

## **CAPE Executive Committee**

**Minutes of November 14, 2007**

**CAPE National Office**

**Boardroom**

**5:45 p.m.**

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

**Apologies:** None.

### **Approval of Agenda**

The following items were added under:

- 1) Items for Approval
  - c) Funds for AGM
- 3) Matters Arising
  - a) C. Lakaski Complaint
  - b) A. Sipos Complaint
- 4) Substantive Issues for Discussion
  - a) Purchase vs Rent
  - b) Process for Framework for Local By-Laws
- 5. Information Items
  - c) Audit Committee Terms of Reference
  - d) Taskforce on Membership Participation Motion

### **Motion:**

B. McVicar moved, M. Korol seconded, that the agenda be approved, as amended.

In favour = 13, Opposed = 0, Abstention = 2. **Motion Carried.**

## **Approval of Previous Minutes of October 24, 2007**

### **Under Substantive Issues for Discussion item a) President's Salary:**

C. Therrien asked for clarification on the status of his resolution on the President's Salary and whether or not it was being sent to the members to vote on.

J. Aggrey mentioned that it was ruled out of order at the last NEC meeting as the National Executive Committee does not discuss resolutions going to the membership for approval, except when NEC considers a resolution to be against the interest of the Association.

G. Dussault clarified that the resolution itself was not ruled out of order but that it was ruled out of order to be discussed by the National Executive Committee. G. Dussault therefore requested that the last sentence under this item be deleted as it was misleading as written and that C. Therrien be allowed to correct the typo in reference to Article 31.1 which should have read 31.9.

**Motion:** C. Therrien moved, C. Lakaski seconded, that the resolution be mailed to the membership for a vote.

In favour = 12, Opposed = 0, Abstention = 3. **Motion Carried.**

### **Under Substantive Issues for Discussion item b): Standing Committee on Service Quality:**

L. Perrin requested that the word "vigorous" and the last two paragraphs be deleted.

**Motion:** M. Zinck moved, S. Spak seconded, that the minutes be approved, as amended.

In favour = 13, Opposed = 0, Abstention = 2. **Motion Carried.**

## **Funds for AGM**

J. Aggrey asked for a motion for \$3,000 from the Executive Contingency fund for an honorarium, traveling and accommodation costs for Mr. John Fryer, the Guest Speaker at the CAPE AGM.

**Motion:** C. Therrien moved, M. Korol seconded that \$3,000 from the Executive Contingency fund be approved.

In favour = 13, Opposed = 0, Abstention = 2. **Motion Carried.**

## **Finance Committee**

A. Picotte presented the Finance Statements for the periods ending August 31, 2007 and September 30, 2007.

## **Matters Arising**

### **a) C. Lakaski Complaint**

It was noted that J. Aggrey should not be Chairing this portion of the meeting.

**Motion:** M. Holyk moved, C. Lakaski seconded, that L. Perrin chair this portion of the meeting.

L. Perrin declined to Chair in order to participate in the discussion. **Motion failed.**

C. Therrien volunteered to Chair. There were no objections. C. Therrien commenced Chairing the meeting at 8:30 p.m.

C. Lakaski presented his complaint.

C. Lakaski was asked if he would consider another process of resolving his complaint either through a facilitator or through mediation.

C. Lakaski declined and requested that a Sub-Committee be established to investigate his complaint.

C. Lakaski and A. Sipos were asked if they would agree to have their complaints investigated by one Sub-Committee or did they each want to have a Sub-Committee to investigate their complaints separately as both complaints are similar in the allegations.

After consideration of the above request C. Lakaski and A. Sipos agreed that one Sub-Committee could investigate their complaints on condition that the Sub-Committee treated their complaints individually and not as one complaint.

C. Therrien requested confirmation with C. Lakaski and A. Sipos that it was two separate complaints being heard by one Sub-Committee.

C. Lakaski and A. Sipos confirmed that this was correct.

A call for volunteers was requested by the Chair.

M. Holyk, M. Zinck and S. Spak volunteered to form the Sub-Committee.

**Motion:** L. Perrin moved, A. Picotte seconded, that M. Holyk, M. Zinck and S. Spak be

approved as the Sub-Committee.

