

Treasury Board Secretariat

Employment Transition Information Session for Supply Chain Ontario AMAPCEO-Represented Employees

June 7, 2023

Centre for People, Culture and Talent
HR Service Delivery Division
HR Advisory Services



Agenda

The purpose of today's session is to provide **general information regarding rights and entitlements for employees with either an AMAPCEO-represented home position in Supply Chain Ontario** or in an AMAPCEO-represented Fixed Term contract to assist you in making informed decisions. We will:

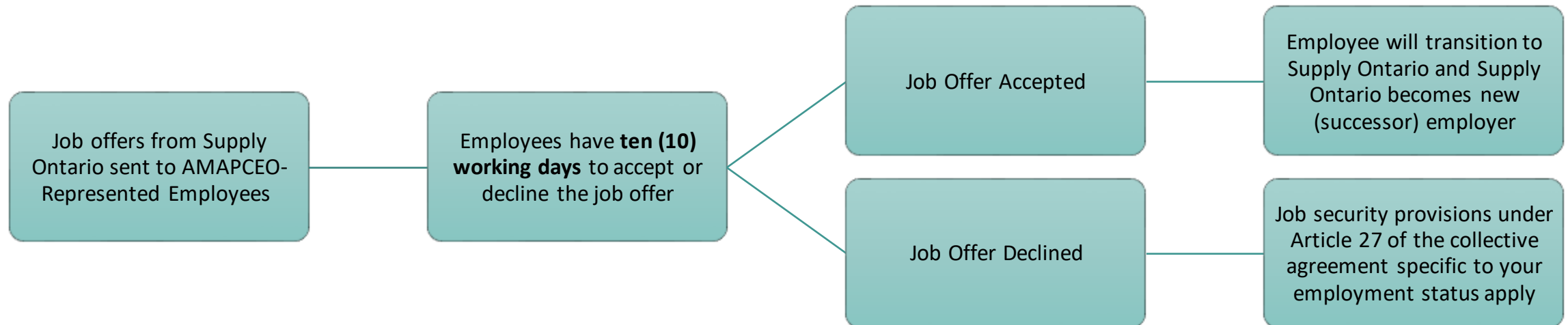
- ❖ Provide a high-level overview of next steps in the transition process
- ❖ Outline relevant sections of the Collective Agreement (Article 27.18.1)
- ❖ Outline entitlements for Regular and Fixed Term AMAPCEO employees if the job offer from Supply Ontario is declined

Next Steps

All employees with an **AMAPCEO-represented home position in SCO** are expected to receive a comparable job offer from Supply Ontario

Employees in **unencumbered acting positions or Fixed Term contracts** (over 30 days) are also expected to receive a comparable job offer

Your rights and entitlements **flow from your home position** and will depend on your decision to accept or decline a job offer from Supply Ontario, as well as your employment status



Note: HR Advisory is not able to provide information on the timing of job offers from Supply Ontario. Your leadership will provide you with additional information when it is available

Article 27: Job Security

Terminology

Article 27: Outlines the job security provisions applicable to AMAPCEO-represented employees when managing the workforce implications of organizational change initiatives

Sale of a Business: Lease, transfers and any other manner of disposition of a business ("enterprise"), including parts thereof as defined in the *Labour Relations Act, 1995*, section 69.

Successor Employer: The new owner that acquires substantially all the property used in the trade or business and employs the individuals who, prior to the acquisition, were employed by the former owner

Transfer Date: The target date for employees who accept job offers to transfer to the successor employer

Surplus (Layoff): Involuntary exit of an employee from the OPS because the position is **surplus** to the requirements of the organization

Surplus Notice Alert (SNA): Written notice provided to employees in affected positions and job functions prior to any upcoming surplus activity and potential early exit options

Notice of Layoff (Surplus Notice): Written notice provided to an employee whose position has been declared surplus to the requirements of the organization

Surplus (Layoff) Date: Last day of written notice provided to an employee whose position has been declared surplus to the requirements of the organization

