

**CAPE Executive Committee
Minutes of November 19, 2008
CAPE National Office
Boardroom
5:45 p.m.**

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

Apologies: J-R. Benoit, S. Spano.

Guests: B. Maloney, President, Local 514
V. Hanga, Treasurer, Local 514

J. Aggrey requested that item 1 d) on the agenda be dealt with as the first item of business in order that the guests from Local 514 could present their motion on office accommodations and then they could leave the meeting.

There was a **consensus** that the Motion from Local 514 be presented and then an In Camera session would take place.

1 d) Motion from Local 514

B. Maloney and V. Hanga presented a summary of motion dated November 5, 2008 to the NEC. It was asked if the summary presented this evening or the full motion which was received is the correct motion. There were concerns raised that if it was the full motion and if it was approved by the NEC then it would be binding to the NEC as presented. It was noted that in the full motion there were some deadlines and requests for documents that the NEC was not sure whether it would be able to fulfill these requests.

V. Hanga mentioned that the Local was flexible on certain requests but that the Local would like the NEC to approve the motion in spirit.

Motion - It was moved by M. Korol, seconded by S. Spak, to adopt the motion dated November 5, 2008 presented by Local 514.

There was a consensus to **withdraw** the motion after further discussion.

Motion - It was moved by M. Korol, seconded by S. Spak, to refer the full motion presented by Local 514 on office accommodations to the new NEC in January 2009.

A friendly amendment was proposed by G. Dussault to change the words "requests" and "demands" throughout the motion to the "recommends"

The friendly amendment was accepted by B. Maloney and V. Hanga.

In Camera session took place from 6:10 p.m. to 7:40 p.m.

1 a) Approval of Agenda

The following items were added to the agenda

Items for approval - 1 h) Procedural motion on In Camera minutes

Matters Arising - 2 i) Behaviour of NEC members at the September 24, 2008 meeting.

It was moved by A. Picotte, seconded by M. Zinck, that the agenda be approved, as amended. **Motion carried unanimously.**

1 b) Approval of Minutes - October 1, 2008

C. Danik noted that the Professional Services Report would be incorporated into the minutes.

It was moved by A. Picotte, seconded by M. Mascaro, that the minutes be approved.

In favour = 13, Opposed = 0, Abstention = 2. Motion carried.

1 c) Approval of Minutes - October 29, 2008

It was moved by C. Lakaski, seconded by B. McVicar, that the minutes be approved.

In favour = 13, Opposed = 0, Abstention = 2. Motion carried.

1 e) Request for Management Leave by the President

M. Mascaro noted that J. Aggrey should be excluded from this item.

J. Aggrey stated that this was a request for 10 days of management leave from his legal counsel on his behalf and he should not be excluded from it. He further stated that under normal circumstances he would have requested this himself but under the current circumstances he wanted everything scrutinized.

C. Therrien noted that perhaps the NEC should then have its legal counsel respond. J. Aggrey stated "that if you wish to do so then I welcome it".

Motion - It was moved by C. Card, seconded by M. Korol, to accept the request for management leave.

In favour = 5, Opposed = 9, Abstention = 1. **Motion defeated.**

J. Aggrey stated that he intends to pursue this matter.

G. Dussault asked J. Aggrey to confirm that this was his private legal counsel that he was using and not the Associations.

J. Aggrey confirmed that yes it was his private legal counsel.

1 f) Finance Committee recommendations

Recommendation # 1 - The Finance Committee recommends to the NEC that the salary of the President of CAPE shall receive a salary commencing at no more than the minimum of the EX 02 range and benefits as provided in the Constitution and By-Laws. The Annual economic increase shall be calculated as the weighted average of salary increases applicable for the calendar year of all members. The annual incremental increase shall be calculated as the weighted average of annual incremental increases applicable for the calendar year of all members. The salary shall always be protected so that the President shall never earn less than he/she would have earned in his/her substantive position at any point of time within their term. Shall the President be re-elected, the annual and incremental increases shall be added to the ending salary of the previous term.

Motion - It was moved by A. Picotte, seconded by C. Therrien, that the NEC approve the recommendation of the Finance Committee on the Presidents Salary.

