Revenue Fund any money that the Minister of Finance determines is surplus to its requirements.
- h. Pursuant to Section 28 of the *Financial Administration Act*, the OFA will not enter into any financial arrangement or commitment, guarantee, indemnity or similar transaction that may increase, directly or indirectly, the indebtedness or contingent liabilities of the Government of Ontario without the written approval of the Minister

13.2 Financial Reports

- a. The Chair will provide to the Minister audited annual financial statements, and will include them as part of the OFA’s annual report. The statements will be provided in a format that is in accordance with the province’s stated accounting policies issued by the Office of the Provincial Controller.

- b. The Chair will provide, on instruction from the Minister of Finance, the OFA's financial information for consolidation into the Public Accounts.
- c. The OFA will submit to the Ministry of Finance quarterly expenditure budget – variance reports (quarterly budget to actual variance expense reports).
- d. The OFA will submit to the Ministry of Finance or the Ministry will obtain directly, the OFA's salary information as required according to the *Public Sector Salary Disclosure Act*.

13.3 Taxation Status: Harmonized Sales Tax (HST)

The OFA is responsible for paying Harmonized Sales Tax (HST), where applicable, in accordance with the Federal *Excise Tax Act*. The OFA recovers HST paid to suppliers through a centrally administered account maintained by the Office of the Provincial Controller.

14. Audit and Review Arrangements

14.1 Audits

- a. Pursuant to section 13 of the Act, the Auditor General is the auditor of the OFA. The Auditor General conducts an annual audit of the year-end financial statements and reports the findings to the Board.
- b. The agency is subject to periodic review and value-for-money audit by the Auditor General of Ontario under the *Auditor General Act* or by the Ontario Internal Audit Division.
- c. The Ontario Internal Audit Division may also carry out an internal audit if approved to do so by the Ministry's Audit Committee or by the Corporate Audit Committee.
- d. Regardless of any annual external audit, the Minister may direct that the OFA be audited at any time.
- e. The OFA will promptly provide a copy of the report from an audit directed by the Minister, to the Minister. The OFA will also provide a copy of its response to the audit report and any recommendations therein. The OFA will advise the Minister annually on any of the audit recommendations that remain outstanding.
- f. The Chair may request an external audit of the financial transactions or management controls of the OFA at the OFA's expense.

- g. The Board of Directors or the Audit and Risk Management Committee of the Board (ARMC), will authorize and direct internal audits to be conducted in respect of the OFA by the Ontario Internal Audit Division pursuant to an annual Audit and Consulting Plan (Audit Plan) approved by the Board or the ARMC. The Ontario Internal Audit Division will be available to the OFA in accordance with the Audit Plan.
- h. The Board may authorize or direct the OFA to retain additional auditors as it deems necessary.

15. Staffing and Appointments

15.1 Staffing

- a. The OFA is staffed by persons employed under Part III of the *Public Service of Ontario Act, 2006*
- b. The OFA, in its dealings with staff employed under Part III of the *Public Service of Ontario Act, 2006*, is subject to MBC human resource directives and Public Service Commission directives under the PSOA and policies and procedures established under section 8 of the Act in relation to prescribed classes of employees.

15.2 Appointments

- a. Pursuant to section 5(3) of CIPA, the Deputy Minister is, by virtue of office, the Chair of the Board.
- b. The members of the Board, including the vice-chair(s), are appointed by the Lieutenant-Governor in Council on the recommendation of the Premier pursuant to section 5(2) of the Act. Under the Act, the CEO may be appointed by the Lieutenant Governor in Council

16. Liability Protection and Insurance

Section 11(2) of the Act incorporates sections 134(1) (standard of care), and 136 (indemnification and liability insurance) of the *Business Corporations Act*.

The OFA is covered under the Government of Ontario General & Roads Liability Protection Program covering third party liability where bodily or personal injury, death, or property damage including loss of use thereof is caused.

The OFA may purchase third party liability insurance coverage to protect itself against claims that might arise from anything done or omitted to be done by the OFA or its directors, officers, employees and from anything done or omitted to be done where bodily or personal injury, death or property damage, including loss of use thereof, is caused.

Pursuant to the OFA's By-Law #1, the OFA's directors and officers are indemnified by the OFA.

17. Effective Date and Duration and Periodic Review of the MOU

17.1 Effective Date of MOU

- a. This MOU becomes effective on the date it is signed by the parties.
- b. This MOU will continue in effect for not more than five years from the effective date.
- c. This MOU will remain in force for no more than six months after its expiry date until a MOU is approved by Management Board of Cabinet and signed by both the Minister and the Chair.
- d. If a new Minister or Chair takes office before this MOU expires, the new Minister or Chair must affirm by letter that the MOU will continue in force without revision; or alternatively, the Minister and the Chair may agree to revise it. A copy of the letter of affirmation between the Minister and Chair must be provided to the Secretary, Management Board of Cabinet within six months of the new party or parties' commencement.
- e. Without affecting the effective date of this MOU, either the Minister or Chair may initiate a review of this MOU by written request to the other.
- f. A full review of this MOU will be conducted prior to its expiry not more than five years following the date it came into effect, or immediately in the event of a significant change to the OFA's mandate, powers or governance structure as a result of an amendment to the Act.

