

**MEMORANDUM**

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

**FROM:** Brian Gould, OPS Supervisor

**DATE:** July 6, 2009

**SUBJECT:** **Ministry of Attorney General ERC  
Minutes – June 3, 2008**

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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.

Please use the 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.).

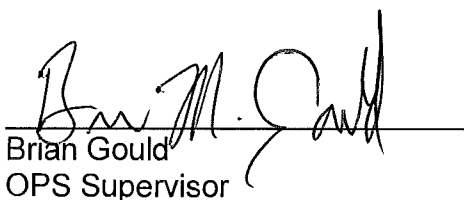
**PLEASE NOTE: THESE MINISTRY MINUTES WERE PREPARED BY THE EMPLOYER.**

AUTHORIZED FOR DISTRIBUTION:

IN SOLIDARITY



Warren (Smokey) Thomas  
President



Brian Gould  
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)

June 3, 2008

10:30 PM – 5:00 p.m.

31 Wellesley Street East  
Toronto, Ontario

CHAIR: UNION

For the Union

Julie Weber (Co-Chair), OPSEU Local 228  
Brenda Clapp, OPSEU Local 710  
Paul Myers, OPSEU Local 526  
Judith Marion (OPSEU Job Security)

For the Ministry

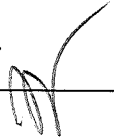
Valerie Neville (Co-Chair), CSMD  
David Senik, Family Justice Services Division  
Shaun Joy, Court Services Division


Regrets: Rosalie Reis, Manager, Legal Services Division

Recorder:  
Jared Friesen, CER, MGCS

Guests: Beverly Leonard, CSMD  
Roy Dart, CSMD  
Randy Holloway, CSMD

Agenda Item	Issue	Follow-Up/Action
<b>STANDING ITEMS:</b>		
<b>Conversion</b>	<p><u>Article 31A.15 – Conversion of Unclassified Positions to Classified Positions</u></p> <p>Report provided to the Union.</p>	
<b>MAG Update</b>	<p><u>Courts Services Division</u></p> <p><u>Court Interpreters</u></p> <p>The Request for Proposal (RFP) process is ongoing. The selection of a vendor for providing interpreter training and testing is very close to being completed.</p> <p><u>Family Justice Services Division (FJSD)</u></p> <p>Updates regarding the Office of the Public Guardian and Trustee (OPGT) and the Policy/FJSD amalgamation will be provided to the Union when possible.</p> <p>The investigation regarding the incident involving a public guardian is ongoing.</p> <p><u>Legal Services Division</u></p> <p>The Legal Services Division has increased its recruitment effort for qualified legal secretaries and is partnering with several colleges and other post-secondary schools to attract skilled legal secretaries.</p>	Employer to provide updates as they become available.
<b>Vacancy Reports</b>	No report available.	Employer to provide report.





<p><b>Enforcement Program</b></p>	<p>Once the RFP process for enforcement training has been completed, refresher training will be scheduled as needed and new hire training will be scheduled to start September 2008.</p> <p>A report will be provided to MERC once the review meetings of the pilot project regarding the use of handcuffs have been completed.</p> <p>The provincial delegation of authority is now in place for enforcement officers to act in all counties.</p>	
<p><b>Local Employee Relations Committees</b></p>	<p>LERC representatives have responded positively to the ERC training.</p>	<p>Employer to provide report of the number of LERCs in MAG and how many have taken the ERC training.</p>
<p><b>Joint Health and Safety Committees</b></p>	<p>The Centre for Health, Safety &amp; Wellness is compiling the list of JHSCs.</p>	<p>Employer to share the JHSC list with the Union once completed.</p>
<p><b>Workload issues – Brampton</b></p>	<p>The Employer advised the Union that the Union's proposed joint working group for the Brampton Courthouse Administration Office to help address workload issues was presented to the local managers. At this time, management is willing to discuss this issue at LERC and doesn't feel the need to create an additional working group. The Employer remains committed to reviewing resources to meet operational needs.</p>	
<p><b>Criminal Injuries Compensation Board (CICB) – Ombudsman's Report</b></p>	<p>Recruitment is almost completed and the backlog is currently being reduced.</p>	<p>Remove from agenda.</p> 

<b>Audit-Justice Cluster (Justice I&amp;IT) – Update</b>	No updates. All changes affecting MAG have been completed.	Remove from agenda.
<b>Employee Engagement Action Plan</b>	<p>The Union requested information on how employees were recruited to participate in the Employee Engagement focus groups.</p> <p>More information on the Employee Engagement Working Groups can be found at <a href="http://intra.mag.gov.on.ca/content/emp_engage/2008-02-06_memo.asp">http://intra.mag.gov.on.ca/content/emp_engage/2008-02-06_memo.asp</a>.</p>	Employer to respond.
<b>Terms of Reference – MERC/LERCs</b>	The Employer will send revisions to the Union. Process to have agenda items submitted in advance of the meeting to be included in the terms of reference.	Employer to respond.
<b>REPORT BACK ITEMS:</b>		
<b>Sudbury – Work of Client Service Representatives – downloaded onto Courtroom Clerks</b>	<p>At the previous meeting, this issue was referred back to the Sudbury LERC for discussion.</p> <p>The Union inquired if the issue had been discussed with the employee.</p>	The Employer will follow-up by the next MERC meeting whether local discussions have occurred.
<b>Ministry’s Court Reporting Review</b>	No formal update.	Employer to provide updates as they become available.

