

DRAFT

This FRAMEWORK AGREEMENT made as of TBD.

Between:

The City of Toronto

hereinafter referred to as "**The City**" or "**The Employer**"

and

The City of Toronto Administrative, Professional, Supervisory Association Incorporated (COTAPSA)

hereinafter referred to as the "**Association**" or "**COTAPSA.**"

November 11, 2016
(working from Draft prepared by GC in 2006, and initial draft of 2015 prepared by HNM)

Article 1 – Preamble

1.1 Application of this Agreement

This agreement shall apply to the City of Toronto Administrative Professional Supervisory Association (COTAPSA), the voluntary not for profit, incorporated association representing non-union professional, administrative and supervisory employees of the City of Toronto including Council staff since 1966.

This FRAMEWORK AGREEMENT is meant to replace and build on the MOU between the City and COTAPSA that was in place until 1998 when GTA amalgamation took place. At that time the agreement was shelved with a view to bring it forward in the future.

In adopting this Agreement, the City and COTAPSA accept the principles of fair and equitable representation of employees by the Association at the City of Toronto. In carrying out these principles, all parties should strive to act with integrity and respect.

The objective of the parties is to facilitate through ongoing communication between the City and the association as the representative for the non-union employees the adjustment of salaries and benefits, working conditions, issues of fair treatment, all disputes, to prevent inefficiencies and avoidable expenses, and to reduce unnecessary delays to COTAPSA and the City of Toronto.

1.2 Purpose

It shall be the purpose of the Association:

To represent the interests of, to advocate for, and to promote improvements to the terms and conditions of employment of its members and to promote a high standard of conduct and efficiency in the civic service, and to promote cooperation with City Council.

To promote the highest standards of Toronto Public Service for the people of the City of Toronto.

1.3 Name

The name of the Association shall be “City of Toronto Administrative, Professional, Supervisory Association, hereinafter referred to as the “**Association**” or “**COTAPSA**.”

1.4 Head Office

The Head Office of the Association shall be located in the City of Toronto, at 77 Elizabeth Street, 3rd Floor in the Province of Ontario.

Article 2 – Recognition

2.1 Agent

The City hereby recognizes COTAPSA as the sole agent for all non-union management employees, including Council staff, save and except the City Manager, Deputy City Manager, Executive Director of Human Resources, and Director of Labour Relations.

Commented [HN1]: Word change from original

The City agrees that the Members of the Executive and Board of the Association will be allowed reasonable time off with pay to attend Association business.

The City agrees to discuss changes impacting non-union employees with COTAPSA for input and perspective.

All City offices releasing information impacting non-union employees to share the communication with COTAPSA prior to the release

2.2 Representation of Membership

The City acknowledges the Association is the Agent for all non-union management employees who come within the unit of employees who work 35/40 hours per week or less, save and except, uniformed members of the Fire Department, members of the CUPE Local 79 and 416 Bargaining Units, City Manager, Deputy City Manager, Executive Director of Human Resources, and Director of Labour Relations.

All employees as defined above, at the City of Toronto are automatically members of COTAPSA but may opt-out of membership at any time. All employees upon accepting a non-union position are to be provided with an application to the association by the City HR office.

Commented [HN2]: Opt Out forms presented to us are accepted by the City, City collects dues from majority of members

Any Member may resign from membership in the Association by providing written notice to the association, staff shall so inform the City and the Board of Directors at its next meeting.

Commented [HN3]: Opt out form exists – process has been established between COTAPSA and City in regards to people leaving the association

The City will not seek directly or indirectly to dissuade any eligible employee from joining COTAPSA or holding office in the Association. There will be no discrimination or harassment practised by reason of an employee's membership or activity in the Association.

Commented [HN4]: Sept 2016 – this became a policy of the City

The City agrees that the Human Resources Division shall furnish the Association with the names of all employees hired or promoted into a position which is eligible for membership in the Association within sixty (60) days of the appointment to the position.

Commented [HN5]: Already done, but this enshrines practise

Article 3 - Association Dues

3.1 The City agrees to deduct from the salaries of each non-union employee covered by this Agreement, whether or not the employee is a Member of the Association, the amount of the regular bi-weekly Association dues, and/or any uniform special assessment authorized at a General Meeting of the Association.

