

## ANNEX F – Q&As

Please note this document will be updated as more questions are raised.

### Q&As

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# *Terms of the MOA*

## **1. Who does this agreement apply to?**

This agreement applies to employees, former employees and the estates of deceased employees represented by the following bargaining agents:

- Association of Canadian Financial Officers
- Association of Justice Council
- Canadian Association of Professional Employees
- Canadian Federal Pilots Association
- Canadian Merchants Service Guild
- Canadian Military Colleges Faculty Association
- Canadian Union of Public Employees 104
- Federal Government Dockyard Trades and Labour Council (East)
- Federal Government Dockyard Trades and Labour Council (West)
- Federal Government Dockyard Chargehands Association
- International Brotherhood of Electrical Workers
- Professional Association of Foreign Service Officers
- Professional Institute of the Public Service of Canada
- Unifor
- Union of Canadian Correctional Officers

It will also extend to unrepresented and excluded employees and executives. Separate agencies that use the Phoenix pay system have also reached similar agreements with their unions.

The Public Service Alliance of Canada (PSAC) did not sign onto this agreement so it does not apply to its members. The government is open, however, to extending this agreement to PSAC at any time.

## **2. What if an employee was not a member of one of the bargaining agents included in this agreement?**

If the employee was not a member of a bargaining agent included in the agreement for at least one day during a specific fiscal year, they will not receive the leave for that year.

## **3. What happens if PSAC never signs?**

Their members would not benefit from the agreement.

## **4. What happens to the current implementation period if PSAC signs? Will a new period of implementation be identified?**

Should PSAC come to an agreement, TBS-OCHRO will re-evaluate the schedule.

## **5. If PSAC secures a more generous agreement, will members from other unions be able to benefit from that agreement?**

The Employer agrees to incorporate into this agreement any damages measures negotiated with any other Bargaining Agents representing CPA employees that are more generous than those in this agreement.

## **6. What criteria must employees meet to receive this leave?**

To qualify for the leave for any fiscal year, an eligible employee had to be "on strength" for one day of that fiscal year. For greater clarity, the term "on strength" refers to all employees employed in the CPA, whether or not they are on leave, assignment or otherwise not active.

**7. How are "former employees" defined in this agreement?**

Under this agreement, a "former employee" is defined as an employee who has been terminated as of the date of signing of the agreement. A separate process for former employees to claim for any annual leave, which is being developed and information will be shared in the coming months.

**8. How is a "day" of leave quantified in hours compensated in the leave allotment?**

A day of leave shall be equal to eight (8) hours per day, or seven and one-half (7.5) hours per day where the standard workweek is thirty-seven decimal five (37.5) hours per week.

**9. Will employees who have not been impacted by Phoenix still receive the annual leave allotment?**

Yes. The Employer recognizes that the Phoenix pay system has impacted all federal employees either directly or indirectly and the government recognizes that these pay problems are completely unacceptable.

**10. Does this annual leave allotment mean that the employee will not get the outstanding pay they are owed, due to complications with their pay file?**

This agreement has no impact on the outstanding pay transactions or amounts owed to the employee.

**11. Could the upcoming election have any impact on this agreement?**

The upcoming election or its outcome do not change the Employer's responsibility to honour this agreement.

## *Eligibility*

**12. Who is eligible for Damages Annual Leave?**

Eligible employees are:

- a) Employees in CPA departments and agencies that use the Phoenix pay system; and
- b) Unrepresented and excluded employees, executives that are:
  - Indeterminate, Seasonal and Term employees working 3 months or more that meet one of the following status:
    - Full-time
    - Part-time
    - As and When Required employees
    - Employees on leave (Leave with pay and Leave without pay)

\*Note: As the Public Service Alliance of Canada (PSAC) is not part of this agreement, PSAC members are not eligible.