Surplussed (Laid-off) Employee: Employee who has been dismissed from employment

Article 27.18.1 "Sale of a Business"

- ❖ The transition of the work from Supply Chain Ontario to Supply Ontario is considered a 'sale of a business' as defined in the *Labour Relations Act, 1995*, section 69
- ❖ Employees who are transferred to the successor employer are not terminated or severed and their service and seniority is carried over to the successor employer
- ❖ Employees who **do not receive a job offer** or **who refuse a job offer** from the successor employer will be surplus and have **all the rights of surplus employees**
- ❖ Employees who refuse a job offer and **accept employment with a successor employer within twelve (12) months** will **repay any and all payments** received as a result of being surplus

Impact of Declining a Job Offer for Fixed Term Employees

Under Article 27.1.1(b), Fixed Term employees who decline a job offer:

- ❖ Notice entitlements under the *Employment Standards Act*:
 - Either 2 or 16 weeks' notice depending on the total length of service in the OPS
 - Working notice or pay in lieu of notice, at the discretion of the Employer
- ❖ Pay out of earned unused eligible credits (e.g., vacation) on termination
- ❖ Eligible to apply to restricted competitions for twenty-four (24) months after the date of layoff
- ❖ **All other job security entitlements are only applicable to regular (permanent) AMAPCEO-represented employees**

Surplus Notice Alert (SNA) and Notice of Layoff (NOL) Exit Options:

Pay-In-Lieu (Article 27.7.1, (a) or (b))
Retirement/Pension Bridging

Surplus Notice Alert (SNA)

Surplus Notice Alert offers impacted employees an **early opportunity to exit the OPS** and not seek a Targeted Direct Assignment (TDA) or bump

- Issued **not less than six (6) working days** prior to the issuance of any Notice of Layoff (NOL)
- Employees electing to exit submit their request to exit within five (5) working days
- The employer responds in writing **within five (5) days** and your **last day at work will be five (5) days** from receipt of the employer's acceptance, or another date mutually agreed upon

Note:

- SNA is not included in the six (6) month NOL period
- If no exit election chosen, may proceed to Notice of Layoff (NOL)

Option A & B: Pay-in-Lieu (PIL) Notice

An AMAPCEO employee who **declines a job offer and elects to exit** receives all of the following:

- 1. Payment** (based on the salary of the position declared surplus) of either:
 - (a) Lump sum** of six (6) months pay, **OR**
 - (b) continuance of salary plus benefits** (except STSP and LTIP) for the duration of the notice period
- 2. Severance Pay of one (1) week of pay for each year of continuous service**, to a maximum of 26 weeks, and payout of eligible unused credits (e.g., vacation) in accordance with the MBC Compensation Directive.
Example: An employee with 18.5 years of continuous service is entitled to 18.5 weeks of severance pay
- 3. Enhanced Severance** equal to one (1) week's pay for each **completed** year of service, with no maximum
Example: An employee with 18.5 years of continuous service is entitled to 18 weeks of enhanced severance pay

Note:

- Amounts are **calculated based on last day on payroll**
- **All rights to bumping, TDA, and recall are forfeited**, except right to apply to restricted competitions for twenty-four (24) months (note repayment obligations may apply if you are re-appointed in the OPS)
- See Article 27.7.1 of the collective agreement for more detailed information

Option C & D: Retirement and Pension Bridging

An AMAPCEO-represented employee who **declines a job offer and elects to retire is entitled to payment for the NOL period, severance pay and enhanced severance**

- ❖ Employees may be eligible to retire with an unreduced pension (Factor 60/20, 90 or age 65) under one of the following:
 - **Immediately** with an unreduced pension
 - **During the notice period** with an unreduced pension
 - **Pension bridge as a leave without pay** but with the continued accrual of pension credits, by using six months' notice period, plus severance pay (maximum of twenty-six (26) weeks), plus an unpaid leave of absence of up to two (2) years to bring you to an actuarially unreduced pension option under the Public Service Pension Plan
- ❖ Contact the Ontario Pension Board at 1-800-668-6203 to confirm retirement eligibility
- ❖ Then log a ticket with the OPPSC to speak with the Benefits Advisor about retirement planning and/or pension bridging

