

MEMORANDUM

TO: All Presidents and Stewards with MERC members
All Local Presidents and Stewards

FROM: Brian Gould, OPS Supervisor/Negotiator

DATE: February 24, 2009

SUBJECT: Ministry of Attorney General
Divisional Minutes – November 15, 2008

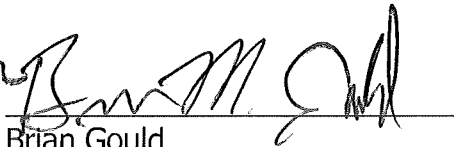
Attached for your information, please find the minutes of the above captioned meeting.

Your making these available to your delegates and members would be appreciated.

AUTHORIZED FOR DISTRIBUTION: IN SOLIDARITY,



Warren (Smokey) Thomas
President



Brian Gould
OPS Supervisor/Negotiator

/gj

att.

cc: Executive Board Members
CERC
MERC Chairs
Ministry ERC
Senior Staff
Regional Offices

MINISTRY OF ATTORNEY GENERAL

**2008 DIVISIONAL MEETING
NOVEMBER 15, 2008
FAIRMONT ROYAL YORK HOTEL**

CALL TO ORDER

Julie Weber called the meeting to order at 1:23 p.m.

INTRODUCTIONS

Chair: Julie Weber
Vice-Chair: Brenda Clapp
Member: vacant (Paul Myers)
Staff: Judith Marion
Recording Secretary: Sherry Bader

ADOPTION OF THE AGENDA

MOTION

Moved: Tina Stevens L. 102 Seconded: Elaine Young L.205

To adopt the agenda.

CARRIED

ADOPTION OF THE PREVIOUS MINUTES

MOTION

Moved: Heather McMichael L. 102 Seconded: Elaine Young L. 205

To adopt the minutes of the previous Divisional meeting.

CARRIED

BUSINESS ARISING FROM THE MINUTES

None

ERC TEAM REPORTS

Julie Weber gave Chair's report – see attached

Brenda Clapp reported on Aboriginal Recruitment Pilot Project in the Courts. Jim Jurens reported on Enforcement Officers' Working Group

ELECTIONS

At 2:15, Julie turned election over to Judith Marion. Judith reviewed election procedures prior to conducting the election.

MOTION

Moved: Fran Cappe L. 528 Seconded: Tina Stevens L. 102

Each candidate be allowed three minutes to speak.

CARRIED

MERC TEAM

<u>Nominator</u>	<u>Nominee</u>	<u>Stand/Decline</u>	<u>Results</u>
Lorna Bulgin L.102	Helen Haggith L. 154	Stand	
Cindy Baker L.735	Brenda Clapp L. 710	Stand	Elected
Claudette Skeene L. 228	Julie Weber L. 228	Stand	Elected
Claudette Skeene L. 228	Leslie Howard L. 551	Decline	
Victor Saliba L. 526	Jim Jurens L. 526	Stand	Elected
Karen Clarke L. 212	Elaine Young L. 205	Stand	

CHAIR

<u>Nominator</u>	<u>Nominee</u>	<u>Stand/Decline</u>	<u>Results</u>
Brenda Clapp L. 710	Julie Weber L. 228	Stand	Acclaimed

VICE-CHAIR

<u>Nominator</u>	<u>Nominee</u>	<u>Stand/Decline</u>	<u>Results</u>
Jim Jurens L. 526	Brenda Clapp L. 710	Stand	Acclaimed
Julie Weber L. 227	Jim Jurens	Decline	

MOTION

Moved: Tina Stevens L. 102 Seconded: Bonnie Leutschaft L.727

That plurality be used for election of alternates

CARRIED

ALTERNATES

<u>Nominator</u>	<u>Nominee</u>	<u>Stand/Decline</u>	<u>Results</u>
Jim Jurens L. 526	Shelley McCormick L. 526	Stand	Elected
Julie Weber L. 228	Fran Cappe L. 528	Stand	Elected
Brenda Clapp L. 710	Helen Haggith L. 154	Stand	Elected
Karen Clarke L. 212	Elaine Young L. 205	Stand	
Lori Bulgin L. 102	Tina Stevens L. 102	Stand	
Victor Saliba L. 526	Buzai, Ibrahim L. 526	Decline	

MOTION

Moved: Claudette Skeene L. 228 Seconded: David Prescod L. 528

To destroy the ballots

CARRIED

NEW BUSINESS

None

ADJOURNMENT

MOTION

Moved: Victor Saliba L. 526

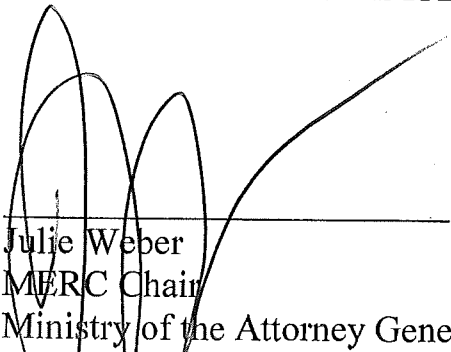
Seconded: Brenda Clapp L. 710

To adjourn.


