

LETTER OF COMMITMENT

January 25, 2019

Scott McCannell
Executive Director
Professional Employees Association

Dear Mr. McCannell:

Re: Article 2.03 Exclusions

The parties have agreed to make the following changes to the exclusion approval process. This will be a pilot project for the term of the 16th Main Agreement and, unless agreed to by the parties, the process will revert to the process set out in the 15th Master agreement.

2.03 Exclusions

(a) The parties agree that the Employer shall retain the current exclusions as listed in Appendix B to this Agreement together with such exclusions as may be decided pursuant to Clause 2.03(**b-f**) of this Agreement.

(b) During the life of this Agreement the Employer will restrict applications for any further exclusions to either new positions or to positions which undergo significant changes in job content or responsibility. Additional exclusions shall be based on the criteria outlined in Section 11 of the *Public Service Labour Relations Act* or on such other criteria as may be agreed to by the parties and shall be added to the list in Appendix B.

(c) All new exclusion applications will be submitted to the Union and include the following:

- (i) **job description with the management compensation framework finalized;**
- (ii) **a copy of the job description for the position which supervises the applied for position;**
- (iii) **incumbent name, if applicable;**
- (iv) **organization chart for the relevant program;**
- (v) **clear statement as to the legal basis or reason for exclusion; and**
- (vi) **any other information deemed necessary.**

(d) Where no response to any new application by the Employer pursuant to (**b-c**) above is received within 40 days the Union shall be deemed to have agreed with such application.

(e) Where the parties are unable to agree pursuant to (**b-c**) above, and where (**e-d**) above does not apply, **the Union shall provide the reasoning for how the position fails to meet the exclusion eligibility requirement and** the matter may be referred by either party for resolution as provided under Section 11(2) of the *Public Service Labour Relations Act*.

(f) The Employer may post and fill up to eight (8) new positions classified at Band level 4, 5 or 6. However, if the Union refers any of these to resolution pursuant to (e) and the adjudicator finds that the position is not properly excluded from the Union, the Employer will pay two times the Union dues from the time the position was encumbered and until the current incumbent exits the position, at which time the position will be returned to the bargaining unit. In the event that there are a total of three (3) encumbered positions in which an adjudicator finds that the position is not properly excluded from the Union, the Employer will follow the process set out in (c) – (e) for all remaining exclusion requests for the term of the agreement.

(g) Notwithstanding (f) above, the Employer may at any time choose not to use the process described in (f) but may instead choose to follow the process set out in (c) – (e).

(h) The employer may create temporary duplicates of deemed Succession Priority positions as confirmed by the Public Service Agency and fill those on a temporary basis for up to one year to allow for succession management and knowledge transfer.

(i) The Parties agree that if, prior to March 31, 2022, the Management Classification and Compensation Framework changes such that the classification levels defined in this process are substantially modified, the Parties will meet to determine what the equivalent classification levels should be. For clarity, substantial modifications would include the addition of new Band levels or the deletion of any Band levels. If the Parties cannot determine what the equivalent classification levels are within 60 days, either Party may refer the matter to an independent arbitrator for a binding decision. The Parties may also mutually agree to extend the 60-day timeline.

It is our expectation that this pilot project will benefit both parties and result in a more efficient exclusion approval process that will enhance service delivery. The intent is not to increase the number of referrals to an adjudicator or to post and fill Band level 4, 5 or 6 positions where such exclusions are not based on the criteria outlined in Section 11 of the *Public Service Labour Relations Act*. The parties agree that if either party has any such concerns about the application of the new processes in this pilot project they will meet and try to resolve such concerns.

Sincerely,

Alyson Blackstock

Executive Director, Labour Relations and Total Compensation, PSA