In favour = 10, Opposed = 0, Abstention = 5. **Motion Carried.**

J. Aggrey resumed as Chair at 8:55 p.m.

### **Substantive Issues for Discussion**

#### **Purchase vs Rent**

J. Aggrey presented a proposal to purchase office space in Vanier, Ontario. He advised the National Executive that if they wanted to pursue the proposal that it may cost about \$6,000 or more to have an engineer assess the building.

An open discussion took place.

A. Sipos mentioned that in order to get an engineer to do an evaluation you normally have to have an offer to purchase done and she was not comfortable with this.

There was a request that our insurance provider be contacted in order to find out what is required by them in order to obtain insurance if we were to purchase.

There was a consensus that a Working Group on Accommodations be formed and that it be composed of J. Aggrey, C. Danik and C. Lakaski in order to prepare a needs assessment paper for the January meeting.

**Motion:** M. Korol moved, S. Spak seconded, that an appraiser and an engineer be hired on condition that we do not have to make a conditional offer to purchase.

In favour = 14, Opposed = 0, Abstention = 0. **Motion Carried.**

#### **Process for Framework for Local By-Laws**

M. Holyk requested clarification on the process for creating the Framework for Local By-Laws and why the National Executive Committee was not advised in advance.

J. Aggrey explained that matter is mentioned in the President's Report from October but unfortunately the report was not read at the October meeting due to the duration of the meeting. He further mentioned that this process began from the Atlantic Regional Forum. This matter will be discussed at the upcoming Local Leadership meeting on November 28, 2007 and that all Local Leaders have been provided with a copy of the document in order to submit comments.

## **Information Items**

### **a) Audited Financial Statements**

The final statements as approved by the Audit Committee were provided for information.

### **b) Communications Committee**

A. Sipos asked what process the Communications Committee has in regards to spending funds without consulting the NEC.

### **c) Audit Committee Terms of Reference**

The Committee agreed that this item be put on the agenda for the January meeting.

### **d) Taskforce on Membership Participation**

**Motion:** C. Lakaski moved, B. McVicar seconded, that the Taskforce on Membership Participation Committee have an extension of time until January to present their report.

**Carried unanimously.**

## **President's Report**

### **Meeting with FSNA**

I met with Dennis Jackson, National President, and Francis R. Bowkett, Executive Director of the Federal Superannuates National Association to discuss strategies for meeting with the government on policy matters that impact on our respective communities. As well, they wanted to share some information with our members as contemplate retirement.

#### **i. Marriage after Retirement**

It is important for our members to be aware that the surviving spouse gets no pension, no coverage for medical and dental. It is the responsibility of the member, after retirement, to apply for dental plan. This is paid for by the government (60 – 40%). Therefore members are encouraged to be well informed before retirement.

#### **ii. Supplementary Death Benefits**

This was improved in 1999 and unfortunately many current and past plan members are not aware of this positive change to the Plan.

iii. Congress of National Seniors Organization (CSNO)

This organization has about 3 million members across the country. It is recognized as the spokesperson for seniors. CSNO has 13 member groups, national in scope and who advocate for seniors on such issues as Pharmacare program, reduction in wait-times, care facilities, and seniors housing issue

iv. Associate Membership

FSNA offers Associate membership for a fee of \$15.00. This allows you all the benefits of a regular member except voting. One enjoys all the affinity programs such as, Medoc plan, etc. Check their website for more information.

Meeting with National Bank

I met with Paul Charron, Wealth Management and Mutual Fund Representative, to discuss investment policy for CAPE. A follow up meeting is planned to identify specifically the right investment instruments for CAPE.

PIPSC AGM

I was invited by Michelle Demers, President of PIPSC to their reception and dinner for their AGM. This is an ongoing invitation PIPSC has extended to CAPE. It is interesting to note that on many issues, the delegates to the AGM have the power to make decisions on behalf of the entire members. For example, the AGM decided a \$7.00 dues increase, raising their current dues from \$47 to \$55/month.

Task Force on Membership Participation

The Committee met to review its draft Report and to finalize its recommendations to the NEC.

