

Transition Agreement (the “Agreement”)

The *Public Service Labour Relations Amendment Act 2023* (“Bill 5”) received Royal Assent on May 11, 2023, and came into force by regulation of the Lieutenant Governor in Council on July 14, 2023. As a result, certain classifications of lawyers and articling students (collectively “Employees”) employed by His Majesty the King in Right of the Province of British Columbia (the “Employer”) have been determined to be members of the Professional Employees Association (the “Union”).

The purpose of this Agreement is to provide timing for implementing the specific agreed to terms of the PEA 17th Main Agreement (“PEA Main Agreement”), pursuant to Arbitrator Dorsey’s decision dated March 8, 2024.

General Provisions

1. Salary and Classification will be dealt with separately.

Matters about the Employees’ salary, classification, and increment dates are not addressed in this Agreement as there is an ongoing salary, classification, and increment dispute.

2. No recovery for overpayments

If the Employer paid any Employee for a payment or benefit afforded to Excluded Employees or set out in the Crown Counsel Agreement that was greater than what the Employee would have received under the PEA Main Agreement, the Employer agrees it will not seek to recover that payment or benefit.

3. Where Excluded Legal Counsel Terms Apply

Where the parties agree that any terms and conditions of employment of the PEA Main Agreement do not apply on July 14, 2023, the Employees’ previous Excluded Legal Counsel terms and conditions apply and can be grieved pursuant to the terms of the PEA Main Agreement.

The parties have agreed to waive grievance timelines in a separate agreement.

4. Clauses not referred to in this Agreement

The parties are in negotiations to resolve any remaining areas of dispute regarding applicability or timing of implementation, but have not reached full agreement on all articles in the PEA Main Agreement. If an article is not referred to in this Agreement, the parties have not yet agreed to either applicability and/or timing of the article.

Specific Entitlements

5. Vacation Entitlement

Despite Article 21.01 (a) of the PEA Main Agreement applying as of July 14, 2023, Employees at their 10th vacation year will receive 25 vacation days for the 2023 and 2024 years.

6. Vacation Carryover

Despite Article 21.03 of the PEA Main Agreement, Employees will receive the Excluded vacation carryover entitlements until ratification of the 18th Main Agreement.

7. Extended Health and Welfare Plan

Despite Article 30 of the PEA Main Agreement, Eligible Employees will continue on their current extended health and welfare plans for Excluded Employees until December 31, 2024. Transition to the extended benefit plan set out in the PEA Main Agreement will occur on January 1, 2025.

8. Short-Term Illness and Injury and Long-Term Disability

As set out in Article 22 and Information Appendix A of the PEA Main Agreement, where eligible, all Employees will be covered by the Short-Term Illness and Injury and Long-Term Disability benefits under Information Appendix A of the Main Agreement effective July 1, 2024.

Employees will continue to have access to the S57 Bank for excluded employees for Short Term Illness and Injury benefit top-up, until June 30, 2024.

Employees in receipt of STIIP benefits before July 1, 2024, and who are ultimately bridged to Long Term Disability (LTD) benefits, or those who are currently in receipt of benefits under the LTD plan for excluded employees as July 1, 2024, will be given the option to remain on the LTD plan for excluded employees and the extended health and welfare benefit plan for excluded employees, and will continue to receive MCCF in-range adjustments as per Treasury Board Order No. 2022-0401-02, until a full return to work from LTD and the conclusion of the six-month successive disability period. Employees will make this election by no later than June 30, 2024, failing which they will remain on the LTD plan for excluded employees.

9. May 8, 2023 Discipline Letters

The May 8, 2023, discipline letters will be removed from Employee files no later than 30 days after the signing of this agreement.

10. Professional Requirements Allowance (“PRA”)

Employees will not be required to repay PRA issued for 2023/2024 fiscal year and will have access to PRA for the fiscal year 2024/2025.

11. Membership in Professional and Allied Associations, Etc.

Despite Article 3.05(a) of the PEA Main Agreement, Employees mandatory licensing and professional fees will be fully paid by the Employer directly to the Law Society as per past practice until ratification of the 18th Main Agreement, unless otherwise agreed to by the parties.

