



FLEX TIME

OPSEU Update for Flexible Part-time Court Workers

January 3, 2007

Flexible Part-Time Conversion Delivers Gains, Raises Issues

OPSEU members in Ontario's provincial courts have seen some big changes over the past year. In the 2005 round of OPS bargaining, OPSEU and the employer negotiated the new Appendix 32 to meet a key demand of unclassified court staff and deal with long-standing problems in the courts.

As a result, in October 2006 more than 1,200 unclassified court workers were converted to "flexible part-time" (FPT) status. Approximately 100 additional unclassified members hired between June 24, 2005 and September 25, 2006 will also be converted to FPT status.

At this point, two things are clear about the FPT system.

Major Gains

First, FPT conversion means real gains for unclassified workers. Before conversion, these members had no seniority or job security, no guaranteed hours or income, no health and dental benefits, no LTIP coverage and no vacation or sick leave.

FPT status changes all that. Members now have many of the same rights and benefits as classified regular part-time workers in the OPS. These include:

- A guaranteed minimum number of hours per year
- A regular bi-weekly salary
- Health and dental benefits for members and their families
- Paid vacation, paid sick leave and

LTIP coverage

- Seniority rights and job security protections
- Call-back pay, shift premiums and a meal allowance.

The result is real gains and greater security for members and their families — and a starting point for negotiating future improvements.

Implementation Issues

Second, it is also clear that many members are experiencing serious problems with the way the employer has implemented the FPT system. These problems include:

- Members being assigned to the wrong annual-hours category.
- Managers treating members' guaranteed **minimum** hours per year as a **cap** on the hours a member can be scheduled each pay period.
- Managers scheduling unclassified staff when FPTs are available.
- Managers abusing the two-hour minimum provision to avoid paying on-call and call-back pay.
- Some members are reporting severe financial hardship because of the wrong category assignment, scheduling issues, and/or the cost of benefit coverage.

OPSEU FPT Survey

OPSEU members discussed many of these problems at the November 25 OPS Divisional Conference, and your OPSEU representatives

on the MAG Enforcement and Renewal Committee (MERC) are determined to follow up with the employer.

To do this, your MERC team needs your help. ALL flexible part-time court workers are asked to complete the attached survey.

Your feedback will help the MERC team identify where FPT conversion is working and what the key problems are. It will also give your OPSEU representatives on the FPT Joint Dispute Resolution Committee (JDRC) extra ammunition as they push for solutions.

Your input matters! Please return your completed survey to OPSEU by Friday, January 19, 2007, using the enclosed postage-paid return envelope, or fax it to OPSEU at 416-448-7462. Your participation will be kept strictly confidential.

At the Divisional Conference a number of FPT court workers also agreed to set up an ad-hoc working group to advise the OPSEU MAG MERC

team and OPSEU's JDRC representatives. This 12-member group has provided input on the survey, and will continue helping to identify issues and possible solutions for FPT members.

Dispute Resolution Process

In the meantime, your OPSEU JDRC representatives are continuing to push for results on the approximately 250 disputes that members filed with the committee. So far, more than 40% of these disputes have been resolved, about 30% have been referred to mediation/arbitration, and the remainder are still under review. The first mediation/arbitration date took place on December 11, with more dates scheduled in 2007.

The JDRC also provides a venue for OPSEU to raise implementation problems and possible solutions with the employer. Any outstanding issues — including staffing and scheduling problems and the implementation of health and dental premiums — will be discussed as part of a joint review of the program's first year, scheduled for October 2007.

Want more information?

For more information on flexible part-time conversion:

- Visit <http://www.opseu.org/ops/merc/attorneygeneralappendix25.htm>
or
- Contact a member of your OPSEU MERC team - Julie Weber, Pauline Tapping and Paul Myers – or one of OPSEU's JDRC representatives - Julie Weber, Paul Myers and Judith Marion (staff).

For help dealing with specific violations of your rights under the collective agreement, contact your OPSEU steward or local president.

Authorized for Distribution:



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