

MEMORANDUM

Ontario Public Service
Employees Union

OPSEU



SEFPO

Syndicat des Employé-e-s
de la Fonction Publique
de l'Ontario

TO: All Presidents with members in the Ministry of Community & Social Services, Ministry of Children's Services

All Stewards in the Ministry of Community & Social & Universities
Ministry of Children's Services

FROM: Terry Baxter, OPS Supervisor

DATE: June 25, 2004

SUBJECT: **Ministry of Community & Social Services, Ministry of Children's Services
ERC Minutes – February 27. 2004**

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 our 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.

100 Lesmill Road,
Toronto, Ontario
M3B 3P8
e-mail: opseu@opseu.org
www.opseu.org

100 chemin Lesmill,
Toronto, Ontario
M3B 3P8

courrier électronique
opseu@opseu.org
www.opseu.org

Tel: (416) 443-8888
Fax: (416) 443-9670

Ontario:
Toll free: 1-800-268-7376

TDD:
(416) 443-9898

or
1-800-663-1070

AUTHORIZED FOR DISTRIBUTION:

IN SOLIDARITY,

Leah Casselman
President

Terry Baxter
OPS Supervisor/Negotiator

/ms
att.

cc: MERC Chairs
Ministry ERC

**MINISTRY OF COMMUNITY AND SOCIAL SERVICES
MINISTRY OF CHILDREN'S SERVICES
MINISTRY EMPLOYEE RELATIONS COMMITTEE (MERC)**

February 27, 2004 10:30 a.m. to 2:00 p.m.

In attendance:

Colette Kent
Ernie Nelson
Sharon Van Son
Anne Stark

Roxanne Barnes (Chair)
Stephen George
Dave Chew
Ron Strong

Secretary: Kristina Uffe
Guest: Brenda McCullagh

1. Review December Minutes

Minutes were approved.

2. Children's Ministry Update

Management provided an update on the status of the new Children's Ministry.

At present, the greatest amount of work is being done in setting up the transfer of programs and staff from Corrections. The transfer of Phase I Young Offenders is relatively straightforward. The transfer of Phase II will be more complex, requiring more planning.

Accountability for programs will transfer to the Deputy Minister of MCS on April 1, 2004. Management will provide updates as information is received.

The Union requested that a transition team be created.

Management indicated that this would be premature. Corrections has set up transition teams and the employees being transferred have Union representation at that table. If the Union wishes to have MCSS representation at that table, they can raise the issue there. At this time, the employees are still part of Corrections and MCSS cannot set up a table for the employees of another Ministry. Until the structure of the new Ministry is determined it is very difficult to establish who the appropriate members of the committee would be.

The Union reiterated its position that a subcommittee should be set up and be ready for OPSEU members when they are transferred. Even though there may be no movement at this point in time, when something happens, the established committee will be able to meet immediately .

Management advised that a meeting of the current members of MERC may be called in the event issues arise and need to be discussed. When more information is received about the new Ministry, a more inclusive committee can be created.

3. Reorganization: Adoption Disclosure Unit

Management advised that changes in the Adoption Disclosure Unit are currently planned for Management staff. These changes are the result of a report that has been shared with staff. Management will be working with staff with respect to the findings of the report. If any changes are to affect the OPSEU bargaining unit, Management will notify the Union accordingly.

4. Review of I & IT Update

Management advised that consultant proposals have been reviewed. A communique will be going out in the next couple of weeks announcing the consultant chosen.

5. Suspension at Rideau Regional Centre

Management confirmed that the Union's concerns were conveyed to the Region. The Union informed that all suspended employees, except one, have returned to the workplace. The Union continues to express its alarm that this one member is still on suspension.

The Union and Management agreed that this item is closed.

6. Attendance Rules at the Family Responsibility Office

Issue Background: Due to concerns about coverage during office hours, Management introduced a document outlining Attendance Rules for FRO. The Union raised concerns about the document. This issue has been brought to MERC previously.

The Union asked whether a review had been done of the Attendance Rules.

At the February LERC meeting, the Union proposed that the MCSS Standards of Conduct be used in place of the Attendance Rules. Management advised that this proposal was considered and it was determined that the Standards of Conduct are not all inclusive. In Management's view the Standards of Conduct complement the Attendance Rules. The Standards of Conduct specifically state that additional standards may be established in specific work locations. Management advised that they are willing to review any changes in language suggested by the Union.

