

CAPE Executive Committee

Minutes of March 28, 2007
CAPE National Office
Boardroom
5:45 p.m.

Present: J. Aggrey (Chair), C. Card, J-R. Benoit, G. Dussault, M. Holyk, M. Korol, C. Lakaski, S. Lawson, R. McVicar, L. Perrin, A. Picotte, A. Sipos, S. Spak, S. Spano, C. Therrien, M. Zinck, C. Danik, J. Ouellette, D. Martin.

Apologies: None.

J. Aggrey called the meeting to order and asked Carl Lakaski to Chair the "In Camera" section in his absence. Carl declined and therefore Lionel Perrin was asked to Chair.

In Camera Discussion

C. Danik provided an update on this matter. J. Aggrey resumed the Chair at the end of the "In Camera" section.

Approval of Agenda

It was moved by M. Zinck, seconded by B. McVicar, that the agenda be approved.

In favour =15, Opposed = 0, Abstention = 1. **Motion Carried.**

Approval of Previous Minutes

It was moved by S. Spak, seconded by C. Lakaski, that the minutes of February 28, 2007 be approved.

In favour =15, Opposed = 0, Abstention = 1. **Motion Carried.**

Terms of office for newly elected NEC Members

J. Aggrey asked the National Executive Committee on how they should proceed to determine the terms of office for the newly elected Committee members. He advised that there is a one two year term and two one year term positions.

C. Therrien suggested that we proceed in the order that the positions became vacant.

J-R. Benoit indicated that he would accept the one year term as he is new and still learning. S. Lawson volunteered to serve the second one year term. The two year term position therefore went to S. Spak.

Finance Committee Recommendations – March 20, 2007

The Finance Committee recommends to the Executive Committee that \$6,138.94 be transferred from the Executive Contingency Fund to cover the shortfall of “*Local Rebates*”.

J. Aggrey advised the National Executive Committee that an additional \$2,000 should be added to the above as requested by the Finance Officer for the DFAIT Local rebate. Thus bringing the amount requested to \$8,138.94.

It was requested that in future the Finance Committee provide explanations with requests and that the correct amount of funds be reflected in the recommendations.

It was moved by A. Picotte, seconded by M. Zinck, that the above recommendation with the additional funds be approved.

In favour = 15, Opposed = 0, Abstention = 1. **Motion Carried.**

Protocol No. 5 – Distribution of Membership Lists

This matter was tabled as the legal opinion has not been received to date.

Selection procedure for sub-committee membership

The legal opinion was reviewed. A. Sipos requested to see the question that was asked of legal counsel. J. Aggrey advised that he had already provided a copy of the question to Anna, upon her request, at the last meeting. That he was prepared to get her another copy, if she was interested.

It was moved by A. Sipos, seconded by M. Holyk, that all requests for legal opinions to conduct National Executive Committee business be identified, discussed and approved prior to being submitted to legal counsel.

In favour = 4, Opposed = 9, Abstention = 3. **Motion defeated.**

C. Therrien suggested to preface any legal opinion delivered to the National Executive Committee, on any matter, the comment(s) and /or question(s) eliciting the opinion shall be provided within the document itself.

There was a consensus that the question submitted to legal counsel seeking an opinion shall be provided separately with the response.

Finance Committee Recommendation - Investment Strategy

This matter was tabled until the legal opinion is received.

Request from the Parliamentary TRs

This item was deferred until further notice.

President's Report

1. NJC Conference in September

The NJC Bargaining Agent side has agreed to revert to the old format of including workshops on issues of interest to the unions at the Conference. Bargaining agent(s) may be asked to make presentation also as was done previously.

2. Providing input to the Employer's Policies

The NJC Bargaining Agent side has met twice to discuss a strategy to collectively provide input to government policies. It is considered more effective in collaboratively providing input. However, where necessary a Bargaining Agent may provide its own input directly to the employer and share its input with the unions.

3. The Public Service Pensions Advisory Committee

It met but there is nothing new to report. We discussed the role of the Advisory Committee, the responsibilities of Committee members and the agenda for future meetings.

