


**March 2016- No 5**[www.staffassociation.ca](http://www.staffassociation.ca)

### **Upcoming Meeting**



**Spring Information Meeting**  
Wednesday, April 27, 2016  
Glenmore Inn & Convention Centre  
2720 Glenmore Trail SE  
7:00 pm (Glenmore West & Heritage Rooms)  
*The information package will be sent out at the beginning of April and we hope to see you there!*

### **Message from the Chair...**

As usual, time gets away on us. It was great to see so many members out at Convention in February. Kudos to Sue Wenaas, our Convention Coordinator, the committee, and everyone who helped to make this event a great success! It was amazing!

We are still in negotiations; Mark and Albert have provided an update below. It's been busy here at the office with member meetings, committee work, Board of Director meetings and such.

Spring is looming ever closer and with that comes budget time, RAM and spring staffing decisions. There are unanswered questions at the moment. The provincial budget won't be made public until later this spring. CBE is currently conducting public engagement sessions with all stakeholders, including unions and employees before putting their budget together. As an employee, you can also submit your suggestions on-line.

Last month, we heard about reductions in student numbers for some schools, mostly due to new schools opening starting in September and into early 2017. Until the budget is out and the RAM's are given to principals, we don't know what staffing complements will look like. For those of you in schools, with the opening of the 16 new schools, there will be opportunities around support staff positions and that movement will open up other positions in current schools as well. If you are concerned or unsure of what your options are, or if you have questions, please call or e-mail us here at the SA office.

Whether you work in a school, at the Education Centre, Highfield etc. you all likely have concerns around the upcoming budgets, and certainly with the current economy woes, it's difficult not to worry. As always, you can call or e-mail us here at the office as we are happy to chat with you and answer the questions that we can. The Employee Health Resource Centre (403.777.7788) is there for further supports should you find things getting you down.

These are times when supporting your fellow colleagues is even more important.

Hopefully you are all able to enjoy some time off during the upcoming Spring Break. Enjoy the beautiful weather and we hope to see you at our Information meeting on April 27th!

*Lois Robb*

## Negotiations Update

We have had six meetings with CBE since the Winter Break and made significant headway with most of the non-monetary issues from both sides. Additional meetings are scheduled through to May and we will push hard to finalize tentative agreements early enough to deal with ratifications prior to the end of the school year.

Although the CBE had operating surpluses the past two years (despite budgeting for losses), the current widespread economic uncertainty in the province will doubtless have some effect on the outstanding monetary issues and CBE's willingness/ability to commit to anything. Our team is weighing various options should there be little monetary gains to be realized, including another very short-term agreement; longer term with wage/monetary matters open for negotiation part way through the term; longer term with increases at the end of the term rather than the beginning or throughout; tying future increases to some benchmark and so forth.

The Staff Association team is comprised of **Lois Robb** (SA Chairperson), Directors **Jen Copithorne** (Sir Winston Churchill HS), **Nancy Huizinga** (James Fowler HS) and **Wanda Stevenson** (Acadia School) and Managers **Albert Herscovitch** and **Mark Johnson**.

Again, please note that the former collective agreements (September 1, 2014 – August 31, 2015) remain in full force and effect as negotiations proceed.

## Trial Layoff and Recall Provisions

At the last round of negotiations, we and CBE, agreed in a Letter of Understanding to a joint feasibility study to be undertaken and completed by January 1 of this year, of an alternate approach to layoff and recall that we had proposed during negotiations. We are pleased to report that through numerous meetings between July and January the feasibility study group, comprised of Staff Association and CBE representatives, have agreed upon a new trial process to be utilized starting with the upcoming spring staffing.

The changes are intended to provide employees who are identified for transfer from their current positions or laid off pending recall with more choice in where they are subsequently placed, thereby increasing the likelihood of better matches between employees and positions and reducing the amount of subsequent movement / upheaval within the system. The way employees are identified for transfer has not changed. The placement process has.

Vacant positions available to those needing placement will be posted. These employees will indicate their interest and willingness to accept any position(s) by applying. They can apply to as many positions as they like but there is no requirement to do so. Those in the same field of employment and weekly hours of work category as the posting will be considered first and the determination of which of those is offered the position will be by seniority. If someone has applied to multiple positions and holds the most seniority in more than one, Staffing will determine which would be the best fit according to the position requirements and the individual's qualifications, experience and preferences.