The Union stated that some suggestions had been made for language changes. Specifically, at the November 18th LERC, the Union requested the wording "respective collective agreements will be adhered to". The Union stated that local Management would not accept this because they felt that this changes the Attendance Policy as written. Management acknowledged that such wording inserted into a policy document should not be problematic.

Management advised that they are still willing to have discussions at the LERC table around suggested changes in language. It was the belief of local Management that the Union was still considering what suggestions should be made. At this time, it appears that there is still some room for discussion at the LERC table around the language of the policy.

The parties agreed to refer the item back to the LERC table for further discussions. The parties also agreed that should the parties come to an impasse, with no more room for discussion at the local level, the item could be referred back to MERC.

7. FRO Christmas Lunch

The Union informed that this was no longer an issue and the parties agreed the item was closed.

8. ERC Training Guide Update

Management advised that the Guides are currently being assembled and will be distributed shortly. A copy of the guide was provided for each member of MERC.

9. MERC Agenda Items

Management wished to discuss the referral of items from the LERCs to MERC. It was agreed that that the new referral form, found at Page 89 of the ERC guide, should be used for referral of all issues from a LERC to MERC.

The Union requested it be clarified that referral of an item does not require the agreement of both parties. Management confirmed, stating that while agreement is not required, both parties must be aware that the item is being brought to MERC.

The Union and Management agreed that all the LERC Co-chairs should receive the form electronically, accompanied by a memo from both MERC Co-chairs.

Action: Management will draft the memo before the next MERC.

10. MERC Schedule 2004

The 2004 Schedule has been slightly changed, the final schedule is as follows:

February 27, 2004	August 10, 2004
April 6, 2004	October 5, 2004
June 11, 2004	December 7, 2004

New Business

11. Attendance Support Program (ASP)

The Union advised that at the JPSP, it was Management that suggested the ASP be reviewed.

Union stated that there are problems with the program and suggested that managers should have the discretion to bypass the program where they feel it is inappropriate.

Management advised that although some managers may not view the program favourably, the Ministry cannot direct their managers to ignore the program, or apply it more leniently. The ASP was created by MBS, and all Ministries are required to comply with this policy and apply it consistently. Because this is an OPS wide policy, any issues that the Union may have with respect to this program should be brought to CERC.

12. OPS Ideas Campaign

Management provided an update on the OPS Ideas Campaign. Ministry leads are waiting for a complete package detailing the evaluation of ideas from the Ideas office. Management provided a preliminary summary of the ideas that were submitted. MBS has asked Ministries to ensure that disclosure obligations under the collective agreement are met.

13. Health and Safety Committee Members

The Union requested a list of local health and safety committee members. This was provided.

14. Family Responsibility Office Workload Subcommittee Update

The Union advised that a new co-chair has been chosen and the committee will be reconvening soon. Management feels that the new co-chair should bring movement to the committees suggestions.

The Union advised that in the life of the committee, the Union has brought a number of suggestions. None of these suggestions have been implemented. The Union feels that the committee has been very ineffective. The Union is frustrated by the lack of implementation, and lack of explanation as to why none of the suggestions are being acted on. Should the committee continue in this manner the Union will likely walk away from the table.

Action: Management will provide a list of the suggestions and status at the next MERC.

15. Seniority List

The Union Requested a Seniority list for the Ministry.

Management advised that MBS provides a list at CERC on a quarterly basis. An updated list was provided in December 2003.

16. Pilot Project Disability Adjudication Unit

Management considered this an issue for the ODSP subcommittee, however, the Union advised that this was an issue being brought forward from a LERC. Management reiterated that once the new form is sent to all LERC co-chairs a better response can be prepared.

The Union advised that a pilot project has been in place for five (5) months at DAU. The project was implemented to deal with a backlog. The Union indicated that the Local feels there could be another way to deal with this, there wasn't a backlog. The Union expressed concerns over the qualifications of those brought in to address the backlog. Concerns were also raised about the length of this project, it appears that it will go over 5 months, which would require job posting.

Action: Management will look into the issue before the next MERC.
[Management has been advised that a grievance has been filed.]

