

## **POLICY GRIEVANCE PRESENTATION**

### **Details of Grievance:**

This is a Policy Grievance hereby filed by the Canadian Association of Professional Employees - l'Association canadienne des employés professionnels ("CAPE-ACEP") pursuant to s. 220 of the *Public Service Labour Relations Act*.

In accordance with the Workforce Adjustment Directive ("WFAD"), which is listed as a National Joint Council (NJC) Directive in the EC-Collective Agreement between CAPE and the Treasury-Board Secretariat ("Treasury Board"), CAPE submits that the Treasury Board ("the employer") has breached the WFAD and related articles of the collective agreement by interpreting "years of service" as set out in the "Transition Support Measure" (the "TSM") in Appendix C of the WFAD as continuous rather than cumulative "years of service", thereby potentially decreasing members' entitlement under the TSM if there is more than a 1-day break in their years of service. The Employer's position is that "years of service" in the TSM means that anything more than a one-day break in service disentitles an employee from having their previous years of service, prior to that break, being included for the purpose of calculation of cash payment according to the TSM.

CAPE-ACEP's position is that this interpretation is not consistent with the principles of contract interpretation and amounts to a serious violation of the WFAD and the collective agreement between CAPE-ACEP and the Treasury Board as well as all other applicable articles or statutes, acts and/or legislation.

### **Corrective action:**

CAPE-ACEP seeks:

- I. A declaration that the employer has breached the WFAD and the EC Collective Agreement and that the proper interpretation of "years of service" in the TSM is cumulative service;
- II. An order that the calculation of cash payments for employees who have elected a payout under the TSM be conducted in accordance with this interpretation;
- III. An order that all opting employees who have selected or have deemed to have chosen a cash payment under the TSM prior to the resolution of this grievance shall benefit from the corrective action listed above;

- IV. An order that the employer post the decision for 90 days on an electronic or physical bulletin board accessible to employees;
- V. Any other order that makes employees affected by the employer's breach whole in all respects;
- VI. Any further or other order that the Board sees fit.

**Signatures:**

\_\_\_\_\_  
Bargaining Agent Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employer Representative

\_\_\_\_\_  
Date