

# CUPE WIRE

Official Publication of the Canadian Union of Public Employees, Local 38  
1439—9th Av. SE, Calgary, T2G 0T4, Phone (403)233-2700 Fax (403)290-1757  
Email—office@cupe38.org Website-www.cupe38.org

VOLUME 24 ISSUE 3



March 2016

## Sales Associates

In early February, Local 38 filed an application with the Alberta Labour Relations Board requesting the Board review and make a determination as to whether Sales Associates at Enmax are Local 38 members or are they exempt employees.

The Alberta Labour Code allows for managers to be excluded from bargaining units to enable them to manage staff, negotiate collective agreements and avoid conflicts of interest. It is ultimately the Labour Relations Board who determines who performs managerial positions, and if there is a dispute between an employer and a union over a specific position being managerial or not.

Criteria used by the Board to make a determination include:

- Does the position make effective decisions on discipline and discharge?
- Does the position provide meaningful input into collective bargaining proposals for the employer, or respond to grievances?
- Is the position responsible for assigning work and ensuring staff meet quality of work expectations?
- Does the position exercise supervisory responsibility over other employees (sign off on overtime, vacation, etc.)?

Although the above is not a comprehensive list, it provides an insight into how the Board approaches a determination on whether a position exercises managerial functions.

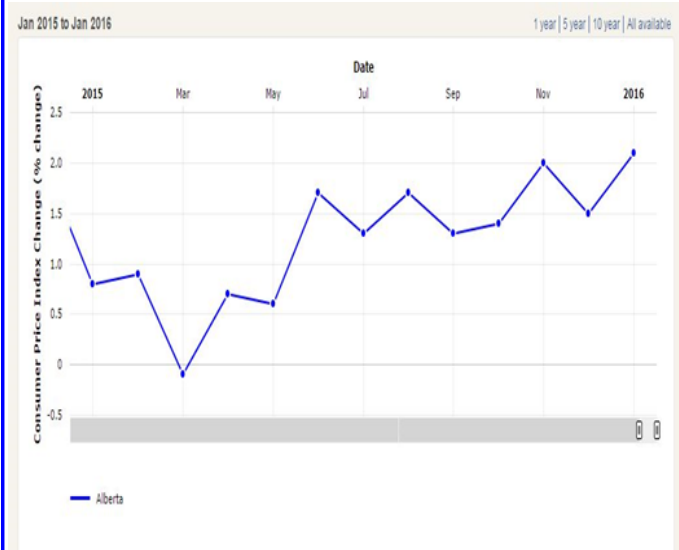
*Continued on Page 3*

## Consumer Price Index

Statistics Canada's Consumer Price Index (CPI) – commonly referred to as the inflation rate - provides a broad measure of the cost of living in Canada. While there are other ways to measure price changes, the CPI is the most important indicator because of its widespread use, for example, to calculate changes in government payments such as the Canada Pension Plan and Old Age Security.

Through the monthly and annual CPI, Statistics Canada tracks the retail price of a representative shopping basket of about 600 goods and services from an average household's expenditure: food, housing, transportation, furniture, and clothing.

On a year-over-year basis Albertans paid 2.1% more in January 2016 for the goods and services that comprise the Consumer Price Index (CPI) than in the same month a year ago. By comparison, the Canadian CPI registered a 2.0% increase over the same period. The largest price increase in Alberta was registered for food (up 4.0%), while the largest price decrease was for energy (down 6.8%).





