

In-placement Strategy Memorandum of Agreement Between OPSEU and Employer

Question and Answers

Direct Assignments – Section 2 of MOA

Q: How do the direct assignment provisions under the MOA differ from those under the collective agreement?

A: The parties have agreed through the MOA that full and part-time OPSEU represented employees who will be impacted (i.e. declared surplus) by a transformation resulting in 50 or more OPSEU represented employees being laid off, can access the redeployment provisions prior to receiving their notice of surplus.

This is different than the entitlements under article 20 B of the Collective Agreement. Under the latter, full and part-time OPSEU represented employees are eligible to be considered for direct assignment to certain vacancies under the redeployment provisions after they have received their notice of surplus.

Q: Who is eligible to be considered for a direct assignment under the MOA?

A: Full and Part-time Regular (Classified) OPSEU represented employees whose home positions are in programs that will be undergoing transformation which will result in 50 or more OPSEU represented employees being declared surplus (and who themselves will be declared surplus as a result of the transformation) may be considered for direct assignment. This does not include employees who are covered by previous surplussing and/or in-placement agreements between the parties.

Q: How will employees be advised that they are eligible under the MOA?

A: Ministries should build this messaging into their communications plans to employees following disclosure to OPSEU of initiatives that will result in the surplus of 50 or more OPSEU represented employees.

Q: When do employees have to indicate their interest in being considered for direct assignments by?

A: Eligible employees must indicate their interest in being considered for a direct assignment under the Memorandum of Agreement within ten (10)

working days following the employer and ministry disclosure to OPSEU of the Impacted Employees.

Q: What do eligible employees have to do to be considered for direct assignment?

- A: To be considered, eligible employees must do two things:
- within ten (10) working days from the disclosure to OPSEU of the Impacted Employees they must advise either their Ministry Human Resource (HR) Branch (if before June 30 '08) or the assigned Employee Mobility Coordinator (EMC) in the Regional Recruitment Centre (RRC) (if after June 30 '08) in writing of their wish to be considered; and
 - They must also complete and forward a completed Employee Portfolio to the HR Branch (before June 30 '08) or the Employee Mobility Coordinator (after June 30 '08).

Once these documents have been submitted within the time lines established under the MOA, the Employee Portfolio and application are forwarded by the HR Branch or Employee Mobility Coordinator to the Ministry of Government and Consumer Services, Employment Programs and Services Unit to begin the process of matching the employee to vacancies in accordance with Article 20B.3.

Q: Can employees indicate their interest at a later date and still be considered for a direct assignment?

- A: No. The parties agreed that in order to be considered for the special provisions, eligible employees must indicate their interest within 10 days of the disclosure. Once an eligible employee is issued surplus notice however, they will be entitled to all entitlements under the collective agreement including being considered for a direct assignment.

Q: Can eligible employees sign up for direct assignment and submit their Employee Portfolios at a later date?

- A: No. A completed Employee must accompany the application form. The redeployment process that is used to find direct assignments cannot begin without a completed Employee Portfolio.

Q: Why do eligible employees have to complete Employee Portfolios?

- A: The parties agreed this was a requirement of being considered. In order to be matched to a vacant position in the OPS (i.e. direct assignment), an employee must be qualified to perform the required duties of the position.

The Employee Portfolio provides the Employer with the information necessary to make these matches.

Q: How will direct assignments be made under this process?

A: Direct assignments will be made on the same basis as outlined in Article 20B.3 with respect to full-time classified employees and Article 62.1 with respect to part-time classified employees.

Q: Can employees turn down a direct assignment made under the Memorandum of Agreement?

A: Yes, however if they turn down the assignment into a position within or outside of the 40 kilometre radius of their home position, they will not be considered for any further direct assignments until they receive their actual surplus notice, at which point they will be entitled to all applicable terms and conditions of the collective agreement and Memorandum of Agreement.

Q: Can an employee withdraw their name for consideration once they have put it in and later put forward their name again?

A: Yes they can withdraw, however if they withdraw, they will not be considered for any further direct assignments until they receive their actual notice of surplus at which point they will be entitled to all applicable terms and conditions of the collective agreement and Memorandum of Agreement.

Q: Can an employee who is placed in a direct assignment through this process and starts working in the position change their mind and either return to their former position to await surplussing, or be considered for further direct assignments in advance of receiving surplus notice.

A: No. If an employee has been placed in a direct assignment they cannot return to their former position nor will they be considered for other direct assignments.

Q: What happens when an employee receives a direct assignment under this process?

A: When a direct assignment is found, the employee will receive an assignment letter containing information on the new position and start date. The employee must provide a written response to the contact indicated in the letter within five (5) working days. A letter indicating layoff will also be issued to the employee at the same time. Employees who are

matched and accept the job will forfeit all other rights under Article 20, Appendix 9 and Appendix 17 of the Collective Agreement as well as those under the Memorandum of Agreement. If an employee refuses the direct assignment, the notice of layoff will be rescinded and the employee will remain at work until they would otherwise have received a notice of surplus, and the employer will cease searching for another direct assignment.

Q: What happens if employees are not matched under this process?

A: Employees who are not matched will be issued their surplus notice when they would otherwise have received it and will be entitled to applicable terms and conditions under the Collective Agreement and applicable sections of the Memorandum of Agreement.

Q: Are relocation (i.e. moving) expenses reimbursed if employees are redeployed beyond 40 kilometres from their home positions under the MOA?

A: No. If an employee has chosen to be considered for an assignment beyond a forty (40) kilometre radius of his or her headquarters, and is assigned to such a position, relocation expenses are not paid by the Employer.

Q: Can employees displace other employees in advance of receiving their notice of surplus under the MOA?

A: The MOA only provides for employees to be considered for direct assignments into vacancies in advance of receiving their surplus notice. This does not include displacing other employees.

Q: Can employees who are eligible for direct assignments under the MOA be placed in positions of non-surplussed employees who volunteer to exit under Article 20B.7 (Voluntary Exit Option)?

A: Yes. Direct assignments will be made on the same basis as outlined in Article 20B.3 with respect to full-time classified employees and Article 62.1 with respect to part-time classified employees. Employees under this process will not however be matched to positions that are registered under the Voluntary Exit Registry in the same program that is being transformed that are also subject to surplusings.

Q: What happens if an Impacted Employee is assigned a direct assignment and the home ministry still needs the work to be done, and decides to fill the position with a fixed term employee?

A: The parties have agreed that time spent by fixed term employees filling in behind employees directly assigned under the MOA, will not be included for the purpose of conversion under Article 31A.15 of the Collective Agreement.