

KEY ELEMENTS OF THE CRA/UTE WORKFORCE ADJUSTMENT



Workforce Adjustment

It is the policy of the CRA to maximize employment opportunities for indeterminate employees affected by workforce adjustment situations, primarily through ensuring that, wherever possible, alternative employment opportunities are provided to them. This should not be construed as the continuation of a specific position or job but rather as continued employment. (definition of Objectives)

Workforce Adjustment is a situation that occurs when the Commissioner 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, the discontinuance of a function, a relocation in which the employee does not wish to relocate or an alternative delivery initiative. (definition of Workforce Adjustment)

Notification to PSAC

In any workforce adjustment situation which is likely to involve ten (10) or more indeterminate employees covered by this Appendix, the CRA shall notify, under no circumstances less than forty-eight (48) hours before the situation is announced, in writing and in confidence, the PSAC. 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 number of employees, by group and level, who will be affected. (2.1.1)

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

An affected employee is an indeterminate employee who receives written notification that their services MAY no longer be required (definition of 'affected employee' & 1.1.5) or, in cases where a work unit is to be relocated, the CRA shall provide all employees whose work unit is to be relocated with the opportunity to choose whether they wish to move with the position or be treated as if they were subject to a WFA situation. (3.1.1)

The CRA shall provide information directly to the PSAC on the numbers and status of their members who are in the preferred status administration process. (1.1.36)

Voluntary Departure Programs

After employees receive affected letters, the CRA shall establish an internal voluntary departure program for WFA situations involving five (5) or more employees working at the same group and level within the same work unit (6.2.1). Employees have a minimum of 30 calendar days to decide if they wish to participate (6.2.1(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 four different opting provisions. (1.1.5)

Written Notice of Relocation of a Work Unit

Following written notification, employees must indicate, within a period of six (6) months, their intention to move. (3.1.2) If the employee's intention is not to move with the relocated work unit, or if the employee fails to provide their intention to move within the six (6) months, the Commissioner can either provide the employee with a guarantee of a reasonable job offer or access to the options set out in section 6.4 of this Appendix.

Employee Decides not to Move with the Position

If the employee's intention is not to move with the relocated work unit, or if the employee fails to provide their intention to move within the six (6) months, the Commissioner can either provide the employee with a guarantee of a reasonable job offer or access to the options set out in section 6.4 of this Appendix. (3.1.2)

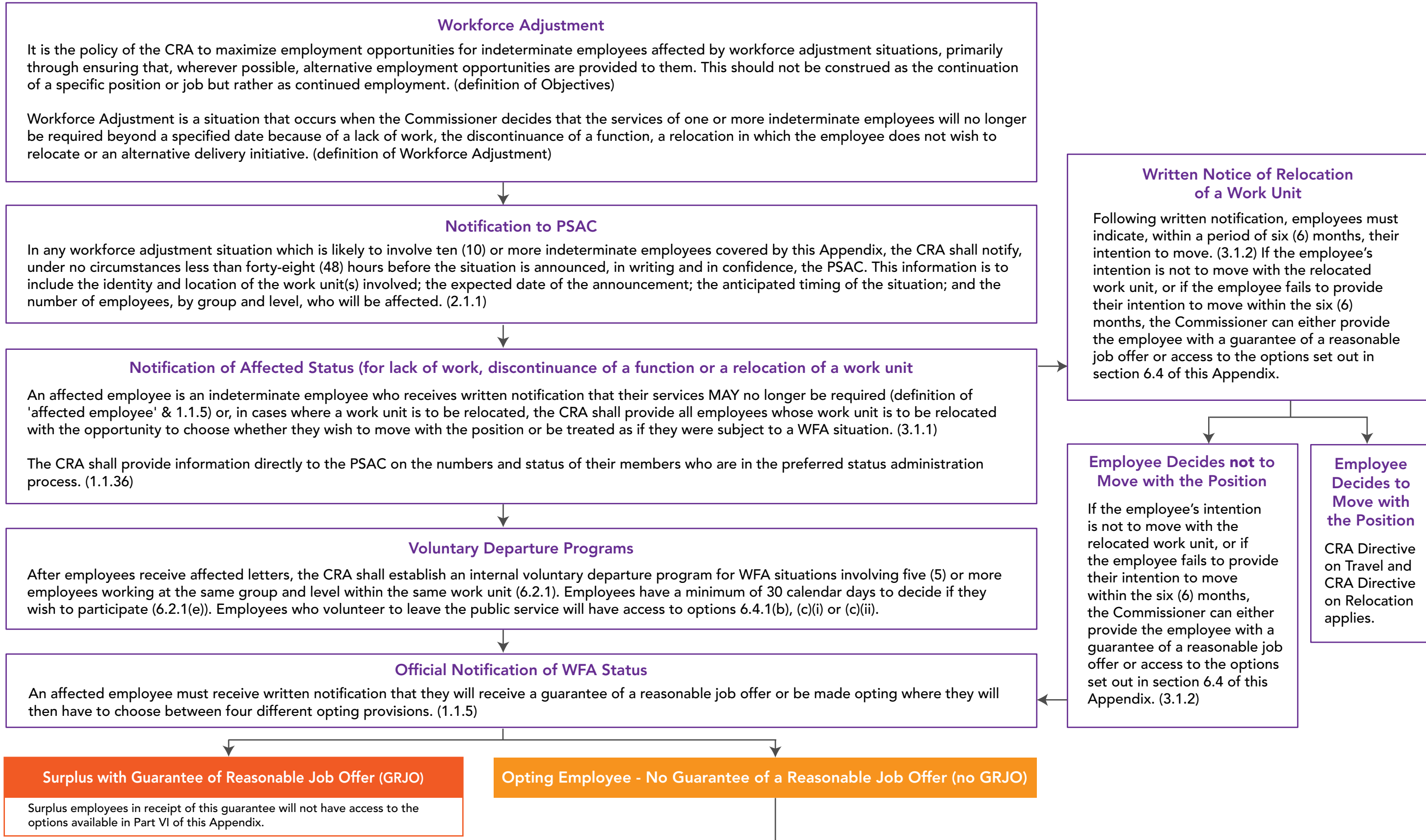
Employee Decides to Move with the Position

CRA Directive on Travel and CRA Directive on Relocation 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 Preferred Status

Under the CRA Staffing Program, an entitlement of preferred status for appointment to surplus employees to permit them to be appointed to other positions in the CRA without recourse.