In favour = 11, Opposed = 4, Abstention = 0. **Motion Carried.**

Recommendation # 2 - A. Picotte said this is an error and there is no recommendation.

Recommendation #3 - The Finance Committee recommends to the Executive Committee that an amount of \$84,925.20 be transferred from the Executive Contingency Fund to cover the shortfalls.

Motion - It was moved by A. Picotte, seconded by C. Therrien, to approve the funds to be taken from the NEC contingency fund.

In favour = 14, Opposed = 1, Abstention = 0. **Motion Carried.**

1 g) President's Language Training

A. Picotte mentioned that he had sent an e-mail to the President on the matter of his language training advising him that there is only enough funds left in the budget for 8 more hours of training and that if the President wanted to continue with the training that he would have to request the NEC for additional funds to be taken from the contingency fund.

J. Aggrey stated that this was not the procedure for approval of funds to be used from the contingency fund and that only expenses of 2,000 or more require approval by the NEC.

Motion - It was moved by G. Dussault, seconded by A. Sipos, not to refurbish the training budget until January 2009.

In favour = 8, Opposed = 6, Abstention = 1. **Motion Carried.**

1 h) Procedural Motion on In Camera Minutes

Motion - It was moved by M. Holyk, seconded by M. Zinck, that all in camera minutes be distributed after they have been finalized. **Motion carried unanimously.**

2 a) Dissolution of Governance Review Committee (GRC)

L. Perrin noted that this Committee is no longer holding any meetings and that its work could be forwarded to the Constitution and By-Laws Committee as there is an overlap in the work that these Committees do.

Motion - It was moved by L. Perrin, seconded by A. Picotte, that the GRC be dissolved and that its mandate be given to the Constitution and By-Laws Committee.

In favour = 7, Opposed = 5, Abstention = 3. **Motion carried.**

M. Korol and R. McVicar departed the meeting at 9:25 p.m.

2 b) Legal Opinion on Internal Complaint Process

Motion - It was moved by L. Perrin, seconded by A. Picotte, that the legal opinion be referred to the Constitution and By-Laws Committee for action.

It was further requested that C. Danik be invited to the Constitution and By-Laws Committee when this item is discussed.

In favour = 12, Opposed = 0, Abstention = 1. **Motion carried.**

2 c) Business Luncheons

A. Picotte noted that NEC members should not release any names associated with the business luncheons to any persons outside of the NEC. The NEC should develop a policy on business luncheons for the President. This item was **tabled** to the January meeting.

2 d) SGM Expenses

The cost breakdown for the Special General Meeting was provided. No further action required.

2 e) LLC Expenses

The cost breakdown for the Local Leadership Council Meeting was provided. No further action required.

2 f) Atlantic Canada Forum

M. Mascaro inquired on the status of the replies to her questions in regards to the Atlantic Forum. J. Aggrey said that B. Black was out of town and would provide his responses the following week. M. Mascaro said that she has been waiting since October for the responses. J. Aggrey said that he was on vacation and had only forwarded her questions on November 5 to B. Black.

M. Mascaro asked the President why the Atlantic Forum had proceeded to take place when the motion passed by the NEC was conditional upon the membership approving the budget. J. Aggrey said that he did not recall that condition.

Motion - It was moved by J. Horvath, seconded by M. Mascaro, that in light of the fact that the monies were spent on this event without authorization that the President is responsible for these monies and that the President be censured.

In favour = 6, Opposed = 4, Abstention = 3. **Motion carried.**

2 g) Legal Opinion on 2/3 majority

The legal opinion was distributed. No further action required.

2 h) Pension Appeal Update

J. Aggrey provided an update on the pension appeal case. He mentioned that PIPSC had chosen legal counsel to represent the bargaining agents and that PSAC opposed this decision as it was not the agreement made by the bargaining agents. The bargaining agents will be meeting to discuss this matter. J. Aggrey mentioned that the NEC will have to make a decision on which legal counsel to use.

2 i) Behaviour of NEC members at September 24, 2008 Meeting

This item was **tabled** to the next meeting.

3 a) Hiring a In House legal advisor

L. Perrin requested that management prepare a report for the next meeting of the NEC on hiring a legal advisor permanently.

