

MEMORANDUM

TO: All Presidents with members in the Ministry of the Attorney General
All Stewards in the Ministry of the Attorney General

FROM: Ruth Hamilton, OPS Supervisor

DATE: November 28, 2011

SUBJECT: **Ministry of the Attorney General
ERC Minutes – December 16, 2010**

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

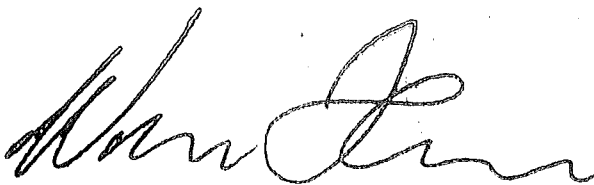
Please post or otherwise make them available to the members in your workplaces.

Also attached is a MERC referral form which should be used when referring unresolved local issues to the ministry level. The referral should be sent care of the Job Security Unit with all the supporting documentation, (e.g. minutes, correspondence, etc.), with any referrals:

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

AUTHORIZED FOR DISTRIBUTION:

IN SOLIDARITY,



Warren (Smokey) Thomas
President



Ruth Hamilton
OPS Supervisor

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att.

cc: MERC Chairs
Ministry ERC

MERC MINUTES

Ministry of the Attorney General

MINISTRY EMPLOYEE RELATIONS COMMITTEE MEETING (MERC)

December 16, 2010

10:00 a.m. – 2:00 p.m.

At 3rd Floor HR Large Boardroom, 720 Bay St., Toronto, Ontario

CHAIR: Management

For the Union

Julie Weber (Co-Chair), OPSEU Local 228
Shelley McCormick (Vice-Chair), OPSEU Local 526

Jim Jurens, OPSEU Local 526
Helen Haggith, OPSEU Local 154
Judith Marion (OPSEU Job Security)

For the Ministry

Valerie Neville (Co-Chair), HR SBU, CSMD
Grace Lin, Social Justice Program Policy Division
Nancy Whitney, Legal Services Branch

Regrets:

Brian Garrah, Court Services Division

Recorder:

Jeffrey Stewart, Center For Employee Relations

Guests:

Majid Juma, Court Services Division
Sue Dunford, HR SBU, CSMD
Rosaline Bkila, Center For Employee Relations
Cynthia Mattai, OPSEU

Ref #	Agenda Item	Issue	Follow-Up/Action
	STANDING ITEMS:		
1. a)	Conversion	<p>a) <u>Article 31A.15 – Conversion of Unclassified Positions to Classified Positions</u></p> <p>Chart not provided.</p>	
1. b)	MAG Update	<p><u>Court Services Division</u></p> <p>Professional and Respectful Workplace initiative has continued to be worked on.</p> <p>Commitments for performance plans were finalized and sent out to be included in all performance plans.</p> <p><u>Social Justice Program and Policy Division</u></p> <p>The Family Justice Services Division and Policy Division are now called Social Justice Program and Policy Division. The Division is composed of the Office of Public Guardian and Trustee, Office of the Children’s Lawyer, the Policy Division, and a majority of MAG agencies.</p> <p><u>Legal Services Division</u></p> <p>No update at this time.</p>	
1. c)	MAG’s Vacancy Reports	The disclosure is being reviewed Centrally.	

Ref #	Agenda Item	Issue	Follow-Up/Action
1. d)	Enforcement Program	<p>The 2010 training is complete. Additional training dates are scheduled in 2011.</p> <p>The Risk Assessment in Brampton is ongoing. The assessment will be shared upon completion.</p> <p>Management advised that the Union will have input in future risk assessments.</p>	
1.e)	Local Employee Relations Committees	<p>Management provided a list of joint LERC training for 2011. The Parties will examine where LERC committees currently exist.</p> <p>Old City Hall is starting a new LERC, and members will participate in training.</p>	
1.f)	Joint Health and Safety Committees	<p>Management advised that the list compiled by the Centre for Employee Health, Safety and Wellness of all Joint Health and Safety Committees within the Ministry is on the intranet.</p> <p>The URL is: http://intra.ops.myops.gov.on.ca/cms/tiles.nsf/(vwReadPagesByRefId_Content)/whw2009.06.25.17.16.24.SXS_page?open</p>	
1.g)	Workload Issues	<p>Thunder Bay Superior Court of Justice (SCJ) Management advised that they are not aware of any workload issues.</p> <p>Management advised that there were retirements in Nipigon and Geraldton. As an interim measure, Thunder Bay management has been sending Client Service Representatives to Nipigon and Geraldton to accept filings on the days that the offices are open.</p>	Management to follow up on Thunder Bay vacancies.

