



## Proposed Bylaw Amendments

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At the June 16, 2022 and March 3, 2023 meetings, Council reviewed and approved recommending the following amendments to members in attendance for consideration at the May 6, 2023 Annual Meeting:

- Regulatory Bylaw 23.2 – Continuing Professional Development (CPD) Program
- Regulatory Bylaw 12 – Maintenance of membership
- Regulatory Bylaw 13 – Licences required
- Administrative Bylaw 28(3) – Separate out the Professional Practice Exam Fee

**NOTE:** According to *The Engineering and Geoscience Professions Act, 1997*, Section 15(1) – “The Council, with the approval of not less than three-quarters of the councillors, may make bylaws for any purpose set out in section 16.”

This does not mean  $\frac{3}{4}$  of the Councillors present at the meeting, but  $\frac{3}{4}$  of all Council members. Thus, it is important to have all members of Council present at the meeting.

Once approved by the members, Ministerial approval and publishing in the Gazette are still required for the regulatory bylaws to come into force.

### **RATIONALE FOR AMENDMENTS:**

The enclosed Bylaw amendments are aligned with improving clarity to the administration of the CPD program and upholding changes to support the professional practice exam.

Not all members who have had their licence suspended by the Registrar for non-compliance with CPD are taking the necessary steps to have the suspension removed prior to renewals (paying their annual dues). This has been identified as an operational misalignment with respect to the intent of the program. The existing bylaws do not require members to be compliant with the CPD program in order to maintain their membership in good standing. Steps are being taken to clarify the intent with the proposed amendments.

The proposed bylaws amendments will define what it means for a member to be noncompliant with the CPD program and describe what is required for members to be compliant with the CPD program to maintain their membership in good standing so they are eligible to renew both their annual membership and licence.

Amendments to Regulatory Bylaw 23.2 and Appendix 5 will allow council to approve changes to the CPD Program document rather than requiring bylaw amendments if changes are being contemplated to the program.

## Regulatory Bylaw 23.2 – Continuing Professional Development Program

This bylaw established the CPD program. It is being amended to simplify some of the wording in the Bylaw and remove references to waiver holders. The bylaw is also being amended to clearly define when a member is not in compliance with the program (subsection 23.2(5)).

The amendment will accommodate changes to the CPD program by amending the CPD Program document (must be approved by council) rather than requiring additional future changes to the Bylaw. Appendix 5 – Core Elements is being amended to remove the requirement of 80 credits over three categories annually.

The proposed changes recommended for the CPD Program are a requirement of 30 credits annually for all members outside of the Professional Practice category. The required minimum annual credits will be specified in the program document rather than the Bylaw. Requiring all members to report 30 credits annually (whether actively practicing or not) alleviates the need to treat waiver holders, or members not working in the profession with a different set of annual CPD requirements.

### Existing Bylaw

#### CONTINUING PROFESSIONAL DEVELOPMENT

##### Program

23.2(1) In accordance with section 5 and clause 16(2)G) of the Act and clause 20(2)(d) and Appendix 5, the council shall:

- a) establish and maintain a continuing professional development program;
- b) publish the continuing professional development program and ensure that the published document is publicly available without charge; and
- c) verify and ensure compliance of members with the continuing professional development program.

(2) As of January 1, 2019, all members, other than life members, must annually meet the continuing professional development program requirements, as set out in Appendix 5 and in the program established pursuant to clause (1)(a), by January 31 of the year following the calendar year to which they relate.

(3) If a member does not comply with subsection (2), the registrar may:

- a) assign a remediation plan with which the member must comply;

### Proposed

#### CONTINUING EDUCATION

##### Continuing Professional Development Program

23.2(1) For the purposes of section 5 of the Act the Council shall:

- a) establish and maintain a continuing professional development program;
- b) publish the continuing professional development program and ensure that the published document is publicly available without charge; and
- c) verify and ensure compliance of members with the continuing professional development program.

(2) All members, other than life members, must annually meet the continuing professional development program requirements, as set out in Appendix 5 and in the continuing professional development program published pursuant to subsection (1)(b), by January 31 of the year following the calendar year to which they relate.

(3) If a member does not comply with subsection (2), the registrar may:

- a) assign a remediation plan with which the member must comply;
- b) suspend the member's licence.

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(4) If a member ceases to have a licence by reason of his or her failure to comply with the continuing professional development program requirements, the registrar may reinstate the licence on receipt of a CPD reinstatement application from the member and proof that the member has met the reinstatement requirements set by council.

