

Ontario Public Service  
Employees Union

**OPSEU**



**SEFPO**

Syndicat des Employé-e-s  
de la Fonction Publique  
de l'Ontario

**MEMORANDUM**

**TO:** Executive Board Members, CERC Team & MERC Teams  
**FROM:** Terry Baxter, OPS Supervisor/Negotiator  
**DATE:** December 14, 2005  
**SUBJECT: JOINT EMPLOYMENT STABILITY SUB-COMMITTEE (JESS)  
Minutes – September 27, 2005**

---

Attached, for your information, are the minutes of the above captioned meeting.

**PLEASE NOTE: THESE MINISTRY MINUTES WERE PREPARED BY THE EMPLOYER.**

AUTHORIZED FOR DISTRIBUTION:

IN SOLIDARITY,

Leah Casselman  
President

Terry Baxter  
OPS Supervisor/Negotiator

LC/jm  
att.

cc: Senior Staff  
Job Security

100 Lesmill Road,  
Toronto, Ontario  
M3B 3P8  
e-mail: [opseu@opseu.org](mailto:opseu@opseu.org)  
[www.opseu.org](http://www.opseu.org)  
100 chemin Lesmill,  
Toronto, Ontario  
M3B 3P8  
courrier électronique  
[opseu@opseu.org](mailto:opseu@opseu.org)  
[www.opseu.org](http://www.opseu.org)

Tel: (416) 443-8888  
Fax: (416) 443-9670  
Ontario:  
Toll free: 1-800-268-7376  
TDD:  
(416) 443-9898  
or  
1-800-663-1070

**JOINT EMPLOYMENT STABILITY SUB-COMMITTEE (JESS) MEETING**

**ABBREVIATED MINUTES**

September 27th, 2005  
 2:00 p.m. – 5:00 p.m.  
 100 Lesmill OPSEU Head Office

**For OPSEU:** Sandra Harper, Cameron Walker, Kathleen Demareski, Pati Habermann, Elaine Bagnall  
**For the Employer:** Tom Sharp, Ann MacDonald, Carol Pauker  
**Regrets:** Cathie Rogers, Katie MacKenzie, Rheel Delaquis

ITEM	ISSUE	EMPLOYER'S POSITION	UNION'S POSITION	ACTION REQUIRED
Standing	Previous minutes reviewed.			None
Standing	Corporate Transition Reports	The Employer provided the latest transition reports to OPSEU.		Item remains as a standing item.
03 05 01	Transition Reports	The Employer is continuing to investigate the possibility of providing this report electronically.  Given the significant workload of the program area responsible, this is unlikely to proceed in the near future.		The Employer will continue investigating the possibility of providing electronic reports.
Standing	I & IT	Nothing to Report		
03 04 02	Security Checks		Concerns regarding the security checks in the Ministry of Education have been resolved. In the event	Item removed from the agenda

**JOINT EMPLOYMENT STABILITY SUB-COMMITTEE (JESS) MEETING**

ITEM	ISSUE	EMPLOYER'S POSITION	UNION'S POSITION	ACTION REQUIRED
			<p>that future issues around employment stability arise, the item may return to the agenda.</p> <p>Concerns regarding the corporate personnel screening checks initiative are being addressed by the parties in another forum and may be removed from the agenda. Should there be future issues affecting employment stability, the item may return to the agenda.</p>	
04 02 04	Job Mart/Topical	By copy of the June 7 <sup>th</sup> memo from the Director of Employee Relations Division to HR Directors, the employer has established that employees on recall will be kept apprised of electronic postings of restricted competitions in Job Mart/Topical.		Item removed from Agenda.
05 04 19	Article 20.12	<p>The Employer reiterated that its interpretation of Article 20.12 was that an employee, once assigned under Article 20.12.1, is no longer surplus under Article 20. Should the employee not be ultimately assigned to the position, the employee only has right to recall under Article 20.6.</p> <p>The Employer will consult internally on whether this interpretation might change under the new collective agreement</p>	The Union requires an answer promptly on the issue of whether an employee who is conditionally assigned would retain full Article 20 rights should they not be permanently assigned to the conditional assignment.	Employer to respond promptly to the Union with corporate position.
03 10 01	GSB #409/00 (Dupuis)	The parties have established a separate subcommittee to address		Removed from the Agenda.

**JOINT EMPLOYMENT STABILITY SUB-COMMITTEE (JESS) MEETING**

ITEM	ISSUE	EMPLOYER'S POSITION	UNION'S POSITION	ACTION REQUIRED
		issues arising from this grievance and the item can be removed from the JESS agenda		
NEW ITEMS				
05 09 27	Article 42.10		<p>The Union raised the issue that employees returning from LTIP and accessing Employment Stability provisions via Article 42.10 may have rights to accommodation under the Human Rights Code.</p> <p>The Union wanted to know whether RIMS is capable of distinguishing between an employees being redeployed due to surplus activity and those being redeployed as part of a return from LTIP.</p>	The Employer will consider the need and the feasibility of flagging those employees accessing Employment Stability as part of an LTIP return under Article 42.10.
05 09 27	Article 20 (Employment Stability)	<p>The Employer explained that the implementation of the new Article 20 to take effect January was being handled by a working group.</p> <p>The Employer stated that, where possible, it would bring to the JESS for discussion items concerning implementation and interpretation of the CA.</p> <p>Regarding the specific issue raised by the Union regarding the scope of the new Article 20, the Employer will consult with its Director of OPSEU Negotiations before responding.</p>	<p>The Union raised a specific issue around the interpretation of the first paragraph of the new Article 20.</p> <p>The Union requested confirmation of the Employer's interpretation</p>	The Employer will consult with its Director of OPSEU Negotiations and report back.
05 09 27	Terms of Reference and			DEFERRED

**JOINT EMPLOYMENT STABILITY SUB-COMMITTEE (JESS) MEETING**

<b>ITEM</b>	<b>ISSUE</b>	<b>EMPLOYER'S POSITION</b>	<b>UNION'S POSITION</b>	<b>ACTION REQUIRED</b>
	Dispute Resolution Guidelines			
	Role of Employment Programs and Services Unit	The Employer confirmed that EP&S will be responsible for identifying all placements under Articles 20.3, 20.4, 20.7 and 20.12.		

Prepared by: Tom Sharp (416-325-6413)