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		<p>393 University LERC referral - Union advised that there are vacancies resulting in workload issues at 393 University.</p> <p>Management indicated that there are an increased number of absences.</p> <p>Union advised that the workload issues are due to caseloads being too high because employer is not backfilling positions.</p>	<p>Management to look into the caseload issue.</p>
		<p>Newmarket Courthouse Management advised that it is not aware of any workload issues at the Newmarket Courthouse.</p> <p>Management advised that a review of its staffing needs in the Trial Coordinator Office was being conducted.</p>	<p>Management to advise Union about the outcome of the review.</p>
		<p>Owen Sound Courthouse LERC referral - A staff member went on maternity leave and the position was not backfilled.</p> <p>Management advised that backfills are reviewed on a case by case basis, and that there is no back log.</p> <p>Management also advised that the maternity leave has now ended.</p>	<p>Management to look into why the position was vacant during the leave.</p>

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1.h)	Employee Engagement Action Plan	<p>Management advised that discussions are taking place among the divisions and that a 3rd report was collected from the divisions. Some of the updates show that training initiatives are being maximized through lunch and learns as well as in-house training. A communication piece is currently being developed that will give staff the opportunity to talk to senior leaders through road shows that will visit various sites.</p> <p>Management advised that the next survey will take place online in February and March of 2011. The survey will close on March 23, 2011. Management is working with Court locations to ensure that all court employees will have access to computers.</p> <p>The Union requested a rollup of the 2010 Employee Engagement Survey for the next meeting. The Union would also like to know how the Employer responded to issues highlighted in the survey.</p>	Management to provide report.
1.j)	HR Priorities 2009- 2011 Results Based Planning	The Union had requested a RbP presentation. Management to provided at the next meeting.	Management to present at next meeting.
1.k)	Ministry's Court Reporting Review	Management advised that one hundred and sixty (160) digital recording devices (DRD) have been installed in court locations across Ontario, and one (1) additional DRD was installed in Sioux Lookout.	

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1.l)	Court Interpreters	<p>Management provided an update on the Test and Accreditation Model. Management will support staff through the testing process and are committed to working with staff Who are working towards accreditation.</p> <p>Management advised that the first round of test results were released in April, 2010 and the second round of test results were released in November, 2010. There is one additional round of test results to be released. Those results will cover the following regions: East, Central East, North East, and North West.</p> <p>Management also advised that the Court Interpreter Handbook has been updated and is available on-line.</p> <p>The Union advised Management that concerns have been raised about inquiries being made by the judiciary and legal counsel during trials regarding accreditation of interpreters. Union wants to ensure the manner of questioning is appropriate.</p> <p>Management requested examples of the concerns raised by the Union.</p>	Union to report back
1.m)	Job Descriptions Sept, Oct, Nov 2010	Management provided monthly job description disclosure electronically to the Union.	
1.n)	Mass Recruitment Pilot Project for Toronto Region	<p>Management advised that the hiring process is ongoing. Management plans to use this process in other areas.</p> <p>The current eligibility list in Toronto Region will expire at the end of March 2011.</p>	
1.o)	FPT Deficit Hours - Recovery	<p>Management provided the Union with a list of outstanding deficit hours as requested at the last meeting.</p> <p>Union raised concerns with respect to a memo that went out to FPT court staff . At Old City Hall.</p>	Management to provide information regarding memo before next meeting.

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	DISCLOSURES:		
2.a)	Review MAG (dated Nov 5/10) – Oct 2010 Job Specs	Management provided Union with an update.	
2.b)	Legal Services Division – Reorganization (dated Nov 4/10)	Management provided Union with an update.	
2.c)	MAG CSD Disclosure Supporting a Respectful Workplace (dated Nov 4/10)	Management confirmed that this applies to the entire Ministry.	
2.d)	Victim/Witness Assistance Program (dated Oct 29/10)	Management provided Union with an update.	
2.e)	Ontario Human Rights Commission Equity Audit Survey (Oct 29/10)	Management provided Union with an update.	
2.f)	Downsview Parking (Oct 15/10)	Management provided Union with an update.	
2.g)	Court Services Division - Change in Job Title (Oct 1/10)	Management provided Union with an update.	

