

THE CUPE CONNECTION

Official Publication of the Canadian Union of Public Employees, Local 38
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VOLUME 22 ISSUE 6



JUNE, 2014

Negotiation Update



In the past couple of weeks we as City employees have received many emails and notes telling us how valuable we are and what important jobs we do. We have been thanked for our dedication and commitment but unfortunately this gratitude has not found its way to the bargaining table.

With the strike vote in hand your Negotiating Committee is scheduled to go back to the table with the Mediator and the City later this month. It is hoped that the City realizes that their current offer is unrealistic. The expectations of getting the 3% per year in-line with the average of the Alberta Public Administration is not extreme (especially when ENMAX employees received 3.5% per year).

The economic outlook for Calgary and Alberta is positive and most economists predict us to lead the country and North America in economic progress. In fact, the Bank of Montreal economists have Alberta's gross domestic product (GDP) at 3.7% for this year. The next highest Province is at 2.4%. A fundamental principal of capitalism is that the workers share in the gains. Let's hope City Council remembers this fact.

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Civic unions volunteer for charity running Stampede parking lot

This year marks the 21st anniversary of Civic Unions running the parking lot at Building "E" at Manchester for Stars Air Ambulance. Last year the Water Services parking lot was added which allowed the group to increase its donation substantively to Stars.

This year we have once again received permission from the City to use these lots during the weekend and after hours for this worthwhile cause. If you are planning to attend the Stampede we hope that you will consider supporting Stars as the rates charged are extremely competitive with other parking in the area.

If you would like to get involved, and are willing to provide one evening or weekend for a couple of hours to help with this worthwhile cause, please contact our office at (403) 233-2700. It is a lot of fun to meet other city employees as well as people from around the world. Many of the out of town guests are appreciative of the local information we as city employees can provide.



Negotiations—Continued from Page 1

Local 38 will also be running some newspaper ads to advise Calgarians that a labour dispute could impact them. We want to ensure that the citizens are aware of these impacts so that they can make alternate plans and not get caught in a difficult situation.

It is only if negotiations fail and the ads do not encourage Council to significantly improve their offer that we will be required to serve strike notice and start the rotating job action.

We would like to thank the members who have come forward and volunteered to participate in the job action. At this time we are assessing the various locations with respect to the impact on the City and its bottom line. Should your area be chosen, we will be contacting you once negotiations have proven unproductive.

Please look for updates on our website at www.cupe38.org in the 2014 City Negotiations folder.

Final Scholarship Reminder!

The two—\$1,000.00 each, scholarships are still up for grabs. Reminder for applicants to get their 1,000 word essay in by the August 22, 2014 deadline. Reminder that this scholarship is for our members' children. Students employed and paying dues to Local 38 on the August 22nd deadline also qualify.

Essays may be submitted to our office by email to: office@cupe38.org or through the internal mail, to mail code: 132.

Further details are available on our website at www.cupe38.org in the "For Members" section, or by calling our office at (403) 233-2700.



Volunteer opportunities

Stampeder Football Games—Women's Center

The United Way and the Women's Centre are looking for volunteers to work as ushers at future Stampeder's Football Games. It is a ton of fun—there's free parking, food vouchers and the opportunity to watch (most of) the game for free!

Ushering at Stampeder's football games is a major fundraising event for the Women's Centre. They are partly funded by United Way and FCSS (City of Calgary). The balance of their budget, over 50%, is raised through donations and fundraising activities. For each game they need 36-40 volunteers. Adult women and men are welcome and you can sign-up individually or as a group. Time commitment is 4 to 4½ hours each game. To sign up or for more information, contact **Filsan** at (403)264-1155 or filsan@womenscentrecalgary.org

More information on this volunteer opportunity is also available on our website at www.cupe38.org in the "For Members" section.

Labour Day B-B-Q

The Calgary & District Labour Council holds an annual B-B-Q for the homeless and working poor every year at Olympic Plaza in recognition of Labour Day. This event provides entertainment, food and free used books to interested citizens within the target group. If you are interested in helping out, please contact our office at (403) 233-2700.



Vacation vs. Banked Overtime

In 2010, Local 38 filed a grievance challenging a newly instituted policy in DBA that required employees who wish to have time off to completely use up their vacation entitlement before utilizing bank overtime or lieu days. In the individual case, the employee was 6 months into their vacation entitlement. The employee desired to take two days in late December as time off and to use previously banked overtime to cover off the time. Although management agreed that, given the slow period, there was no problem with taking the time off from work, after the fact they informed the employee he had to use vacation time rather than banked overtime.

The collective agreement treats these banks quite differently. It is a choice of the employee whether to bank overtime, and should it not be utilized prior to the end of the year, it is paid out. In this case, the employee wanted to take the overtime in time, rather than pay. That was the original intent when the overtime was banked.

It is the union's position that the Employer has the ability to determine whether an employee can be granted time away from work based on legitimate operational reasons. However, where the time comes from in terms of pay should be up the employee --- it is the employee that should choose overtime bank, lieu days, banked vacation or current vacation.

The policy grievance went to arbitration and the arbitrator found in favour of the employer's position. Part of the union's argument to the arbitrator was that the Employment Standards Code outlines minimum provisions regarding vacation allotments. In particular, it states that the employee must be allowed to take the minimum provincial allotment in one unbroken period, and that it can only be less than this if the employee *requests* it. Secondly, if the employer is to force the employee to take vacation, the employer must provide at least two weeks notice.

Local 38 challenged the arbitration decision at Judicial Review and the following was determined that:

"The Policy, however, must not, in its application, preclude an employee from taking the statutory minimum vacation in one unbroken period

or deny him two weeks' notice of the start of vacation. The Policy does not interfere with an employee... **so long as it is his choice to ask to have his vacation broken up.** If [the employee] was entitled to stack, the application of the Policy did violate his rights because the City effectively chose for him by crediting the two days to vacation when he had asked for time off in lieu of overtime pay."

In essence, management must let the employee know with proper advance notice that they must utilize vacation prior to using banked overtime. Further, the award supports the Local 38's position that the City must conform to the basic minimums of the Employment Standards Code, and cannot ignore it when applying internal policies.

The City has indicated to Local 38 of their intention to appeal the Judicial Review to the Alberta Court of Appeal. Given this intention, Local 38 will respond accordingly through our legal counsel.

Unfortunately, by engaging in such a policy, the City is simply telling our members to take overtime as pay up front and not to bother banking it. If they continue to make it difficult to access banked overtime, it is in the best interests of Local 38 members to ensure they simply get their overtime pay at the time they work it.

THOUGHT FOR THE MONTH



"Always remember to fall asleep with a dream and wake up with a purpose"

Anon

GENERAL MEETING
Tuesday, JUNE 24, 2014
7:00 p.m
Union Office
1439—9th Avenue South East



BUSINESS: REGULAR

Upon adjournment of this meeting there will be a small social.
There are no meetings in July and August therefore there will
not be a CUPE Connection until September.

Enjoy your summer!



Labour Day BBQ
Hosted by Calgary & District Labour Council

Monday, September 1st 11:00 am
at
Olympic Plaza

Hope to see everyone there!