



Impact

JULY 2008

COMPENSATION EMPLOYEES' UNION

Are we ready for CMS?

The Board has not yet announced the CMS “go-live” date, but it looks like it will be towards the end of the year or early January 2009.

The Board continues to explain why they decided they needed to develop the new CMS system. For some staff, it doesn't matter how many times they try to explain it, they simply do not agree with the Board's business decisions. Others still have so many questions about how things will work in CMS, they can't bring the picture into focus. Based on experience with major changes of the past, some are very skeptical the Board can deliver on their promises.

CMS is being tested and will continue to be tested until the end of October. Until system testing is complete, no one will really know how well the system will work (or if it will work). Whatever one's views of the system, the Board has built it, and implementation is probably five to six months away. Staff will have to live with the Board's business decisions and try to adapt to the change as best they can.

Having said that, we still need to ask the question: Are we ready for CMS implementation? Will we be able to cope with everything we're facing? The CEU is very concerned that the answer to that question may be “no”. If you look up “implode” in the dictionary, you'll find that one of its meanings is to “collapse or disintegrate internally”. When we consider all the factors in play, implosion might be an apt description of what could occur during implementation. We identify some of our reasons for concluding this in this article.

Workload and staffing

Currently, many offices are understaffed and volume issues are causing increasing stress for CEU members. Because the Board is devoting most of its training resources to CMS, there will be a hiring and training freeze for new employees in certain jobs for about 18 months. In addition, it's peak vacation time, and the Board does not have enough trained staff to provide coverage for claims desks. In the fall, the Board is also pulling some staff off their normal job duties to help with user acceptance testing.

Internal pressures

The Board quietly acknowledges there will be an impact to business results and service levels as the business heads into user acceptance testing, training, and implementation. But no one at the top seems to be willing to say this clearly and publicly. This impact is projected to last at least six months post go-live. There is still subtle pressure on claims decision makers to follow standards and to maintain KPIs. These internal pressures weigh heavily upon CEU members.

Lowering expectations

For some months now, the Board has been engaged in messaging that's meant to lower expectations of the system. No longer are we being promised the Rolls Royce – it's the economy car at best. They're not

INSIDE THIS ISSUE...

CMS redundancies: vacancy placement is underway.....	2
Reasonableness should prevail when flexing.....	4
Crushing workloads exist across Canada.....	6

Are we ready for CMS? con't

saying anymore that the system will be great when it's implemented. Instead they're saying it'll be great one day, but not day one. What does this mean for CEU members? They can expect to encounter defects when they start to use the system and they'll have to use manual workarounds until at least the second release of CMS. They'll have to try to catch up on time lost in training and converting files, as they are bombarded with telephone calls from clients because of delays due to CMS implementation.

Pre-training activities and training

The amount of information staff have been given to prepare for go-live is overwhelming. More than 300 FAQs and 17 Readiness presentations are posted on WSN.

Before training, staff will be taking 9 e-learning modules, which will take about 12 hours to complete, plus time in feedback sessions. E-learning will be followed by intensive training.

There's so much information, with no real context, that many staff can't remember this month what they learned last month. There are also numerous "readiness activities" that some staff will have to participate in. All these things take time away from case loads, which they keep saying need to be in shape for go-live. If they aren't, something that takes 30 minutes to complete today, will take a couple of hours at go-live.

The CEU has many concerns about classroom training – only some are mentioned here. Initial

projections for training time are much greater than the Board originally estimated. For example, it's now expected that case managers will need eight days of training. Training will be done in an environment of ongoing changes and defect remediation. The CEU is concerned that there is too much information to learn over a short period of time – even if the Board trains only to those functions most common to the job. In some cases, staff may be trained in half day sessions. How will desks be covered while staff are in training?

The CEU is also concerned about the future

The CEU also remains concerned about what CMS means for the future.

Due to adjudication functionality of the system, some job classifications are changing dramatically. It appears some jobs will look very different in the future. Decision making has been removed from certain jobs and many claims jobs will have administrative functions only. This may present the Board with a recruitment and retention problem in the future.

The CEU has consistently maintained that CMS could make it easier to contract out more work, move to an employer pay system, or a privatized system.