17. Leave for MERC Co-Chair

The Union requested leave for the Union Co-Chair to attend to committee issues. Specifically to attend LERC meetings, Workload Committees etc.

At this point, if OPSEU wishes to send a letter to Management stating that they are willing to pay for this time, the request will be considered. Due to budgetary constraints, Management cannot commit to more paid leave than what is provided for in the collective agreement.

18. Lateral Transfer Process

The Union asked whether this process will be reviewed. Management advised that a review will take place after April 1st, as was previously discussed.

19. Attendance Threshold

The Union asked for the attendance threshold for 2004. Management advised that it is 11.5 days.

Action: Management will look into posting a notice on MyMCSS, as was done last year.

20. Family Responsibility Office Letter

The Union Co-Chair provided a letter stating that it was co-authored by Sharon von Son and herself. The subject of the letter was a Suggestion Box. The Union co-chair was concerned that this letter had gone out without her knowledge and approval.

The letter was not familiar to Sharon either, even though her name was on it as well. There is no indication as to who actually wrote the letter.

Action: Sharon will look into it and contact Roxanne directly.

21. Joint Problem Solving Process Update

Management has no information to disclose at this time.

22. WIN/SDMT Security

The Union raised the issue that SDMT security was not safe, anyone (clients included) with a password retrieval disk at any office OW or ODSP can access all user information while the screen is locked. The Union feels that this not only compromises program integrity but also our client's information under FIPPA. There are web sites available that let you download these password retrieval programs for free. They also allow a user total access through back doors.

Action: Management will look into the issue.

23. Max Merit Increases

The Union advised that not all employees who are entitled have received their Max + Merit increases. It appears that some managers have told employees that they are not receiving their max merit because their performance appraisals haven't been completed.

Management advised that it is their understanding that these increases are triggered by SSB and that Max + Merit increases are being processed in blocks.

The Union feels that they are getting different explanations from different sources and are frustrated with this process because problems arise every year.

Action: Management will follow-up with SSB to clarify the process.

Follow-up note of clarification: After the meeting it became apparent that there was a misunderstanding between the parties as to the issue being discussed. Management believed the parties were discussing the across-the-board increase of 2.5% which came into effect January 1, 2004. However, it was the Union's understanding that the discussion was focused on the additional Merit increase over the Max of the salary range. The issue will be discussed at the next MERC.

24. SIN Numbers

The Union advised of their position that SIN numbers should be removed from all forms, for example; Manulife and Leave of Absence Forms.

Management advised that this is an issue that SSB is investigating. It was agreed that this would be a standing item on the MERC agenda for updates from Management.

25. Hiring Freeze and Spending

The Union feels that the money being spent on remodeling some Ministry offices and replacing new furniture, could be better utilized.

Management asked which office the Union was referring to, the Union responded Bracebridge. Management advised that Bracebridge move has been in planning for some time. Cancellation of contracts is costly and new furniture is often less costly than refitting old furniture. The process for accommodation is as follows: must check in surplus for suitable furniture if none is found, must search in the surplus of other Ministries. If none is found in other Ministries, a business case must be put together and approved by the Deputy Minister and the Deputy Minister of MBS. Management advised that the purchase of chairs is a local issue.

26. Integrated Financial Information System: Issuing of Cheques

The Union is concerned that removing the ability of local offices to write manual cheques will cause problems for their members. Union suggested that the current system be allowed to remain in place until the turnaround time of cheques can be guaranteed.

Management advised that at this time the Ministry is aware of this problem and are working with SSB to come to a solution. Management cannot guarantee that the ability to provide manual cheques at the local level can be maintained after the move to IFIS on April 1, 2004.

Action: Management will follow-up with SSB.

27. Human Resources Plan at the Family Responsibility Office

This issue was referred from the FRO LERC.

At the LERC the Union had requested a presentation on the HR Plan. At this time, the Union was informed that FRO was exempt from the HR Plan, therefore a presentation was unnecessary.

Management advised that the HR plan is not yet written. Management is willing to have someone from the HR branch attend the FRO ERC to discuss the HR Plan. The HR Branch has not given any indication that FRO would be exempt from the HR Plan.

Action: FRO Management (Sharon van Son) will follow-up with the FRO LERC Management Co-chair.