17.2 Reviews

- a. The OFA may be subject to a review at the discretion and direction of TB/MBC or the Minister. The review may cover such matters relating to the OFA as are determined by TB/MBC or the Minister, and may include the mandate, powers, governance structure and/or operations of the OFA.
- b. The Minister will consult the Chair as appropriate during any such review.
- c. The Chair, CEO, and Board will cooperate in any review.

18. Signatures

Original MOU signed by Steve Orsini on July 19, 2012

Chair _____ **Date** _____
Ontario Financing Authority

Original MOU signed by Dwight Duncan on August 1, 2012

Minister Date
Ministry of Finance

Appendix 1: Summary of OFA Reporting Requirements

SUBMISSION DATE	REPORT/DOCUMENT	NAMES OF RESPONSIBLE OFFICIALS
10 days after approval of RbP	<p>Estimates</p> <ul style="list-style-type: none"> The OFA will prepare estimates of the OFA's expenditures for inclusion in the ministry's business plan. 	<ul style="list-style-type: none"> Chair CEO
Fourth quarter in the year preceding the first year of the Business Plan	<p>OFA Business Plan</p> <ul style="list-style-type: none"> Prepares Approves Provides to Minister 	<ul style="list-style-type: none"> OFA staff OFA Board Chair
Submission to Minister: By June 29 each year	<p>Annual Report</p> <ul style="list-style-type: none"> Prepares Approves Provides to Minister 	<ul style="list-style-type: none"> OFA staff OFA Board Chair
Submissions to Minister: By June 29 each year Submission to Chair, ARMC (summary only), CEO, Secretary: Ongoing Submission to Board: Quarterly	<p>Auditing Year-end financial statements</p> <ul style="list-style-type: none"> Prepares Audit & Sign-Off Provides to Minister <p>Internal Audit Reports</p>	<ul style="list-style-type: none"> OFA staff Auditor General of Ontario Chair Ontario Internal Audit Division

Submission to Board: Quarterly	Quarterly Financial Statements <ul style="list-style-type: none">• Prepares• Approves	<ul style="list-style-type: none">• OFA staff• OFA Board
As required.	Financial Reports requested by Minister: <ul style="list-style-type: none">• Prepares• Approves	<ul style="list-style-type: none">• OFA staff• Chair
Quarterly (April, June, September, December)	Quarterly expenditure budget – variance reports (Quarterly budget to actual expense variance reports) <ul style="list-style-type: none">• Prepares• Approves• Provides to Ministry	<ul style="list-style-type: none">• OFA staff• CEO• Director, Finance & Reporting Branch, OFA
Annually, on Board approval	Financing, Debt & Electricity Management Plan <ul style="list-style-type: none">• Prepares• Approves• Provides to minister	<ul style="list-style-type: none">• OFA staff• OFA Board• Chair
Annually	Risk Management Plan <ul style="list-style-type: none">• Prepares• Review• Approves	<ul style="list-style-type: none">• OFA staff• Ontario Internal Audit Division• Ontario Internal Audit Division
Every 5 years	MOU <ul style="list-style-type: none">• Prepares• Approves	<ul style="list-style-type: none">• OFA staff• Board, Chair, Minister, MBC

Appendix 2: Applicable TB/MBC and Ministry of Finance Directives

1. The following key TB/MBC, Ministry of Finance, and Public Service Commission directives apply to the OFA:

Key Directives

- Agency Establishment and Accountability Directive
- Accountability Directive
- Government Appointees Directive
- Procurement Directive as it applies to “Other included Entities” will apply to the OFA except for procurements of Treasury Operations Services for the Province and public bodies which will be conducted in accordance with the OFA’s Board of Director-approved procurement policy for Treasury Operations Services. The Contractor Security Screening Policy will not apply to procurements of these services.
- Travel, Meal and Hospitality Expenses Directive
- All MBC and Public Service Commission directives under the *Public Service of Ontario Act, 2006*

2. The OFA is responsible for complying with the above directives, and all other directives, policies and guidelines to which it is subject.
3. The Ministry will inform the OFA of amendments or additions to directives, policies and guidelines that apply to the OFA.
4. Other directives and Ministry policies and guidelines that are applicable to the OFA are listed below (alphabetically): *

DIRECTIVES	POLICIES	PRACTICES/GUIDELINES/PROCEDURES/STANDARDS
<i>Accountability Directive</i>	<i>Accounting and Financial Reporting Policy</i>	<i>Bank Reconciliation Practice</i>
<i>Advertising Content Directive</i>	<i>Accounting for Order-in-Council Appointees Policy</i>	<i>Capital Expenditure Evaluation</i>
<i>Agency Establishment and Accountability Directive</i>	<i>Accounting Policy for Recoveries</i>	<i>Certificate of Assurance</i>
<i>Cash Management Directive</i>	<i>Attendance Management Policy</i>	<i>Cheque Printing from Ministry Accountable Advance Accounts</i>