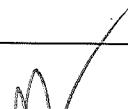



<b>Breach of Privacy</b>	There was no breach of privacy as the information on the laptop was encrypted and inaccessible.	Remove from agenda.
<b>Request for Information-Technology and Equipment in courts</b>	Deferred till next meeting.	
<b>Results Based Planning</b>	No update.	Employer to provide updates when they become available.
<b>Welland Court-Seniority for Court Reporters</b>	All updates have been completed.	Employer to provide list of names. Item to be removed once names have been provided.
<b>Notification letters to new employees, to inform person of their Local President</b>	The Union will provide the Employer with a current list of all local presidents and will provide updated lists whenever a change occurs. The Employer will post this list on the Stellant Web site for managers to access and include this information in employment letters.	Union to provide list of local presidents.
<b>Aboriginal Recruitment Pilot Project</b>	Recruitment is currently underway and almost complete.	Employer to provide updates as they become available.


<b>WASH Courts – Barrie/Newmarket</b>	There have been no category decreases and the Employer continues to be committed to make reasonable efforts, subject to operational feasibility, to ensure employees are scheduled to work the minimum annual hours for their category.	Remove from agenda.
<b>NEW BUSINESS:</b>		
<b>Request for lateral transfer/accommodation for Flexible Part Time (FPT)</b>	Although many lateral transfers have been approved, the Ministry has the discretion to determine how a vacancy will be filled, either through the competitive process or by lateral transfer. FPT employees are eligible to apply for lateral transfers when the transfer request is for another FPT position with the same category of hours, job classification and duties.	The Employer and Union to follow up. ???
<b>Court Services Division, Central West Memorandum regarding training</b>	The Union requested clarification regarding a CSD Central West Memo, dated May 20, 2008 regarding training programs for staff.	Employer to follow-up.
<b>Full Time Classified Interpreter work</b>	The Union raised concerns that a Full time Classified interpreter was asked to perform office work. Management stated that was inline with the Flexible Part Time Memorandum of Agreement, signed September 17, 2007. The Union indicated that the FPT MOA does not apply to Full Time classified staff.	Employer to follow-up.
<b>Article 1.4 Disclosure Request - Received</b>	The Union has received the disclosure.	Remove from agenda. 

<p><b>Courtroom Clerks Classification Grievance - June 2001 - Central West, Brampton</b></p>	<p>A moratorium on classification grievances continues to be in effect. The Employer has considered the request and believes that the classification is correct.</p>	<p>Remove from agenda.</p>
<p><b>OPSEU Website, bargaining materials In The Workplace</b></p>	<p>The Union requested clarification regarding the two letters from David Logan, A/ ADM, MGCS, dated April 4 and April 18, 2008. The letter dated April 4, pertains to the distribution of bargaining materials in the workplace. The letter dated April 18<sup>th</sup> refers to the use and access of government computers to view the OPSEU Web site. The Unions position is that access is to be extended to all staff and has requested clarification from the employer regarding the memos.</p>	<p>Union and Employer to follow-up.</p>
<p><b>Duties of Court Reporters 1 and 2</b></p>	<p>The Union raised concerns that duties of Court Reporters 1 and 2 during downtime vary from location to location and have changed subsequent to the parties agreeing to 'Status Quo' pending the completion of the Employers Court Reporting Review.</p> <p>The Parties have agreed to maintain the past practice of each location until negotiations are complete.</p>	<p>Remove from agenda.</p>
<p><b>HR Priorities 2005 - 2008, Report of Progress: Executive Summary</b></p>	<p>No updates.</p>	

<b>Security Review at 720 Bay</b>	<p>The OPP are currently conducting the security review.</p>	<p>Employer to provide updates as they become available.</p>
<b>Classifications – Clerks, Registrars, Client Service Representatives (CSR)</b>	<p>The Union suggested the positions of Court Clerks, Court Registrar and CSR are under-classified.</p> <p>A moratorium on classification grievances continues to be in effect. The Employer has considered the request and believes that the classification is correct.</p>	<p>Remove from agenda.</p>
<b>Court Services Division Client Satisfaction Survey 2008</b>	<p>The Union request disclosure and information regarding the CSD client Satisfaction Survey.</p> <p>Survey results are in the process of being analyzed.</p>	<p>Employer to report back.</p>
<b>Digital Recording System Pilot Update</b>	<p>The Union raised concerns that the installation of the equipment for the pilot was not ergonomically correct. The Union raised further concerns that adequate training was not provided with the new equipment; that some employee's computers may not be compatible with the new system; some staff are continuing to use typewriters. The Union also expressed concern that some members are purchasing new computer equipment. This may be problematic given the future of reporting and transcripts regarding the Hunt implementation.</p>	<p>Employer to follow-up.</p>

