

Minutes of the Article 34 Committee Professional Employees' Association (PEA) and the Employer (BC Public Service)

Date	April 12, 2017
Attendees for the PEA	Al Gallupe (co-chair), Carl Withler, Scott McCannell
Attendees for the Employer	Sarah Campbell (co-chair), Ed Miska, Sonja Martins
Regrets	Beth Eagles

Meeting called to order at 14:05.

1. **Approval of Agenda** – The agenda was approved as distributed.
2. **Approval of Minutes** – As this was the first meeting of the Committee, there were no minutes to approve.

Items on Agenda for Discussion

3. **Terms of Reference** – The Terms of Reference were accepted as distributed in advance of the meeting.
4. **Chairing and Minutes** - As per section 2 of the recently adopted Terms of Reference, the parties will alternate chairing the meetings, and as per section 9 will alternate taking minutes. For today's meeting PEA (Al Gallupe) will Chair and the Employer will take the minutes (and reverse next time). As noted in the Terms of Reference, *"approved minutes may be posted on Union or Employer information bulletin boards at worksites, or the parties' websites"*.
5. **Investigations** – The PEA noted that while they recognize investigations are necessary, they raised concerns regarding the manner in which investigations are conducted and wanted to explore how to make improvements. Examples of concerns raised by the PEA included: respondents not being informed of the nature of the complaint; the difference in how investigations are conducted (better) when BC Public Service Agency (PSA) staff are involved; the nature of questions (prejudicial) that are asked by managers; confidentiality, the length of time that investigations take, often spanning months, and the appropriateness of the choice of investigator given their relationship to the issues or participants.
 The Employer agreed that respondents, complainants and witnesses should be aware of the matter that is subject of the investigation. However, there may be disagreement on the degree of detail that is provided in advance. The Union proposed that where there is a written complaint, the respondent should be given the exact wording of the complaint. The Employer also confirmed that the PSA is not always involved in investigations, depending on the circumstances. However, materials and courses are made available to managers to assist them with the investigation process. The PEA also asked whether investigators are internal or external. The Employer confirmed that generally investigators are internal (PSA staff).
 The Employer encouraged the PEA to provide specific examples on investigations where individuals involved have not been informed. The Union agreed to provide those specific examples. The Employer also encouraged that any future arising concerns be brought to the attention of the Employer to be dealt with as appropriate.

ACTION: Employer (Sarah) to share a summary of the tools and resources to support managers conducting investigations.

6. **MyPerformance** – The Union raised a concern regarding ratings on MyPerformance and employees who may be disciplined and then subsequently get rated as "not meeting expectations". The Employer commented, notwithstanding that the example provided sounds like a specific one, that it depends on a case-by-case basis. The Employer also confirmed that training and guidebooks are available for supervisors on the MyPerformance tool. The Employer offered that if PEA would like a presentation regarding MyPerformance, this can be arranged for the next meeting. The Union stated it would like to review the specific example with the PSA to demonstrate its point.

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ACTION: Employer (Sarah) will provide some information on the resources that are available to supervisors, including whether/what is included in the "Managing in the BC Public Service" course.

ACTION: PEA to advise whether to invite PSA staff for a MyPerformance presentation to the next meeting.

7. **Under-implementation** – The PEA raised a concern regarding under-implementation and the language in the PEA Collective Agreement. The Union is concerned about employees who are under-implemented pending an Association designation coming through, particularly if the designation takes a lengthy time (due to no fault of the employee), and the employee is for all intents and purposes doing the full scope of the job. The Union stated that this is particularly true where a position is dual posted and their colleagues are paid more for the same work. The Employer commented that the challenge is the current wording of the Plan (including LSO job evaluation plan). The Union stated that the language of the JE Plan doesn't see the under-implemented employee doing the full scope of the job. It was discussed that the JE Plan will be looked at in a forthcoming meeting with the PSA.

ACTION: Al Gallupe and Sarah Campbell to arrange a meeting to discuss this specific example, and the Collective Agreement language.

8. **Medical Information** – The PEA raised concerns regarding the Employer requesting additional information from a medical practitioner. In particular, the PEA cited examples whereby their view was that the questions were framed as legal arguments, prejudicial and/or influencing the medical practitioner's opinion. Specifically, the PEA requested that these "doctor letters" cease. The Employer responded that this is a matter we are going to disagree on and the practice will continue. There is a reasonability test and the PSA provides guidance to managers on seeking additional information from medical practitioners. Managers put forward the observations they are seeing, and where they are looking clarification. The Employer suggested that if the PEA has specific examples that are concerning, to raise those directly to Sarah. The Union advised that a meeting to discuss this issue is to be set up with the PSA (Occupational Health and Labour Relations) and the PEA.

9. **Competitions** – The PEA raised two topics related to competitions – reference checks and temporary assignments (TAs).

- a. **Reference Checks** – The PEA asked for clarification on when reference checks are normally done (e.g. when are they done at the beginning or the end of the competitive process?). The Union stated that it feared that early reference checks could be used to screen out suitable candidates who fell out of favour with a particular supervisor/manager. The Employer provided reference checking resource material from the intranet and confirmed typically reference checks are done at the end of the process. However, there may be circumstances, where reference checks would be conducted at earlier stages in the process.
- b. **TAs** – The PEA raised postings for TAs that included a statement that it may lead to a permanent opportunity. The Union is concerned that some employees wouldn't apply or wouldn't know to apply. The Union stated that regular posting should be very separate from temporary postings to avoid confusion. The Employer confirmed that some postings do include this language and some of the benefits. The Union also raised concerns regarding some TAs that are lengthy or extended for long periods of time. The Employer confirmed that TAs of less than 7 months should not normally be extended. For TAs of more than 7 months, that undergo a full, meritorious process, these are normally for maternity leaves or other absences and would not normally require lengthier extensions.

10. **Letters of Expectation** – The PEA stated they strongly disagree with the practice of letters of expectation and provided their viewpoints on the concerns with the practice. They stated that any benefit from LOEs is usually more than offset by the negative morale that these letters produce. The Employer disagreed and stated that letters of expectation are seen as a valuable tool. The Employer further confirmed that the PSA provides advice to managers who are sending letters of expectation, however, some managers may do so without PSA advice.

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The PEA also raised examples of concerning language (excerpts from letters). The Employer encouraged the PEA to provide specific examples that are concerning to Sarah.

11. **Overpayments** – this topic has been deferred to the next meeting.
12. **Next meeting:** The parties will review calendars for potential meeting dates in June.