CARRIED

The meeting was adjourned at 3:40 p.m.

AUTHORIZED FOR DISTRIBUTION



Julie Weber
MERC Chair
Ministry of the Attorney General



Warren (Smokey) Thomas
President
OPSEU

/sb

OPSEU MAG DIVISIONAL REPORT

November 15, 2008

1. PRIOR MINUTES:

February 12th and April 1st, 2008 Minutes have been signed off by both Co-Chairs which are posted on the OPSEU website.

June 3rd and September 30th, 2008 Minutes are currently being reviewed the Employer and the Union.

November 6th, 2008 Minutes have yet to be provided to the Union from the Employer.

2. STANDING ITEMS:

Conversions

a) Article 31A.15 - Conversion of Unclassified Positions to Classified Positions:

Approximately 100 positions within the Ministry have been converted to Classified status since November 25th, 2006.

b) Appendix # 25 - Conversion of Unclassified / Part-Time Employees:

There is no ongoing conversion language in the OPSEU Central Collective Agreement for the Flexible Part-Time positions. Recommendations were provided for the purposes of Bargaining 2008 - 2009.

3.) Courts Update

Interpreters

As of September 30th, 2008 the Ministry advised that the Request for Proposal process is complete and a vendor has been selected to provide interpreter training and testing.

4.) Family Justice Services Division

Office of the Public Guardian and Trustee

The investigation regarding a Public Guardian is currently in progress. The OPGT has increased funding to ensure that appropriate controls are present regarding financial issues. The Ministry has increased the number of staff and will disclose to OPSEU in the future the precise number of OPSEU staff.

Office of the Assistant Deputy Attorney General

The Office of the Assistant Deputy Attorney General is currently experiencing reorganization.

5.) Legal Services Division

Legal Services Division

Recent competitions for excluded staff have occurred.

6) Grievance Administrative Project (GAP/WLRC)

MAG is in discussion with OPSEU to implement Grievance Administration Project's across the province.

7) Vacancy Reports

Vacancy reports were not received at the MERC Meeting on November 6th, 2008. Ministry has advised the Union that recruitment is now centralized through the Ministry of Government Services (MGS). Therefore, the Ministry will have to obtain information regarding vacancies through the recruitment centre. The Ministry will work with the recruitment centre to work out a process to address such Ministry specific issues.

8) Enforcement Program

The Ministry recently announced that as a result of the successful pilot project they intend to issue handcuffs and training to Enforcement Officers across the province. The Ministry will continue to consult with the Enforcement Officer Handcuff Sub-Committee for the purpose of consultations in developing of policies, and training surrounding the use of handcuffs. The first meeting of the aforementioned committee commenced October 7th, 2008.

9) LERC's

Centralized training for LERC's was provided to a number of LERC's within the Ministry. The training commenced in early January 2007. The feedback from Members indicated that the

training was very helpful, beneficial and informative.

10) JH & SC's

The Ministry provided the Union with a recent Member listing for all Committee's within the Ministry. The number of functional Committees has increased from 2005 by an overwhelming 50%.

11) WORKLOAD ISSUES

The Union has raised several concerns with the Employer regarding workload issues throughout the Ministry. Regrettably, few of these matters have been resolved at the MERC level to date. The Collective Agreements, Appendix 30, subsection 'd' precludes OPSEU from forwarding unresolved concerns to the Central table.

Brampton workload issues in the Civil and Family Superior Court of Justice have been presented to the Employer for over one year. The Employer steadfastly refuses to adopt any of the Union's recommendations with regards to resolving workload issues in this office to date.

A. REPORT BACK ITEMS:

1) Ontario Victim Services Secretariat

The survey results disclosed to MERC by the Ministry were very unfavourable to the Employer. Immediately subsequent to the results being disclosed the Ministry advised the Union that Focus Groups would be set up to assist the Employer with resolving issues identified in the survey. The Union requested to participate in these groups. The Ministry is to provide additional disclosure once it is available.

2) Terms of Reference - MERC, & LERC's

The parties have completed the Terms of Reference and are in the process of signing off on them. The parties committed at the last ERC Meeting on November 6th, 2008 to have the TOR signed off the following week. These Terms of Reference should be available to members in the not so distant future for review and consideration.

