

KEY ELEMENTS OF THE CFIA EMPLOYMENT TRANSITION POLICY APPENDIX



Public Service Alliance of Canada
Alliance de la Fonction publique du Canada

Employment Transition Policy

The Employment Transition Policy is an appendix to your collective agreement. It is the policy of the Canadian Food Inspection Agency to maximize employment opportunities for indeterminate employees facing employment transition situations.

Employment Transition is a situation that occurs when the President decides that the services of one or more indeterminate employees will no longer be required beyond a specified date because of a lack of work or the discontinuance of a function within the Agency. Such situations may arise for reasons including but not limited to those identified in the Policy section.

Notification to PSAC

In any employment transition situation which is likely to involve ten (10) or more indeterminate employees covered by this Appendix, the President shall inform, in writing and in confidence, the President of the Public Service Alliance of Canada or their delegate not less than forty-eight (48) hours before any employment transition situation is announced.

This information is to include the identity and location of the work unit(s) involved; the expected date of the announcement; the anticipated timing of the situation; and the numbers of employees, by group and level, who will be affected.

Notification of Affected Status (for lack of work, discontinuance of a function or a relocation of a work unit)

An indeterminate employee receives written notification that their services MAY no longer be required (and is affected) (definition of 'affected employee' & 1.1.6) or that the Agency has decided to relocate the work unit in which case all employees whose positions are to be relocated, will be provided with the opportunity to choose whether they wish to move with the position or be treated as if they were subject to an employment transition situation. (3.1.1)

The Agency shall provide information directly to the bargaining agent on the numbers and status of their members who are in the Agency Priority Administration System, through reports to the Public Service Alliance of Canada.

Written Notice of Relocation of a Work Unit

Employees have up to three months to decide if they wish to move with their position or to be treated as if they were subject to an employment transition situation and either be given a GRJO or access to the options in section 6.4 of the Appendix.

Voluntary Programs

After employees receive affected letters, the Agency shall establish voluntary departure programs for all employment transition situations involving five or more affected employees working at the same group and level and in the same work unit (6.2). Employees have a minimum of 30 calendar days to decide if they wish to participate (6.2(e)). Employees who volunteer to leave the public service will have access to options 6.4.1(B), (C)(i) or (C)(ii).

Official Notification of WFA Status

An affected employee must receive written notification that they will receive a guarantee of a reasonable job offer or be made opting where they will then have to choose between the option provided in section 6.4 of this Appendix. (1.1.6)

Employee Decides not to Move with the Position

The President provides a GRJO or Options

Employee Decides to Move with the Position

NJC Relocation Directive Applies

Surplus with Guarantee of Reasonable Job Offer (GRJO)

Surplus employees in receipt of this guarantee will not have access to the Options available in Part VI of this Appendix.

Opting Employee - No Guarantee of a Reasonable Job Offer (no GRJO)

Surplus Priority Status

Surplus priority is a priority for an appointment accorded to surplus employees, an indeterminate employee who has been provided a formal written notice by the President declaring him or her surplus, to permit them to be appointed to other positions in the Agency.

Employee Accepts RJO

- Reasonable job offer is an offer of indeterminate employment within the Agency, normally at an equivalent level but could include lower levels and includes a seamless transfer of all employee benefits. Surplus employees must be both trainable and mobile. Where practicable, a reasonable job offer shall be within the employee's headquarters as defined in the National Joint Council Travel Directive.
- If appointment to a lower-level position, salary protected until appointed to a position with a maximum rate of pay equal to or higher than that of the surplus position;
- If needed, retraining is provided (Part IV).

Employee Refuses RJO

- Laid-off but no sooner than 6 months from beginning of surplus period;
- 1 month lay-off notice required;
- 1 month lay-off notice required;
- Lay-off priority for 1 year;
- Severance pay at lay-off rate;
- No access to lump-sum amounts nor pension waiver.

Surplus Priority Status

- Surplus priority is a priority for an appointment accorded to surplus employees, an indeterminate employee who has been provided a formal written notice by the President declaring him or her surplus, to permit them to be appointed to other positions in the Agency
- 12 month to 16 month time limit to find RJO depending on when you choose;
- The lump-sum payment is equal to the surplus regular pay for the balance of the surplus period, up to a maximum of 6 months;
- Pay in lieu of unfulfilled surplus period may be authorized to a surplus employee who offers to resign before the end of the 12 month surplus period;
- The amount cannot exceed the maximum that would have been received under Option B;
- If the employee choose Option B they can also be eligible for a Pension Waiver if they are 55-59 (Group 1) or 60 to 64 (Group 2) years of age with at least 10 years of service. This provision is triggered by the Employment Transition Policy Appendix but is actually specified in the Public Service Pension plan (<https://www.canada.ca/en/treasury-board-secretariat/services/pension-plan/plan-information/pension-eligibility-age-60-workforce-adjustment-pension-waivers.html>)
- Employee's work must be discontinued on resignation date;
- Employee is ineligible for pay in lieu if an RJO has been refused during the surplus period;
- Considered laid off for severance pay.