Note: Where an employee receiving Article 27.5.3(a) notice selects a retirement option, **all rights to bumping, targeted direct assignment, and recall are waived**

See Article 27.21 for more detailed information on pension bridging

Notice of Layoff (NOL): Article 27.6

For **Regular SCO employees** who decline the job offer from Supply Ontario, and **do not elect an exit option** at the Surplus Notice Alert stage:

- **Receive six (6) months' notice of the date of layoff**
- Can occur six (6) days following the SNA
- **Employees have ten (10) working days to elect an option:**
 - Remain available for Targeted Direct Assignment (TDA)
 - Complete an Employee Form (EF) within six (6) days of receiving NOL (*see slide 16*)
 - Receive information that non-probationary employees can elect bumping (*see slide 19*)
 - Pay-in-lieu (*see slide 10*)
 - Immediate Retirement or Pension Bridging to retirement (*see slide 11*)
- If no election is made, the employee shall be **deemed to remain available for Targeted Direct Assignment**
- Employees who decline a job offer and are **not electing to exit** are required to complete an **Employee Form (EF) within six (6) days of receiving NOL**

Targeted Direct Assignment Process

Target Direct Assignments (TDA) Process

TDA is an **employee-driven process** by which an employee in receipt of layoff notice or who have been laid off, can **search for and identify AMAPCEO-represented vacancies or Voluntary Exit Registered (VER) positions** provided you:

- Identify it through the TDA process prior to the competition closing and for the next TDA Match date and,
- Meet the **entry level** qualifications

AND Provided that the position is:

- **Same level or any lower levels as your home position** that was declared surplus OR,
- Where you have been in an acting assignment(s) for more than two (2) years at a higher level than your surplus position – at the level of your current AMAPCEO-represented acting position, or lower levels;

AND Provided that:

- There is no other **AMAPCEO-represented employee who has more seniority** and who is also eligible for the identified vacancies or positions registered on the VER through the TDA and compassionate transfer (CT) processes

Note: During your **six-month NOL period** you can identify **permanent vacancies and positions registered on the VER**. In the last two (2) months of your NOL period, you can also identify temporary vacancies

Target Direct Assignments (TDA) Process (continued)

- Relocation expenses will not be paid if you accept a position through Article 27 TDA process
- If you **refuse to accept a permanent** AMAPCEO-represented position identified through the TDA process, you will be laid off at the end of the notice period or take a pay-in-lieu option for the remainder of the notice period and **waive rights** to:
 - Art 27.8 - other TDA opportunities
 - Art 27.9 – bumping
 - Art 27.10 - TDA opportunities to temporary assignments **in last two (2) months** of NOL period
 - Art 27.11 - Recall ; and
 - Art 27.14.3 and 27.14.4 Labour Adjustment & Training provisions

It is important that you review the detailed process information, guides and the relevant forms as well as **Article 27.8:** [AMAPCEO Targeted Direct Assignment Intranet Page](#)

Employee Form (EF)

Employees who decline a job offer and are **not electing to exit** are required to complete a centrally maintained **Employee Form (EF) within six (6) days of receiving NOL:**

- Provides the employer with information about your employment history and information about your skills, knowledge and abilities in various job function categories
- **Will be used to assess your qualifications** against the entry level qualifications required for the specific vacancy or position registered for VER that you have identified through the TDA process
- Will also be used to assess your qualifications if you elect to bump

Note: You may update the employee portion of your EF at any time

Further detailed information on the form can be found at: [Employee Form](#)

Supplementary Employee Form (SEF) and Ranking Form (RF)

A **Supplementary Employee Form (SEF)** is recommended for **each position** you identify through the TDA process:

- Used together with your centrally maintained EF
- Allows you to provide detailed information to assess your qualifications against the qualifications required for the specific positions you identify

A **Ranking Form (RF)** is also recommended and used to rank your preference in numerical order if you are identifying more than one TDA opportunity each match date