Administration Report

1. Delivery of NEC materials

Some Committee members are unable to receive or print documents sent electronically. To ensure that all members receive a complete package without experiencing difficulties all documentation for meetings will now be sent by messenger. This procedure will also ensure confidentiality is maintained on certain documents. Provisions will be made for any members who would like to pick up their package at the National Office. Chantale Lebel will send you an e-mail tomorrow requesting you to provide her with the address you wish to have your packages sent.

You will continue to receive e-mails for urgent matters only.

2. IT provider

D. Martin provided an update on this matter.

3. Database programming

We currently have a person who does our database programming on an as needed basis. He has now advised me that he can no longer continue to do this and so I will be looking for a replacement.

Professional Services Report – C. Danik and J. Ouellette

Negotiations

- FIP
 - The parties continued bargaining on March 13 and 14;
 - An agreement was reached to renew the protocol, with minor adjustments;
 - The agreement was signed on March 22;
 - A memo was posted on CAPE's web site with a link to the protocol.

C. Danik: I would like to congratulate Jean Ouellette, Hélène Paris, Liana Griffin and the TR members of the bargaining committee for work well done, under very difficult circumstances.

- The TR table:
 - The input questionnaire was sent out to the members early last week, with a return date of April 8.
 - Shortly thereafter, notice to bargain will be communicated to Treasury Board; first, we need to ascertain which dispute resolution process the members have chosen (a change to the previous round's dispute choice must be communicated with the notice to bargain).
 - Data from the questionnaires will be entered into SPSS, preliminary analysis will be carried out, and tables will be prepared and presented to the bargaining committee at its next meeting.
 - The next meetings of the bargaining committee are scheduled for May 9 and May 10.
- The EC table:
 - Members of the bargaining committee met yesterday evening;
 - The committee decided that the absence of a member from three consecutive meetings, without a reasonable explanation, would be a defacto resignation from the committee;
 - The committee continued perfecting language for the proposals that have already been chosen for the bargaining table;
 - The committee has also began reviewing proposals that have been sent in to the national office by members responding to our call for proposals of February 7;
 - The next meeting of the committee is scheduled for April 26;
 - Brad Buxton has communicated to me his decision to resign from the committee.

Service Wide Consultations

- The new EC classification standard:
 - Since the last meeting of the Executive, I met again with Mike Bazuk, the

- o person responsible for the EC conversion at PSHRMA.
 - o He gave me a heads-up regarding a memo that was going out to the Chiefs of Classification from the office of one of the Vice-President's of PSHRMA, Rick Burton.
 - o The memo announces what I had reported to you earlier, i.e. that PSHRMA had completed the final draft of the EC standard and of the classification guidelines.
 - o Both the standard and the guidelines have been sent out to departments.
 - o You will find a copy of the memo on the CAPE web site, with a word of warning regarding the format chosen by departments for the EC work descriptions.
 - o The Advisory Group was scheduled for a meeting in March; however, considering that we have not received word from PSHRMA on the matter of a meeting, I would guess that there will not be a March meeting.
- CAPE's LoP members and the issue of staffing competitions in the PS:
 - o C-2 received royal assent on December 12.
 - o The new legislation amends the PSE ACT and makes it possible for our members at the Library of Parliament to compete on internal public service wide competitions.
 - o Unfortunately, members moving from a position at the Library to a department position lose their years of employment at the Library in the calculation of their annual leave entitlements; they also lose their sick leave credits.
 - o We have contacted the Office of Vice-President of PSHRMA to discuss the issue of annual and sick leave credits entitlements. Our initial contact leads us to believe that there is some openness to discussing this issue as it impacts on mobility and as, at the end of the day, all of the employees involved are paid by the government. We will report back in due course.
- PSCAC:
 - o A meeting was held on March 21; the issue of National Areas of Competition (external competitions) and of the Drop-off Rate of EE candidates in external competitions was discussed.

