

# THE CUPE CONNECTION

Official Publication of the Canadian Union of Public Employees, Local 38  
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October, 2014

## Are you Indemnified?

In December 2013, a Protective Services Officer engaged in an altercation with a member of the public. After our member was assaulted, our member subdued the individual.

The incident was duly reported to Management, who reviewed the video evidence of the incident, and found no wrong-doing in the actions of our member. Subsequently, the member of the public went to the Crown Prosecutors office, and charges of excessive force were laid against the Local 38 member.

The City's position is that they will not indemnify the officer since it is a criminal charge. Even if the member is found ultimately to be innocent of all charges, the City's position is that they will not cover any legal expenses, even after the fact. Further, the City argues that the indemnification policy outlined on their own internal website will not cover any criminal charges, whether such charges are substantiated or not.

The policy clearly states that the City will pay liability, "provided always that the legal liability for damages arising out of any act, error or omission during the performance of an employee's duties which are, or which the employee believes in good faith to be, within the scope of his/her employment." It now comes to light that the City believes that if an employee is charged, and subsequently found innocent, then the actions could not have been de facto within the scope of their employment. In his first term, Mayor Nenshi held a townhall session on the steps of City Hall urging City employees to think outside the box, to take chances. The City has since shown that it is in the personal interests of all employees to do exactly the opposite. Will the City indemnify you should something go wrong? The employers' actions speak louder than their words.

## Website Update

It has been a long time in the making, but Local 38 now has a new website. Still accessible at [www.cupe38.org](http://www.cupe38.org), the new look is designed to provide easier and more streamlined communication to the membership.

Phase one was the redesign of the look and feel of the website. Currently, the information from the old website has been migrated over in preparation for phase two. The second phase will consist of developing a secured member's section. We are looking at developing both a Facebook and Twitter presence to communicate in a timely fashion on critical issues. Online surveys, as well as a more dynamic and interactive display of the newsletter, are all being developed.

As part of the overall redevelopment, Local 38 will be requesting that all members subscribe to our contact list, to get up-to-date news and information. We would prefer if members provide a personal email address rather than the [Calgary.ca](http://Calgary.ca) email address, as any mass email would likely be caught up in the City's firewall. The intent of the contact list would be to advise members of pertinent, and time sensitive information. One example of this type of information would be the LAPP pension fightback campaign.

The website upgrade is part of an overall move to ensure that we better communicate with you, the members. Given the speed at which developments occur, our commitment is to explore a variety of methods to ensure that you remain updated.

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Local 38 has challenged this interpretation of the policy and, at this time, has filed for arbitration on the matter. A second grievance on behalf of the individual has been filed to have the employer cover any associated with their employment. In the alternative, the City could step up and provide legal representation for the employee. However, until such time as this issue has a conclusion, we can only urge all employees to be extremely cautious.



### **Pension Changes Should be a By-Election Issue**

On September 18 Premier Prentice announced that Bills 9 and 10, designed to gut public and private sector pension plans, will not come back to the Alberta Legislature this fall. This brings an end to these bills, however, the Premier did not say the pension reform is dead. In fact he indicated that his government still intends to pursue pension reform. He has asked the new Finance Minister Robin Campbell to review the public sector pension plans to ensure that they are sustainable. At the same time, the Premier suspended the report from an all-party committee which held public hearings on pension reform.

This is a clear indication that the threat to our pensions is not over. It is for this reason that we should take the opportunity of the current by-elections to make this a key election issue. Firstly, find out what each political party plan is on pension reform. Secondly, to let them know that you and the rest of your extended family will not vote for any party that is willing to break the pension promise or gut your pension.

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invites you and your family to  
 join us on  
**Sunday, December 7th,**  
**4:00pm**  
 at  
 The Scotiabank Saddledome  
 for the  
**20th Annual Teddy  
 Bear Toss!**



Join us for a family friendly evening to watch



VS



the **Calgary Hitmen** host the **Moose Jaw Warriors**

Tickets are on sale now for \$5 per ticket.  
 Limit of 4 tickets per member

**Purchase your tickets by calling the  
 Union office at 233-2700.**

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If you are a voter in any of these ridings ensure that you phone or email all the candidates and get them on record. If you are not a resident of any of these ridings you are still able to attend the political forms and ask the candidates where they stand on pension reform.

It is your pension don't leave it to someone else.

## Update on vacation and banked vacation

In last month's Cupe Connection we reported on the application of articles 201.01 and 202 of the collective agreement. This caused Pay Services to raise a few issues.

Firstly, Pay Services doesn't track vacation on a calendar basis for local 38 members. At the same time they confirm that 38 members are required to review and sign off a leave accrual report at the end of each calendar year. This report verifies that balances at year end are accurate and that all leave plan time has been reported throughout the year.

Secondly, Pay Services is not aware of any instances where local 38 employees have been directed to use up their vacation by year end rather than their next anniversary date. Given the members that have contacted our office over the years it is a surprise that they aren't aware of the matter. However, it is good to know we are in agreement on how the contract applies.

Should your supervisor or manager inform you of a need to use vacation prior to year end, and it is not your anniversary date, please let them know to check with Pay Services. Should they maintain the need we you ask that you call our office at 233 2700.



**Reminder:** This edition of the CUPE Connection should include an insert for registering your child in this year's Kids Christmas Party. If you did not receive the insert, please call the office at 233-2700 to obtain one.

## Back Pay Reminder

Article 207.01 of the collective agreement requires members, who terminated their employment prior to the new contact being reached, to apply for their back pay.

This application must be received by the City on or before 2014 November 20. If you know someone who left the City in the first half of the year please let them know to apply if they haven't already done so.

## THOUGHT FOR THE MONTH



**"Every day may not be good  
but there is something good in  
every day"**

# GENERAL MEETING



Tuesday, **October 28**, 2014

7:00 p.m.

## **Union Office**

1439—9th Avenue **SE**

BUSINESS: REGULAR  
&  
**ELECTION OF 1 MEMBER FOR E.O.  
COMMITTEE**