DIRECTIVES	POLICIES	PRACTICES/GUIDELINES/PROCEDURES/STANDARDS
<i>Classification & Position Administration Directive</i>	<i>Bank Account Policy</i>	<i>Communications in French Directive Guidelines</i>
<i>Compensation Directive</i>	<i>Billing Management and Recording Policy</i>	<i>Control of Facsimile Signatures and the Destruction of Cheque Stock Best Practices Guide</i>
<i>Confidential Disclosure to Bargaining Agents Directive</i>	<i>Centralized Archiving of Financial Information Policy</i>	<i>Costing and Pricing</i>
<i>Continuation of Existing Classes and Salaries Directive</i>	<i>Chart of Accounts Policy</i>	<i>Customer Master Files -- Control and Maintenance</i>
<i>Delegation of Authority Directive</i>	<i>Collections Policy</i>	<i>Data Integrity</i>
<i>Disclosure of Wrongdoing Directive Employees / appointees of public bodies - i.e., agencies)</i>	<i>Contractor Security Screening Operating Policy, excepting for certain treasury operations procurements as noted in section 12.1(c) of this MOU</i>	<i>Designated Revenue</i>
<i>Disclosure of Wrongdoing Directive Employees in ministries/ministers' offices (Public Service Commission Directive)</i>	<i>Control and Maintenance of Supplier Master Files Policy</i>	<i>English-French & French-English Translation & Proofreading Services</i>
<i>Emergency Evacuation Planning Directive</i>	<i>Credit Management Policy</i>	<i>Financial Record Retention</i>
<i>Employee Benefits Directive</i>	<i>Employee Recognition Policy (MOD)</i>	<i>Financial Thresholds Guide</i>
<i>Expenditure Management Directive</i>	<i>Employment Accommodation and Return to Work Operating Policy</i>	<i>Guide to the Risk-based Approach in the Agency Establishment and Accountability Directive</i>
<i>Financial Signing Authorities Operating Directive</i>	<i>Encumbrance Policy</i>	<i>IFIS Payment Override</i>

DIRECTIVES	POLICIES	PRACTICES/GUIDELINES/PROCEDURES/STANDARDS
<i>General Expenses Directive</i>	<i>Equal Opportunity Operating Policy</i>	<i>IFIS Transaction Processing Requirements</i>
<i>Government Appointees Directive</i>	<i>Eye Examination Plan for Visual Display Terminal Operators Policy</i>	<i>Information Access and Disclosure Protocol</i>
<i>Government Publications Directive</i>	<i>Financial Period Closings Policy</i>	<i>Management Compensation Plan Pay for Performance Operating Procedures</i>
<i>HIV Infection & AIDS in the OPS Workplaces Directive</i>	<i>iExpenses Policy</i>	<i>Managing, Distributing & Pricing Government Information (Intellectual Property)</i>
<i>Hours of Work Directive</i>	<i>IFIS Corrections Policy</i>	<i>Non-Tax Revenue Design Practice</i>
<i>Human Resources Management Directive</i>	<i>IFIS Foreign Exchange Policy</i>	<i>Receipt Handling & Allocation Practice</i>
<i>Human Resources Management Governance and Accountability Directive</i>	<i>IFIS Interface Policy</i>	<i>Revenue and Accounts Receivable Reporting and Analysis Practice</i>
<i>Indemnification Directive</i>	<i>IFIS T4A Policy</i>	<i>Revenue Management Practice</i>
<i>Internal Audit Directive</i>	<i>IFIS User Identification and Responsibilities Policy</i>	<i>Special Purpose Accounts</i>
<i>Internal Controls Management Directive</i>	<i>Interim Payment Authority Policy (Section 15 Financial Administration Act (FAA))</i>	<i>Staffing Management & Control</i>
<i>Merit Increases Directive</i>	<i>Learning & Development Operating Policy</i>	<i>Stale-dated, Lost or Stolen Cheques Practice</i>
<i>Perquisites Directive</i>	<i>Management Compensation Plan – Pay for Performance Operating Policy</i>	
<i>Relocation Expenses Directive</i>	<i>Occupational Health and Safety Policy</i>	
<i>Salary Rates/Ranges Directive</i>	<i>OPS Accessible Customer Service Policy</i>	

DIRECTIVES	POLICIES	PRACTICES/GUIDELINES/PROCEDURES/STANDARDS
<i>Seeking Accounting Advice Directive</i>	<i>OPS Physical Security Operating Policy</i>	
<i>Terminology Directive</i>	<i>Parking Policy</i>	
<i>Travel, Meal and Hospitality Expenses Directive</i>	<i>Pay on Assignment Operating Policy</i>	
<i>Visual Identity Directive</i>	<i>Payment Terms Policy</i>	
	<i>Performance Management Operating Policy</i>	
	<i>Personnel Screening Checks Policy</i>	
	<i>Prepayment Policy</i>	
	<i>Recurring Supplier Invoices in IFIS Policy</i>	
	<i>Reorganization in IFIS Policy</i>	
	<i>Risk Management Policy</i>	
	<i>Self-Funded Leave Plan Policy</i>	
	<i>Single Bank Account for Transfer Payment Recipients Policy</i>	
	<i>Small Value Financial Transactions Operating Policy</i>	
	<i>Smoke-free Workplace Operating Policy</i>	
	<i>Staffing Operating Policy</i>	
	<i>Tangible Capital Assets Accounting Policy</i>	

