



# Memorandum

To: OPS CERC Team

From: Stephen Giles, Senior Grievance Officer

Date: November 27, 2015

**Re: Transition Exit Initiative (TEI) Grievances**

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This memorandum is an update with respect to the developments in the TEI hearings since October 30, 2014. As you recall, we were able to negotiate settlements with respect to the majority of the implementation issues of the original TEI language. Since October 2014, over 100 additional individual grievances have been filed; this brings the total grievances outstanding to over 200. The new grievances appear to raise the same issues that were identified in the original group. Some examples (note this list is not exhaustive) of the issues raised are: the employer has not properly responded (or responded at all) to the TEI application; less senior people were granted the TEI; the TEI was denied as it does not support the transformation of the OPS; the employer has refused to negotiate exit dates more than the 5 days from the date of application; and certain ministries have denied almost all TEI requests.

There were six hearing dates scheduled through 2015 to start addressing the major interpretation issues that were raised by the original group of individual grievances. Unfortunately, legal arguments with respect to procedural issues caused numerous delays. As a result, we have only recently commenced arguing a few of the individual grievances. You may remember that I had anticipated that the Employer's goal was to use legal delay tactics to drag the start of these hearings out to the end of OPS bargaining.

As noted above, we have now commenced the hearings on the individual grievances and the remaining policy grievance (the issue of ministries that grant few, if any, TEIs). We are selecting individual grievances that reflect some of the key legal issues we have identified. Any individual whose grievance is being used for one of these cases will be contacted and offered the opportunity to attend at and participate in the hearing. It is our goal that by having the Grievance Settlement Board issue decisions on the main issues raised by these representative grievances, we will receive a clear interpretation of the language of Appendix 46. In so doing, we can then apply the principles from those decisions across all the outstanding grievances and to the employer's TEI application/evaluation process in the future.

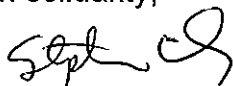
To date, we have one decision that clarifies that Fixed Term Employees do not have the right to apply for a TEI. We are awaiting a second decision that will clarify some issues with respect to the application of seniority in the employer's decision making process; I hope we will have a decision on this matter early in the New Year. We have set four additional hearing dates through to the spring of 2016. I expect we will continue to set dates throughout 2016 while we work our way through the outstanding issues.

Unfortunately, as a result of the length of the proceedings, a number of individual grievors have either already retired or will retire prior to the end of the hearings. These cases will remain open and active in our system. However, for these individuals the only issue that would remain outstanding would be the remedy. That is, the monetary values of the 6 month notice period and any additional weeks of service in excess of the 26 week in Article 53.

The recently negotiated changes to the language in Appendix 46 will not have an effect on any grievances filed prior to ratification of the new language. However, the changes reflect what the employer is arguing in the hearings. That is, the approvals of what positions, locations and individuals qualify for consideration for the TEI is the "exclusive right of the employer".

Should you have any additional questions or concerns, please feel free to contact me.

In solidarity,

A handwritten signature in black ink, appearing to read "Steph G", written in a cursive style.

Stephen Giles  
Senior Grievance Officer