**13. Who is not eligible for Damages Annual Leave?**

Non-eligible employees are:

- a) Employees that work in an organization that does not use the Phoenix pay system;
- b) Term employees working less than 3 months;
- c) Part time workers (workers with a schedule that has less than 1/3 of the standard work week hired under the Part-time work Exclusion approval order);
- d) Casuals;
- e) Students; and
- f) Employees that are PSAC members and excluded PSAC members

## *Specific Employee Eligibility*

**14. Are seasonal employees on layoff status eligible?**

Yes, they are considered as current employees, and therefore eligible for the allotment.

**15. Are the excluded employees of PSAC groups eligible?**

No, as PSAC is not part of this agreement.

**16. Are Ministers' Exempt Staff eligible?**

No. Ministers' Exempt Staff are not covered by this agreement.

**17. Are Canadian Forces members eligible?**

No. Canadian Forces members are not covered by this agreement.

**18. Are RCMP officers eligible?**

No. RCMP Officers are not covered by this agreement.

**19. Are employees of the House of Commons, the Senate and the Library of Parliament eligible?**

No. Employees of the House of Commons, the Senate and the Library of Parliament are not eligible.

**20. Are Governor-in-Council appointments eligible?**

No. GIC appointments are not covered by this agreement.

**21. Is eligibility for each fiscal year determined on union membership or current direction of union dues as of the date the agreement is signed?**

No, eligibility will be determined by the employee's group as it appears in Phoenix (and the union membership associated to that group) at the date of signing of the agreement. It has no bearing on the employee's payment of union dues.

**22. Is eligibility impacted by transfers resulting in a change between Pay Centre/non-Pay Centre or between HR systems?**

No. These changes would have no impact on eligibility.

**23. Eligibility – Casual employee who was previously “on strength”**

On the date of signing, an employee is working as a casual, and is therefore not considered eligible under the terms for the MOA. However, they were "on strength" for all previous eligible fiscal years. Would that employee be considered 'current' or 'former' on the date of signing?

The casual status of the employee renders them inactive but if the employee belonged to a group covered by the agreement, the employee could submit a claim as a former employee.

**24. Eligibility - Change in status**

- In September 2016, the employee started a casual contract.
- A second casual contract was given in January 2017.
- They were subsequently appointed to a term, in a group represented by a bargaining agent that signed the agreement, for one year on March 27, 2017.

- This term was extended, and subsequently ended in September 2018.
- In February 2019, the same employee was given another casual contract.
- How is this employee's eligibility determined?

FY 2016-17: Eligible, the employee was a term employee for at least one day in the fiscal year.

FY 2017-18: Eligible, term employee.

FY 2018-19: Eligible, term employee.

FY 2019-20: Not Eligible, Casual employee

**Total allotment in FY 2016-17, 2017-18, and 2018-19: 4 days (former employee on 12 June 2019)**

**Total allotment in FY 2019-20: 0 days**

## 25. Allotment calculation - Change in standard work week

- An employee has always worked 37.5 hours/week since their indeterminate appointment in June 2017.
- In September 2018, the employee started a new position which required them to work 40 hours a week, and has had that standard work week since then.
- Considering that all groups and positions occupied by the employee are eligible for the leave allotment, how is this employee's allotment calculated?

FY 2016-17: N/A

FY 2017-18: 1 day at the rate of 7.5 hours/day

FY 2018-19: 1 day at the rate of 8 hours/day

FY 2019-20: 1 day at the rate of 8 hours/day

**Total allotment in FY 2016-17, 2017-18, and 2018-19: 2 days (15.5 hours)**

**Total allotment in FY 2019-20: 1 day (8 hours)**

## 26. Eligibility - Union membership – acting

An employee is a PSAC member but was acting in a CAPE group/position for a period of time during fiscal year 2017/18. Is he/she eligible to the applicable leave credit for that fiscal year?

Yes, they are. If they do not receive the leave allotment, they should contact their departmental or agency HR.

## 27. Eligibility - Union membership – backlogged transaction

An employee is a currently member of PSAC but, appears as a CAPE member in Phoenix due to backlogged transactions. How is this employee's eligibility determined?

In the situation where the employee is a member of PSAC but, appears as a CAPE member in Phoenix due to backlogged transactions, the employee would receive the allotment. This will be adjusted once the backlogged transactions are resolved.

