

**CAPE Executive Committee**

**Minutes of September 12, 2007**

**CAPE National Office**

**Boardroom**

**5:45 p.m.**

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

**Apologies:** C. Lakaski.

**IN CAMERA** session took place from 5:45 p.m. until 7:45 p.m.

A. Sipos had to depart the meeting at this time.

**Approval of Agenda**

M. Zinck moved, S. Spak seconded, that the agenda be approved. **Carried unanimously.**

**Approval of Previous Minutes of June 27, 2007**

M. Zinck moved, C. Card seconded, that the minutes be approved.

In favour = 10, Opposed = 0, Abstention = 4. **Motion Carried.**

**Approval of Budget**

The budget was reviewed and discussed.

G. Dussault moved, C. Therrien seconded, that line 18.1 –Executive Contingency, be reduced to 100,000 from 200,000.

In favour = 2, Opposed = 12, Abstention = 0. **Motion Defeated.**

A. Picotte moved, M. Zinck seconded, that the National Executive Committee adopt the budget and recommend it to the membership for approval. **Carried unanimously.**

## **Matters Arising**

### **Young Members Advisory Committee**

S. Lawson apologized for the delay in the Committee's report and noted it will be available for the next meeting.

## **Finance Committee**

### **Finance Committee Recommendation - August 28, 2007**

The Finance Committee recommends to the National Executive Committee that the NEC grant the Finance Committee a mandate to establish a process for reviewing dues in order to provide a balanced budget.

A. Picotte moved, S. Spak seconded, that the recommendation be approved.

In favour = 7, Opposed = 7, Abstention = 0.

In accordance with Bourinot's Rules of Order, the Chair exercised his right to a second vote in a situation of a tie vote. The Chair voted against the motion. **Therefore, motion was defeated.**

There was a consensus that the recommendation was mute as this already is in their mandate.

### **Finance Committee Recommendations - September 04, 2007**

#### **Recommendation 1**

The Finance Committee recommends to the National Executive Committee to pursue a balanced budget for the fiscal year ending 2008/09 and the Finance Committee recommends a dues increase of \$5 to balance the budget for said fiscal year.

A. Picotte moved, B. McVicar seconded, that the above recommendation be approved.

In favour = 3, Opposed = 11, Abstention = 0. **Motion defeated.**

While the motion was defeated, NEC was not opposed to the idea of a dues increase. As such, it discussed the process of implementing a dues increase. In light of the discussion,

M. Holyk moved, S. Spak seconded, that the National Executive Committee pursues a balanced budget and recommends commencing a consultation process with the Local Leadership and the membership for a dues increase.

**Carried unanimously.**

## **Recommendation 2**

The Finance Committee recommends to the National Executive Committee that the budget, consisting of two twelve month periods, be recommended to the Membership.

A. Picotte moved, L. Perrin seconded, to approve the above recommendation.

In favour = 9, Opposed = 2, Abstention = 3. **Motion Carried.**

## **President's Report**

The President reported that the summer months had been busier for him than he had expected. August was particularly busy.

### **1. July 5 - Equal Opportunity and Diversity Committee**

He attended a meeting of the Equal Opportunity and Diversity Committee. He said the Committee is still looking at identifying activities for which it can play a role on behalf of the Association.

### **2. July 9 – Membership Participation Committee**

He attended a meeting of the Membership Participation Committee. He reported that the Committee is proceeding well and has begun to consider many ideas for recommendation to the NEC.

### **3. July 17 – Finance Committee**

He attended a Finance Committee meeting that began the preparation of the next fiscal year budget.

### **4. August 8 – The Constitution and By-Laws Committee**

The Committee met to review and discuss the draft Constitutional amendments to ensure the amendments reflect the recommendations of the NEC.

### **5. August 10 – RCMP Special Ceremony – Changing the Command**

He was invited by the RCMP to take part in a special ceremony – Changing the Command, marking installation of the new RCMP Commissioner.

### **6. August 13 – Governance Review Committee**

The Governance Review Committee met to review all the recommended Constitutional amendments to ensure that they reflect the recommendations for change in governance proposed to the NEC.