DIRECTIVES	POLICIES	PRACTICES/GUIDELINES/PROCEDURES/STANDARDS
	<i>Temporary Assignments of Visual Display Terminal (VDT) Operators during Pregnancy Policy</i>	
	<i>Transfer Payment Recovery Operating Policy</i>	
	<i>Unclassified - Appointments to Unclassified Service Policy</i>	
	<i>Unclassified - General Policy</i>	
	<i>Unclassified - Legal Entitlement to Employment in Canada Policy</i>	
	<i>Use of Personal and Confidential Information in OPS Financial Systems Policy</i>	

*list compiled as of August 2011

Appendix 3: Public Communications Protocol for Ontario Financing Authority and Ontario Electricity Financial Corporation

1. Definitions

“Ministry” means the Ministry of Finance.

“Capital Markets Communications” means public communications and media responses that relate, or are relevant, to capital markets activities within the mandate of the OFA.

“Public communications” means any material that is communicated to the public, either directly or through the media in:

- Oral form, such as a speech or public presentation
- Printed form, such as a hardcopy report, brochures, etc
- Electronic form, such as a posting to a website, email distribution.

A “contentious issue” is a matter that is, or may reasonably be expected to be, of concern to the Legislative Assembly, the media or the public, or is likely to result in inquiries being directed to the minister or government. Contentious issues may be raised by:

- Members of the Legislative Assembly
- The public
- Media
- Stakeholders
- Service delivery partners.

2. The agency will comply with the Treasury Board/Management Board of Cabinet Visual Identity Directive and identify itself in all media responses and news releases as an agency of the Government of Ontario.
3. The ministry and the agency will appoint persons to serve as public communications “leads”.

The ministry leads are as follows:

- For the preparation of **public communications materials (excluding media responses)**, the lead is a member of the Strategic Communications unit of the Communications and Corporate Affairs Branch (“CCAB”).
- For all responses to **media inquiries**, the lead is the Senior Media Relations Advisor within the Issues and Media Relations unit, CCAB.
- For **contentious issues notes**, the lead is the Communications Officer within the Issues and Media Relations unit, CCAB.

The agency leads are:

- the Executive Assistant to the CEO of the Ontario Financing Authority (“OFA”)
 - the Executive Assistant to the ADM of the Corporate and Electricity Financing Division of the OFA.
4. For the purposes of this protocol, public communications are divided into three categories:
- a. Public communication materials such as news releases, communication plans, speeches, advertising strategies etc.
 - The agency lead will notify the ministry lead for the need of any public communication material as far as possible in advance of the due date.
 - The agency lead will work jointly with the ministry lead in providing background information for draft materials.
 - The ministry lead will administer approvals at all levels (agency, minister’s office, and Cabinet Office and Premier’s Office when required*).
 - Final approval from applicable offices is required prior to release of all communication material.
 - Cabinet Office and Premier’s Office approval is generally required on news releases, communication plans, advertising strategies and other communication material, as and when requested by CCAB or the Minister’s Office.
 - b. Media responses related to the day-to-day business of the agency and its programs.
 - Media responses should be submitted to the ministry lead, who will circulate as appropriate to other individuals within the ministry for approvals.
 - Direction or approval on media responses is required from the Minister’s Office prior to release.
 - c. Contentious issues that may have direct implications for either the ministry or government (including all funding or grant announcements).
 - The agency lead will notify the ministry lead immediately, who will notify the Minister’s Office simultaneously.
 - The ministry lead will also advise the agency of contentious issues that require attention. The agency lead will provide all required background information on the issue to the ministry lead who will arrange the preparation of a contentious issues note.

5. Capital Markets Communications

- a. With the exception of advertising, the requirements of paragraph 4(a) do not apply to capital markets communications.
- b. The requirements of paragraph 4(b) do not apply to capital markets communications.
- c. The OFA will notify the ministry lead immediately of any contentious issues relating to capital markets matters and will work with the ministry regarding such issues in accordance with paragraph 4(c).
- d. Consistent with past practice, and with the exception of advertising and subject to paragraph 5(c), the OFA will continue to manage its capital markets communications.

