

Attachment 2 – Confidential Information made public on April 16, 2012

Results of Collective Bargaining Negotiations with CUPE Local 79 – Summary of the Memorandum of Agreement for the Recreation Workers' Part-Time Unit, Part A

Date:	April 4, 2012
To:	City Council
From:	City Manager Executive Director, Human Resources

SUMMARY OF THE MEMORANDUM OF AGREEMENT:

The City's bargaining team was successful, on March 30, 2012, to negotiate a memorandum of agreement on the following key new or changes within the Recreation Workers' Part-Time Unit:

1. Wage Settlement and Term Length

- The agreement provides for wage increases in the 2nd, 3th and 4th year of a new 4 year (January 1, 2012 to December 31, 2015) collective agreements:
 - January 1, 2012 0.0%
 - January 1, 2013 0.5% Base Increase
 - January 1, 2014 1.75% Base Increase
 - January 1, 2015 2.25% Base Increase

In addition, there is a one-time non-base non-pensionable lump sum payment in 2013 of 1.5% (an average projected payment amount of approximately \$582 for employees in the Recreation Workers' Part-Time Unit) that shall be based upon each employee's hours worked in 2012.

2. Active Benefit Plan (Article 41)

- Changes to the benefit provisions of the Benefits Plan, as applicable for the Recreation Workers' Part-Time Unit, are as follows:

Active Employee Benefits Plan* Provision Changes

Benefit Type	Old Provision	New/Changes to Provision
Drugs	No Dispensing Fee Cap	Dispensing Fee Cap of \$9.00
Vision Care	\$475 every 2 years	\$450 every 24 months
Dental	Current Ontario Dental Association (ODA) Fee Guide	One year lag on Ontario Dental Association (ODA) Fee Guide

** Employees in this bargaining unit are currently eligible for benefits on a fifty/fifty cost share basis provided they work 1,600 hours in each twelve month (November 1 to October 31) period. This provision in the collective agreement was not changed.*

3. Scheduling Project (Memorandum of Agreement – renewed/amended)

The issue of scheduling in Recreation is complex given the sheer number of locations and programs offered by the Parks Forestry & Recreation Division. The scheduling project initiative included the development of an efficient process factoring in diverse issues inherent to the numerous and different facilities (for example, a need for gender balance in some cases), program locations, past performance of employees, availability, qualifications, operational needs and seniority

- Negotiated a change to scheduling that includes operational needs as a consideration in all circumstances when scheduling
- Seniority is still a factor but is not paramount to operational requirements
- No longer a joint process, but rather an exclusive management function
- Scheduling Project can now be terminated by either party in the event it is not meeting the desired objectives
- The existing thirty hour cap on the number of hours an employee can work in one classification has been increased to thirty-two hours (item negotiated and agreed upon on March 30, 2012)

4. Recertification/Education, Training and Upgrading Programs

- Negotiated a change (Article 27) to the language to confirm approval by the City required for the courses taken to recertify for CPR, first-aid, aquatic or aerobic fitness which will assist in the cost containment of these courses
- Employees will be compensated up to eight hours for their attendance at City required First Aid courses in accordance with PF&R Division policy (item negotiated and agreed upon on March 30, 2012)

5. Conversion of Hours: Definition of "Paid Hours" and "Hours Paid" (Article 4 and Article 41)

- Negotiated a change to the definition of "paid hours" and "hours paid" such that it now only includes regular hours and excludes overtime hours which is consistent with the full time agreement.
- This change will affect the employee's accumulation of seniority hours and their eligibility to enrol into the benefits plan

6. Contracting Out: Letters of Intent

- Deleted: Letter of Intent (2005) - Contracting Out, Employment Security and Continuous Improvement
- Deleted: Letter of Intent – Contracting In Review
- These LOIs had never applied to this bargaining unit and were redundant language

7. Mileage Reimbursement (Article 19)

- Kilometre reimbursement maintained at \$0.52 for the first 5000 kilometres and reduced to \$0.46 thereafter in accordance with the Canada Revenue Agency guidelines and City Council motion 2010/EL22.1.

8. Union Leaves (Article 15)

- Negotiated changes which reduce the number of City paid union leaves for three (3) part-time Union Representatives – including one (1) part-time representative from the Recreation Workers' Part-time Unit. These leaves will now be funded by the union. (This item originally referenced in the Full-Time Unit and Part-Time Unit B Council reports approved on April 2, 2012.)

9. Sick Time (Letter of Intent)

- Deleted: Letter of Intent (2009) – Sick Time Coverage - this was a letter that had required the parties to "develop" a sick plan for this unit

Conclusion

The negotiations between the City of Toronto and CUPE Local 79 have been a challenging and difficult process. On March 24th, the City provided the Union with Final Offers for their four collective agreements, in light of the clear breakdown of the bargaining process. The Union proposed conducting ratification votes of the City's four Final Offers, without a recommendation by the Union Executive/Bargaining Team, and the City agreed. The membership of the Full-Time Bargaining Unit and the Part-Time Unit B Bargaining Unit ratified their respective Memorandum of Settlement, including the City's Final Offers, on March 28th in separate membership votes by each Unit.

The members of the Long-Term Care Homes & Services Part-Time and the Recreation Workers' Part-Time Units rejected the City's final offers.

Further discussions were held between the parties on Friday, March 30th and the parties were able to resolve two outstanding matters resulting in reaching a Memorandum of Agreement between the parties with the Union Executive's recommendation. The membership of the Recreation Workers' Part-Time Unit subsequently ratified the Memorandum of Agreement on Tuesday, April 3, 2012.

The City was able to achieve its goal of negotiating collective agreements within the financial mandate provided by the City's Employee & Labour Relations Committee. The City was successful in either eliminating or amending many of the restrictive provisions contained in the existing collective agreements.

Further disclosure of the costs and savings contained in the Recreation Workers' Part-Time Unit collective agreement cannot be made until after conclusion of the Long Term Care Homes & Services Part-Time Collective Agreement which has been referred to binding arbitration.