(5) If a member has a licence waiver pursuant to subsection 13(2) and fails to comply with the continuing professional development program requirements, the registrar may reinstate the member's licence on receipt of an application from the member and proof that the member has met the reinstatement requirements set by council.

#### **APPENDIX 5 Continuing Professional Development Core Elements**

This appendix summarizes the core elements of the Continuing Professional Development Program. A detailed description of the full program can be found in the Continuing Professional Development Program document, available online at the APEGS website or in person at the APEGS office. The Continuing Professional Development Program meets APEGS' statutory requirements as well as the professional obligations of members. Section 5 of The Engineering and Geoscience Professions Act states the Objects of the Association and speaks to the need for a Continuing Professional Development Program. As well, clause 20(2)(d) of the Regulatory Bylaws (the Code of Ethics) requires members to:

*Keep themselves informed in order to maintain their competencies, strive to advance the body of knowledge with which they practice and provide opportunities for professional development of their subordinates.*

(4) If a member has their licence suspended pursuant to subsection (3)(b), the registrar may remove the suspension on receipt of an application from the member to restore their licence and proof that the member has met the requirements set by Council.

(5) A member who has their licence suspended pursuant to subsection (3)(b) is not compliant with the continuing professional development program until the suspension is removed pursuant to subsection (4).

#### **APPENDIX 5 Continuing Professional Development Program Core Elements**

This appendix summarizes the core elements of the Continuing Professional Development Program. A detailed description of the full program can be found in the Continuing Professional Development Program document, available online at the APEGS website or in person at the APEGS office. The Continuing Professional Development Program meets APEGS' statutory requirements pursuant to section 5 of the Act, as well as the professional obligations of members contained in the Code of Ethics.

The Continuing Professional Development Program establishes a benchmark against which members will evaluate their ongoing professional development activities. And provides tools for analyzing needs, planning programs, and recording and reporting activities.

The Continuing Professional Development Program requires the following annual components:

- 1) **Ethics Component**
  - a. Members must complete an annual ethics component, as outlined in the Continuing Professional Development Program document.
- 2) **Minimum Credit Requirements**

The Continuing Professional Development Program establishes a benchmark against which members will evaluate their ongoing professional development activities. And provides tools for analyzing needs, planning programs, and recording and reporting activities.

The Continuing Professional Development Program requires the following annual components:

- 1) **Ethics Component**
  - a. Members must complete an annual ethics component, as outlined in the Continuing Professional Development Program document.
- 2) **Minimum Credit Requirements**
  - a. Each member is required to accumulate 80 credits annually.
  - b. Any credits accumulated in excess of the annual 80 credit requirement may be banked and then applied toward credit requirements for up to two subsequent years.
- 3) **Minimum Categories**
  - a. Members must annually obtain credits from at least three of the categories recognized in the Continuing Professional Development Program.
- 4) **Member Record Keeping and Reporting**
  - a. Each member shall maintain a complete record of their Continuing Professional Development Program for at least the previous three years.
  - b. This record shall clearly document:
    - i. individual scope of practice,
    - ii. program plan, and
    - iii. a detailed record of completed activities and the number of credits earned.
  - c. Members shall report their Continuing Professional

- a. Each member is required to accumulate the minimum credits specified in the Continuing Professional Development Program document annually.
  - b. Any credits accumulated in excess of the annual minimum credit requirement may be banked and then applied toward credit requirements for up to two subsequent years.
- 3) **Minimum Categories**
  - a. Members must annually obtain credits from at least two of the categories recognized in the Continuing Professional Development Program.
- 4) **Member Record Keeping and Reporting**
  - a. Each member shall maintain a complete record of their Continuing Professional Development Program for at least the previous three years.
  - b. This record shall clearly document:
    - i. individual scope of practice,
    - ii. program plan, and
    - iii. a detailed record of completed activities and the number of credits earned.
  - c. Members shall report their Continuing Professional Development annually, as directed in the Continuing Professional Development Program document.
- 5) **Program Variation**

Members with special circumstances may apply for reduced Continuing Professional Development requirements by submitting a Continuing Professional Development Program Variation Request in the manner outlined in the Continuing Professional Development Program document.

Development annually, as directed in the Continuing Professional Development Program document.

**5) Program Variation**

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**6) Requirements for Members Who Have a Licence Waiver**

- a. Members who have a licence waiver as defined in section 13(2) have a reduced credit requirement of 30 credits during each waiver year.
- b. Members who have a license waiver as defined in section 13(2) must obtain credits from at least two of the categories recognized in the Continuing Professional Development Program during each waiver year.