## Honours our 2015 Retirees

on

**Saturday, May 14<sup>th</sup>, 2016**

**6:00 pm – 12:30 am**

at the

**Calgary Winter Club**

**4611 – 14 Street NW**

**Tickets \$25.00 each**

**Call the Union Office**

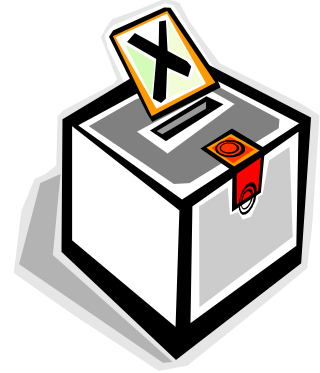
**at 233-2700**

**To reserve your ticket**

## Advance Notice of CUPE Local 38 Elections

At the Regular General Meeting April 26th the following positions will be open for a two (2) year term:

- 1) President
- 2) Treasurer
- 3) Chief Steward
- 4) Warden
- 5) Five (5) Executive Members-At-Large



To be eligible for nominations for any of the offices, members must have attended at least 50% of the Regular General Meetings in twelve (12) months immediately prior to the election. The member must be present at the April meeting, or indicate in writing to the Secretary a willingness to stand for nomination.

In accordance with the CUPE Local 38 bylaws, in order to be eligible for the office of President, Treasurer and Chief Steward, a member shall declare their intention to run at the March Regular Meeting. This declaration can be made verbally at the March meeting or by submitting a written declaration witnessed by another member which is to be read at the March meeting.

### *Did you Know ...*

March 8<sup>th</sup> is



**International  
Women's Day**

March 21<sup>st</sup> is  
International Day for the  
Elimination of Racial  
Discrimination



March 22<sup>nd</sup>  
World Water Day



### Connect with CUPE 38

Email: [office@cupe38.org](mailto:office@cupe38.org)

Phone: 403-233-2700

In-person: 1439 - 9th AVE SE, Calgary, AB T2G 0T4

Online: [cupe38.org](http://cupe38.org)

## Sales Associates

*Continued from Page 1*

Local 38 has seen a growing number of positions being posted outside our jurisdiction that, when looked at through the criteria above, do not meet the definition of exempt. We recently looked at the Sales Associates position and requested rationale from Enmax as to why these positions are exempt. Their response was that Enmax does not see the Sales Associates falling within the definition of office workers.

Any definition of a Labour Relations certification must be viewed in light of the functions of the position, rather than a physical location. Local 38 did not agree that the Sales Associates do not fall within a definition of office worker, as stated above; consequently, we filed our application to the Labour Board.

We hope the Board will be in a position to render a decision on this issue within the next month. During this time, Local 38 will continue to re-view positions within Enmax to ensure that the company is adhering to the collective agreement.

## THOUGHT FOR THE MONTH



**There's a choice in everything you do but in the end the choices you make makes you.**

**~ John Wooden**

## Your Plan Benefits

Letter of agreement #1, on page 60 of the collective agreement, establishes the Benefits Oversight Committee as the group responsible for dealing with changes to the benefit plan. It is through this committee that Local 38 has been pursuing some improvements in the health benefit area, as it is the group to ensure that benefits remain competitive with the market.

In recent years we have been increasingly concerned that the fixed cost benefit, such as the dental limits, vision care and the health spending account have been eroded by inflation. Over the last 10- 15 years, health cost have generally surpassed other goods and services when it comes to inflation. During this same time period Your Plan Benefit yearly limits have remained unchanged.

We are looking forward to sitting down as a committee to review where health benefits are at ENMAX. Especially, as it has been well over ten years since the plan was established. We will provide you with an update after we have met.



City Plus and Legacy Savings have joined together to serve you better.



community | energy | focus

For a limited enjoy a 3-year mortgage at 2.25%\* and a variable rate personal loan at 3.99%\*.

*\*Terms & Conditions apply.*



Main 403.265.6050 | City Plus 403.268.2626 | [legacysavings.com](http://legacysavings.com)

# Get involved!

## REGULAR MEMBERSHIP MEETING

*All CUPE 38 Members Invited to Attend*



**When: Tuesday, March 22, 2016**

**at 7:00 p.m.**

**Where: CUPE 38 Office,**

**1439-9 Avenue SE**

**Business: Regular & Elections**

### **Elections:**

- 1.** Four (4) delegates to the CUPE Annual Weeklong School, May 29-June 3, 2016 in Red Deer.

**Declaration of Intention to run for Officer Elections**  
**Please see Page 2 for “Advance Notice of Elections” information**