## 28. Eligibility - Union membership– backlogged transaction/union dues

An employee has been a member of CAPE since March 2018, but has not been paying union dues because their transfer transaction from their previous group/position (where they had been a member of PSAC since

2014) is still backlogged at the time of signing of the agreement. Will the employee's leave bank still be credited?

Eligibility will be determined by the the employee's group as it appears in Phoenix (and the union membership associated to that group) at the date of signing of the agreement. It has no bearing on the employee's payment of union dues.

FY 2016-17: Not eligible under the current agreement.

FY 2017-18: Eligible, the employee became a member of one of the unions covered in this agreement for at least one day in the fiscal year. However, since this information is not yet reflected in Phoenix, the employee will have to contact their departmental or agency HR team to request the leave, OR wait until the backlogged transaction has been processed.

FY 2018-19: Eligible. However, the employee will have to contact their departmental or agency HR team to request the leave, OR wait until the backlogged transaction has been processed.

FY 2019-20: Eligible. However, the employee will have to contact their departmental or agency HR team to request the leave, OR wait until the backlogged transaction has been processed.

**Total allotment in (FY 2016-2019): 0 days**

**Total allotment in (FY 2019-20) TBD, depending on when the backlog will have been resolved.**

## *Backlog*

### **29. Are the transactions in the backlog out of scope?**

No, they are not. Please follow up with your departmental or agency HR team if you think you have not received your full leave allotment.

### **30. How will employees with pending transfers see the leave adjustment in their leave bank?**

Employees waiting for the transfer of their pay file will use the same process they are currently using with their home department or agency to see or manage their leave.

## *Cash out of Annual Leave*

### **31. If an employee requests a voluntary cash out of the leave allotment, what is the process, and who is responsible for the payment?**

Departments and agencies will follow the existing process for voluntary cash out, subject to the Terms and Conditions of the employee's current collective agreement.

### **32. What if the employee doesn't want to cash out my leave right now, but they have to, because this additional leave brings them to their cap?**

Employees must contact their departmental or agency HR team to determine what options are open to them.

### **33. Does the cash out include allowances?**

As a general rule, cash out of annual leave in the context of this agreement does not include allowances. However, some rare exceptions may apply. Please refer to the collective agreement for the employee.

## *Agreement Implementation (Operations)*

### **34. How will current employees receive the leave that is part of this agreement?**

A snapshot of pay data (from Phoenix) was taken on June 12, 2019. A report was sent to each HR system Lead on 12 July, who will adjust the annual leave banks. Communication will be sent from Heads of HR once the leave adjustments have been completed.

### **35. What type of leave is credited to the employees and why?**

It will be annual leave, as it is the only type of leave that exists in every collective agreement.

### **36. What data will be used to determine employee eligibility?**

Eligibility will be determined by using data from Phoenix captured at the date of signing of the agreement (12 June, 2019)

### **37. How is eligibility determined for employees whose status changed within a fiscal year covered by this agreement?**

As long as the eligible employee has been "on strength" for one day within the fiscal year, they are eligible for the allotment for that fiscal year.

For greater clarity, the term "on strength" refers to all employees employed in the CPA, whether or not they are on leave, assignment or otherwise not active.

### **38. What happens to employees who were active on 12 June, 2019, but have been terminated before their leave allotment has been loaded to their leave bank?**

Eligible employees who were terminated after 12 June, 2019 will show up as exceptions when their HR System Leads load their leave adjustments. These employees will have to claim their leave entitlements as a former employees.

### **39. What happens to the annual leave allotment if an eligible employee had changes in their standard work week in the same fiscal year?**

If an eligible employee worked at least one day in a 40 hour standard work week in that fiscal year, the leave allotment for that year will be calculated at the rate of 8 hours/day.

### **40. How will employees on dual remuneration be processed?**

The requirement for handling dual remuneration is still being developed.

### **41. Will the entitlements be prorated for part-time employees or employees who have not worked the full period covered by this agreement?**

No. There will be no prorating of the leave allotments.

