

**Memorandum of Agreement**

**Between**

**The Crown in Right of Ontario**

**-And-**

**The Ministry of the Attorney General (“Employer”)**

**-And-**

**Ontario Public Service Employees Union (“Union”)**

**Post-September 25, 2006 Conversions to Flexible Part-Time Status and Election to  
be assigned into a Higher Annual Minimum Hour Category**

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Whereas the parties entered in to a Memorandum of Settlement (“MOS”) on December 20, 2005 (See Appendix 1 attached);

And whereas the parties have addressed numerous issues pertaining to the use of Flexible Part-time staff (“FPT”) in the courts throughout the province;

Now therefore the parties hereby agree as follows:

1. Definitions:

“Jumping” means the process applied to an FPT employee who is eligible by way of seniority to be assigned into a higher minimum annual hours category (“hours category”);

“FPT” means classified Flexible Part-time status;

“Post-training” means the completion of six (6) months work experience subsequent to completing training as per Paragraph 6 of Appendix 1;

“New hire” means an unclassified court services staff hired after the date of ratification (June 24, 2005) and prior to the date of the FPT conversion (September 25, 2006) as per Paragraph 6 of Appendix 1;

“Seniority (length of continuous service)” shall be defined as per Article 18.1 (c) of the current and subsisting OPSEU Collective Agreement (“Collective Agreement”) with the exception of seniority for former fee-for-service Court Reporters converted to unclassified status whose seniority date is September 17, 1990 as per the Ontario Public Service Labour Relations Tribunal, decision # T/14/89 et al. of September 17, 1990. This seniority shall be subject to any break in service as per Article 18 of the Collective Agreement. New hires are not eligible to have a seniority date assigned until converted to classified FPT status.

2. This Memorandum of Agreement (“MOA”) applies to staff covered by Appendix 32 of the Collective Agreement.

3. The Union and Employer agree to the following process for post-September 25, 2006 conversion of new hires to FPT status and jumping categories by existing FPT staff:

a) Eligibility to convert to FPT status will be based upon eligible hours worked in an unclassified in-court position upon completing six (6) months post-training work experience. Each new hire’s post-training hours worked will be tracked by the Employer. A new hire must work the equivalent of 720 hours or more per annum to be eligible for FPT conversion.

b) If a new hire is eligible to convert to FPT status i) upon reaching six (6) months post-training work experience (prorated) or ii) actual hours worked up to a maximum twelve (12) month period (prorated if applicable), a hours category will be determined by the Employer as per Section 3, Appendix 32 of the Collective Agreement. This hours category will be assigned to the position occupied by the new hire.

c) The employer will identify and notify the most senior classified FPT employee who occupies an identical FPT position in the same work location in a one (1) or two (2) step lower hours category. The employee upon notification from the Employer, may either decline or elect to jump into the higher category. When the jump offer is accepted by the employee, he or she shall sign the letter of offer. If the offer is declined, the jump is offered to the next most senior FPT employee.

All offers will be made in writing or verbally with written confirmation. An employee shall accept or decline an offer in writing or verbally with written confirmation. An

employee will respond within one (1) working day of receipt of the offer, unless mutually agreed upon otherwise.

d) For purposes of Paragraph c) (above) “identical” shall mean the ability of an employee to perform the job duties without additional training.

For example, Camile is a new hire working in an unclassified Court Service Officer (CSO) contract position and is eligible to qualify in the 1,500 hours category. This court has two (2) existing FPT CSO’s. There are no FPT Court Service Specialists whose majority duties are as a CSO working in this court.

- FPT CSO Sam is in the 720 hours category and has a seniority date of January 12, 1995.
- FPT CSO Cédric is in the 1,200 hours category and has a seniority date of May 13, 2000.
- FPT CSO Belinda is in the 1,400 hours category and has a seniority date of July 10, 2002.

i) CSO Cédric would be offered the jump into the 1,500 hours category, as he has greater seniority than Belinda. Sam has the highest seniority, but is four (4) category levels lower. The maximum jump is two (2) categories.

ii) Cédric accepts the offer and jumps into the 1,500 hours category. The employer would now offer Sam the jump, as Sam’s seniority is greater than Belinda’s. Sam may now elect to jump into Cédric’s 1,200 hours category.

iii) Sam elects to jump into the 1,200 hours category. The employer would now make a job offer to Camile for conversion to FPT into the 720 hours category, which Sam vacated by jumping two (2) category levels.

iv) However, if both Sam and Cédric elected to decline the jump offers, Belinda may then elect to jump into the 1,500 hours category. If Belinda jumps into the 1,500 hours category, then Camile would be assigned to the 1,400 hours category upon conversion to FPT, only if Sam and Cédric both declined to jump into the 1,400 hours category.