**7. August 22 – Task Force on Membership Participation**

The President said, again, he attended a meeting of the Task Force on Membership Participation. Among other things, the meeting was to discuss its draft report. However, the report was not ready. The draft was later sent to Committee members for their review.

**8. August 23 – Special NEC Meeting**

The NEC held a special meeting to approve the Constitutional amendments being proposed for a membership vote in November.

**9. August 28 - NJC Bargaining Side**

- i. A meeting of the NJC Bargaining Side was held to discuss a draft Directive on Union Dues prepared by TB. The Directive is essentially a component of the Policy on the Terms and Conditions of Employment as it provides direction to the equitable, consistent, and timely administration of union dues across the core public administration.

The directive impacts on various employment categories, such as, Casual Employment, Student Employment, Dual remuneration – when an employee occupies two or more positions, union dues must be deducted in respect of each position; Dual Employment – an employee hired for a specified period, while on leave without pay from an indeterminate position, Secondments, Temporary Deployments and Assignments, Acting Appointments.

Basically, we found inconsistencies with the Collective Agreements of Bargaining Agents on how the Directive will affect employees in the categories described.

- ii. The President attended another FC meeting for the budget preparation.
- iii. He said that he met with a TB senior official to discuss the Lahey Report on Expenditure Review of Federal Public Sector and to convey our members' concerns with it and to indicate that we were opposed to many of the Lahey's recommendations. After that, the President initiated a teleconference of the Bargaining Heads to consider the necessity of responding to the Lahey Report. The Bargaining Side agreed collectively that formally responding to it would give it more importance.

He said that he was aware that PIPSC and PSAC had some comments in the Local Papers. However, CAPE decided not to comment publicly.

## **10. September 4 – FC Budget Preparation**

He reported that the FC met to finalize the budget for the next two fiscal years which NEC had approved at this evening's meeting.

## **11. Framework By-Laws for CAPE Locals**

The President reported that over the summer he had prepared a document called Framework By-Laws for CAPE Locals. The purpose, he said, is to provide a template for the establishment of CAPE Locals. He pointed out that as NEC members all know, CAPE does not have a reference document to assist individual Locals. He said some Locals have well developed By-Laws, some don't.

He indicated that the Framework sets out the governance structure and guiding principles for the operation of CAPE Locals. The document recognizes that different Locals will have different needs in terms of governance and therefore is not prescriptive.

In terms of process, he said the document will be reviewed and discussed at the Atlantic Forum, then a Local level Committee will be formed to consult all Locals for input. After that, the Local Leadership Council will have an opportunity to review and discuss. If necessary the Presidents' Council will review and discuss after which the NEC will give its blessing. J. Aggrey noted that this is not a document that will be going to the general membership for approval. He said there is no requirement in the Constitution for that.

He thanked Lionel Perrin, Mike Zinck and Jean Ouellette for their useful comments and suggestions that greatly improved the quality of the document.

## **12. CAPE Audit Committee Update via José Aggrey**

With the approval of the CAPE Audit Committee earlier in 2007, the work of the Committee has now begun. Provided that the October NEC meeting is towards the end of the month, it is expected that the CAPE Audit Committee will have done what it is suppose to do for its establishment and will have overseen the audit process to finally result in the presentation to NEC of CAPE's audited financial statements for the year ended July 31, 2007.

The establishment of this committee, 3 cape members, represents a change in culture for CAPE. The introduction of an independent committee which has access to the auditor, management and the Board on their request for the purposes of accomplishing its work is a new element to CAPE governance. It also involves learning about how operational/business risk and financial

statements intersect and how this may possibly impact how CAPE manages its affairs.

In moving toward the financial statements approval in October, there are a number of requirements that the Audit Committee is bringing to the NEC's attention:

1. The terms of reference introduced earlier this year are currently under review by the Audit Committee. A revised version will be tabled to the NEC for your review and approval. The revised version is needed on the basis of feedback stemming from professional review earlier this year (Audit Committee Chair and auditor) to the standard of prescribed roles. Key issues where change is expected relate to role clarification regarding independence and resituating the mandate.