### **42. If an employee has questions regarding this initiative, do they call the Client Contact Centre?**

No, employees must contact their departmental or agency HR team. The Client Contact Centre will not be able to help you.

**43. Where can employees get additional information?**

Employees should contact the Human Resources professionals in their department or agency.

**44. Will “pre-packaged” communication templates be provided to notify employees of these changes?**

There is comprehensive communications/change management strategy from OCHRO. A communication package was sent to Heads of HR on 11 July, 2019. OCHRO will continue to engage with D/A throughout the implementation to deliver updates to the Q&As, communication products and other tools.

**45. Will there be a generic inbox for general enquiries or questions about specific cases?**

Any inquiries from employees should be directed to the HR teams in their departments and agencies, they will be equipped with tools to answer questions.

## *Reports*

**46. Will departments and agencies HR teams be receiving a report on the eligibility of their employees?**

Yes, a report containing the leave allotment to be loaded for each employee in their organization was sent to Heads of HR on 12 July 2019 for information only. This report is to be shared with their departmental HR teams, and to be used as a tool to inform employee support.

The same reports will be used by the HR systems Leads to provide the annual leave adjustments into employee leave banks.

Departmental and agency HR and their HR Systems Leads should establish a process to ensure updates on exception files are communicated.

**47. Will separate employers be provided with a CSV file as well?**

Yes, all organizations with employees who are paid by the Phoenix pay system are included in the scope of the damages and will receive a report from TBS-OCHRO.

**48. If an organization has no employees in the groups covered by the damages agreement, will it be receiving a file?**

Yes, the organization will still receive a file. It is possible that some of the employees were previously in a role that is in-scope for damages. In the current process, the damages are applied to their current group where they are active.

**49. In addition to reporting back when the data is loaded, will any subsequent reports be required, such as year end?**

No, only a report back at the time of loading is required.

**50. How will organizations send the report back and to whom?**

A generic mailbox is being established and will be communicated with the Damages release file and final instructions.

**51. Will TBS-OCHRO provide additional instructions to report on results after HR Systems Leads have uploaded the leave adjustments?**

Yes, TBS-OCHRO will provide additional instructions to HR Systems Leads through dedicated engagement channels.

**52. Will TBS-OCHRO be providing a standard list of "reasons" to be included in the output file for those records that FAIL to load?**

No. A reason will not be required in the file to be sent back to TBS-OCHRO.

**53. What's the file name format to send back?**

The file format will be a csv.

The file name format will be BusinessUnit\_YYYYMMDD.csv.

The date value will be the date of running the report. Where organizations are clustered, such as with both AGR and CFIA sitting on Agriculture's GC HRMS instance, only one file is required with the business unit value representing the cluster host.

Example: AGR00\_20190601.csv

## *Systems*

**54. When will the HR Systems Leads receive from TBS-OCHRO the report of leave allotment to be uploaded?**

The 33 HR Systems Leads should receive the TBS-OCHRO report on 12 July 2019.

**55. Will the leave credits be loaded into the HR systems as a single transaction for the first 3 years (ex. 30 hours for a 37.5hr employee), or will departments have to enter a unique leave adjustment for each affected fiscal year for the employee?**

For the period of FY's 2016-17, 2017-18 and 2018-19, the HR Systems will be given a single value for this period, to be loaded as a single Leave Adjustment transaction. For the period of 2019-20, a second transaction will need to be loaded after the FY has ended (processed April/May 2020).

Departmental and agency HR teams will be provided a master list of the leave allotment for each year for all their employees.

**56. Will TBS-OCHRO be setting an implementation date (e.g. a specific weekend) for organizations to run their scripts, based on a review of all plans?**

No, TBS-OCHRO is expecting that each HR System Lead uploads leave allotments as quickly as possible, before 12 November 2019.

**57. Will TBS-OCHRO be providing the effective date, or From/To Dates for the leave transaction? How do we resolve duplicate transactions, if they occur?**

The effective date (from and to dates) of the leave transaction is June 12th, 2019. If there exists a leave transaction with the same key values, on the same date, increase the effective date by 1 day (i.e. June 13, 2019).