Opting Employee

- Opting employee is an indeterminate employee whose services will no longer be required as a result of an employment transition situation and who has not received a guarantee of a reasonable job offer from the President and who has one hundred and twenty (120) days to consider the Options contained in part 6.4 of this Appendix.
- The opting employee must choose, in writing, one of the three (3) Options of section 6.4 of this Appendix within the one hundred and twenty (120) day opting period. The employee cannot change Options once having made a written choice.
- If employee fails to select an option, Option A is deemed to be the selected option;
- If opting employee chooses Option B or C, they are entitled to \$1,200 for financial and job placement counselling services (6.4.6);
- The employee is ineligible for Option A, B or C if RJO which does not require relocation is made during the opting period and prior to the receipt of the employee's written choice.

Option A

12 Month Surplus Period in which to Secure a Reasonable Job Offer

Twelve-month surplus priority period in which to secure a reasonable job offer is one of three options provided to an opting employee for whom the President cannot guarantee a reasonable job offer. Should a reasonable job offer not made within a period of twelve months, the employee will be laid off. Employees who choose or are deemed to have chosen this Option are surplus employees.

When a surplus employee who has chosen, or is deemed to have chosen, Option (a) offers to resign before the end of the twelve-month surplus priority period, the President may authorize a lump-sum payment equal to the surplus employee's regular pay for the balance of the surplus period, up to a maximum of six (6) months. The amount of the lump sum payment for the pay-in-lieu cannot exceed the maximum of that which he or she would have received had they chosen Option (b) – Transition Support Measure.

The Agency will make every reasonable effort to market a surplus employee within the employee's surplus period and within his or her preferred area of mobility.

Option B Transition Support Measure (TSM)

Transition Support Measure (TSM) is a payment based on the employee's years of service with the Agency (see Annex A) made to an opting employee. Years of service is the combined years of service in the Public Service immediately prior to appointment to the Agency plus years of service with the Agency. Employees choosing this Option must resign but will be considered to be laid-off for purposes of severance pay. The TSM shall be paid in one (1) or two (2) lump-sum amounts over a maximum two (2)-year period.

Option C Education Allowance

Education Allowance is a Transitional Support Measure (see Option (b) above) plus an amount of not more than seventeen thousand dollars (\$17,000.00) for reimbursement of receipted expenses of an opting employee for tuition from a learning institution and costs of books and relevant equipment. Employees choosing Option (c) could either:

Alternation Program

- The Agency will participate in an alternation process.
- Alternation occurs when an opting employee or a surplus employee who is surplus as a result of having chosen option 6.4.1(a) who wishes to remain in the Agency exchanges positions with a non-affected employee (the alternate) willing to leave the Agency with a Transition Support Measure or with an Education Allowance.
- Only opting and surplus employees who are surplus as a result of having chosen Option A may alternate into an indeterminate position that remains within the Agency.

Option B or C(i) - Employee Resigns from the CFIA

- Lump-sum amount(s). The cash amount ranges from 4 to 52 weeks' salary. Individuals with 16-29 years of service get the maximum amount.
- Considered laid off for severance pay purposes.
- Management establishes departure date; relinquishes any priority rights for appointment upon acceptance of his or her resignation.
- If the employee choose Option B they can also be eligible for a Pension Waiver if they are 55-59 (Group 1) or 60 to 64 (Group 2) years of age with at least 10 years of service. This provision is triggered by the Employment Transition Policy Appendix but is actually specified in the Public Service Pension plan (<https://www.canada.ca/en/treasury-board-secretariat/services/pension-plan/plan-information/pension-eligibility-age-60-workforce-adjustment-pension-waivers.html>)
- Choosing Option C(i) enables the employee to receive the TSM as laid out above as well as have access to \$17,000 for education opportunities subject to receipts.

Option C(ii) - Employee Requests Leave without Pay (LWOP) for a Maximum of 2 Years

- Delay departure date and go on LWOP while attending learning institution.
- Note: Proof of registration required within 12 months of starting LWOP, otherwise deemed to have resigned from the Agency and considered laid-off for severance pay purposes;
- Can continue to be a member of Public Service benefit plans by paying both the employer and employee's share to the plan and to the PS Superannuation Plan;
- At the end of the two (2) year leave without pay period, unless the employee has found alternate employment in the Agency, the employee will be laid off.
- 12 month lay-off priority status.

Employee Accepts RJO

- If applicable, eligible for retraining, salary protection or reinstatement priority rights;
- If appointment to a lower-level position, salary protected until appointed to a position with a maximum rate of pay equal to or higher than that of the surplus position;
- Also if to a lower level, a Reinstatement Priority for reappointment to a former level;
- If needed, retraining is provided (Part IV).

Employee Refuses RJO

- Laid-off but not sooner than 6 months from beginning of surplus period;
- 1 month lay-off notice required;
- 12 month lay-off priority status.
- Severance pay at lay-off rate;
- No access to lump-sum amounts nor pension waiver.

No RJO Received within 12 Month Surplus Period

- Lay-off notice at least 1 month before the scheduled lay-off date;
- Lay-off priority is a person who has been laid off is entitled to a priority for appointment to a position in the Agency for which, in the opinion of the President, he or she is qualified. An appointment of an employee with this priority is excluded from the Agency Staffing Complaint Policy. This priority is accorded for one (1) year following the lay-off date.
- If applicable, eligible for retraining, salary protection or reinstatement priority entitlements.