

Taxing TIMES

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Newsletter for OPSEU members of the Ministry of Finance and Ministry of Revenue - Issue #12

Years of service to count towards Article 53 termination pay

As a result of a decision issued by the Grievance Settlement Board (GSB), we have successfully argued that every year of service to a maximum of 26 weeks will count towards the calculation of termination pay for staff who divest to the Canada Revenue Agency (CRA).

The employer argued the limitation for a voluntary resignation should apply, and that you would only be entitled to severance for the period up until Dec. 31, 2008. The GSB did not agree. The Board said there

is a difference between the deemed resignation as provided in the Appendix 18 language for divestments, and the voluntary resignation in Article 53.4.2

This means that employees will receive severance for every year of service, up to the maximum 26 weeks, including those after Dec. 31, 2008. For those in Wave 1, this means an extra 11 1/12ths more weeks, and for those in Wave 2, the result is an extra 3 and 2/12ths weeks termination pay.

When will those not going to the CRA be issued the 6 month surplus notice?

We do not know how long the work will continue in the OPS. However, the Ministry advised us that the surplus notices will be issued as early as the end of August 2011 for those who declined the CRA offers. Accordingly, the pre-notice letters may be sent out in early August. As a result of this Ministry-targeted time frame, the six months notice would end at the end of February 2012 for all of the impacted

members not on temporary assignments on the date the letters are issued.

For those on temporary assignments in August 2011, the six month notices will likely be issued at the end of your temporary assignment. If you have chosen to remain in the OPS and did not register for the Advance Direct Assignment (ADA) please complete your

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Employee Portfolio (EP) for redeployment and submit it to the CMTA prior to August. If you previously registered for the ADA but have not yet submitted your EP, you can submit it at any time to authorize the employer to commence the ADA search for other positions in the OPS.

Members who accepted a job offer from CRA will no longer be considered for an ADA. If you have accepted the CRA offer but are still considering continuing in the OPS, then you will need to obtain the permanent position through a competition for a posted position.

Who is leaving the Ontario Public Service?

About 90 per cent of the impacted staff in the Ministry decided to accept the offer from CRA and continue their careers with the federal government. The balance of the members have elected to remain in the OPS, and either retire or seek redeployed into other positions in the OPS. Regardless of your decision, the COR Team remains available to assist the locals in resolving issues as they may arise and we offer our best wishes for your future with the decision that you have made.

Accommodation and CRA

In the Human Resource Agreement, CRA has agreed to honour any accommodation plan between the employer and employee for medical or disability related issues for 18 months without review. This means that anyone who has an arrangement needs to make sure that the plan is in writing, so that our employer can forward the information to CRA in order to put the measures in place. If your arrangement is not written down, get it documented with your manager. It must be in writing for CRA to honour the plans. After 18 months, these arrangements will be subject to possible review by the CRA.

Accommodations for any other purpose will need to be discussed with your CRA supervisor.

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