Commented [HN6]: Language change from 2006

3.2 The City agrees to remit the amounts deducted as per 3.1 to the Association on a monthly basis and further agrees to inform the Association on a monthly basis the names of the employees of whose wages deductions have been made above and the amounts so deducted from each employee's wages.

Commented [HN7]: This is required as some members may be off on leave and at that point do not pay dues

3.3 COTAPSA shall advise the City in writing of the amount of its Association dues. This amount shall continue to be deducted until changed by further written notice by COTAPSA.

Commented [HN8]: Already done

3.4 Membership in the Association is voluntary; however, association dues are compulsory. The work of the Association benefits all non-union management employees at the City of Toronto.

Commented [HN9]: We work for them as a group and individual cases also impact them as they set a precedent – they need to pay for this work

Article 4 - Non-Union Management Relations Committee

4.1 A Joint Committee will be established to discuss and resolve matters of interest between the parties. The Committee shall be referred to as the City/COTAPSA Staff Relations Committee.

Commented [HN10]: Already exists and is chaired by COTAPSA HRO

4.2 The objective of the City/COTAPSA Staff Relations Committee shall include:

Commented [HN11]: Updated to reflect 2016 composition

- a) three (3) Members of the Association or their designates plus the Association Executive Director (ED), Human Resources Officer (HRO), President, and for the City the Executive Director of Human Resources, Director of Employee and Labour Relations, Director of

Employment Services and Human Resources Director of Business Unit;

- establishing and maintaining a positive and constructive relationship between the Association and the City;
- working together to resolve Association and City issues and concerns related to the workplace; and
- discussion of City's initiative's involving changes to the workplace affecting employees.

4.3 Information of a confidential nature disclosed at this Committee will be kept confidential by COTAPSA until the City authorizes the disclosure of the information; however this shall not be construed as preventing the Association from consulting internally with respect to a matter.

4.4 All Employees have a Right to Representation and COTAPSA will support its members in this area

4.5 The City agrees to notify the Association of any change being made concerning a policy, process or article covered under this Agreement, or of any proposed additions and deletions of policies, processes or articles covered by this Agreement, and to hold discussion with the Association on such matter prior to implementation. (***See fulsome list of Policies under Addendum***)

Articles

- Separation Program
- Access to Personal file
- Request to Remove Disciplinary notations/letters
- Reorganization/Restructuring
- Participate in COLA conversations/discussions
- Participation in Strike Preparation
- Right to Appeal Performance Rating
- Dispute Resolution
- Separation Program for Executive, Management and Excluded Staff
- Job Offer & Placement Processes: Non-union Jobs
- Voluntary Separation Program
- Program Reviews

4.6 All City Offices releasing information impacting non-union employees to share the communication with COTAPSA staff prior to release

Article 5 - Respectful Workplace

- 5.1** The Employer of Toronto and COTAPSA jointly affirm that every employee in the civic service shall be entitled to a respectful and safe workplace. The work environment must be free of behaviours such as discrimination, harassment, disruptive workplace conflict and disrespectful behaviour, and violence in the workplace. The principle of fair treatment is fundamental one and both the Employer and the Association will support employees who funs themselves in a position that could jeopardize their wellbeing or undermine work relationships and productivity. In addition, the parties agree that a respectful workplace includes a safe a healthy workplace as defined by as defined by the Occupational Health and Safety Act and Workplace Safety and Insurance Act.

Article 6 - Human Rights

- 6.1** Every employee has a right to be free of harassment and discrimination in the workplace on the basis of prohibited grounds, as outlined in the Employer of Toronto Human Rights Policy. An employee who has a harassment or discrimination complaint on the basis of these grounds will have to Employer of Toronto Human Rights and Complaints resolution process.
- 6.2** Any Member involved in Employer of Toronto Human Rights and Complaints process may consult with and be accompanied by a COTAPSA representative if he or she chooses to do. No record of a complaint will be maintained in an employee's personnel file, except in the case of individuals who have received disciplinary action. Any person against whom a formal complaint is filed must be given particulars of the complaint.