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2.h)	Change in Reporting Relationship (Oct 1/10)	Management provided Union with an update.	
	REPORT BACK ITEMS:		
3.a)	ILRS Review	<p>Management advised that the ILRS report has not been finalized. However, the three (3) best practices from July 2009 have been implemented, and there are no immediate plans to roll out anything new. Management to provide slide deck before next meeting.</p> <p>The following three scheduling practices, which were identified as best practices during the ILRS review, are being implemented province-wide where operationally feasible:</p> <ul style="list-style-type: none"> • Rounding of hours • FPT usage • FPT scheduling 	Management to provide update before the next meeting.
3.b)	MAG's Diversity Plan	Management advised that there was no update at this time.	Management to provide a presentation at the next meeting.
3.c)	Career Mentoring Program	Management advised that the application period concluded at the end of September and that the matching process occurred in October. there are fifty-four (54) pairs of mentors and applicants. All applicants were notified, and an orientation session was held for the successful candidates. Twenty-six (26) partners in the program are OPSEU members. The program is intended to be an eight (8) month partnership (November to June).	Remove from the agenda.
3.d)	FRANK Training for Courtroom Clerk/Registrars in Toronto Region	<p>Management provided an update on FRANK training. Cross-training occurs during the summer months.</p> <p>The session was available to all staff that wanted to and were able to attend.</p>	Remove from the agenda.

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3.e)	Bill 168	Management advised that all employees will have opportunities to take online training modules 1 & 2 by March 31, 2011. All staff will have an opportunity to access a computer to complete the training. Time will be made available for staff to take this training.	Management to report on training progress.
3.f)	Dryden Court – Bargaining Agent Work	Management provided an update.	Union to report back
3. g)	Windsor Courthouse - Posting of Court Specialist Positions in Windsor	Management is working with the Recruitment Centre to ensure the Court Specialist positions are posted.	Remove from agenda.
3. h)	Windsor Courthouse – Assistant Trial Coordinator Classification	This issue was deferred as it is with regards to the same issue that is the subject of a grievance	Remove from agenda
3. i)	Windsor Courthouse – After Hours Access to Courthouse	The Union advised that there needs to be a protocol in place for after hours access in the courthouse.	Management to follow-up.
3. j)	Walkerton Courthouse – Client Service Representative Position vs. Hybrid Position	Management advised that the most recent LERC was held on December 7 th , 2010, and that the minutes are not complete. The members on the LERC advised Management that they did not refer this to the MERC, and want to deal with it at the LERC.	Remove from agenda.
3. k)			

Ref #	Agenda Item	Issue	Follow-Up/Action
3. l)	Kenora Courthouse – Non-Disclosure to MERC	<p>Management advised that the pilot at the Kenora courthouse is Underway.</p> <p>The Union raised concerns about not receiving the disclosure regarding this pilot. Management stated that disclosure was sent but it was not sure why the Union did not receive the disclosure.</p>	Management to follow.
3.m)	720 Bay – Lunch Room	<p>Management provided an update, and advised that there is a lunch room available on the 5th floor.</p> <p>Union expressed displeasure with management's changing past practice with lunch rooms and how this does not foster positive labour relations.</p>	Remove from agenda.
3. n)	Change in per page rate for Court of Appeal Transcripts	<p>Union advised that local courthouse management had sent out a memo to court reporters that contained inaccurate information with respect to the amount that should be charged for copies of Court of Appeal Transcripts.</p> <p>Management requested to see a copy of this memo.</p>	Union to provide copy of memo.
3. o)	September 13, 2007 ILRS Court Reporting MOA – Preparation and Production of Transcripts	<p>Management advised the Union that the presentation is still being defined and developed as the model is not finalized.</p> <p>Management advised that the implementation planning re: changes to transcription production is ongoing.</p> <p>The Union stated that staff had received a request for information on court reporting and requested a copy of that disclosure to staff.</p>	Management to provide disclosure.
3. p)	MAG work carried out by MGS Service Ontario in North West Region	<p>Management advised that members of the public in remote locations in Ontario cannot always get to a remote satellite court location to file their documents in accordance with relevant timelines. Therefore, they can go to Service Ontario offices, which can be easier to access, to file court/case documents. Service Ontario accepts the files but then sends them to the appropriate courthouse (MAG) for processing and filing. This system ensures that all members of the public have access to justice.</p>	Remove from agenda.


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3. q)	Counsel requesting fee-for-service court reporters	Management provided Union with an update. Issue is subject of a grievance.	Remove from agenda.

