

In-placement Strategy Memorandum of Agreement Between OPSEU and Employer

Question and Answers

Conditional Assignments – Section 6 of MOA

Please also refer to "Revised Explanatory Note – Conditional Assignments" issued jointly by OPSEU and the Employer on September 6, 2007 for general information on Conditional Assignments.

Q: When will Impacted Employees be considered for Conditional Assignments under the MOA?

- A: The timing for consideration for conditional assignments is the same as under the collective agreement. Impacted Employees are not considered until:
- They have received their formal surplus notice; and
 - No direct assignment has been identified through the redeployment process in three months; and
 - No displacement opportunity (i.e. bump) has been identified at the end of three months.

This means that the Employer will not search for a conditional assignment until the employee has been on the surplus list for at least three (3) months.

Q: What happens if an Impacted Employee in a conditional assignment is not qualified at the end of the six (6) month notice period?

- A: The parties, through the MOA, have agreed that the period of retraining in the conditional assignment may operate to extend the surplus notice period by a period equivalent to the retraining period, provided the total period of conditional assignment does not exceed five (5) months, for the purpose of Article 20B.12 only.

In other words and for example, if an Impacted Employee commences a conditional assignment at the beginning of month five of their surplus notice, and it becomes clear during the sixth month they will not yet be qualified for the assignment at the end of six months, the assignment may be extended for a maximum of three additional months to allow more time to become qualified even though the extension takes it beyond the surplus date (i.e. total period of conditional assignment not to exceed five

months). If the employee does not qualify by the end of the additional period, their employment will be terminated and they will be laid off with all entitlements available to laid off employees including the right to elect to have recall rights which shall include the right to apply for restricted competitions within the recall period.

The ministry may confirm the employee at any time during the assignment, including the extension if applicable, once the employee demonstrates that he/she is qualified for the vacancy at the working level.

Q: Which Ministry is financially responsible for the employee after the original six months surplus notice has elapsed?

A: As the home ministry is responsible for the employee's pay in a conditional assignment up to the end of the notice period, they would also be responsible for the extension of the employee's pay beyond the end of notice period. The receiving ministry will continue to be responsible for all other costs related to the employee (e.g. training, telephone, other accommodation), and for employee pay when and if the employee is confirmed on a permanent basis into the assignment.

Q: Are Impacted Employees who have elected to be considered for a direct assignment in advance of receiving their surplus notice eligible for conditional assignments?

A: Employees, including Impacted Employees, are eligible to conditional assignments only after having received their formal notice of surplus and the other criteria under the collective agreement are met. Impacted Employees who elect to be considered for a direct assignment would not be eligible prior to receiving their surplus notice.