



COTAPSA

MINUTES

45th Annual General Meeting

**Tuesday, May 31, 2011 11:30 a.m.
Toronto City Hall, Council Chambers**

1) Welcome & Acknowledgements

The Chair, Mike Major, called the meeting to order at 11:48 a.m.

2) Motion to Approve the Agenda

AGM#01-11

Moved by Ed Fearon

Seconded by Derek Angove

“THAT the Agenda for the Annual General Meeting of May 31, 2011, be approved.”

Carried

3) Declaration of Conflict of Interest

The Chair asked if anyone had a Conflict of Interest with the items on the Agenda.

None were declared.

4) Approval of the AGM Minutes of December 11, 2008

AGM#02-11

Moved by Judy Skinner

Seconded by Carolyn Johnson

“THAT the Annual General Meeting Minutes of December 11, 2008 be approved.”

Carried

5) Approval of the AGM Minutes of June 17, 2010

AGM#03-11

Moved by Marilyn Stuart

Seconded by Andre Rudnicky

“THAT the Annual General Meeting Minutes of June 17, 2010 be approved.”

Carried

6) Report from the President/Past President – Overview of COTAPSA’s activities, future challenges and recent achievements.

Constitution Review

- COTAPSA’s existing Constitution is not in compliance with many areas of the Corporation Act and the Law.
- COTAPSA conducted a thorough and comprehensive review of our Constitution over a two (2) year period.
- The revised Constitution was presented at the 44th AGM, June 17, 2010. After much discussion a motion was adopted: “To suspend the debate on the Constitution today until it is further worked on.”
- The Legislative Committee again asked input from our Members after the June 17, 2010 AGM. This input was gathered through an online survey and town hall meetings. Members input were incorporated into the Constitution.
- The revised Constitution was presented at a Special Members meeting on November 10, 2010 for a vote. It did not receive the 2/3 majority vote to approve it.
- COTAPSA will now have to decide how to proceed with the Constitution.

If any members are interested in serving on the Constitutional Review Committee please contact COTAPSA.

Recognition Agreement

COTAPSA will be pursuing this with the City. Our main objective for the year is to have the City formally recognize COTAPSA as the Association that represents the non union employees of the City of Toronto.

Membership Recruitment

COTAPSA continues to actively recruit new Members. The more Members we represent, the stronger our voice is when we advocate on your behalf.

Whistle Blower Policy

COTAPSA made a deputation at the City's Executive Committee on May 24, 2011. The City agreed to review our concerns and report back to COTAPSA in the fall. As an interim measure, they adopted the policy.

Compensation Plan Review

When City Council approved the Cost of Living Adjustment of 2.25% for 2011, they asked the City Manager to report back by the end of 2011 with a review of the Compensation Policy. COTAPSA will be monitoring this review when the time comes.

Members Perks

COTAPSA continues to offer discount rates for auto and home insurance through Waterloo Insurance. We are always looking for benefits that we can offer to our Members.

Labour Disruption Plan

Another high priority – union contracts will be up and a strike or lockout is a possibility. We are discussing this plan with the City based on some of the issues our members raised with us in 2009 such as:

- Unreasonable amounts of overtime
- Reassignments – appropriate training and safety measures
- Appropriate reallocation based on skill sets

New Benefit Carrier

The City is preparing an RFP for a new benefit carrier which will encompass more City employees including Toronto Police and Toronto Fire. The City has agreed to keep us informed as this progresses.

Recent Achievements

ESA Complaint – Re-earnable Performance Pay

- On October 27, 2009, COTAPSA initiated an *Employment Standards Complaint* for “unpaid wages” on behalf of the approximately 800 eligible COTAPSA members who did not receive their re-earnable performance pay for 2008.
- On March 21, 2011, the Ministry's decision clearly ruled in COTAPSA's favour.
- COTAPSA initiated the process, provided the leadership, managed the process, and argued the merits of the complaint and the entitlement for our eligible Members.

- COTAPSA worked diligently with the Employment Standards Officer to determine the outcome as well as the amount of the re-earnable amount owing to eligible Members.
- COTAPSA also negotiated the additional settlement amount of \$270.00 between eligible COTAPSA members and the City.
- At its meeting of May 19th, City Council adopted a Staff Report recommending that the City pay eligible non-union employees their 2008 re-earnable performance pay and the settlement amount of \$270.00 to eligible COTAPSA Members only.
- We just received word that the City is required to pay the claim to all eligible non union employees by June 30, 2011.