<p><b>Use of Agency Staff- referral from 330 and 393 University Ave. LERC</b></p>	<p>The Union expressed concerns regarding the use of agency staff at these courthouses. The local union requested disclosure on agency workers including: their names, name of the agency, duration of work period and work performed. Local management responded they are under no obligation to provide this information.</p>	<p>Employer to follow-up.</p>
<p><b>Ministry Emergency Management Preparedness Plan</b></p>	<p>The Emergency Management Coordinator will be attending the September 30<sup>th</sup> MERC meeting and present on emergency planning.</p>	
<p><b>Integrated Labour Relations Strategy</b></p>	<p>The Union requested that ILRS matters be included in the minutes for future reference. The Employer agreed to minute policy items discussed.</p>	
		

<b>Integrated Labour Relations Strategy:</b>		
<b>Posting and Filling of vacancies</b>	<p>The Union stated that FPT employees have been used to backfill vacancies in the Administration Office contrary to the MOA signed September 13, 2007. The Union stated that FPT employees should not be used to backfill, and that vacancies should be posted.</p> <p>The Employer is committed to posting and filling of vacancies in accordance with Article 6 and 56 of the Collective Agreement.</p>	Remove from agenda.
<b>FPT Lunch Breaks</b>	<p>The Union raised concern that FPT staff, are required to take a one-hour lunch as per the Employers policy, particularly when scheduled to work 3.83 hours per day. The Union proposed flexibility in scheduling lunch breaks.</p> <p>The Employer advised that lunch breaks for FPT staff are being provided in accordance with local practices for full time staff.</p>	The Employer has agreed look into this matter.
<b>Pro-rating of FPT Hours</b>	<p>The Union inquired about pro-rating of FPT hours while on temporary assignments outside of courts.</p> <p>The Employer advised that there is no pro-rating of FPT hours under any circumstances.</p> <p>The Union disagrees with the Employer's position.</p>	Remove from agenda.
<b>FPT Benefit Premium Holiday Payment</b>	<p>The Union questioned whether the benefit premium payment holiday applies to FPT.</p>	<p>Union to provide further information to the Employer.</p> 

<b>Definition of Sick Day</b>	<p>The Employer stated that the definition of a sick day is defined in the MOS dated December 20<sup>th</sup>, 2005.</p> <p>The Union disagrees with the Employer's interpretation of the MOS.</p>	<p>Remove from agenda.</p>
<b>Deficit Hours: Year Counted Towards Annual Category</b>	<p>The Employer advised that deficit hours are counted towards the annual hours category in the year they are accumulated, consistent with the Income Tax Act. Hours, therefore, are not counted towards the annual hours category in the year they are worked</p> <p>The Union to respond.</p>	<p>The Union to respond.</p>
<b>Reconciliation Process when Staff Vacate FPT Positions</b>	<p>Employer provided a presentation on the reconciliation process when staff vacate FPT positions mid-year. The Employer has advised that implementation as presented will proceed.</p> <p>The Union to respond.</p>	<p>The Union to respond.</p>
<b>Toronto Scheduling Strategy: Update</b>	<p>The Union requested an update on the employers Toronto Scheduling Strategy for the downtown courts for slow summer season, especially in the Superior Court for FPT staff.</p> <p>An update was provided by the Employer.</p>	<p>The Employer to provide updates at future meetings.</p> 

<b>Meal Expenses for FPT Staff</b>	<p>The Employer stated that in accordance with the OPS Travel, Meal and Hospitality Expenses Directive, FPT staff must produce a receipt for all meals, as per the MOS dated December 20<sup>th</sup>, 2005.</p> <p>The Union disagreed with the Employer's position. The Union requests a copy of the OPS Travel, Meal and Hospitality Expenses Directive.</p>	<p>The Employer to provide a copy of the OPS Travel, Meal and Hospitality Expenses Directive.</p>
<b>Leaves without pay for FPT staff</b>	<p>The Employer stated that Leaves of Absences Without Pay must be requested and approved in advance in accordance with the OPSEU Collective Agreement.</p>	<p>Remove from agenda.</p>

For the Union:

Julie Weber  
OPSEU Co-Chair

Date:

JUL 03 2009

For Management:

Valerie Neville  
Management Co-Chair

Date:

June 29/09