Finally, what does the post CMS world mean for job security? David Anderson said in the early days of CMS development that he supported job security. The CEU's confidence in his words was shaken by the attempt to send ISD Technology Services to Telus. We wonder, will he support job security in 2010?

CMS redundancies: vacancy placement is underway

The purpose of this report is to provide members not directly affected by CMS redundancies with an update on what the Working Group has been doing.

The Working Group is a sub-group of the Reorganization Committee created under article 70 of the collective agreement. It consists of CEU and Board representatives. Its purpose is to oversee and guide the processes contained in the Memorandum of Agreement (MOA) on Employment Security (Schedule "F" in the collective agreement). The CEU representatives on the Working Group are: Stan

Reese, Sandra Wright, Frank Lanzarotta, Carol Velon, and Jane Player. The Board representatives are: Ed Chin, Ken Thomas, Tina Calabretti, Carol McCallum, Carolynn Ryan, Patrick Whalen, and James Watson.

Since the Board held meetings in November 2007 with staff on CMS and the WES "future state", the following work has been undertaken or initiated through the Working Group.

The cash incentive program (CIP) reduced redundancies

A CIP was offered in April to permanent staff in

CMS redundancies: vacancy placement is underway con't

designated job classifications impacted by CMS and WES "future state" reorganization. This program was offered under the MOA on employment security to allow permanent staff in job classifications with impending redundancies due to CMS to voluntarily leave the organization.

The Board approved 64 CIP applications. That reduced the number of redundancies to about 60. That number was reduced by a few more when impacted staff were successful in obtaining new jobs under normal recruitment.

The parties also agreed to map those holding the job classifications of File Clerk, Word Processor, and Claims Capture Clerk into the Claims Clerk 1 job. This is a new position made up of the functions of those three classifications and a new coding function. That left about 40 employees to be placed through vacancy placement under the MOA.

Redundancy meetings have been held

During the first three weeks of May, Human Resources (HR) staff, CEU Working Group representatives, and line managers met with the remaining affected staff to deliver redundancy notices and outline the vacancy placement process. Following these meetings, the HR Transition Team canvassed senior employees in job classifications where not all positions were declared redundant to see if any senior staff were interested in taking severance. (This step is required under the MOA.)

Vacancy placement meetings are underway

These meetings began in early June and will continue over the summer, and into September, if necessary. At these meetings, a HR staff member and a CEU Working Group representative meet with each of the employees in redundant positions to review their placement options.

The Working Group has made several agreements

Over the past six months the Working Group has been meeting regularly and has come to agreement on many issues related to the job losses. These agreements are outlined below:

- **Seniority** – Senior employees should not be given lesser rights or options than junior employees. Vacancy placements for redundant employees in pay bands 2, 3, and 4 will be done in seniority order.

Placements for pay bands 5 and 6 will not necessarily be done in seniority order. Our review of the data shows that no one else's rights will be compromised by those in pay bands 5 and 6. (The seniority list as of June 5, 2008 is being used in the placement process.)

- **Notice** – Redundancy notices were issued to employees in advance of the 90 day notice period provided under article 67, with placements occurring at a future date. This allows us to proceed with what we have previously called "the paper exercise". This means that staff will know what their new jobs are in advance of CMS implementation. It also allows us to ensure that a junior employee isn't given a better vacancy placement option than a more senior employee.

- **Restriction period** – Employees will not be considered incumbents in their new positions until the date they start training for or working in the position. The collective agreement rights that flow from obtaining the new position will begin then. They will be restricted from applying for other jobs on the same basis (although they can request a waiver from their director). The restriction period does not apply to anyone who takes a demotion through the vacancy placement process.

- **Release of jobs for posting** – The list of jobs for vacancy placement was frozen as of June 5. This means that no more positions will be added to the vacancy placement list. We also agreed in early May to release about 45 positions from the list for posting as there were about three times as many positions on the list as there were redundancies. By releasing these jobs, we have not jeopardized the ability of redundant employees to find placements. For each pay band with redundancies, there are still more vacancies available than the number of redundancies in those pay bands. Releasing these jobs has also provided some opportunities for redundant staff to obtain positions at a higher pay group than they would through vacancy placement and other staff (permanent and temporary) the opportunity to obtain new, permanent positions. When the placement process is complete, the Board will post the remaining vacancies.