2.25% Cost of Living Increase for Non-Union Employees

- COTAPSA began discussions with Senior City Staff and Councillors immediately following the municipal elections regarding a Cost of Living Increase for non-union employees for 2011.
- Over several months, COTAPSA pursued our goal of having the non-union employees treated fairly and equitably.
- As a result, City Council ultimately approved a 2.25% Cost of Living Increase for the non-union employees for 2011.
- Payment is processed as per the Division's expediency to work with payroll. The timeline for this would be between now and hopefully September. COTAPSA will continue to follow up on this.

Notice of Change to the Effective Date of the 2009-2011 Retirement Incentive Program

- On September 29, 2009, the City Manager announced the 2009-2011 Retirement Program for non-union staff effective retroactively to April 30, 2009, until December 31, 2011.
- Originally non-union staff who retired before April 30, 2009, were not eligible for consideration under this program.
- COTAPSA raised the matter of the correct implementation and effective date of the retirement incentive program based upon Council directive.
- After further consultation with COTAPSA, the City agreed to amend the effective date of the Retirement Program effective to January 1, 2009.
- Because of COTAPSA's initiative, any non-union employee who retired prior to April 30, 2009 became eligible under this program.

Family Day is Now a Designated Holiday for Non-union Employees

- COTAPSA pressed the City – and succeeded in making Family Day another designated holiday for non-union employees.

Removal of Disciplinary Notations (Letters) in Personnel File

- COTAPSA initiated and discussed this matter at length with the City.
- The normal time limit to request a removal of a disciplinary letter is two (2) years provided that there has been no other disciplinary action of the same or of a similar kind.
- Previously, there was no structure in place for non-union management staff to remove disciplinary notations (letters) in personnel files.
- After much discussion, the City agreed to a structure that would allow Members to request in writing to their immediate manager, the removal of any disciplinary notations (letters) in their personnel files.

Shift Bonus Rate Increase

- COTAPSA secured a Shift Bonus rate increase and retroactive payments.
- There has been no change to the Shift Bonus Rate since 2008.
- A rate adjustment will be implemented to match the unions and employees will receive retroactive payments to January 1, 2008.

Canada Revenue Agency's Assessment of Parking

- COTAPSA worked diligently and consulted with City regarding this issue since the matter first arose.
- After much discussion, at its meeting May 12, 2010, City Council approved a program to fund the cost of any retroactive tax and interest owing for years 2006 to 2010.
- COTAPSA has been informed that there will be correspondence sent out to all non union staff informing them that the CRA has put the assessment in "Review Process". That is all they have told the City.

COTAPSA/United Way Barbecue/Fund Raiser

- The event took place on June 4, 2010 at Metro Hall Square.
- COTAPSA succeeded in raising approx. \$800.00 for the United Way
- This event enhanced our profile.

Ongoing Member Issues

- COTAPSA advocates regarding individual member terms and conditions of employment.
- During this fiscal year, COTAPSA represented Members in the areas of:
 - Termination/Separation Packages
 - Compensation/Performance Reviews
 - Human rights
 - Lieu/Overtime Pay
 - Vacation time
 - Sick leave
 - Bereavement
 - Leave of absence
 - Family medical leave
 - Return to work
 - Length of service
 - Retirement Incentive Program
 - Suspensions

Division Reviews and Reorganizations

- COTAPSA is consulted when Divisions are being re-organized to ensure that our Members are treated properly.
- COTAPSA protects our Members during these Division Reviews by ensuring that:
 - retraining is provided by the City of Toronto;

- suitable placement within the City if no position exists within the Division; and
- proper separation packages.

Questions?

Q – Regarding the parking assessment – did you say the City has decided to fund any retroactive tax and interest owing for 2006-2010 even though the CRA has not invoked the 2009-2010 years?

A – Right – through 2010.

Q – Any thought on the Service Reviews?

A – We've just started to look at this. We have had a meeting with the City Manager and he has committed to keep us informed and to consult with us as it rolls out. It is relatively new. There is public consultation meetings scheduled and someone from COTAPSA will be in attendance to observe and monitor what is going on.

Q – The Ideas that Work Program which also is intimately linked with the Whistle Blower Policy by definition – does COTAPSA have an official role in reviewing those ideas and having to apply them?

A – We haven't addressed the Ideas that Work Program yet but I have mentioned to the City Manager that there should be a strong connection between the Whistle Blower Policy and the Ideas that Work Program. I expressed COTAPSA's concern that if someone comes in with a good idea that may result in a loss of a job, they are not going to come forward with that idea. I said to the City Manager that in situations like that we need some sort of protection. As far as the Whistle Blower Policy, I did say in my deputation that we may want to funnel Whistle Blowers through COTAPSA to protect their privacy. We are looking at that to see how we might integrate it.

