

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")**

**Clarification of assignment of Flexible Part-time Employees ("FPT")
Court Service Specialist ("CSS")**

1) Paragraph 5 (vi) of the Memorandum of Settlement ("MOS") dated December 20, 2005 (see Appendix A attached) shall apply to the CSS.

2) A "Court Services Specialist" is an individual who held multiple unclassified contracts and whose primary functions were in different in-court support functions (as a Court Clerk, Court Registrar, Court Monitor, Court Reporter, Court Service Officer, or Interpreter) and who was converted to FPT status. In some instances, other administrative contracts may have also been included in the blending process (see Appendix 1 of Appendix A).

3) For CSS positions the term "identical" as per Paragraph 5 (vi) of Appendix A applies as follows:

i) A CSS may occupy a vacant FPT position on the basis of seniority in accordance with Paragraph 5 (vi) of Appendix A if the vacant FPT position is the one in which the CSS works the majority of his/her working hours.

For example, a CSS in the 1,000 annual minimum hours category ("hours category") who performs the functions of a Criminal Court Clerk for 650 hours and the functions of a Court Monitor for 350 hours, may seek to be assigned in accordance with the provisions of Paragraph 5

(vi) of Appendix A, to a vacant position as a Criminal Court Clerk at the 1,200 or 1,400 hours category. However, this individual would not be eligible to seek assignment by seniority into a vacant FPT Court Monitor position, as s/he does not perform the duties of a Court Monitor for the majority of his/her working hours as a CSS. As per this example this individual would become a Criminal Court Clerk and would no longer perform Court Monitor functions.

ii) Where an individual is assigned to one of the positions as outlined in Paragraph 2, s/he will no longer be considered to be a CSS.

iii) A CSS may “jump” (as defined in the Memorandum of Agreement, signed November 15, 2006 and attached as Appendix B) a maximum of two (2) hours categories by utilizing his/her seniority.

For greater clarity, a CSS in the 1,000 hours category may jump into the 1,400 hours category, but not into the 1,500 hours category.

For example, a 1,500 hours category Registrar position becomes vacant:

- Sam is a 720 hour category Registrar with a seniority date of January 12, 1995.
- Cédric is a 1,200 hour category Registrar with a seniority date of May 13, 2000.

Cédric may elect to jump into the vacant 1,500 hours category Registrar position, a maximum jump of two levels, even though Sam has greater seniority, because the 1,500 hours category is four (4) levels above Sam’s 720 hours category. Sam may elect to jump two (2) levels from the 720 hours category into the now vacant 1,200 hours category Registrar position vacated by Cédric. The vacant 720 Registrar position would then be recruited as per Article 56 of the OPSEU Collective Agreement.

iv) Where a CSS performs work, for an equivalent amount of time, in two (2) or more in-court support functions as listed in Paragraph 2, that individual is eligible to seek assignment by seniority into a vacant FPT position in either function. For clarity “equivalent” shall mean seven percent (7%) difference in hours between the in-court functions within a CSS position. Seven percent (7%) shall be calculated for each hours category as follows:

- Category 1 (720) = 50 hours
- Category 2 (1000) = 70 hours
- Category 3 (1200) = 84 hours
- Category 4 (1400) = 98 hours
- Category 5 (1500) = 105 hours

Up to and including December 31, 2007, the hours used for determining the blended wage rate at the time of conversion will be used for determining the seven percent (7%) threshold. Effective January 1, 2008, the hours worked in the prior twelve (12) month calendar year will be used.

For example, a CSS in the 1,000 hours category who performs the functions of a Family Court Clerk for 400 hours, Court Monitor for 450 hours, and Court Registrar for 150 hours would be eligible to be assigned by seniority into a vacant FPT Family Court Clerk or Court Monitor

position at the 1,200 or 1,400 hours category. However, this individual would not be eligible to be assigned by seniority into a vacant FPT Court Registrar position.

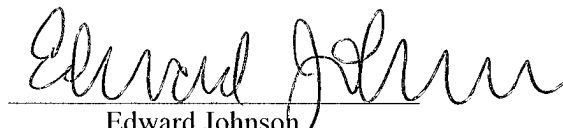
Dated at Toronto, this 17th day of November, 2006.

For the Union:

For the Crown in the Right of Ontario:



Julie Weber
OPSEU MAG MERC Chair

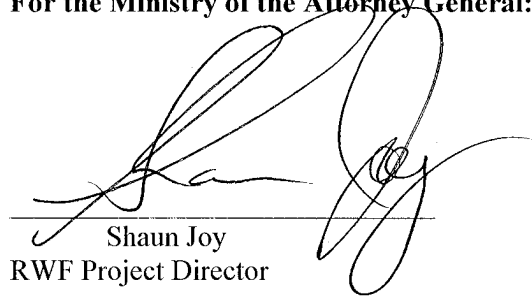


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