3) Criminal Court Administrative Best Practices

The Ministry advised the Union on December 6th, 2006 that all best practices have been implemented across the province. The Ministry advised that no further information or disclosure are available at this time and that no concerns have been identified subsequent to the final implementation.

4) Inclusions

Article 1.4

Disclosure received. Several AMAPCECO positions have been challenged via the grievance process. Several of these matters are currently pending at the Board.

Bargaining Unit Integrity

The Ministry appears to have insurmountable difficulty complying with the infamous Trillium

Award. Several BUI Grievances are currently pending at the Board. The most recent matter filed in both courthouses in L'Original as the Employer is allowing non-Ministry employee's to perform our work.

B. NEW BUSINESS:

1) Ministry's Court Reporter Review & Hunt Et Al Award

OPSEU walked away from the bargaining table on October 31st, 2008 as the parties were unable to reach an agreeable Settlement. The Union has subsequently requested a placeholder at the Board in early January to seek direction, assistance and Justice from Vice-Chair Abramsky.

The Court Reporters are a distinct profession that only highly trained and qualified individuals may perform. It is imperative that Court Reporters receive a wage reflective of this highly skilled and qualified profession.

Please view the OPSEU website for the most recent detailed update and future campaign information at www.opseu.org.

2) Flexible Part-Time Staff

The parties reached an Agreement regarding the Flexible Part-Time staff in the Courts on September 17, 2007. The MERC Team insisted the FPT's vote on said Agreement which was ratified by an overwhelming 92%. Significant improvements were implemented based on the aforementioned Agreement. The Agreement may be found on the OPSEU website at www.opseu.org.

Several matters require the direction and/or decision of a Vice-Chair at the Grievance Settlement Board. A date has been scheduled for late November 2008.

Issues to be resolved are as follows:

- meal allowances and the requirement of a receipt*
- definition of a 'sick day'*
- pro-ration of hours during a year when a FPT employee takes a secondment in a different position outside of Courts*
- the one hour lunch requirement*
- approved leaves applied towards minimal annual categories*
- reporting pay*
- Additional items are in the referral process at this time*

3) Timelines of Court Support Schedules

Members who work in the courtroom do not receive their work schedule in a timely manner. This issue has been raised at the MERC on several occasions with no agreeable outcome. This matter may hopefully be resolved at the Bargaining table.

4) Classifications

During the 2004/2005 round of Collective Bargaining, the employer and OPSEU had negotiated provisions to expedite the resolution of outstanding classification grievances by the Joint System Sub-Committee (JSSC). Mutual agreement was not reached by the parties.

Three job positions in this Ministry have been re-classified subsequent to the parties not

reaching an mutual agreement. Trial Co-ordinator's were re-classified from a Office Administration level 10 to 11. Assistant Trial Co-ordinator positions were re-classified from a Office Administrative level 8 to 9; and, Court Registrar's were re-classified from a Office Administrative 6 to 8.

5) Attendance Support Program

The Ministry threshold for the past two terms has remained at 8.4 days annually. The Union on several occasions at the Ministry ERC has requested how the Employer's program is to improve overall attendance when year after year the threshold based on the previous years attendance remains the same. This is clearly a failure of the intention and spirit of the Employer's program.

6) 'Adding Insult to Injury' Report of the Ombudsman - Criminal Injuries Compensation Board

The Ministry had advised the Union that they have met with staff to discuss how to implement the recommendations of the Report. The Ministry received the appropriate funding material to implement a Backlog Reduction Strategy. The Ministry will be seeking additional funding to finalize the strategy in the 2008 - 2009 Results-based plan. Although the Report was not favourable to staff, it should be viewed in a positive light as an opportunity for change and recognizing the good work that has been accomplished in the past. The Ministry on several occasions has reinforced its appreciation of the CICB staff and looks forward to continuing to work with staff to implement the Reports recommendations.

7) Durham Consolidated Court

The issue of site contamination was raised by concerned Members regarding the new site proposal for the Durham consolidated courthouse. Subsequently the issue of site contamination was addressed. The employer anticipates the building will be completed sometime in the Fall 2009.

These are NOT minutes and are not intended to replace the official minutes of any MERC meeting. This is a Report for your expedited review and consideration.

Report Approved For Distribution to MAG Members By;
Julie Weber Co-Chair, Paul Myers Vice Co-Chair, Brenda Clapp Member.

Report signed off by Julie Weber Co-Chair.

Julie Weber, OPSEU MERC Chair

julie.weber@ontario.ca

local228@sympatico.ca

Work: 905-456-4726

Cell: 416-938-1837