There was some debate as to whether to defer the Whistle Blower Policy but at the end the City decided it was probably best to get something in place and to address our concerns that we submitted in a follow-up report in the fall.

They wanted something in place now and then build on it in the future.

Q – Reimbursement for personal vehicle use has not kept up with the rising fuel costs – Is COTAPSA doing anything about this?

A – This will be addressed at the next City HR/COTAPSA meeting. It is on the Agenda.

We are getting paid the same as the union rate. The Mayor has his cost cutting plans with the City and if we raise this it may not be well received. It is not something that we have decided to attack.

Q – Isn't it related to the Federal government – they are still at .52 and it is tax free?

A – The problem is the Canada Revenue Agency has a lower amount than the City. The City engaged CRA and got an exception for non union employees because of the union agreement. If the city did not get that exception then the only amount you could claim is .48 cents not .52 cents.

CRA has its own guidelines and its own eligible amounts that you can claim so asking for more from the City might be a bit of a problem.

7) Audited Financial Statements 2009/2010

The Treasurer, Don Altman reviewed COTAPSA's 2009/2010 Draft Audited Financial Statements.

The Auditor, Bob Gore of Robert Gore and Associates, reviewed the Auditor's Report.

AGM #04-11

Moved by James Frost

Seconded by Toby Druce

“TO Adopt the Audited Financial Statements for the year ending September 30, 2010.”

Carried

AGM #05-11

Moved by Marilyn Stuart

Seconded by Dan Daniel

“TO Adopt the Auditor's Report for the year ending September 30, 2010.

Carried

8) Appointment of the Auditor

AGM #06-11

Moved by Don Altman

Seconded by Derek Angove

“TO appoint Robert Gore and Associates as the auditor for the year ending September 30, 2011.

Carried

9) Ratification of By-Laws

The following is a statement made by one of COTAPSA's Directors – James Frost:

By-law # 2 proposes a variety of remedies to a specific current challenge to the well-being of COTAPSA and its membership.

As your representatives, the Board is obliged on behalf of COTAPSA's membership to take steps to ensure that we remain your strong, united voice, - and this responsibility is highlighted when a rival organization makes clear that their intent is to replace COTAPSA.

Obviously no representative organization can allow such a challenge to go unchecked. COTAPSA has already dealt with such challenges:

The Society of Energy Professionals (Toronto Municipal Professionals) were actively recruiting and working against us with the help of some former COTAPSA Board Members. TMP continues these efforts.

The intent of By-law # 2 is specific:

to prevent subversion from within COTAPSA by a member who's true allegiance is to an alternate organization - an Organization that intends to WEAKEN and ultimately REPLACE your strong COTAPSA voice with its own.

This is not an attempt to quash dissent within COTAPSA. Dissent is healthy and valued highly because it makes us stronger. Rather this is a By-law that seeks to address those persons who would act to purposely make us weaker through subterfuge and duplicity.

Members are free to choose which organization they wish to belong to - and therefore which voice they choose to speak for their interests.

But we do, though the passage of this By-law, simply ask that they CHOOSE. And if the member has chosen TMP, I submit that it is a logical outcome that they no longer belong to COTAPSA.

That is why I will be supporting By-law # 2 today.

AGM #07-11

Moved by Marilyn Stuart

Seconded by Rob Watson

“THAT By-Law #2, Suspension and Termination of Membership, be adopted.”

In Favour – 29

Opposed – 2

Abstained – 5

Carried

AGM #08-11

Moved by Marilyn Stuart

Seconded by Don Altman

“THAT By-Law #3, Members Attending Meetings via Telephonic or Electronic Means, be adopted.”

Q – How would this be organized?

A - There are several systems and service providers in place that do provide this service. We would have to investigate the costs and programs that each offer in order to make this happen. As the President indicated, this by-law is a result of a survey taken by our

Members and they strongly endorsed some type of electronic participation for meetings because of the difficulties of getting release time to attend meetings.

Q – If we accept this by-law today would that mean we vote again on it's development?

A – No. The Board would take carriage of this issue and seek proposals to be brought to the Board and hopefully they can choose the service provider where the cost isn't prohibited.

This is a permissive by-law. It doesn't *require* us to do this; it *allows* us to do this.

Q - How would we determine quorum?