2. Financial Accounting issues can be a technical beast. Sensitivity to the need for time to discuss accounting policy and the operational issues, so as to have an understanding as to linkages, is needed within agenda planning. For instance, the Audit Committee has requested that they have NO LESS than 1 to 1.5 weeks to digest the draft financial statements prior to the meeting with auditor and management. This meeting is a required meeting prior to the Committee taking a decision which will be reported to the NEC by the Chair.

## **Professional Services Report**

### **Negotiations**

- The EC table:
- The TR FIP table: pursuant to the provisions of By-law # 7, a call for volunteers from the membership of the TR bargaining unit for the purpose of establishing a Financial Incentive Plan (FIP) Collective Bargaining Committee was mailed on September 10, 2007 and posted on our website.

### **Service Wide Consultations**

NIL to report during the summer.

### **Representation**

A member received a disciplinary letter of warning and requested assistance to grieve it. The LRO explained to the member that it would be in the employee's best interests to explore other options/solutions before grieving this matter as it was not adjudicable. The LRO recommended to the employee that a rebuttal to the letter of warning be prepared to be placed in the same file. This is similar to the approach that is taken with the

performance appraisal process when an employee is in disagreement with his/her performance appraisal. The employer accepted this approach.

A member filed four grievances concerning acting pay, and requested a work description for the substantive and acting positions. The grievances were allowed. The new work descriptions led to retroactive reclassification, and substantial retroactive pay.

A member filed appeals under section 21 of the Public Service Employment Act. The Appeal Board allowed the member's appeal with respect to two (2) allegations. The member was of the opinion that the Appeal Board Chair had erred in her decision, since she allowed certain documents into evidence based on serious credibility concerns which were utilized in the marking of certain key questions. Because of this, the appellant was of the opinion that the corrective measures would not be satisfactory. A legal opinion was sought and it was determined it was unlikely that the judicial review would succeed and this, for a number of reasons. The decision had a heavy factual component and therefore the Court would likely apply a higher standard of reasonableness, or possibly even patent unreasonableness, to the case. Second, the appellant was successful in his appeal and therefore the Court was less likely to be sympathetic to the case. Finally, because of the broad implications of this generic process which involved a significant number of successful candidates, the Court was less likely to interfere.

### **Internal Matters**

- A job opening for a Bilingual Labour Relations Officer – Classification position was posted last week for the first term position to be created to deal with the grievances flowing from EC classification conversion and other work classification related work.
- ESU-CAPE collective bargaining

A second round of negotiations was held on July 9 and 10. On July 10, the parties reached a verbal tentative agreement. The ESU and CAPE bargaining committees are to meet to finalize the text and sign an MOA recommending to their principles the ratification of the tentative agreement. It will be submitted to the NEC at the October 24 meeting.

- CAPE Stewards' Manual
  - Finalized, printed and placed in binders for distribution to NEC members this evening, and in October to active local officers (stewards) who have taken the steward training course since 2000.
- Training for members
  - Courses in English will be held in the week of October 29, and courses

in French in the week of November 5. Notice was sent to officials of locals on September 10, and posted to our Web site.

- For your information, and as already announced, the stewards' course will henceforth last one day, and the course on the collective agreement will last a day and a half.

## **Administration Report**

### **Annual General Meeting**

Donna Martin, informed NEC that the AGM is scheduled for November 29th at the Crowne Plaza Hotel; that no resolutions have been received; and that the constitutional amendments will be sent in the AGM package for membership approval.

### **Database Server**

Donna Martin reported that the Database Server has been replaced. There are few problems in regards to old software and programming scripts to function properly within the new upgraded system and these are being corrected.

### **Next meetings of the NEC**

Donna Martin informed NEC that the October 31<sup>st</sup> meeting is booked on Halloween night. Therefore, as is our practice, not to schedule meetings on Holidays the meeting is being moved to Wednesday October 24<sup>th</sup>.

## **Adjournment**

B. McVicar moved, S. Spak seconded, that the meeting be adjourned at 10:10 p.m. **Carried unanimously.**