- Dated as of the 30th day of August, 2011

Appendix 4: Administrative or Organizational Support Services

This Appendix sets out the services to be provided to the OFA by the Ministry or by another source, as requested from time to time:

Services		Providers
1.	Financial Administration: pay and benefits, IFIS, Central Mail	OSS
2.	Human Resources: classification, advice and consultation regarding recruitment procedures and staff relations, job description writing, career counselling and staff development	MGS
3.	Corporate educational opportunities and career planning	Ministry
4	Strategic advice, organizational design, talent and performance management	Ministry
5.	Audit: internal audit and special investigations	OIAD
6.	Legal Services	Ministry of the Attorney General (including Ministry Legal Services branch)
7.	FIPPA: Freedom of Information services	Ministry
8.	Communications	Ministry

Legend

Provider	Description
OSS	Ontario Shared Services
MGS, Ministry	Ministry of Government Services
OIAD	Ontario Internal Audit Division
Ministry	Ministry of Finance

**Appendix 5: Public Service Commission Delegation to
Commission Public Bodies**

Public Service Commission
Delegation of powers, duties and functions
to
prescribed individuals and chairs and deputy ministers
in respect of public servants appointed to work in
Commission public bodies

**Pursuant to subsections 44(4), (5), (9) and (10) and clause 55(1)(c) of the
*Public Service Act of Ontario, 2006 (PSOA)***

NOTE

**PARAGRAPHS 1 AND 2, AND ONLY PART OF A, B, C OR D, SHALL APPLY TO ANY
ONE COMMISSION PUBLIC BODY (THEREFORE, PARTS A, B, C AND D EACH BEGINS
WITH PARAGRAPHS #3)**

Public Service Commissions
July 20, 2007

PSC Delegations to
Commission Public Bodies

Delegation to deputy ministers and prescribed individuals in respect of public servants appointed to work in a Commission public body pursuant to PSOA subsections 44(4), (5), (9), (10)

1. This instrument sets out the Delegation of Authority under the Public Service of Ontario Act, 2006, (the Act) made under subsection 44(4) of the Act by the Public Service Commission (PSC) to the persons described in Parts A, B, C and D of this document effective the date that the Act is proclaimed
2. All references to section numbers in this document refer to section numbers of the Act.

PART A: For use where delegations are to a PSC delegate who is a public servant in the Senior Management Group and to a deputy minister

Delegation to prescribed PSC delegate in the Senior Management Group

3. Pursuant to clause 44(4)(a), the PSC delegates to the individual prescribed under clause 55(1)(c), if that person is in a position classified within the Senior Management Group, the PSC's powers, duties and functions in respect of public servants appointed to work in the Commission public body for which that person was prescribed, as follows:

PSOA Powers, Duties and Functions	In Relations to
Subsections 32(2), (3), and (4)	Appointing persons to employment by the Crown, for a fixed term or otherwise, to work in a Commission public body, as prescribed under clause 8(1)(b) of the <i>Public Service of Ontario Act, 2006</i> in classifications other than Senior Management Group 3 or 4, Information Technology Executive 3 or 4, Financial Management and Control Group 3 or Crown Counsel 5 Reappointing for one or more further terms persons appointed for a fixed term
Section 34	Imposing disciplinary measures for cause (including suspension but not dismissal)
Subsection 36(1)	Conducting an investigation to determine cause for the purpose of section 34
Subsection 36(2)	Pending the conclusion of an investigation, suspending the public servant for a period not exceeding the period prescribed under clause 55(1)(a)
Subsection 36(3)	Withholding the public servant's salary, wages or any other remuneration, including benefits, during the suspension under section 36: if he or she considers it appropriate to do so, and at the end of the investigation, reimbursing amounts that were withheld if he or she considers it appropriate to do so
Subsection 37(1)	Where a public servant is appointed to employment for a term that is not fixed, directing that the public servant be on probation for a period of not more than one year
Subsection 41(1)	Receiving at least two weeks' notice in writing from a public servant of his or her intention to resign from his or her position
Subsection 41(2)	Recovering from a public servant notice in writing of his or her withdrawal of the notice of intention to resign at any time before its effective date if no person has been appointed or selected for appointment to the position held by the public servant; and Approving the withdrawal of the resignation

4. *Dismissal Delegation to Deputy Minister*

- a. Pursuant to subsection 44(4) , the PSC delegates to the deputy minister of the ministry whose minister is responsible for a Commission public body the power to dismiss a public servant under sections 34, 38 and 39 appointed to employment under subsection 32(2) to work in that Commission public body.
- b. Pursuant to subsection 44(10), a deputy minister shall obtain PSC permission to exercise his or her discretion in respect of subsection 38(1) for a regular employee who is employed in the Senior Management Group 2, 3 or 4, Information Technology Executive 2, 3 or 4, Financial Management and Control Group 2 or 3, Crown Counsel 5 or Ontario Provincial Police Commissioner 1 classifications.
- c. Pursuant to subsection 44(1), the deputy minister may not sub delegate the delegation in paragraph 4a) of this document with respect to subsection 38(1)

5. *Abandonment of Position Delegation to Deputy Minister*

Pursuant to subsection 44(4), the PSC delegates to the deputy minister whose minister is responsible for a Commission public body the power under subsection 42(1) to declare in writing that a public servant appointed to employment under subsection 32(2) to work in that Commission public body has abandoned his or her position and that his or her employment by the crown is terminated.