12. Part-Time and Auxiliary Employees

Article 16 of the PEA Main Agreement will apply effective July 1, 2024.

In lieu of overtime payments under Article 16 between July 13, 2023 and June 30, 2024, part-time and auxiliary employees will not be required to repay Earned Day Off/Earned Time Off (EDO/ETO) received for 2023 and 2024. 2024 ETO can be added to existing ETO carryover banks, which will continue to be available in accordance with the current practice. ETO carryover banks will not be archived or paid out without the consent of the Employee.

In recognition of their valuable contributions, part-time and auxiliary employees will receive a one-time credit to their 2024 leave banks of an additional 2 days of displaced vacation.

Employee requests to move from part-time to full-time status before December 31, 2024 will not be unreasonably denied, subject to budgetary consideration and operational needs. Denial of such requests are subject to grievance under Article 8 of the Collective Agreement.

13. General Leave

Excluded Employee Special and Other Leaves will no longer apply as of June 30, 2024. Approval of these leaves will not be unreasonably denied and there will be no repayments.

PEA General Leave Article 24.08 is effective July 1, 2024. All Employees will be provided with 3 days General Leave for the period July 1, 2024, to December 31, 2024 (prorated for part-time employees).

14. Maternity, Parental and Adoption Leave

Employees on Maternity, Parental and Adoption Leave will continue to accrue vacation while on leave until ratification of the 18th Main Agreement. The remainder of Article 26 applies as of July 1, 2024.

15. Special Indemnity

Despite Article 36.02 of the PEA Main Agreement, employees will be provided with special indemnification consistent with that provided to employees covered by the *Excluded Employees (Legal Proceedings) Indemnity Regulation*, BC Reg 62/2012, as amended. This agreement expires upon ratification of the 18th Main Agreement, unless otherwise agreed to by the parties.

16. Overtime, Shiftwork and Standby Provisions for Regular Full-Time Employees (OSS)

Despite Article 15 coming into effect on July 14, 2023, employee entitlement to OSS will be offset against EDO and ETO, and therefore all full-time employees will receive 5 days of retroactive OSS credited to their 2024 leave banks. Effective July 1, 2024, full-time employees are entitled to OSS (pro-rated for 2024).

Employees will be permitted to choose to take pro-rated 2024 OSS as either time or leave as per Article 15.

Employees will not be required to repay Earned Day Off (“EDO”)/Earned Time Off “ETO” received for 2023 and 2024. ETO can be added to existing ETO carryover banks, which will continue to be available in accordance with the current practice. ETO carryover banks will not be archived or paid out without the consent of the Employee.

17. Articles Applicable as of July 14, 2023

In addition to the articles referred to above in this Agreement, the following additional articles of the PEA Main Agreement apply on July 14, 2023:

- Articles 1-2
- Articles 3.01-3.04, 3.05(b)-(c), 3.06-3.08
- Articles 4-13
- Articles 19-20
- Articles 24.01-24.02
- Article 27-29
- Article 30.05
- Article 32.02, 32.04-32.05, 32.08, 32.10-12, 32.19
- Article 33.02
- Article 34
- Article 35.01-35.05, 35.08-35.12
- Article 36.01, 36.03, 36.06-36.07, 36.12
- Article 37
- Article 38
- Article 39
- Appendix A- B, D

- Memorandum of Agreement #1, 2, 5, 8-10, 15, 17-20

18. Articles effective July 1, 2024

In addition to the articles referred to above in this Agreement, the following additional articles of the PEA Main Agreement apply on July 1, 2024:

- Articles 21.01(b)-(f), 21.02, 21.04 - 21.09
- Articles 22-23
- Articles 24.03-24.07, 24.09-24.21
- Article 25
- Article 30.13
- Article 31
- Articles 32.06-32.07, 32.09, 32.13 - 32.18
- Articles 35.06-09
- Articles 36.04 and 36.05, 36.08-36.11
- Appendix C
- Memorandum of Agreement #4, 12
- Information Appendices B-H

19. Articles Effective as of January 1, 2025

In addition to the articles referred to above in this Agreement, the following additional articles of the PEA Main agreement apply on January 1, 2025.

- Articles 30.01- 30.04, 30.06 - 30.12