A – We would have to sort this out with the revised Constitution. The understanding is there are changes coming to the Corporations Act provincially that are going to address this.

It shouldn't change the quorum as set out in the Constitution.

We will need to have a mechanism that can count the people who are remote and when they sign in or sign out of a meeting we are able to determine the number.

As you can see from this meeting we have hundreds of members and only trickles of members are in attendance today. If we want to be a democratic organization in this day and age and because of how we are spread out all over the City, we have to find a mechanism that's fair and equitable and allows as many people as possible to participate in meetings.

In Favour – 33
Opposed – none
Abstained – 3

Carried

10) Members Question Period

Q – Regarding the possible upcoming Labour Disruption – has there been any planning process in place with the City?

A – We raised this issue at one of the City HR/COTAPSA meetings in light of what happened in 2009 but the City is not there yet. They have not prepared anything yet.

Q – Would it be worthwhile to convey to the City that COTAPSA wants to be participating in the planning process in some formal way and at the same time survey our Members to get their concerns and issues as a result of the last labour disruption and provide this to the City?

A – Yes. That would be good feedback to the City if we provide our Member's input from what they experienced during the last labour disruption.

Q – Regarding the CRA Parking assessment – The City is paying on behalf of the staff that are affected. In the Report the City only covers payment for certain impacts –

basically the impact to the staff member. In my situation, it impacted not only my taxes but my spouse's taxes thus resulting in my having to pay additional taxes because of the impact on my spouse's return. When I consulted with the member representing the City, they informed me that they would not be reimbursing me for that issue because it is not covered in the Report.

Has COTAPSA had discussions with the City regarding secondary impacts and how they would be dealt with?

A – This situation has not come up. Could you please send COTAPSA an email with the specifics and we will follow up on that issue?

Q – You referred to the recognition agreement earlier – what is it?

A – We want the City to recognize COTAPSA as the sole representative of the non union staff of the City of Toronto and recognize that we have the right to do what we are already doing for you formally in a written agreement.

Q – Is this another step for formally excluding the other attempts from the other organization for doing the same thing?

A – That is our goal.

Q – Is this another step beyond the framework agreement?

A – We've just changed the name.

Q – The Constitution changes that failed at the Special Members meeting late last year – will they be presented again in this year's Constitutional review?

A – Yes. There was a Constitution Committee. We asked for member's input. We brought forward to that meeting the changes that we thought reflected the interests of the Members and for whatever reason that failed at the Special Members meeting. So obviously some tweaking will be done and we hope to bring it forward again.

Q – The sub-Committee for the Constitution – how does that get advertised so that the Members will be able to be involved?

A – We went out to our membership electronically and also raised it at the AGM. We got a few volunteer Members along with Directors.

Q – It wasn't the Constitution Committee specifically that I was addressing but sub-committees in general. Are there standing sub-committees where you are looking for extra members beyond the Board?

A – One of our standing committees is the Legislation Committee – the Constitution Review Committee became a sub-committee.

Q – Do you have a list of committees that you have posted where you are seeking members to participate on?

A – We do have a number of committees and will let the members know what they are if we require members to volunteer.

Q – In reference to the Whistle Blower Policy – how do you form a workgroup around that issue to develop a deputation or document?

A – Those issues are generally dealt with at the Board level. We have 20 Directors that represent the interests of the different Clusters. Often we will seek input from our Members.

The problem we have is we get items of concern at the last minute and that happened with the Whistle Blower Policy. It came out a few days before the City's Executive Committee meeting so our window for consultation was very narrow and we did what we could to put out the deputation. Sometimes we have more time but most often they don't give us a lot of time to respond.

11) Special Presentations

Seven ex Directors were honoured for their past Directorship, their time and their dedication to COTAPSA:

Walter Chandon – EMS
Collie Clifford – Toronto Water
Carol Ringwood – Employment & Social Services
Judy Skinner – Financial Planning
Marilyn Stuart – City Planning
Rob Watson – Transportation Services
Don Whitty – Shelter, Support & Housing Administration

Door Prize Winners

\$25.00 Gift Certificate – Thomas Fulgosi
\$50.00 Gift Certificate – Phil Pendleton
\$75.00 Gift Certificate – Eric Jensen

Meeting Adjourned

(Minutes approved at the 46th AGM, January 11, 2012)

SIGNED COPY IN AGM MINUTE BOOK

Signed – Mike Major, President

Dated

SIGNED COPY IN AGM MINUTE BOOK

Cathy Di Leo, Secretary

Dated