6. Pursuant to subsection 44(9), the PSC imposes the following restriction on a deputy minister's entitlement under subsection 44(6) to subdelegate to one or more public servants employed under section 32 who work in his or her ministry any of the powers, duties or functions delegated under subsection 44(4) in respect of public servants appointed to work in a Commission public body:
- A deputy minister may only subdelegate the powers, duties and functions set out in paragraphs 4 and 5 to one or more public servants in positions in classifications within the Senior Management Group or Crown Counsel 5

PART B: For use where delegations are to a PSC delegate who is a public servant in the Management Compensation Plan and to a deputy minister

Delegation to prescribed PSC delegate in the Management Compensation Plan

3. Pursuant to clause 44(4)(a), if the PSC delegate, as prescribed under clause 55(1)(c), is in a position classified in the Management Compensation Plan, the PSC delegates the powers, duties and function in respect of public servants appointed to work in the Commission public body for which that person was prescribed, as follows:

PSOA Powers, Duties and Functions	In Relation To
Subsection 41(1)	Receiving at least two weeks' notice in writing from a public servant of his or her intention to resign from his or her position
Subsection 41(2)	Receiving from a public servant, notice in writing of his or her withdrawal of the notice of intention to resign at any time before its effective date if no person has been appointed or selected for appointment to the position held by the public servant; and Approving the withdrawal of the resignation

Delegation to deputy minister where prescribed PSC delegate is in the Management Compensation Plan

4. Pursuant to subsection 44(4), where the prescribed PSC delegate is in a position classified in the Management Compensation Plan the PSC delegates to the deputy minister of the ministry whose minister is responsible for the Commission public body the following PSC powers, duties and functions in respect of public servants appointed to work in a Commission public body:

Powers, Duties and Functions	In Relation To
Subsections 32(2), (3) and (4)	Appointing persons to employment by the Crown, for a fixed term or otherwise, to work in a Commission public body, as prescribed under clause 8(1)(b) of the <i>Public Service of Ontario Act, 2006</i> in classifications other than those within Senior Management Group 3 or 4, Information Technology Executive 3 or 4, Financial Management and Control Group 3 or Crown Counsel 5 Reappointing for one or more further terms persons appointed for a fixed term
Section 34	Imposing disciplinary measures for cause (including suspension and dismissal)
Subsection 36(1)	Conduction an investigation to determine whether there is a cause for the purposes of section 34
Subsection 36(2)	Pending the conclusion of an investigation, suspending the public servant for a period not exceeding the period prescribed under clause 55(1)(a)
Subsection 36(3)	Withholding the public servant's salary, wages or any other remuneration, including benefits, during the suspension under section 36; if he or she considers it appropriate to do so, and at the end of the investigation, reimbursing amounts that were withheld if he or she considers it appropriate to do so
Subsection 37(1)	Where a public servant is appointed to employment for a term that is not fixed, directing that the public servant be on probation for a period of not more than one year

Powers, Duties and Functions	In Relation To
Subsection 37(2)	Dismissing a public servant while on probation under subsection 37(1) for failure to meet the requirements of his or her position
Subsection 38(1)	Dismissing without cause a public servant who is employed in a class of position that is prescribed under clause 55(1) by giving the public servant reasonable notice or compensation in lieu of notice
Section 39	<p>Dismissing a public servant for the following reasons:</p> <ul style="list-style-type: none"> • A shortage of work • A shortage of funds • The elimination of the public servant's position • A material change in the ministry in which the public servant works
Section 42	Declaring in writing that a public servant has abandoned his or her position and that his or her employment by the Crown is terminated

5. Dismissal Delegation to Deputy Minister

- a) Pursuant to subsection 44(4), the PSC delegates to the deputy minister of the ministry whose minister is responsible for a Commission public body the power to dismiss a public servant under sections 34, 38 and 39 appointed to employment under subsection 32(2) to work in that Commission public body.
- b) Pursuant to subsection 44(10), a deputy minister shall obtain PSC permission to exercise his or her discretion in respect of subsection 38(1) for a regular employee who is employed in the Senior Management Group 2, 3 or 4, Information Technology Executive 2, 3 or 4, Financial Management and Control Group 2 or 3, Crown Counsel 5 or Ontario Police Commissioner 1 classifications.
- c) Pursuant to subsection 44(10), the deputy minister may not subdelegate the delegation in paragraph 5a) of this document with respect to subsection 38(1).

6. Abandonment of Position Delegation to Deputy Minister

Pursuant to subsection 44(4), the PSC delegates to the deputy minister whose minister is responsible for a Commission public body the power under subsection 42(1) to declare in writing that a public servant appointed to employment under subsection 32(2) to work in that Commission public body has abandoned his or her position and that his or her employment by the Crown is terminated.