28. Family Responsibility Office LERC

The Union expressed concerns about the deteriorating relationship between the parties at the FRO LERC. The Union feels that Management takes a dictatorial approach in the meetings. It is the Union's view that the Management team does not want the Local president attending the meetings. The committee received training in March 2003, but they are struggling. An incident was brought to the attention of MERC in December 2003, and Management agreed to follow-up.

Management advised that discussions had taken place with FRO Management. However, the account of what had happened was quite different from the Union's account. Management will not seek an apology from FRO Management. Efforts should be focused on the bigger issue; the deteriorating relationship and functionality of the committee.

The Union suggested a change in management staff for this committee, or further training for the current Management Co-chair.

Action: Management will look into the issue to determine what action should be taken.

29. Overtime

The Union raised concerns regarding overtime not being paid out within 60 days in accordance with the collective agreement.

Action: Management will follow-up

30. Sick Leave Processes

This issue is a referral from the Smiths Falls LERC.

The Union raised concerns over the process for employees calling in sick. Specifically, that in some instances employees would have to make more than one phone call. The Union feels this is unreasonable to ask of a person who is ill.

Management advised that this issue was raised at the local level. In response, management changed the wording of the policy document to reflect that one call would be sufficient. The current process is as follows: an employee calls the person responsible for ensuring coverage, during the same call the employee will be transferred to their manager's phone to leave a message. Therefore, only one call is required.

The Union suggested that this be communicated to all staff. The Union also suggested further clarification of the policy language to reflect this. Management requested that the Union provide suggestions regarding alternate wording.

The Union also raised concerns with Managers calling employees at home when they are sick. Management advised that the policy is clear that this is only to occur in exceptional circumstances. In practice this has only occurred on a couple of occasions. Calls are only made in the context of client service, where an important file or information needs to be found to provide quality customer service.

The Union acknowledged that Management's explanation was reasonable. However, the Union feels that the written policy does not come across the same way. The Union is concerned that employees would be called at home to determine if they were really sick and would like to see more specific wording to clarify the reasons for calls made.

Management advised that the Belleville office was requested to bring forward any suggestions for language change where concerns arose. No suggestions were brought forward.

Action: Ernie Nelson will discuss the issue with the LERC co-chairs.

Next Meeting:

Date: April 6th, 2004

Place: 24th Floor Boardroom, 2 Bloor Street West

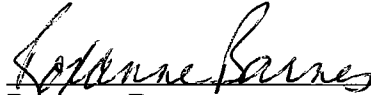
Time: 10:30am to 2:30pm

Ministry of Community and Social Services

MERC Minutes of February 27th, 2004 approved on June 14th, 2004 by:



Colette Kent
Co-Chair, MERC
Human Resource Branch



Roxanne Barnes
Co-Chair, MERC
OPSEU

OPSEU



SEFPO

FOR MERC ACTION

Strategic Action from Local Employee Relations Committee
(to be used when an issue is not resolved at LERC table)

Ministry:

Workplace Location:

Local #:

Please use a Separate Form for Each Unresolved issue.

- ✓ Please include the specific details about the issue.
- ✓ Provide any documentation that may assist the discussion at your Ministry Employee Relations Committee (MERC).

Is the issue related to (please ✓):

- | | | | |
|--------------------------|----------------------------------------------------------|--------------------------|---------------------------------|
| <input type="checkbox"/> | Job Security and Article 20 | <input type="checkbox"/> | Reasonable Efforts - Divestment |
| <input type="checkbox"/> | Employer's Corporate Initiative and work re-organization | <input type="checkbox"/> | |
| <input type="checkbox"/> | Enforcing the Contract | <input type="checkbox"/> | Contract Interpretation |
| <input type="checkbox"/> | Health and Safety | | |
| <input type="checkbox"/> | Other: (please identify) | | |

Statement of the Issue:

The Resolution sought by your Local Employee Relations Committee (LERC):

Date Issue was declared unresolved by your LERC:

Is the Relevant material attached? Yes No

LERC Minutes dated:

Correspondence. Please list:

Local ERC Member Contact

Name:
Address:

Home #:
Work #:

**FORWARD to: OPSEU Job Security Unit, 100 Lesmill, Toronto, Ontario M3B 2P8
Fax: (416)448-7462**

