

THE CITY OF TORONTO

City Clerk's Office

Minutes of the Employee and Labour Relations Committee

Meeting 5

Thursday, September 9, 2004

The Employee and Labour Relations Committee met on Thursday, September 9, 2004, in Committee Room 2, 2nd Floor, City Hall, Toronto, commencing at 9:35 a.m.

Attendance

Members were present for some or all of the time periods indicated.

	9:35 a.m. to 12:10 p.m. (Including In-Camera Session)
Mayor David R. Miller, Chair	X
Councillor Sandra Bussin	X
Councillor Janet Davis	X
Councillor Frank Di Giorgio	X
Councillor Cliff Jenkins	X
Councillor David Soknacki	X
Councillor Michael Walker	X

Confirmation of Minutes.

On motion by Councillor Walker, the Employee and Labour Relations Committee confirmed the minutes of its meeting held on July 5, 2004.

5-1. Implementation of the Changes to the Employee Separation Program

The Employee and Labour Relations Committee considered a report (August 18, 2004) from the Commissioner of Corporate Services providing an update to the Employee and Labour Relations Committee on the implementation of the new separation program requirements arising out of the recommendations of the Auditor General adopted by Council on March 1, 2 and 3, 2004; advising that new administrative processes will be implemented in conjunction with the practices presently in place to assist in pro-actively following up with employees who are required to declare comparable employment, to remind employees of their obligation to declare comparable employment and avoid ambiguity as to whether employment is comparable by communicating a precise definition, and to identify action steps when a completed Notarized Declaration is not returned by the deadline.

Recommendation:

It is recommended that the Employee and Labour Relations Committee adopt the implementation plan as outlined.

On motion by Councillor Walker, the Employee and Labour Relations Committee recommended to the Policy and Finance Committee that City Council adopt the staff recommendation contained in the Recommendation Section of the report (August 18, 2004) from the Commissioner of Corporate Services.

(Policy and Finance Committee – September 9, 2004)

5-2. Employee Suggestion Program

The Employee and Labour Relations Committee considered a report (August 30, 2004) from the Chief Administrative Officer reporting as requested by Council on June 22, 23 and 24, 2004, on the Employee Suggestion Program used in Phoenix, Arizona, and how it can be adapted to the City of Toronto.

Recommendations:

It is recommended that:

- (1) the Chief Administrative Officer consult with the Presidents of TCEU Local 416, CUPE Local 79, TPFPA Local 3888 and the Executive Director of COTAPSAI on the framework and implementation of Ideas Day prior to implementation;
- (2) the Chief Administrative Officer establish and administer an “Ideas Day” for City of Toronto employees during the first quarter of 2005, focused on Council’s priorities for the 2003-2006 term, and report to the Policy and Finance Committee during the second quarter of 2005 on the results of the “Ideas Day”; and
- (3) the appropriate City Officials be authorized and directed to take the necessary action to give effect thereto.

Councillor Jane Pitfield, Don Valley West, appeared before the Employee and Labour Relations Committee.

The Employee and Labour Relations Committee:

- (1) recommended to the Policy and Finance Committee that City Council adopt the staff recommendations contained in the

Recommendations Section of the report (August 30, 2004) from the Chief Administrative Officer; and

- (2) requested the Chief Administrative Officer to include in her report to the Policy and Finance Committee in 2005 information on approximate savings generated by this initiative. (**Motion by Councillor Bussin on behalf of Councillor Pitfield**)

(Policy and Finance Committee – September 9, 2004)

The following motion moved at the meeting by Councillor Davis was voted on and lost:

“That the Employee and Labour Relations Committee defer consideration of the report (August 30, 2004) from the Chief Administrative Officer and request her to consult with the Entities set out in Recommendation No. 1 of this proposal.”