Representation

- LMCCs
 - o Service Canada LMCC will be held on March 30
- Individual Representation :
 - o An ES-05 member had filed a grievance regarding the delay in negotiating the terms of a permanent accommodation agreement. The matter was resolved to the member's satisfaction.
 - o An SI-05 member filed appeals under section 21 of the old Public Service Employment Act. The Appeal Board allowed the member's appeal with respect to two (2) of the allegations. It was the belief of the appellant that the Appeal Board Chair erred in her decision and that that could negatively impact on the

corrective measures being sought. A legal opinion was sought and it was legal counsel's opinion that a judicial review application had very limited chances of being allowed for a number of reasons. We have been informed that the member has decided to proceed in Federal Court on his own.

- Three SI-01 members filed classification grievances in September, 2005 following a classification review of their position. A classification grievance decision was rendered on December 12, 2006. It was decided that the three members' positions would be re-classified at the SI 02 group and level retroactive to November 2003.
- An ES member, on a term appointed, received an offer of employment for an indeterminate period; the offer was conditional to the member passing a "secret" level security clearance. The member is informed thereafter that his term appointed is and that his indeterminate appointment is revoked. Not only did the member fail to get the "secret" level clearance, the review process found reason to take away his lower level security clearance. A complaint was filed before the Public Service Staffing Tribunal, and a grievance was filed before management. Eventually, CAPE was able to negotiate an agreement for the member, which included salary and benefit reimbursement. The agreement included the member's recognition that his employment was terminated.

Internal Matters

- Pictures and Minutes :
 - A memo was sent to the secretaries of the various committees of the organization;
 - The memo explained that CAPE would begin to present the faces of the organization on the organization's web site and in its publications;
 - Secretaries of committees are asked to take pictures of the members of their committees;
 - Members should be asked for permission in writing before pictures are taken;
 - The memo also served the purpose of reminding secretaries that they are to provide the minutes of meetings to the information officer for posting on our web site.
- E-mail service for web scans and press clippings :
 - We have temporarily interrupted the distribution by e-mail of our web scans and press clippings;
 - There are two problems: a technical problem and a problem of interest;
 - Donna explained the technical problem as a server capacity problem
 - The problem of interest is that only 8 out of 200 local leaders showed an interest in the service: we do not have the resources to continue the service for so few members.
 - A reminder will be sent out to the local leadership shortly; if there is not a significant expression of interest, then the service will be discontinued until

further notice.

- The March 2007 edition of *Professional Dialogue* :
 - It is up on the web site.
 - It includes the following topics: La revue examine les sujets suivants :
 - Jurisprudence on the matter of abuse of authority, as developed by the new Public Service Staffing Tribunal;
 - The new *Accountability Act*;
 - The Crown's rights and obligations where employees receive more money or benefits than that to which they are entitled;
 - An explanation of the economic parameters that will be used by the employer for the next round of bargaining;
 - An article on labour management consultations.

CD : I would like to thank Deborah Fiander for her excellent work; this issue of *PD* is, in my opinion the best so far.

- Revision protocol for CAPE documents:
 - I have asked Deborah Fiander to draft a review protocol for our office use that will ensure greater control of the quality of the texts that are issued from the national office;
 - Recently, I regret to say, an early draft of a text was released rather than the final version; it contained numerous typographic errors, and stylistic errors.
 - We wish to avoid repetition of this error.
- Labour market data :
 - CAPE has purchased from Mercer labour market data collated in September 2006;
 - H el ene Paris, CAPE's research officer, is reviewing the information for the purpose of preparing the EC and TR bargaining demands;
 - CAPE will purchase Mercer's data annually;
 - Data will also be used for the Library of Parliament bargaining table in 2008.
- Staffing:
 - The competition to staff a term Labour Relations Officer's position for six months is under way. Interviews should be held this week and next week.
- ESU-CAPE collective bargaining
 - CAPE's demands are ready; the parties must now agree to a schedule of meetings.
 - Meetings of ESU and CAPE should commence in April.

It was moved by M. Zinck, seconded by S. Spak, that the National Executive Committee send a Thank you note to the FIP Committee for the work involved to negotiate the FIP. **Carried Unanimously.**

SI - IT/Technicals Reallocation

C. Therrien gave a verbal update on this matter.

Adjournment

It was moved by B. McVicar, seconded by S. Spak, that the meeting adjourn at 8:40 p.m. **Motion Carried.**

Date

J. Aggrey
Chair