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. Where practicable, a reasonable job offer shall be within the employee's headquarters as defined in the Directive on Travel. (definition of Reasonable Job Offer)
- 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; (5.1.1 & 5.1.2)
- The CRA shall, wherever possible, ensure that preferred status for reinstatement is given to all employees who are subject to salary protection. (1.1.37)
- 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 preferred status for 15 month following the lay-off date, or following the termination date
- Severance pay at lay-off rate;
- No access to lump-sum amounts nor pension waiver.

Surplus Preferred Status

- Surplus referred status is, under the CRA Staffing Program, an entitlement of preferred status for appointment to surplus employees to permit them to be appointed to other positions in the CRA without recourse.
- Up to a maximum of 16 month to 20 months surplus preferred status period in which to secure a RJO
- When a surplus employee who has chosen, or who is deemed to have chosen, 6.4.1 option (a) offers to resign before the end of the surplus preferred status period, the Commissioner 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.
- iii. The CRA will make every reasonable effort to market a surplus employee in the CRA within the employee's surplus period within their preferred area of mobility. The CRA will also make every reasonable effort to market a surplus employee in the public service (Schedule I, IV, and V of the Financial Administration Act) within the employee's headquarters as defined in the CRA Travel Policy.
- The amount cannot exceed the maximum that would have been received under Option B;
- 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
- 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

- An opting employee is an indeterminate employee whose services will no longer be required because of a workforce adjustment situation and who has not received a guarantee of a reasonable job offer from the Commissioner and who has one hundred and twenty (120) days to consider and select one of the options in Part 6.4 of this Appendix. (definition of Opting employee)
- The opting employee must choose, in writing, one (1) of the three (3) options of section 6.4 of this Appendix and cannot change options once they have made a written choice.
- 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

A surplus Preferred Status period in which to secure a reasonable job offer

A surplus Preferred Status period in which to secure a reasonable job offer is one of the options provided to an opting employee who selected option 6.4.1(a) and for whom the Commissioner cannot guarantee a reasonable job offer.

The length of the surplus preferred status period is based on the employee's years of service in the public service on the day the employee is informed in writing by the Commissioner that they are an opting employee:

- Employees with less than ten (10) years of service are eligible to a twelve (12) month surplus preferred status period.
- Employees with ten (10) to twenty (20) years of service are eligible to a fourteen (14) month surplus preferred status period.
- Employees with more than twenty (20) years of service are eligible to a sixteen (16) month surplus preferred status period.

The CRA will also make every reasonable effort to market a surplus employee in the public service (Schedule I, IV, and V of the Financial Administration Act) within the employee's headquarters as defined in the CRA Travel Policy.

Employee Accepts RJO

- If applicable, eligible for retraining, salary protection or preferred status for reinstatement
- If appointment to a lower level position, salary is protected until they are appointed to a position with a maximum rate of pay equal to or higher than that of the surplus position
- The CRA shall, wherever possible, ensure that preferred status for reinstatement is given to all employees who are subject to salary protection.
- 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;
- Surplus preferred status period (a 15-month period)
- Definition of layoff priority
- No access to lump-sum amounts nor pension waiver.

Option B Transition Support Measure (TSM)

Transition Support Measure (TSM) is a cash payment, based on the employee's years of service (see Annex B) made to an opting employee. The TSM shall be paid in one (1) or two (2) lump-sum amounts, at the employee's request, over a maximum two (2)-year period. Employees choosing this option must resign but will be considered to be laid-off for purposes of severance pay.

Option C Education Allowance

Education allowance is a TSM (6.4.1(b)) plus an amount of not more than seventeen thousand dollars (\$17,000) for reimbursement of receipts for tuition from a learning institution and costs of books and relevant equipment. Employees choosing option 6.4.1(c) could either:

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

- 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](#).
- Choosing Option C(i) enables the employee to receive the TSM as layed 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.
- Employees choosing option 6.4.1(c)(ii) who have not provided the CRA with a proof of registration from a learning institution twelve (12) months after starting their leave without pay period will be deemed to have resigned from the CRA, and be considered to be laid-off for purposes of severance pay.
- During this period, employees could continue to be public service benefit plan members and contribute both Employer and employee share to the benefits plans and the Public Service Superannuation Plan.
- At the end of the 2 years, the employee is laid off unless alternate employment is found;
- Lay-off preferred status for 15 month following the lay-off date, or following the termination date

Alternation Program

- 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 CRA exchanges positions with a non-affected employee (the alternate) willing to leave the CRA with a Transition Measure Support or with an Education Allowance
- Employees may also participate in the alternation process within the one hundred and twenty (120) day calendar day window before a decision is required of them in 6.1.3 (the selection of an Option).
- Only opting and surplus employees who are surplus as a result of having chosen option 6.4.1(a) may alternate into an indeterminate position that remains in the CRA.
- 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.