**Professional Services Report**

EC Conversion

- There have been no communications from CPSA to CAPE since July.
- There has been no news regarding the conversion on the CPSA web site.
- Currently, the process is in the hands of the various departments as they complete the process of evaluating either Es and SI work descriptions or EC work descriptions with the new EC classification standard.

- It is still our expectation that APN will occur in November, and that CAPE and Treasury Board will be provided with the conversion data base for the bargaining table.
- CAPE has been waiting several months for CPSA to post the *EC Classification Guidelines*.
- We are back at the EC bargaining table next week (November 20<sup>th</sup>, 21<sup>st</sup> and 22<sup>nd</sup>) if the employer representative at the table, Treasury Board, is unable to provide CAPE at that time with a commitment that data will be provided by the December meetings (December 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup>) then the association may need to take appropriate action.

#### TR collective bargaining

- October was a relatively quiet month for CAPE bargaining teams as I was away from the office for three weeks and the Treasury Board negotiator at the TR table was away for the entire month.
- TR bargaining was scheduled for November 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup>.
- The TR bargaining team met on November 5th to prepare the issues that were scheduled to be discussed.
- Though no final solution was accepted by both parties on three issues brought to the table by the employer, it was possible to have a very detailed exploration of the matters that were raised.
- The TR team as well as CAPE's national office staff involved in bargaining has a better idea now of the parameters of Treasury Board's position on issues that are presently on the TR table, and on the EC table.
- This knowledge should serve EC members as we prepare to discuss similar issue at the EC table.
- EC bargaining is not interest base; it is positional bargaining.
- Therefore it will be necessary to carefully craft CAPE's counter proposals.
- The calendar of bargaining at the TR table is as follows: the parties will be meeting on December 4th, 5th and 6th; January 29th, 30th and 31st; February 12th, 13th and 14th and March 18th, 19th and 20th.

#### EC collective bargaining

- The last set of meetings with the employer was in the first half of September.
- Again, there was no bargaining in October.
- We are meeting next week (November 20<sup>th</sup>, 21<sup>st</sup> and 22<sup>nd</sup>).
- The EC bargaining team is meeting on November 19<sup>th</sup> in order to prepare responses to the proposals the employer presented in September.
- Furthermore, the team will be discussing further matters that were tabled by CAPE as issues to be discussed by the parties at the table.
- Another set of meetings is scheduled for the week before Christmas (December 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup>).

### FIP (TR) negotiations

An initial meeting of the collective bargaining committee will be held on November 19. The application of a member to serve on the committee was inadvertently omitted at the October meeting. Please approve the appointment of Stephen Mullen to the committee.

### LoP Negotiations:

Pursuant to the provisions of By-law # 7, a call for volunteers from the membership of the LoP bargaining unit for the purpose of sitting on the LoP Collective Bargaining Committee was mailed on November 9, 2007 and posted on our website.

### Collective bargaining

- The PSAC and CRA came to a tentative agreement recently.
- The agreement catches-up on a number of matters with core public service agreements.
- However, there are a few novelties that CAPE's bargaining teams will be exploring as possible fall back positions on proposals brought to the EC and TR tables.
- The PSAC negotiations with Treasury Board do not appear to be progressing as well as the Alliance was hoping.
- CAPE should keep its eyes open in December to see whether significant progress is made at the Alliance tables.
- The PSAC place a pivotal role in collective bargaining in the federal public service as it represent somewhere close to 75% of al federal public service employees.
- What happens at Alliance tables usually sets the trend on a number of bargaining issues.
- The AJC is about to proceed to mediation; it will be important to follow progress on demands relating to classification for example.
- The AJC has taken the lead so far on the matter of challenging the employer's refusal to negotiate classification, staffing and pensions.
- The PIPSC have announced at their annual general meeting of delegates that it has taken these issues to the bargaining table.
- As you know, so has CAPE at both the TR and EC tables.
- Just a reminder: the negotiator for AJC works for SGM, CAPE's legal counsel.
- He also represented the CLC as an intervener in the BC case that has opened the door on this matter.
- John Fryer will be speaking to this issue at our AGM.



