

KEY ELEMENTS OF THE PSAC WORKFORCE ADJUSTMENT APPENDIX



Workforce Adjustment

The Workforce Adjustment Appendix is an appendix to your collective agreement. It is the policy of the Employer to maximize employment opportunities for indeterminate employees affected by workforce adjustment situations. (Objectives)

When the Department/Organization decides that the services of 1 or more indeterminate employees will no longer be required beyond a specified date because of a lack of work, the discontinuance of a function, a relocation in which the employee does not want to participate or an alternative delivery initiative. (Definition)

PA: Appendix D; SV: Appendix I;
TC: Appendix T; EB: Appendix B;
FB: Appendix C; CRA: Appendix C.

Notification to PSAC

Departments or organizations shall advise and consult with the PSAC representatives as completely as possible regarding any workforce adjustment situation as soon as possible after the decision has been made and throughout the process, and will make available to the PSAC the name and work location of affected employees. (2.1.1)

Before notifying any potentially affected employee, departments or organizations shall send a notice to the PSAC National President; with the identity and location of the work unit(s) involved, the expected date of the announcement, the anticipated timing of the workforce adjustment situation and the number, group and level of the employees who are likely to be affected; confidentially in writing with the at the earliest possible date and under no circumstances less than two (2) working days before any employee is notified of the workforce adjustment situation. (2.1.3 & 2.1.4)

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 his/her services MAY no longer be required (and is affected) (definition & 1.1.6) or that the department or organization 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 a workforce adjustment situation. (3.1.1)

The department or organization will review the status of each affected employee annually, or earlier, from the date of initial notification of affected status and determine whether the employee will remain on affected status or not (subsection 1.1.38), and notify the employee in writing of the nature of the decision within 5 days. (1.1.39)

Written Notice of Relocation of a Work Unit

Employees have up to six months to decide if they wish to move with their position or to be treated as if they were subject to a workforce adjustment situation (section 3.1) and either be given and GRJO or access to the options in Part VI of the WFAA.

Voluntary Departure Programs

1. After employees receive affected letters, departments and organizations shall establish voluntary departure programs for all workforce adjustment situations involving five or more affected employees working at the same group and level and in the same work unit. Employees have a minimum of 30 calendar days to decide if they wish to participate. 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

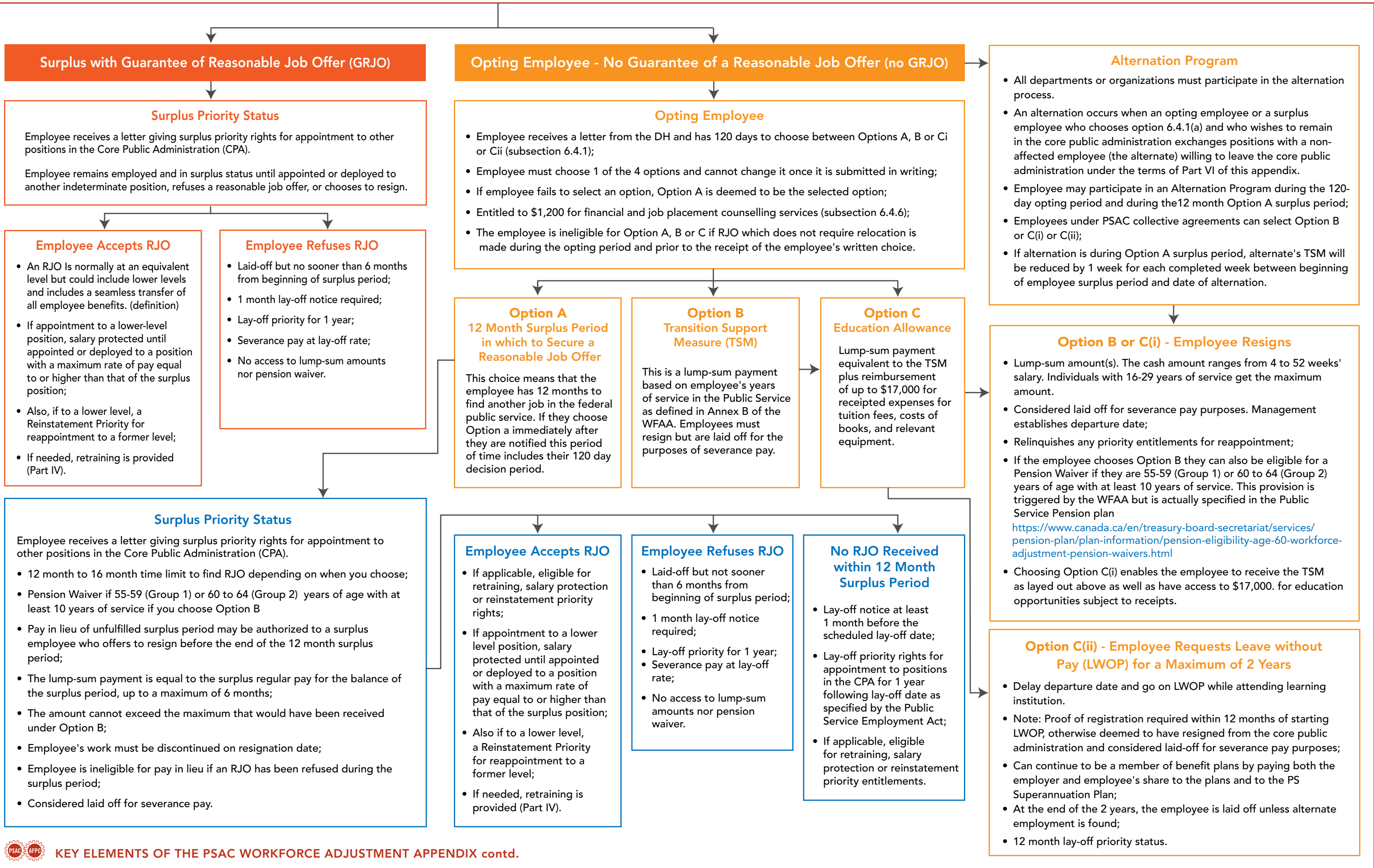
An affected employee must receive written notification that they will receive a guarantee of a reasonable job offer or be made opting where they will then have to choose between four different opting provisions. (see next page)