- If you do not submit a RF you will be considered for vacancies and positions in order of their chronological date of posting

Refer to the [Job Security Forms Guide\[PDF\]](#) as a reference tool to help you complete SEF and RF

Bumping

An **Employer-driven** process where a **Regular non-probationary employee can elect** to bump into a permanent AMAPCEO-represented position occupied by the least senior employee for which the surplus employee is qualified:

- **Currently performing** the work; **or**
- Has performed the work of the position within the **previous 3 years; or**
- Would be able to perform the work **within 5 weeks**
- Provided that an EF has been submitted by the **end of the third (3rd) month** of notice period checking **“yes” for bumps**, the Employer will search for a bumping option provided you have not been assigned to a permanent position under the TDA process
- Employees may update the EF anytime **prior to the end of the fourth (4th) month** of their notice period to reflect the new or improved skills, knowledge and abilities to be considered for bump purposes
- **You would be notified if the Employer has identified a bump opportunity by the end of the fifth (5th) month** of your notice period

Note: If you do not complete this section of your EF on time, you will forfeit your right to bump

For more detailed Information, see Article 27.9 or [AMAPCEO Targeted Direct Assignment Intranet Page](#)

What happens if an employee is on a temporary assignment within the OPS?

- ❖ Where the employee's position is declared surplus **while the employee is on a temporary assignment** within the OPS, the **home ministry has the option** to:
 - Return the employee to their home position and issue the surplus notice at that time, **OR**,
 - Give the employee the surplus notice and allow the employee to remain on temporary assignment until directly assigned into a permanent vacancy, the temporary assignment ends, or the notice period expires, whichever occurs first.
- ❖ If an employee does not secure a new permanent home position, the employee will be **laid off at the end of their notice period, or the end of their temporary assignment, whichever is later.**
- ❖ If an employee receives a **layoff notice prior to a temporary assignment**, the **employee's notice period is put on hiatus** during the temporary assignment provided it was filled competitively and is greater than 6 months.
 - All redeployment activities cease, but the **employee can identify vacancies under TDA process**
 - At the end of the temporary assignment, the balance of the **notice period will resume**

Layoff

Employees who do not secure an **alternate position** by the end of their notice period shall be laid-off with:

- **Severance Pay of one week of pay for each year of continuous service**, to a maximum of 26 weeks, and payout of eligible unused credits (e.g., vacation) in accordance with the MBC Compensation Directive
- **Enhanced Severance** equal to one (1) week's pay for each **completed** year of service, with no maximum
- Eligible to identify **permanent** AMAPCEO-represented vacancies and VER positions through the **TDA** process within twenty-four (24) months from your NOL end date
- Eligible to **apply to all restricted competitions** for 24 months after layoff, regardless of the employee group or geographic area of search (no priority consideration)