ADDENDUM

Attendance Management Program (Non-union employees)
Attendance Management Program (Non-union employees) - Confidential
Attendance Review Record
Bereavement Leave
Care for Ill Dependents
Child Related Crime Leave
Childcare and Eldercare Leave
Citizenship Court
Critically Ill Child Care Leave
Designated Holidays and Floating Holidays
Earned Deferred Leave
Family Caregiver Leave
Family Medical Leave
Family Medical Leave - Q & A
Jury Duty/Witness Service
Leave without Pay
Military Service
Parental Leave
Pregnancy Leave and Accommodation for Pregnant Employees
Vacation
Vacation - Vacation Implementation Guidelines
Vacation Carry-Over
Voluntary Leave of Absence
Tuition Assistance Reimbursement
Accommodation
Accommodation - Accommodation Procedures
Accommodation - Guidelines for Accommodating Creed
Accommodation - Guidelines for Accommodating Disabilities
Accommodation - Guidelines for Accommodating Family Status
Accommodation - Guidelines for Accommodating Gender Identity and Gender Expression
Accommodation - Guidelines for Accommodating Pregnancy and Breastfeeding
Employment Equity Policy
Hate Activity
Hate Activity - Hate Activity Procedures
Human Rights and Anti-Harassment/Discrimination
Human Rights and Anti-Harassment/Discrimination - Complaint Procedures
Human Rights and Anti-Harassment/Discrimination Policy - Summary of Manager's Guide
Integrated Disability Management - Work Reintegration Process - Long Term Disability (LTD) Guidelines
Modified Work Program for Local 416 Members (Article 46)

Modified Work Program for Local 79 Members
Conflict of Interest and Confidentiality
Disclosure of Wrongdoing and Reprisal Protection
Political Activity
Air Quality - Industrial-Type Environments
Asbestos Management
Bed Bugs
Bicycle Safety
Cold Stress
Cold Stress - Guidelines
Confined Space
Confined Space - Guidelines
Corporate Occupational Health and Safety Policy 2016
Critical Injury Investigation & Reporting
Designated Substances
Dispute Resolution Process
Domestic Violence Policy
Domestic Violence Policy - Domestic Violence Guidelines
Emergency Eyewash and Shower Equipment Policy
Fire and Evacuation
First Aid/Cardiopulmonary Resuscitation (CPR)
Guidelines for Use of Employees' Personal Appliances in City Workplaces
Hazard Reporting Guidelines
Hazard Reporting Procedure
Heat Stress
Heat Stress - Guidelines
Indoor Air Quality (IAQ) Policy For Office Environments
Infectious Disease/Agent Program Guidelines
Infectious Disease/Infectious Agent Policy
Investigation and Reporting of Work-Related Injuries and Incidents
JHSC Recommendation Guidelines
JHSC Workplace Inspections
JHSC/H&S Rep Engagement during Moves, Staff Relocations and Major Renovations
Lockdown Procedures
Lockout/Tagout
Lockout/Tagout - Program Guidelines
Managing Health and Safety Aspects of Contracts for Services
Milestones in Capital Project Moves, Staff Relocations and Major Renovations
Mould Management
Musculoskeletal Disorder (MSD) Prevention
Orientation Training
Orientation Training - Program Standards
Policy Development & Implementation

Psychological Health and Safety Policy
Purchasing Policy
Renovation Projects Guidelines
Respiratory Protection
Scented Products Guidelines
Slips, Trips and Falls Prevention Policy
Sun Protection
Sun Protection - Guidelines
Supervisory Competence
Traffic Control
West Nile Virus
WHMIS
Work Refusal
Working Alone Safely
Workplace Violence (2016)
Workplace Violence (2016) - Guidelines
Lieu Time Policy for Non-union Employees
Mileage (Reimbursement for use of personal vehicles)
Shift Bonus
Short Term Disability Plan for Management and Non-Union Employees
Standard working hours
Standby/ Call-In/ Emergency Situations Pay
Standby/ Call-In/ Emergency Situations Pay - Guidelines for Implementation
Acting Assignments
Acting Assignments - Implementation Guidelines
Acting Assignments - Questions & Answers
Employment of Relatives
Employment of Relatives - Appendix 1 - Sample Questions and Answers
Employment of Relatives - Guidelines for Hiring Temporary Employees
Employment References
Employment References - Highlights for Hiring Managers
Employment References - Procedural Guidelines
Hiring Guide
Internal Assessment Feedback Process - Highlights for Hiring Managers
Interview Process - Highlights for Hiring Managers
Police Reference Check
Re-employment of Former Employees after Reorganizing