Employee Decides not to Move with the Position

Deputy Head 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 Priority Status

Employee receives a letter giving surplus priority rights for appointment to other positions in the Core Public Administration (CPA).
Employee remains employed and in surplus status until appointed or deployed to another indeterminate position, refuses a reasonable job offer, or chooses to resign.

Employee Accepts RJO

- An RJO is normally at an equivalent level but could include lower levels and includes a seamless transfer of all employee benefits. (definition)
- If appointment to a lower-level position, salary protected until appointed or deployed 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 no sooner than 6 months from beginning of surplus period;
- 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

Employee receives a letter giving surplus priority rights for appointment to other positions in the Core Public Administration (CPA).

- 12 month to 16 month time limit to find RJO depending on when you choose;
- Pension Waiver if 55-59 (Group 1) or 60 to 64 (Group 2) years of age with at least 10 years of service if you choose Option B
- 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 lump-sum payment is equal to the surplus regular pay for the balance of the surplus period, up to a maximum of 6 months;
- The amount cannot exceed the maximum that would have been received under Option B;
- 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 - No Guarantee of a Reasonable Job Offer (no GRJO)

Opting Employee

- Employee receives a letter from the DH and has 120 days to choose between Options A, B or Ci or Cii (subsection 6.4.1);
- Employee must choose 1 of the 4 options and cannot change it once it is submitted in writing;
- If employee fails to select an option, Option A is deemed to be the selected option;
- Entitled to \$1,200 for financial and job placement counselling services (subsection 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**

This choice means that the employee has 12 months to find another job in the federal public service. If they choose Option a immediately after they are notified this period of time includes their 120 day decision period.

**Option B
Transition Support Measure (TSM)**

This is a lump-sum payment based on employee's years of service in the Public Service as defined in Annex B of the WFAA. Employees must resign but are laid off for the purposes of severance pay.

**Option C
Education Allowance**

Lump-sum payment equivalent to the TSM plus reimbursement of up to \$17,000 for receipted expenses for tuition fees, costs of books, and relevant equipment.

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 or deployed 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;
- Lay-off priority for 1 year;
- 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 rights for appointment to positions in the CPA for 1 year following lay-off date as specified by the Public Service Employment Act;
- If applicable, eligible for retraining, salary protection or reinstatement priority entitlements.

Alternation Program

- All departments or organizations must participate in the alternation process.
- An alternation occurs when an opting employee or a surplus employee who chooses option 6.4.1(a) and who wishes to remain in the core public administration exchanges positions with a non-affected employee (the alternate) willing to leave the core public administration under the terms of Part VI of this appendix.
- Employee may participate in an Alternation Program during the 120-day opting period and during the 12 month Option A surplus period;
- Employees under PSAC collective agreements can select Option B or C(i) or C(ii);
- If alternation is during Option A surplus period, alternate's TSM will be reduced by 1 week for each completed week between beginning of employee surplus period and date of alternation.

Option B or C(i) - Employee Resigns

- 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 entitlements for reappointment;
- If the employee chooses 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 WFAA 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 core public administration and considered laid-off for severance pay purposes;
- Can continue to be a member of benefit plans by paying both the employer and employee's share to the plans and to the PS Superannuation Plan;
- At the end of the 2 years, the employee is laid off unless alternate employment is found;
- 12 month lay-off priority status.

