

KEY ELEMENTS OF THE PARKS WORKFORCE ADJUSTMENT



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

Workforce Adjustment

It is the policy of the Agency to maximize employment opportunities for indeterminate employees affected by work force adjustment situations, primarily through ensuring that, wherever possible, alternate 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.

Work force adjustment is a situation that occurs when the Chief Executive Officer 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.

Notification to PSAC

1.1 In any work force adjustment situation involving indeterminate employees covered by this Appendix, the Chief Executive Officer shall notify the National President of the Alliance. Such notification is to be in writing, in confidence and at the earliest possible date and under no circumstances two (2) working days before any employee is notified of the workforce adjustment situation. Such notification will include 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 by the decision.

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 Agency shall provide all employees whose positions are 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 Agency 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)

Voluntary Departure Programs

After employees receive affected letters, the Agency 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 (a) & (b))

Written Notice of Relocation of a Work Unit

3.1.2 Following written notification, employees must indicate, within a period of six months, their intention to move. If the employee's intention is not to move with the relocated position, the Agency 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 position, the Agency 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

The cost of traveling to interviews for possible appointments within the Public Service and of relocation to the new location shall be borne by the Agency. Such cost shall be consistent with the Travel Policy and Integrated Relocation Program Pilot. (1.1.18)

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 in appointment accorded by the Chief Executive Officer to surplus employees to permit them to be appointed to other positions in the Agency on the basis of individual merit without recourse.

Employee Accepts RJO

- Reasonable job offer (Offre d'emploi raisonnable) is an offer of indeterminate employment within the Agency, normally at an equivalent level but could include lower levels. Surplus employees must be both trainable and mobile. Where practicable, a reasonable job offer shall be within the employee's normal workplace, as defined in the Parks Canada Travel Policy.
- 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; (5.1.1 & 5.1.2)
- The Agency shall, wherever possible, ensure that reinstatement priority is given to all employees who are subject to salary protection.
- 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 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

- Opting employee is an indeterminate employee whose services will no longer be required because of a work force adjustment situation and who has not received a guarantee of a reasonable job offer from the Chief Executive Officer and who has 120 days to consider the Options of Part 6.4 of this appendix.
- 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 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 the options provided to an opting employee for whom the Chief Executive Officer cannot guarantee a reasonable job offer.

- a) Twelve-month surplus priority period in which to secure a reasonable job offer is timelimited. Should a reasonable job offer not be made within a period of twelve months, the employee will be laid off in accordance with the Parks Canada Agency Act, Section 13. Employees who choose or are deemed to have chosen this Option are surplus employees.
- (i) At the request of the employee, this twelve (12) month surplus priority period shall be extended by the unused portion of the 120-day opting period referred to in 6.1.2 which remains once the employee has selected in writing option (a).
- (ii) When a surplus employee who has chosen, or who is deemed to have chosen, Option (a) offers to resign before the end of the twelve (12) month surplus priority period, the Chief Executive Officer 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), the Transition Support Measure.
- (iii) 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. The Agency will also make every reasonable effort to market a surplus employee in the Public Service within the employee's normal work location as defined in the Agency Travel Policy.

Option B Transition Support Measure (TSM)

b) Transition Support Measure (TSM) is a lump-sum payment based on the employee's years of service as per Annex B made to the opting employee. Years of service is the combined years of service in the Public Service immediately prior to appointment to the Agency, for which he or she was not granted a Transition Support Measure, plus years of service with the Agency. Employees choosing this Option must resign but will be considered to be laid-off for purpose of severance pay.

Option C Education Allowance

Education allowance is a TSM (see Option B, above) plus an amount of not more than \$17,000 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:

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.

No RJO Received within the Surplus Preferred Status Period

- Lay-off notice at least 1 month before the scheduled lay-off date;
- a person who has been laid off is entitled to a preferred status for appointment without staffing recourse to a position in the CRA for which, in the opinion of the CRA, the employee is qualified. The preferred status is for a period of fifteen (15) months following the lay-off date, pursuant to subsection 51(1)(g) of the CRA Act.
- If applicable, eligible for retraining, salary protection or reinstatement priority entitlements.

Alternation Program

- The Agency will develop and implement 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. (Échange de postes) 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.
- 6.3.2 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 Agency.

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

- Lump-sum amount(s). The cash amount ranges from 4 to 52 weeks' salary (Annex B). Individuals with 16-29 years of service get the maximum amount.
- considered to be laid-off for severance pay purposes on the date of their departure.
- Relinquishes any priority entitlements for reappointment;
- 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 WFAA but is actually specified in the Public Service Pension plan
- 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 c)(ii) who have not provided the Chief Executive Officer 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 Agency 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;
- 12 month lay-off priority status.