7. Pursuant to subsection 44(9), the PSC imposes the following restriction on the deputy minister's entitlement under subsection 44(6) to subdelegate to one or more public servants employed under section 32 who work in his or her ministry any of the powers, duties or functions delegated under subsection 44(4) in respect of public servants appointed to work in a Commission public body:

- A deputy minister may only subdelegate the powers, duties and functions set out in paragraph 4 to one or more public servants in positions in classifications within the Senior Management Group or Crown Counsel 5.

PART C: For use where the delegations are to the chair of the Commission public body and to a deputy minister

Delegation to Commission public body chair

3. Pursuant to clause 44(4)(b), the PSC delegates to the chair of the Commission public body, under clause 55(1)(c), the PSC's powers, duties and functions in respect of public servants appointed to work in a Commission public body for which that person was prescribed as follows:

PSOA Powers, Duties and Functions	In Relation To
Subsections 32(2), (3) and (4)	Appointing persons to employment by the Crown, for a fixed term or otherwise, to work in a Commission public body, as prescribed under clause 8(1)(b) of the <i>Public Service of Ontario Act, 2006</i> , in classifications other than Senior Management Group 3 or 4, Information Technology Executive 3 or 4, Financial Management and Control Group 3 or Crown Counsel 5 Reappointing for one or more further terms persons appointed for a fixed term
Section 34	Imposing disciplinary measures for cause (including suspension and dismissal)
Subsection 36(1)	Conduction an investigation to determine whether there is a cause for the purposes of section 34
Subsection 36(2)	Pending the conclusion of an investigation, suspending the public servant for a period not exceeding the period prescribed under clause 55(1)(a)
Subsection 36(3)	Withholding the public servant's salary, wages or any other remuneration, including benefits, during the suspension under section 36; if he or she considers it appropriate to do so, and at the end of the investigation, reimbursing amounts that were withheld if he or she considers it appropriate to do so
Subsection 37(1)	Where a public servant is appointed to employment for a term that is not fixed, directing that the public servant be on probation for a period of not more than one year
Subsection 41(1)	Receiving at least two weeks' notice in writing from a public servant of his or her intention to resign from his or her position
Subsection 41(2)	Receiving from a public servant, notice in writing of his or her withdrawal of the notice of intention to resign at any time before its effective date if no person has been appointed or selected for appointment to the position held by the public servant; and Approving the withdrawal of the resignation

4. *Dismissal Delegation to Deputy Minister*

- a) Pursuant to subsection 44(4), the PSC delegates to the deputy minister of the ministry whose minister is responsible for a Commission public body the power to dismiss a public servant under sections 34, 38 and 39 appointed to employment under subsection 32(2) to work in that Commission public body.
- b) Pursuant to subsection 44(10), a deputy minister shall obtain PSC permission to exercise his or her discretion in respect of subsection 38(1) for a regular employee who is employed in the Senior Management Group 2, 3 or 4, Information Technology Executive 2, 3 or 4, Financial Management and Control Group 2 or 3, Crown Counsel 5 or Ontario Police Commissioner 1 classifications.

- c) Pursuant to subsection 44(10), the deputy minister may not subdelegate the delegation in paragraph 5a) of this document with respect to subsection 38(1).

5. *Abandonment of Position Delegation to Deputy Minister*

Pursuant to subsection 44(4), the PSC delegates to the deputy minister whose minister is responsible for a Commission public body the power under subsection 42(1) to declare in writing that a public servant appointed to employment under subsection 32(2) to work in that Commission public body has abandoned his or her position and that his or her employment by the Crown is terminated.

6. Pursuant to subsection 44(9), the PSC imposes the following restriction on the deputy minister's entitlement under subsection 44(6) to subdelegate to one or more public servants employed under section 32 who work in his or her ministry any of the powers, duties or functions delegated under subsection 44(4) in respect of public servants appointed to work in a Commission public body:

- A deputy minister may only subdelegate the powers, duties and functions set out in paragraphs 4 and 5 to one or more public servants in positions in classifications within the Senior Management Group or Crown Counsel 5.

PART D: For use where the delegations are to the deputy minister

Delegation to a deputy minister in special cases in respect of public servants appointed to work in a Commission public body

3. Pursuant to subsections 44(4) and (5), the PSC delegates to the deputy ministers listed in column 1 below, for the corresponding Commission public bodies listed in column two, the powers, duties and functions in respect of public servants appointed to work in the Commission public body¹.

PSC Delegate	Commission Public Body
Deputy Minister of Agriculture, Food and Rural Affairs	<ul style="list-style-type: none"> • Agricultural Research Institute of Ontario • Agriculture, Food and Rural Affairs Appeal Tribunal • Board of negotiation established under subsection 172(5) of the Environmental Protection Act • Ontario Farm Products Marketing Commission
Deputy Attorney General	<ul style="list-style-type: none"> • Office of Victims of Rape
Deputy Minister of Children and Youth Services	<ul style="list-style-type: none"> • Child and Family Services Review Board • Custody Review Board
Deputy Minister of Government Services	<ul style="list-style-type: none"> • Advertising Review Board • License Appeal Tribunal
Deputy Minister of Municipal Affairs and Housing	<ul style="list-style-type: none"> • Ontario Mortgage and Housing Corporation • Ontario Mortgage Corporation
Deputy Minister of Northern Development and Mines	<ul style="list-style-type: none"> • Northern Ontario Grown Bonds Corporation • Northern Ontario Heritage Fund Corporation

