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**City Council**

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**MOTION WITHOUT NOTICE**

MM35.11	ACTION			
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**Exemption from Non-Union Wage Freeze - Councillor Filion, seconded by Councillor Moscoe**

*•This Motion has been deemed urgent by the Chair. Council has added this Motion to the agenda for debate.*

**Recommendations**

Councillor Filion, seconded by Councillor Moscoe, recommends:

1. That the City Manager be directed to study and be authorized to implement a procedure through which those non-union employees:
  - a. who are at the maximum salary (Job Rate) for their position;
  - b. will acquire their OMERS “90 Factor” at any time between January 1, 2009 and December 31, 2011;
  - c. will be eligible to retire at any time between January 1, 2009 and December 31, 2011; and

shall be eligible, in 2009, to receive a cost of living increase in the amount of 2.42 % of their 2008 salary and, should they continue to be employed in 2010, to receive, as an increase to their 2009 salary, a cost of living increase in an amount equal to the Consumer Price Index for Toronto (i.e., the 2009 monthly average), any of the foregoing shall be subject to their provision of an irrevocable written commitment to retire effective no later than December 31, 2011.
2. That the City Manager also consider and be authorized to extend the payments, contemplated in paragraph 1, to non-union employees who are at the maximum salary (Job Rate) for their position and have already acquired their OMERS “90 Factor” as of the date of this motion, any of the foregoing shall be subject to their provision of an irrevocable written commitment to retire effective no later than December 31, 2011.
3. That the City Manager be directed to ensure that, in the event that he implements such a procedure, it contain appropriate safeguards to ensure that an employee’s commitment to retire, in return for receipt of the amounts contemplated in paragraph 1, is legally enforceable, including a claw back provision.
4. That, in the event that the City Manager determines through further study that this

measure is not recommended, he shall be directed to report the basis for his decision to the Employee and Labour Relations Committee.

**Summary**

This Motion provides for potential exemption from application of Non-Union Wage Freeze for employees who are at Job Rate and have, or will acquire, their OMERS “90 Factor” and be eligible to retire by December 31, 2011.

(Submitted to City Council on April 30, 2009 as MM35.11)