3 b) Future Presidents Employment Contract

This item was discussed In Camera.

3 c) Definition of Business Luncheon

This item was **tabled** to the January NEC meeting.

4 a) Report by Sub-Committee on Pension Study

L. Perrin apologized but due to unforeseen circumstances he did not have time to complete the report for the NEC. Therefore, this item was **tabled** to the January NEC meeting.

4 b) Finance Committee

The financial statements for the periods ending August 31 and September 31 were reviewed.

5 a) Professional Services Report

EC Conversion

- No report. The conversion is waiting for the completion of the collective bargaining process.

TR collective bargaining

- I reported at our previous meeting that difficulties have arisen at the TR bargaining table, and, that a member of the Public Service Labour Relations Board was asked and had accepted to attend meetings at the bargaining table as an observer.
- With the member of the Board at the table as an observer, bargaining has improved.
- Further to a suggestion from CAPE, the bargaining table has decided to invite an officer from the mediation services of PWGSC to preside our bargaining sessions.
- Considering what has been negotiated and what is left on the table, it is not impossible but it is unlikely that we will have a tentative agreement before the end of the calendar year.
- The next set of meetings is scheduled for November 18, 19 and 20.

EC collective bargaining

- The parties have not met since September 23, 24 and 25.
- You may remember from my previous report that for technical reasons, the employer was not ready to address the pay issues raised by the EC conversion.
- CAPE insisted and it was understood that the next time that we would meet at the table, discussion would focus on pay before we would move to completing bargaining of other matters.
- The employer noted that the elections made it impossible to come back to the table until a new Treasury Board President was appointed.
- The new Cabinet will be sworn in tomorrow.
- This is both good and bad news. It is good news because we may be able to get back to the table in late November or early December.
- It is bad news because the Conservative Prime Minister has said that he intends to govern as if he was given a majority by the Canadian electorate; moreover, the current crisis in the world of finance will eat into government monies; and there is a likelihood that Finance and Treasury Board will argue that the governments capacity to pay higher public service wages has been affected.
- At this time, I would say that there is only the very slimmest of chances that a tentative agreement can be reached before the Christmas holidays.

Relations with Treasury Board

- CAPE's relations with Treasury Board will be a matter in need of monitoring over the next few months.
- We should anticipate that the relationship at the bargaining table could deteriorate if Treasury Board is unable or unwilling to explain to its political masters and to the department of Finance the importance of reasonable pay proposals for effective management.
- CAPE and Treasury Board also had a disagreement on a matter of training that was finally worked out to the association's satisfaction.
- There have been other problems.
- It starting to look as if the employer has decided to move away from the cooperative approach to labour relations prescribed in the Public Service Labour Relations Act.

The new CAPE web site

- The new CAPE web site was launched on October 15.
- As noted previously, the new structure for the web site is meant to turn the site into a more user friendly instrument to get information and to access services.
- Feedback so far from officers and members has been very positive.
- Work on this project proved to be much more time consuming and labour intensive than what we had anticipated. It doesn't show from what is apparent to

the user, but there are tens of thousands of pages in the background of the site. 99% of these pages had to be transferred one by one from the old site to the new.

- I would like to take this opportunity to thank publicly our Communications Officer, Deborah Fiander, for her excellent work.

5 b) Administration Report

Staffing – Mark Courty has become an indeterminate employee to replace Francine Logan who resigned at the end of October.

AGM packages – The AGM packages were mailed out on November 13 and 14.

Voting deadline – is December 11, 2008 - all ballots received by December 12 at noon will be tallied. Reminder all ballots must be returned by mail.

Counting of votes – A memo with the details is being prepared by the Elections and Resolutions Committee.

Candidates debate –the debate was recorded in both English and French and the audio files will be posted on the website shortly.

Local Leadership Council – the meeting is scheduled for November 20 and will take place in the office at 5:30 p.m.

Membership Budget Meeting – will take place on November 27 at the Crowne Plaza.

Annual General Meeting – will take place on November 27 at the Crowne Plaza - the AGM will be recorded in both English and French and the audio files will be posted on the website.

6. Adjournment

It was moved by A. Picotte, seconded by I. Perrin that the meeting be adjourned at 12:12 a.m.