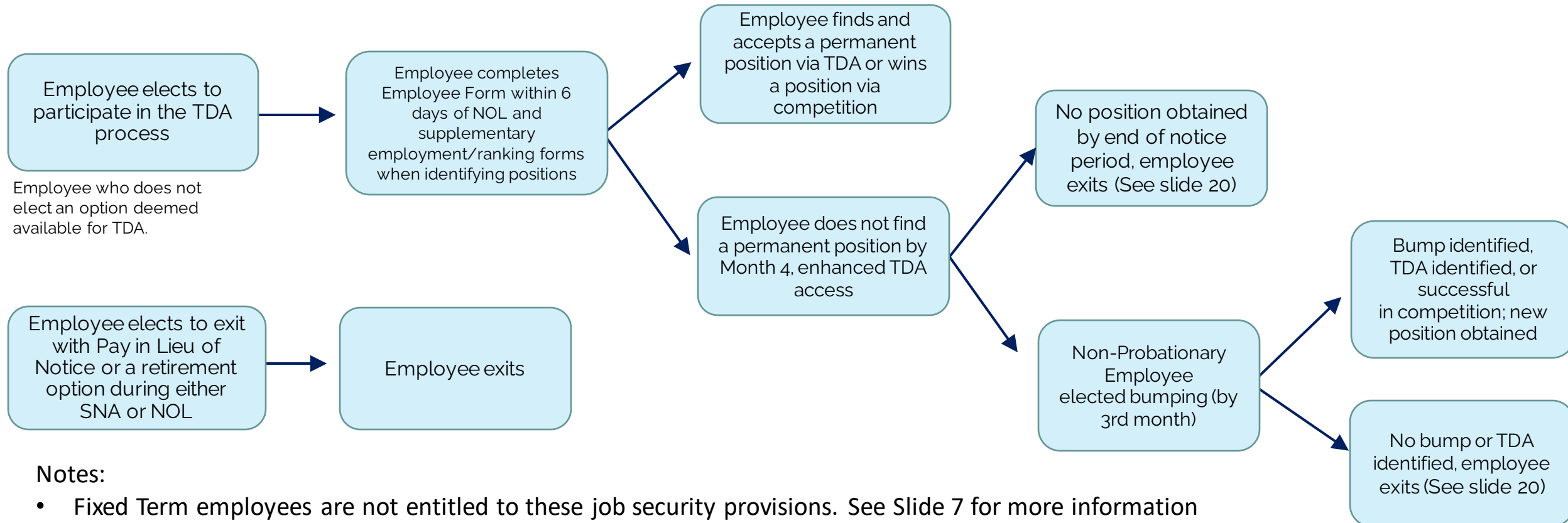
Note: AMAPCEO-represented employees re-appointed to a Regular or Fixed Term position in the OPS must **repay a pro-rated portion of their enhanced severance** if re-appointed within the period the enhanced severance payment covers

For more detailed Information, see Article 27.11 or: [AMAPCEO Targeted Direct Assignment Intranet Page](#)

Use of Credits Prior to Layoff

- ❖ There will likely be one coordinated date for staff receiving a notice of layoff.
- ❖ Any unused **eligible** credits will be paid out as part of the exit package:
 - ❖ 2023 vacation credit entitlement will be pro-rated
 - ❖ Excess vacation carry-over credits have no cash value and therefore cannot be paid out
- ❖ If you prefer to use earned vacation credits, you should do so, upon management approval, prior to the transition date

Summary of Article 27- Notice of Layoff for Regular Employees Who Decline a Job Offer from SO



Notes:

- Fixed Term employees are not entitled to these job security provisions. See Slide 7 for more information
- Throughout the Surplus Notice period, you are encouraged to apply to competitions of interest that do not meet TDA requirements
- This is intended to be a simplified overview. We recommend you review Article 27 for additional details and complete information

Additional Information

- [AMAPCEO Collective Agreement](#) -Job Security in Article 27
- [Surplusing and Layoffs \(OPS\) Factsheet](#) on the AMAPCEO website
- [Targeted Direct Assignments and Bumping \(OPS\) Factsheet](#) information on the AMAPCEO website
- [AMAPCEO Targeted Direct Assignment](#) intranet site contains detailed information and links to:
 - [The Job Security Forms Guide and Employee Form](#)
 - [The Restricted Employee Portal guide](#)

Contacts

AMAPCEO can provide information on your rights and entitlements.

- Questions? Contact supplyon@amapceo.on.ca and a designated AMAPCEO staff member or Workplace Representative will assist you.

HR Advisory can provide information on employment transition, entitlements, EF and TDA process.

- Lucas O'Dwyer: lucas.o'dwyer@ontario.ca or 416-704-9622

Benefits can provide information on termination, pay estimates and retirement.

- opssc@ontario.ca or 1-888-99-OPSSC (1-888-996-7772)
- Ask that your ticket be assigned to the Benefits Advisor
- Note that you are a Supply Chain Ontario employee and ask that your ticket be escalated

Ontario Pension Board can provide you information on your pension and retirement eligibility.

- 416-364-5035 or 1-800-668-6203

For questions about your Employment Insurance eligibility, visit the Service Canada website at www.servicecanada.gc.ca.