- **Ending RLTT (Reorganization Long Term Temporary) assignments** – We have agreed that

CMS redundancies: vacancy placement is underway con't

employees will be released from RLTTs in reverse seniority order. The “unwinding” of an RLTT assignment will start a chain of events (similar to the falling of dominos) with permanent employees returning to their permanent jobs, or temporary employees getting a new temp assignment, or being laid off. Employees in back-up assignments under article 18 will not be affected until the back-up opportunity ends.

Improvements made for temporary employees

CMS will also have a major impact on the opportunities temporary employees (temps) have for ongoing employment. Through the Working Group, the CEU and the Board have signed a MOA which should help many temps maintain employment with the Board.

The MOA gives temps with less than 600 hours of service one day of seniority. This one day of seniority means that these temps will be considered for positions before external applicants. If more than one temp with one day’s seniority applies for a position, the Board has the right to choose which temp to hire.

The MOA will be in effect for 12 months after CMS is implemented. It resolves a dispute between the parties on an interim basis.

Many temporary employees have only worked in one job classification – and in many cases the classification will not exist post CMS. This means that those temps would not have any recall rights. The effect of this could be that a long-term temp, who had only worked in a classification that doesn’t exist post CMS, would not be able to maintain employment with the Board, but a temp with fewer hours who had worked in a classification that still exists would. The MOA corrects this in the way it sets up layoff and recall lists. The MOA also sets out how these lists will work in area offices and defines when a “decline” of an assignment affects the temp’s position on the layoff and recall lists.

The Board held information sessions on this agreement with temps on April 9. CEU representatives also attended. The MOA and the Board’s presentation are posted on WSN in the Staff Transition section.

Know Your Collective Agreement

Reasonableness should prevail when flexing

This column provides guidance on the approach “B” type employees should take when “flexing” their work hours.

Article 26.02 defines “B” type employees as employees who do not work under direct supervision and who organize their own work schedules. They work 36.25 hours per week, (not including ETO). They are allowed two 15-minute paid breaks. The work week is Monday to Friday.

What are the Board’s concerns with flex time?

After doing a very informal audit of “B” type employees in 2007, the Board concluded that service was being compromised by the hours of work some “B” type employees were working. Here are some examples of flex time issues the Board identified:

1. Prevention Officers are working in excess of a normal work week and then flexing over a two-week

period, a monthly period, or in one case, over a year.

2. Many offices were reporting a lack of “claims” officer staff in the SDLs or offices on a Friday afternoon.
3. Some employees are using flex time to work a permanent part time work week.
4. Some employees are using flex time for purely personal reasons, for example, regularly golfing Thursday afternoons.

What have arbitrators said about flex time?

The CEU has received two arbitration awards on “B” type employees in the last several years. Arbitrator Beattie said the following:

1. When scheduling their work, “B” type employees will primarily consider the effective and efficient performance of their duties but are also entitled to consider other factors including personal factors.

Reasonableness should prevail when flexing con't

2. "B" type employees will schedule their work for both business and personal reasons.
3. Managers have the right to obtain information on employees' work schedules retrospectively.
4. Employees do not work in isolation and scheduling should take into account their network of colleagues and clients.
5. The parties recognize and are committed to providing to every extent possible superior service to clients.

Arbitrator Sullivan re-emphasized the findings of Beattie. He indicated the primary consideration to be taken into account by "B" type employees in scheduling their own work is the effective and efficient performance of their duties. This guiding principle is buttressed by the commitment to provide to every extent possible superior service to clients. But his decision also reinforced the ability of "B" type employees to schedule for personal reasons in the absence of any evidence of service problems.

What is the CEU's view of flex time issues?

The CEU wants to preserve the integrity of the work week and the overtime provisions in the collective agreement. We also support providing a reasonable expectation by the employer to ensure service does not suffer.

How should "B" type employees approach flexing?

