



**STAFF REPORT
ACTION REQUIRED
with Confidential Attachment**

Results of Negotiations with CUPE Locals 2998 and 2998-12

Date:	June 2, 2010
To:	City Council
From:	City Manager
Wards:	All Wards
Reason for Confidential Information:	This report is about labour relations or employee negotiations.
Reference Number:	

SUMMARY

The purpose of this report is:

1. To review and approve the successfully negotiated Memorandum of Settlement between the City of Toronto and CUPE Locals 2998 and 2998-12.
2. To authorize staff to make the necessary administrative adjustments to implement the settlement.

RECOMMENDATIONS

The City Manager recommends that City Council:

1. Approve the attached Memorandum of Settlement dated May 18, 2010 between the City of Toronto and the Canadian Union of Public Employees Locals 2998 and 2998-12 contained in Confidential Attachment 2, to effect a new three (3) year Collective Agreement between the parties for the period January 1, 2009 to December 31, 2011.

Confidential staff report for action on Results of Negotiations with CUPE Locals 2998/2998-12

2. Authorize staff to make the necessary amendments to rates of pay, benefits and other issues included as agreed changes in the new Memorandum of Settlement and any agreed retroactive provisions.
3. Authorize staff to make the necessary adjustments to the 2010 Non-Program Expenditure Budget and Operating Budgets of the members of the Association of Community Centres (AOCCs) to reflect the provisions of the Memorandum of Settlement.
4. Authorize staff to transfer funds from the 2010 Non-Program Expenditure Budget to the AOCC's 2010 Program Budget to cover the 2009 wage rate increase for each classification and the number of positions within each program and to cover the 2007 and 2008 wage rate increase for those part-time employees in CUPE Local 2998-12 (who work less than 18 hours per week) still employed at the time of ratification who did not receive an across-the-board salary increase in 2007 and/or 2008.
5. Authorize the release of the following information once adopted and City Council has enacted a confirmatory by-law:
 - a. Confidential Attachment 2 headed "Memorandum of Settlement" to be made public.
 - b. Section 2 of Confidential Attachment 1 headed "Summary of the Memorandum of Settlement" to be made public.
6. The balance of the confidential information contained in Confidential Attachment 1 to remain confidential as it contains information about labour relations and employee negotiations.

Implementation Points

Salary adjustments for 2009 and 2010, to date, are to be made no later than ninety (90) calendar days following approval of the Memorandum of Settlement.

Financial Impact

The financial impacts of this report are set out in the Confidential Attachment 1.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

The Employee and Labour Relations Committee approved a general mandate for collective bargaining on September 29, 2008, a financial mandate on April 12, 2009, and a revised financial mandate on July 8, 2009.

Confidential staff report for action on Results of Negotiations with CUPE Locals 2998/2998-12

ISSUE BACKGROUND

The Canadian Union of Public Employees (CUPE) Local 2998 (full-time employees; 18 or more hours per week) and CUPE Local 2998-12 (part-time employees; fewer than 18 hours per week) represent the 272 unionized employees employed by the City in the ten community centres which are members of the AOCCs. CUPE Local 2998 is seeking the renewal of a Collective Agreement that expired on December 31, 2008. CUPE Local 2998-12 is seeking to negotiate a first Collective Agreement having been certified in July, 2006.

Negotiations commenced in early 2009 for the CUPE Local 2998 (full-time) bargaining unit and, at that time, such negotiations were combined at the same bargaining table with the negotiations for the CUPE Local 2998-12 (part-time) bargaining unit which have been on-going since 2007. In 2007 and since the beginning of 2009, the parties met to negotiate for a total of 43 days. In addition, the City's team caucused for a further 31 days during those time periods.

As requested by both parties in early 2010, a Conciliator was appointed and has recently been at the negotiations. A "no board" report, as requested by CUPE, was issued on May 14 and as a result the parties were to be in a legal strike (once CUPE took strike votes) or lockout position as of May 31, 2010. Notwithstanding that subject to the provisions of the Ontario Labour Relations Act the parties were in a legal strike/lockout position effective May 31st, the Union agreed not to strike and the Employer agreed that it would not lockout any employee until such time as both parties had an opportunity to ratify/approve a tentative Memorandum of Settlement that was reached on May 18, 2010.

The City was able to achieve its objective of negotiating a Collective Agreement with CUPE Locals 2998 and 2998-12 within the financial mandate provided by the Employee and Labour Relations Committee. In addition to the financial mandate, the City was also able to achieve an agreement that allows the AOCCs to improve the quality of services and programs in an efficient and effective manner, that is fair to employees and that is responsible and accountable to the residents of Toronto.

Highlights of the Memorandum of Settlement are contained in the Confidential Attachment 1. The full Memorandum of Settlement is contained in the Confidential Attachment 2. CUPE Locals 2998 and 2998-12 ratified the tentative Memorandum of Settlement in votes held on May 18 and 20, 2010.

CONTACTS

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SIGNATURE

Joseph P. Pennachetti
City Manager

ATTACHMENTS

Confidential Attachment 1 – Results of Negotiations with CUPE Locals 2998 and 2998-12

Confidential Attachment 2 – Memorandum of Settlement – Canadian Union of Public Employees Locals 2998 and 2998-12 and the City of Toronto