### Communications

- The Annual Report has been completed and sent out to members.
- It was decided that further to comments from members CAPE would not proceed as it did last year and only send hard copies if requested.
- Hard copies were sent to each and every member as recommended by the Communications Committee.
- Posters have been prepared in-house for the purpose of reminding members of the panel discussion scheduled for the AGM; the posters will go out to the locals next week.
- Progress has been made in the selection and contracting of promotional items.
- A CAPE wall calendar, with monthly labour relations bullets, is being prepared: the distribution target date is the first half of January 2008.

### Internal Matters

- A member of our professional staff has returned from a year of leave.
- She requested an accommodation, following an assessment of her needs by her physician.
- CAPE was able to accommodate and at the same time meet an important need of the organization by creating the position of Education Officer.
- One of the principal duties of the Education Officer is to respond to questions from the members on various matters including labour relations and employment matters.
- The addition of the position should alleviate the work load of LROs and guarantee a quicker response to inquiries from members.

### Dues

- On an entirely different matter, I would like to bring to your attention that dues at the PIPSC have increased from \$47 to \$55 a month.
- Thus a member of the Institute pays annual dues of \$660.
- CAPE members pay annual dues of \$420.
- PIPSC is the second bargaining agent representing professionals to have voted on an increase in dues over the past few months.
- A proposed increase was defeated by the members of ACFO earlier this year; then a second increase was approved last week.

- The ACFO web site does not make clear how the dues will increase or by how much.
- However, in an earlier presentation to the members it was explained that the sustainability of the organization depended on reaching a level of \$50 a month per member within 4 years.

### The Compensation Analysis and Research Advisory Board

- I have advised the Public Service Labour Relations Board that I will not be seeking a renewal of my appointment to the Compensation Analysis and Research Advisory Board.
- I was appointed by the responsible Minister to the Advisory Board two years ago.
- I was appointed not as a representative of CAPE but as a person with experience of collective bargaining, compensation and research in the federal public service.
- Therefore, there will be no replacement from CAPE.
- I enjoyed working with the other members of the Board, for whom I have the greatest respect.
- Approximately half of the members will be staying on for a second term.
- I would like to take the time to single out the valuable contributions of the chair of the Advisory Board: Maryanne Weber from Statistics Canada who will be retiring from the public service next year.

### Representation

- The employer initially denied a member's leave for spousal relocation request of one year less a day. We wrote to the member and clarified the situation confirming employee rights as it concerns this type of leave. The explanations provided to the member were then provided to the employer and Labour Relations. The spousal relocation leave as requested was granted.
- A member asked us to assist with his application for personal leave, which was denied. The employer had indicated that the refusal to grant leave was not due to operational requirements. We explained his rights to him, and told him that we would support his case, since the employer can deny leave only on the basis of operational requirements. We told him to follow up in writing, and set a deadline for a response. The member's leave was approved.
- A member asked us to verify the interpretation given by staff relations in his department to article 21.10 of the ES collective agreement: leave without pay for personal reasons. The member wished to work elsewhere. We informed the member that the employer's position is correct: he can apply for leave without pay for the duration of his employment plan. Moreover, we referred him to the policy on leave without pay on the TB Web site, for more information on the issues involved in extended leave without pay.
- A member had concerns about access to second language training and official

language proficiencies as an essential qualification in the application of merit. For the training, we referred him to the Director and the Champion of official languages of his department. For the posting of the bilingual imperative CBC qualifications for different SI positions, we informed him that the department had correctly applied the policies governing the matter and that an analysis of the information the member had provided to us did not demonstrate any violations of the PSEA.

- Grievance under article 36 of the ES collective agreement: performance evaluation, and an unfavourable report. At the final level, the employer admitted that the performance review could not be completed and none would be, because the supervisor had not been able to observe performance for at least half of the period of detachment. With respect to the unfavourable report (an e-mail), however, the employer refused to withdraw it. We made a conditional referral to arbitration. PSLRB mediation failed. We were subsequently able to resolve the issue in our member's favour.

### **Adjournment**

A. Picotte moved, M. Korol seconded, that the meeting adjourn at 10:25 p.m.

**Carried Unanimously**