5-3. Organization Review of Family Health and Health Lifestyles – Toronto Public Health

The Employee and Labour Relations Committee considered a communication (July 15, 2004) from the Secretary, Board of Health, to the Acting Medical Officer of Health advising that the Board of Health on July 12, 2004, referred the communication (July 5, 2004) from the Employee and Labour Relations Committee regarding the “Organizational Review of Family Health and Healthy Lifestyles – Toronto Public Health” to the Toronto Public Health Executive Management Team with a request that it meet with representatives of CUPE Local 79 with a view to working out implementation issues related to the restructuring of Family Health and Healthy Lifestyles and report back to the Board.

On motion by Councillor Jenkins, the Employee and Labour Relations Committee received the foregoing communication for information.

5-4. Disposition of Toronto Transit Commission’s Retained Earnings

The Employee and Labour Relations Committee considered a communication (July 19, 2004) from the General Secretary, Toronto Transit Commission, advising that the Commission’s Audit Committee on July 14, 2004, received a memorandum dated July 14, 2004 from the Chief General Manager entitled “Disposition of TTC’s Retained Earnings” and referred this matter to the Employee and Labour Relations Committee with a request that it recommend an alternative method of funding the liability associated with the Pensioner Dental Benefit.

On motion by Councillor Soknacki, the Employee and Labour Relations Committee referred the foregoing communication to the Chief Financial Officer and Treasurer for report to the Employee and Labour Relations Committee through the Budget Advisory Committee.

(Chief Financial Officer and Treasurer; c. Chief General Manager, Toronto Transit Commission; Budget Advisory Committee – September 9, 2004)

5-5. Compensation Program – Non-Union Staff

The Employee and Labour Relations Committee considered a report (September 7, 2004) from the Commissioner of Corporate Services recommending that the performance pay model for non-union staff, as approved by City Council February 2003 be re-confirmed with one adjustment to the administration of the plan, specifically:

- (a) re-confirm the merit component of the performance pay amount applicable to progression through the salary range and the re-earnable lump sum, at up to 3% (met objectives – 3%, developmental – 1%, did not meet objectives – 0%) consistent with the model approved by Council, and
- (b) adjust the administration of the market rate component such that it is based primarily on COLA and applied as an across-the-board increase to ranges and salaries, and requiring further Council approval, consistent with the practice for the Union groups.

Councillor Jane Pitfield, Don Valley West, appeared before the Employee and Labour Relations Committee.

The Employee and Labour Relations Committee recommended to the Policy and Finance that City Council adopt the staff recommendations contained in the Recommendations Section of the report (September 7, 2004) from the Commissioner of Corporate Services subject to amending Recommendation (b) by adding the words “with the exception of those employees who did not meet their objectives”, so that the amended recommendations now read as follows:

“It is recommended that:

- (1) the performance pay model for non-union staff, as approved by City Council February 2003 be re-confirmed with one adjustment to the administration of the plan, specifically:
 - (a) re-confirm the merit component of the performance pay amount applicable to progression through the salary range

and the re-earnable lump sum, at up to 3% (met objectives – 3%, developmental – 1%, did not meet objectives – 0%) consistent with the model approved by Council, and

- (b) adjust the administration of the market rate component such that it is based primarily on COLA and applied as an across-the-board increase to ranges and salaries, and requiring further Council approval, consistent with the practice for the Union groups, with the exception of those employees who did not meet their objectives.” **(Motion to adopt staff recommendations moved by Councillor Soknacki, with amendment moved by Councillor Jenkins)**

A recorded vote on the motion moved by Councillor Jenkins to amend Recommendation (b) by adding the words “with the exception of those employees who did not meet their objectives” was as follows:

FOR: Di Giorgio, Jenkins, Mayor Miller, Soknacki

AGAINST: Bussin, Davis, Walker)

A recorded vote on the motion moved by Councillor Soknacki to adopt the report (as amended) was as follows:

FOR: Bussin, Jenkins, Mayor Miller, Soknacki

AGAINST: Davis, Di Giorgio, Walker

(Policy and Finance Committee – September 9, 2004)