4. The following are the powers, duties and function referenced in paragraph 3:

PSOA Powers, Duties and Functions	In Relation To
Subsections 32(2), (3) and (4)	Appointing persons to employment by the Crown, for a fixed term or otherwise, to work in a Commission public body, as prescribed under clause 8(1)(b) of the <i>Public Service of Ontario Act, 2006</i> , in classifications other than Senior Management Group 3 or 4, Information Technology Executive 3 or 4, Financial Management and Control Group 3 or Crown Counsel 5 Reappointing for one or more further terms persons appointed for a fixed term
Section 34	Imposing disciplinary measures for cause (including suspension and dismissal)
Subsection 36(1)	Conduction an investigation to determine whether there is a cause for the purposes of section 34
Subsection 36(2)	Pending the conclusion of an investigation, suspending the public servant for a period not exceeding the period prescribed under clause 55(1)(a)
Subsection 36(3)	Withholding the public servant's salary, wages or any other remuneration, including benefits, during the suspension under section 36; if he or she considers it appropriate to do so, and at the end of the investigation, reimbursing amounts that were withheld if he or she considers it appropriate to do so

¹Subject to update if a new Commission public body is established

PSOA Powers, Duties and Functions	In Relation To
Subsection 37(1)	Where a public servant is appointed to employment for a term that is not fixed, directing that the public servant be on probation for a period of not more than one year
Subsection 37(2)	Dismissing a public servant while on probation under subsection 37(1) for failure to meet the requirements of his or her position
Subsection 38(1)	Dismissing without cause a public servant who is employed in a class of position that is prescribed under clause 55(1) by giving the public servant reasonable notice or compensation in lieu of notice
Section 39	<p>Dismissing a public servant for the following reasons:</p> <ul style="list-style-type: none"> • A shortage of work • A shortage of funds • The elimination of the public servant's position • A material change in the ministry in which the public servant works
Subsection 41(1)	Receiving at least two weeks' notice in writing from a public servant of his or her intention to resign from his or her position
Subsection 41(2)	<p>Receiving from a public servant, notice in writing of his or her withdrawal of the notice of intention to resign at any time before its effective date if no person has been appointed or selected for appointment to the position held by the public servant; and</p> <p>Approving the withdrawal of the resignation</p>
Section 42	Declaring in writing that a public servant has abandoned his or her position and that his or her employment by the Crown is terminated

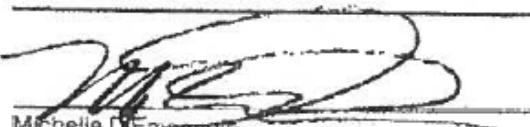
5. Pursuant to subsection 44(10), a deputy minister shall obtain PSC permission to exercise his or her discretion in respect of subsection 38(1) for a regular employee who is employed in the Senior Management Group 2, 3 or 4, Information Technology Executive 2, 3 or 4, Financial Management and Control Group 2 or 3, Crown Counsel 5 or Ontario Police Commissioner 1 classifications.

6. Pursuant to subsection 44(10), a deputy minister may not subdelegate the delegation in paragraph 4 with respect to subsection 38(1).

7. Pursuant to subsection 44(9), the PSC imposes the following restriction on the deputy minister's entitlement under subsection 44(6) to subdelegate to one or more public servants employed under section 44(6) to subdelegate to one or more public servants employed under section 32 who work in his or her ministry any of the powers, duties or functions delegated under subsection 44(4) in respect of public servants appointed to work in a Commission public body:

- With respect to the powers, duties and functions listed in paragraph 4, except those in relation to subsections 41(1) and (2), a deputy minister may only subdelegate the powers, duties and functions set out in paragraph 4 to one or more public servants in positions in classifications within the Senior Management Group or Crown Counsel 5.

Public Service Commission



Michelle D'Esposito
Chair

Kim Bellissimo
Kim Bellissimo
Secretary

Dated on: July 20, 2007

PSC Delegations to
Commission Public Bodies

Appendix 6: Statutes of Particular Application

The OFA is subject to the following key Ontario statutes:

- *Capital Investment Plan Act, 1993*
- *Financial Administration Act*
- *French Language Services Act*
- *Pay Equity Act*

The OFA is designated under the following Ontario statutes:

- *Accessibility for Ontarians with Disabilities Act, 2005*
- *Archives and Recordkeeping Act, 2006*
- *Freedom of Information and Protection of Privacy Act*
- *Public Service of Ontario Act, 2006*

Appendix 7: “Designated Senior Positions” under Ontario Regulation 381/07

The following list identifies “designated senior positions” in the OFA pursuant to section 14 of Ontario Regulation 381/07:

1. Chair
2. Assistant Deputy Minister
3. XOFA3
4. XOFA2
5. XOFA1
6. SMG2