**The Letter of Understanding with the full provisions is available at:**

<http://staffassociation.ca/wp-content/uploads/2011/08/LOU-Layoff-and-Recall-Trial-Provisions.pdf>

While referred to as 'trial provisions', the intent is to continue with the process and amend if/when necessary to ensure it functions well. If it doesn't, there are mechanisms for either party to compel a return to the former collective agreement provisions.

## **Trial Layoff and Recall Provisions Continued...**

Internal processes to handle all administration are being finalized now and more information will be available prior to and throughout spring staffing. If you have any questions about this new process, please don't hesitate to contact our office.

## **Vacation Pay and Pension**

In the November 2015 FYI, the Staff Association reported that Alberta Pension Services (APS) stated that they have no legislative authority to require the CBE to report vacation pay as pension eligible and that they accepted the CBE position that vacation pay is not pensionable. The Staff Association subsequently filed an unfair labour practice complaint with the Alberta Labour Relations Board and requested all communications between APS and the CBE as well as internal communications of both the CBE and APS relating to the issue. The CBE produced the documents while APS objected to the request and did not submit the requested documents. In consultation with our legal counsel, the Staff Association has determined that the most productive next steps to obtaining a resolution to the issue are to withdraw the unfair labour practice complaint and file an application for Judicial Review. Notwithstanding our concerns with CBE's actions throughout, what we ultimately need is a decision on whether or not vacation pay is pensionable under the CRA tax legislation and the Public Sector Pensions Plan Act. It is our legal counsel's opinion that it is the legal responsibility of APS to make that determination and that by accepting the CBE's position without any rationale other than it is what the CBE wants to do, they have abdicated their responsibility. The application for a judicial review requests among others, the following remedies:

- An order to quash the decision of APS to accept the CBE position
- An order to provide the correct interpretation of the LAPP regulations
- An order to direct the LAPP administrator (President of the Treasury Board and Minister of Finance) or its delegate (APS) to make a decision consistent with the reasons of the court
- Any other remedies as the court deems appropriate

It is expected that a date for a hearing is approximately a year away. The Staff Association is also in the process of obtaining a legal opinion from a lawyer specializing in tax legislation, an opinion which will assist in the presentation of our case at the hearing.

While we appreciate that this process is both a lengthy and costly one, it is an issue that affects thousands of our current and future members and their ability to make ends meet in their retirement. We will keep you posted as we receive further information regarding the judicial review and the legal opinion.

## **2016 CBE Staff Association Scholarship Award**

Staff Association is once again awarding Scholarships through EducationMatters for our members' children currently in grade 12 to use toward their post-secondary education. We are offering four (4) scholarships at \$1,500.00 each based on financial need and three (3) additional scholarships at \$1,000.00 each. Please click on the link (<https://www.educationmatters.ca/terms-of-reference/>) to access EducationMatters application page. Scroll down the page to retrieve our information (CBE Staff Association Award (with Application)). **Please note that complete application package should be submitted to the Scholarship Coordinator at the applicant's high school. The deadline to receive applications is normally May 30<sup>th</sup>, however, applicants should check with their Guidance Office for application deadlines in their school.**

## Questions / SA Drop-Ins

If you have any questions, comments or concerns, please feel free to contact the office staff:

Staff Association Office Staff		
<b>Lois Robb</b> , Chairperson	403.242.7555 ext. 1	<a href="mailto:lmrobb@staffassociation.ca">lmrobb@staffassociation.ca</a>
<b>Albert Herscovitch</b> , Manager	403.242.7555 ext. 4	<a href="mailto:aherscovitch@staffassociation.ca">aherscovitch@staffassociation.ca</a>
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<b>Dawn Scott</b> , SA Administrative Secretary	403.242.7555 ext. 0	<a href="mailto:dawn@staffassociation.ca">dawn@staffassociation.ca</a>
<b>Sue Wenaas</b> , Staff Development Fund Administrator & Convention Coordinator	403.242.7555 ext. 3	<a href="mailto:sue@staffassociation.ca">sue@staffassociation.ca</a>

To avoid disappointment, please call to book an appointment with one of our Management Team Members prior to coming to the office.