The following motions moved at the meeting were voted on and dealt with follows:

Motion by Councillor Davis:

- “(1) that the motion by Councillor Soknacki be amended by amending Recommendation 1(a) to delete the re-earnable lump sum bonus; and **(Lost)**
- (2) that the Chief Administrative Officer be requested to report back to the Committee on alternatives for compensation of overtime for non-union employees.” **(Redundant)**

Motion by Councillor Walker:

“That the Employee and Labour Relations Committee:

- (1) recommend to the Policy and Finance Committee and City Council the adoption of the staff recommendation 1(b) contained in the report (September 7, 2004) from the Commissioner of Corporate Services; (**Not voted on**)
- (2) refer Recommendation 1(a) back to the Commissioner of Corporate Services for a further report to the Employee and Labour Relations Committee.” (**Lost on the following recorded vote:**

FOR: Di Giorgio, Walker

AGAINST: Bussin, Davis, Jenkins, Mayor Miller, Soknacki)

On motion by Councillor Di Giorgio, the Employee and Labour Relations Committee met privately to discuss the following Item 5-6, having regard that the subject matter relates to labour relations issues, in accordance with the Municipal Act.

5-6. History of Active and Resolved Grievances – Verbal Update

Mr. Bill Adams, Director, Employee and Labour Relations, and Mr. George Monteith, Solicitor, gave verbal updates to the Employee and Labour Relations Committee on this matter.

Ms. Ann Dembinski, President, CUPE Local 79, appeared before the Employee and Labour Relations Committee on this matter.

On motion by Mayor Miller, the Employee and Labour Relations Committee adopted the recommendation contained in the confidential communication (September 9, 2004) from the City Clerk to the Commissioner of Corporate Services, such communication to remain in-camera as it relates to labour relations issues.

(Commissioner of Corporate Services; c. City Solicitor; Executive Director of Human Resources – September 9, 2004)

On motion by Councillor Di Giorgio, the Employee and Labour Relations Committee met privately to discuss the following Item 5-7, having regard that the subject matter relates to labour relations issues, in accordance with the Municipal Act.

**5-7. City of Toronto and T.C.E.U., Local 416, C.U.P.E.
Grievances re Paramedic Level 1 Wage Rate (Symptom Relief)**

Mr. Bill Adams, Director, Employee and Labour Relations, gave a verbal update to the Employee and Labour Relations Committee on this matter, and filed a copy of the following material:

- (1) decision of the arbitrator in the matter of an arbitration between the City of Toronto and Toronto Civic Employees' Union Local 416 relating to grievances concerning Paramedic Level 1 Wage Rate; and
- (2) copy of a confidential report (June 4, 2004) from the Commissioner of Corporate Services entitled City of Toronto and T.C.E.U., Local 416, C.U.P.E. - Grievances re Paramedic Level 1 Wage Rate (Symptom Relief), such report to be considered in camera as the subject matter relates to labour relations.

On motion by Councillor Davis, the Employee and Labour Relations Committee adopted the recommendation contained in the confidential communication (September 9, 2004) from the City Clerk to the Chief Administrative Officer, such communication to remain in-camera as it relates to labour relations issues.

(Chief Administrative Officer – September 9, 2004)

On motion by Councillor Di Giorgio, the Employee and Labour Relations Committee met privately to discuss the following Item 5-8, having regard that the subject matter relates to labour relations issues, in accordance with the Municipal Act.

5-8. Bargaining Strategy

On motion by Mayor Miller, the Employee and Labour Relations Committee adopted the recommendation contained in the confidential communication (September 9, 2004) from the City Clerk to the Chief

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Administrative Officer, such communication to remain in-camera as it relates to labour relations issues.

(Chief Administrative Officer – September 9, 2004)

The Employee and Labour Relations Committee adjourned its meeting at 12:10 p.m.

Chair.