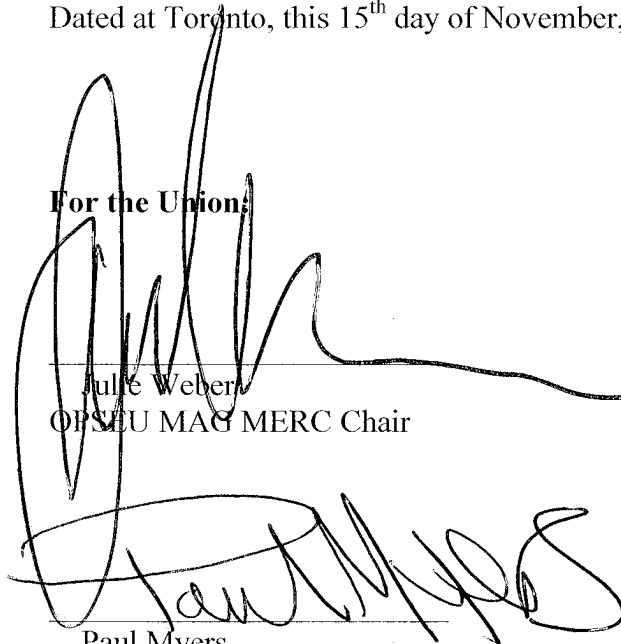
4. After jumping is completed, new hires will be converted and assigned to an hours category by the last pay period in either: December 2006, or January, February, March, April, May, June or July, 2007, as applicable.

5. The Employer shall provide OPSEU with: a) an FPT seniority list, b) a list of converting new hires on a court site by court site basis before the jumping process commences, and c) a list outlining the outcome of the jumping process.

The new hire list will include the following information related to the new hire: name, position(s), available hours category, and unverified Continuous Service Date (CSD).

Dated at Toronto, this 15<sup>th</sup> day of November, 2006.

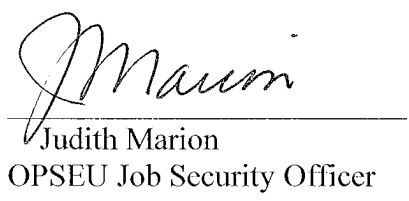
**For the Union:**



Julie Weber  
OPSEU MAG MERC Chair

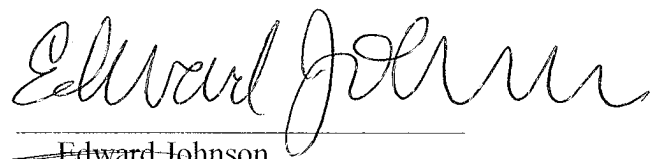


Paul Myers  
OPSEU MAG MERC Member

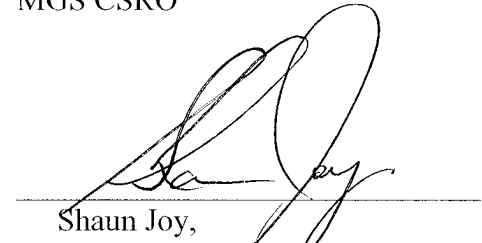


Judith Marion  
OPSEU Job Security Officer

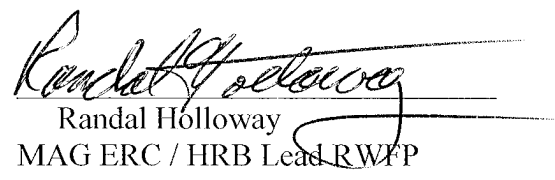
**For the Crown in the Right of Ontario:**



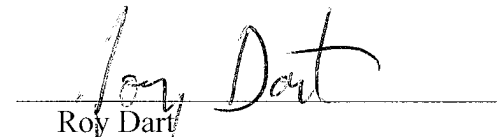
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