NEW BUSINESS:			
4. a)	Deficit Hours Recovery	Management advised that the Ministry will be proceeding to recover outstanding 2008 and 2009 deficit hours through OSS payroll deductions starting in February 2011. This recovery is currently scheduled to take place over a six (6) month period commencing shortly after the court locations complete the hours reconciliation process (approximately mid January). To recover these deficit hours, pay deductions of up to, but no more than \$45.00 per pay period will be made (approximately 2 hours per pay period, or 1 hour per week in deductions). This process will happen every January going forward. Management to provide Union with a list of the individuals that have deficit hours and the amount of hours owed.	Management to provide list
4. b)	Re-election of FPT Benefits	Management advised that FPT staff received notification of their ability to opt in or out of benefits. The deadline was December 15, 2010. Management to provide Union with an update on the results of the opt in/out.	Management to update
4. c)	References for Mass Recruitment Purposes	Management advised that reference checks will occur when the jobs become available.	Remove from agenda.
4. d)	September 6, 2007 MOA – Bargaining Unit Integrity	Union raised concerns about the implementation of the MOA. Management advised that the positions were posted. However, there were only a small number of qualified applicants. Management will be reposting.	Management to report back.
4. e)	MFRC Report to MERC (Employer)	MFRC provided the MERC with an update. The outcome has been positive.	Remove from agenda

4. f)	Owen Sound LERC Referral – SCC Reporter/Clerk	<p>The Union raised concerns where one individual is responsible for recording the proceedings and swearing in of witnesses. The recording machine is unattended as they swear in the witness. And / or execute their duties as a court room clerk and court service officer.</p> <p>Management advised that it was Sensitive to the concern, but unaware of any problems to date.</p>	Management to report back.
4. g)	Old City Hall Court — Students performing BU work contrary to Sept 19,2005 MOA	<p>The Union raised concerns that unpaid students at Old City Hall (OHC) have been performing bargaining unit work both inside and outside of the courts.</p> <p>Management confirmed that the students are not hired to replace OPSEU workers or perform OPSEU work. The students are on site up to 10 hours a week, and are there to observe and learn.</p>	Management to report back.
4. h)	Conflict of Interest Attestation Form	<p>The Union raised concerns that the implementation of the attestation forms is being done inconsistently</p> <p>Management advised that an attestation form must be signed by every new hire.</p>	Management to report back.
4. j)	Sudbury Court – Management doing Court Reporter work	Management advised that a grievance has been filed on this issue..	Remove from agenda.
4. k)	Brampton Court – Pay Stub Inquiry	The Union raised concerns with respect to tax deductions and the new pay system. Issue will be referred to the CERC.	Remove from agenda
4.l)	Email October 20, 2010 – CSD question		Remove from agenda.
4.m)	Service Ontario in North Bay (Oct 20/10)		Remove from agenda.
4.n)	Hamilton Court – Tape Management Position		Remove from agenda.

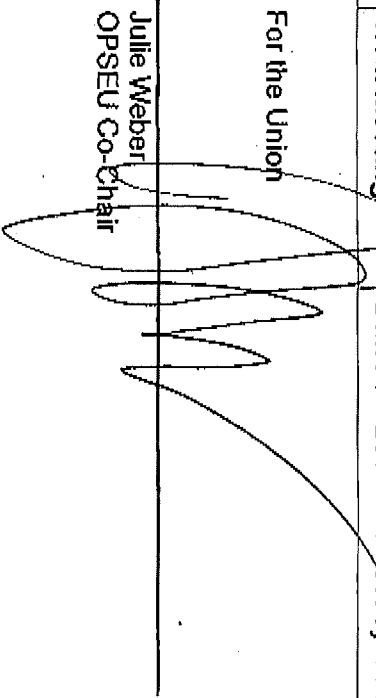
4.o)	MGS - FPT Payroll Issues (K. Sawicki - Sept 29/10)		Remove from agenda.
4.p)	Woodstock Court - Court Services Specialist Position		Remove from agenda.
4.q)	Court Security	The Union inquired about the Auditor's report about municipalities handling of court security.	Management to report back.
4.r)	MAG - Toronto District School Board Partnership	Management provided information on the MAG - Toronto District School Board Partnership.	Remove from agenda.
	Next Meeting	Dates for 2011 to be set by MERC members.	

For Management


Valerie Neville
Management Co-Chair

Date: Oct 30, 2011

For the Union


Julie Weber
OPSEU Co-Chair

Date: OCT 17 2011