## **Regulatory Bylaw 12 – Maintenance of membership**

The current Regulatory Bylaw 12 – Maintenance of membership requires members to pay their dues to maintain their membership. There are no requirements to be compliant with CPD to maintain membership.

The bylaw amendments brings clarity to the requirement that members need to be in compliance with the CPD program (subsection 23.2(5)) in order to maintain their membership in good standing. Members who fail to pay the prescribed fees or are not in compliance with the requirements of the CPD program on January 31 will cease as members.

### **Existing Bylaw**

#### **Maintenance of membership**

**12** In order to maintain his or her registration as a member, a member shall pay the prescribed fee for annual membership, and a member who fails to pay that fee on or before the required date for payment ceases to be a member.

### **Proposed**

#### **Maintenance of membership**

**12(1)** In order to maintain their membership in good standing a member shall:

- (a) pay the prescribed fee for annual membership; and
- (b) comply with the Continuing Professional Development Program as set out in subsection 23.2(5).

- (2) A member who does not pay the prescribed fee for annual membership prior to January 31 in each year, ceases to be a member.
- (3) A member who is not compliant with the Continuing Professional Development Program pursuant to subsection 23.2(5) on January 31 in each year ceases to be a member.
- (4) To qualify for reinstatement as a member, a person is required to complete the reinstatement requirements as set by the Council.

**Regulatory Bylaw 13 – Licences required**

The current Regulatory Bylaw 13 – Licences required, states all members must obtain a licence unless they obtain a waiver, with no requirements to be compliant with CPD.

The bylaw amendments clarify that members must maintain their membership in good standing (subsection 12(1)) to apply for a licence waiver and (must be compliant with CPD).

**Existing Bylaw**

**Licenses Required**

13(1) Subject to subsection (2), all members are required to obtain an annual, restricted or temporary licence, as the case may be, by submitting any required form provided by the Association, together with the required fee, prior to January 31 in each year.

(2) A member who is retired or is not working in Saskatchewan may apply to the Council to waive the requirement to obtain a licence while the member is retired or not working in Saskatchewan.

(3) A member who does not obtain a licence or a waiver in accordance with subsections (1) and (2) ceases to be a member as at January 31 of the year for which the licence or waiver is required.

**Proposed**

**Licenses Required**

13(1) Subject to subsection (2), all members are required to obtain an annual, restricted or temporary licence, as the case may be, by submitting any required form provided by the Association, together with the required fee, prior to January 31 in each year.

(2) A member in good standing pursuant to subsection 12(1) who is retired or is not working in Saskatchewan may apply to the Council to waive the requirement to obtain a licence while the member is retired or not working in Saskatchewan.

(3) A member who does not obtain a licence or a waiver in accordance with subsections (1) and (2) ceases to be a

(4) Subsection (3) does not apply to a member in respect of whose conduct an investigation is initiated or pending until any discipline proceedings arising from the investigation are completed and any penalty imposed by the discipline committee as a result has been enforced.

member as at January 31 of the year for which the licence or waiver is required.

(4) Subsection (3) does not apply to a member in respect of whose conduct an investigation is initiated or pending until any discipline proceedings arising from the investigation are completed and any penalty imposed by the discipline committee as a result has been enforced.

### **Administrative Bylaw 28(3)**

That Administrative Bylaw 28(3) be amended as required to separate out the fee payments for the Principles Professional Practice Exam and the law and ethics professional development seminar; and, that the fee for the professional practice exam be included in the new professional practice exam policy.

In 2021 APEGS signed a Memorandum of Understanding to use the National Professional Practice Exam. As part of that agreement, APEGS is required to adhere to designing, developing, and administering a successful NPPE program. Therefore, the bylaw amendment allows Council to administer the Professional Practice Exam so that it is consistent with the national standards.

#### **Existing Bylaw**

##### **Administrative fees**

**28(3)** The fee payable in respect of writing the "Principles of Professional Practice" examination and attending the Law and Ethics seminar is \$305.00, unless an individual requires special arrangements to be made to write the examination, in which case an additional fee of \$250.00 is payable.

#### **Proposed**

**28(3)** The fee payable in respect of writing the "Principles of Professional Practice" examination ~~and attending the Law and Ethics seminar is \$305.00, unless an individual requires special arrangements to be made to write the examination, in which case an additional fee of \$250.00 is payable.~~ **shall be specified by Council.**