1. Reasonableness should prevail. By that we mean, a balancing of employer interests with employee interests. Given the arbitration decisions, the employer interests clearly carry a little more weight than employee interests.
2. The work week should be Monday to Friday. Any Saturday or Sunday work should be overtime unless those days are used for ETO accumulation only. [Under article 26.10 (b), if an employee and manager agree, the employee may work ETO hours over two weeks, including weekends. For example, an employee could work 36.25 hours each week of a two-week period and work their total ETO for 10 days (i.e., 4 hours and 10 minutes) on Saturday or Sunday at the normal pay rate.]
3. Flex time cannot be used to create a permanent four-day work week. On occasions, due to the nature and location of job sites or work assignments, a person may be "houred out" and, therefore, will work fewer days in the work week.

4. Flex time cannot be used strictly and regularly for personal reasons. Flexing time for strictly personal reasons can occur occasionally assuming there is no evidence of service issues being created by the flex.
5. The employer has the right to expect a reasonable number of employees per classification at individual offices during work hours. This can be achieved by duty desks, teams covering off for each other, and other ways.
6. Some "B" type classifications, for example, Occupational Safety and Hygiene Officers, are more amenable to flex time given the nature of the work. Other "B" type classifications, for example, some types of Case Manager, are more akin to "A" type positions in that they generally work a consistent schedule. They still retain the right to flex within the Beattie parameters. The employer cannot use service requirements to finesse the conversion of a "B" type employee to an "A" type employee.
7. When employees are "houred out", and they still have work to do during the Monday to Friday work week, they should seek direction from management. If a manager doesn't authorize overtime, the employee's work week is over.

This column outlines what we believe is a reasonable approach to flex time; however, we are not aware of the employer's position on it.

There are about 40 job classifications designated as "B" types. There are about 850 employees in these classifications; 750 of them work in WES.



Crushing workloads exist across Canada

Some 40 representatives of the public sector unions representing employees of workers' compensation boards (WCBs) across Canada met May 15-17 in St. John's Newfoundland. They discussed issues that impact board employees, injured workers, and other stakeholders in workers' compensation systems.

The crushing workloads experienced across Canada dominated the discussion. All those attending agreed that heavy workloads impact both the quality and timeliness of services received by injured workers. They also have a negative impact on the public delivery of quality compensation services.

The comments made by representatives from the other unions echo what the CEU has been saying. "Right across Canada, the workers compensation system is greatly understaffed," said Tony Bremner from the Nova Scotia Government and

General Employees Union (NSGEU) that represents WCB workers in that province. "This is creating high levels of workplace stress for our members and is greatly impacting our ability to provide quality service to injured workers."

Jeremy Stringer, with the Union of Northern Workers (UNW), a component of the Public Service Alliance of Canada (PSAC) in the Northwest Territories and Nunavut said, "It is inexcusable that staff are prevented from doing the kind of job that they are capable of because of employer indifference to creating manageable workloads."

The unions have decided to launch a national

public awareness campaign to highlight the issues arising from heavy workloads.

The group has also reaffirmed the "Principles of a Fair and Comprehensive Workers' Compensation System". This statement calls for reforms to workers' compensation across Canada to ensure that the system remains publically delivered by not-for-profit agencies regulated by legislation.

Harry Goslin, president of Local 1750 of the Canadian Union of Public Employees (CUPE) in Ontario, said, "We want to ensure that the system

remains focused on safety and prevention but ensures comprehensive and fair coverage for injured workers."

Sharon Power, president of the WCB local of the Newfoundland and Labrador Association of Public and Private Employees (NAPE)

WCB union representatives in St. John's, Newfoundland

said, "It is important that the views of the workers who operate the system be heard and respected. We are the workers who know where the system is flawed and how it could be improved."

CEU president, Sandra Wright said, "We leave with a renewed sense of purpose and a determination to improve the system so that no injured worker receives less than optimum service and all stakeholders feel that the system still retains the balance created by the historic compromise."

CEU President Sandra Wright, Vice-President Frank Lantarotta, Director David Clarabut, and Business Manager Stan Reese attended the meeting.

IMPACT is a publication of the CEU

#200 - 8120 Granville Avenue, Richmond, BC V6Y 1P3 Phone 604-278-4050 Fax 604-278-5002

Printed on paper with 30 percent recycled post consumer waste

www.ceu.bc.ca

