



Department of Justice
Canada

Ministère de la Justice
Canada

Ottawa, Canada
K1A 0H8

May 28, 2012

Ms. Lisa Blais
President
Association of Justice Counsel
300-2725 Queensview Drive
Ottawa, Ontario K2B 0A1

Dear Ms. Blais:

I would like to extend my sincere congratulations on your appointment as President of the Association of Justice Counsel.

I am writing in response to a letter from Mr. Marco Mendicino dated April 28, 2012, in which he raised a number of questions related to workforce adjustment matters. I regret not responding sooner. I can assure you that senior management takes these issues very seriously and is committed to continuing to work collaboratively with the AJC to support our employees. I have enclosed under Appendices A and B a response to the questions raised by your predecessor in his letter.

I am also in receipt of Mr. Mendicino's letter dated May 17, 2012, in which he enclosed a set of supplemental questions related to workforce adjustment. Responses to these questions are attached as Appendix C.

I look forward to working with you and wish you all the best in the discharge of your new responsibilities.

Sincerely yours,

Joel A. Oliver
A/Assistant Deputy Minister
Management Sector

Enclosures

Canada

Appendix A

1) Timelines for “Affected” and “Surplus” Status, and Possible Removal from WFA Notice List

We understand and recognize that uncertainty is very difficult for employees. We expect that decisions in regard to retention and lay-off will be taken in the coming weeks. As you are aware, we have shared with the Association the related merit criteria and assessment approaches for these processes. The Association and employees will be informed as soon as decisions are made.

2) No Guarantee of Reasonable Job Offer

The decision not to provide employees with a guarantee of a reasonable job offer was not taken lightly. It was based on several considerations including the number of employees affected, the occupational groups and levels, location, attrition rates, forecasted staffing opportunities and the anticipated public service wide capacity. We will be monitoring this issue on a regular basis as we move forward.

3) Remaining LAs in Affected Portfolios

This question relates to the remaining LAs in each of the three affected portfolios who will not be receiving a WFA notice. The Department is continuing its work to identify impacts of the implementation of the Economic Action Plan. Thus, the number of those not affected is not fully known at this time.

4) Other Vacancies within the Department

The question appears to relate to capacity to hire into vacancies. In this regard, it is important to note that the number of vacant positions is not indicative of planned staffing activities. As explained in our response to question number 5 below, the Department has put in place a Priority Placement Unit (PPU) and a Workforce Management Board (WMB) to ensure that every consideration is given to affected and surplus employees when staffing positions on an indeterminate and temporary basis.

As for parts f) and g) of the question relating to total number of indeterminate and term LA positions to be eliminated by 2015, at this time, it is not known what the total numbers will be, as implementation phases continue to be worked through. We estimate that to achieve the required savings the Department will need to reduce its workforce by 6.5% over the next three years.

5) Priority Placement Unit (PPU)

The following responds to questions related to the Priority Placement Unit:

1. *What is the purpose and objective of the PPU?*
Refer to Appendix B for related information.
2. *Where does the PPU derive its authority for staffing appointments?*
The PPU does not have authority for staffing appointments. Its role is to refer affected/surplus employees in anticipation of delegated managers making such appointments.
3. *Who (i.e. which deputy head) is responsible for the PPU?*
The PPU is a support mechanism to the overall workforce management strategy and governance, is housed within Human Resources and supports the Workforce Management Board (WMB).
4. *What staffing actions or other powers are available under the PPU?*
The PPU reviews all staffing requests on a national basis in order to match affected/surplus employees with available opportunities.
5. *Who decides what staffing actions may be taken under the PPU?*
Managers submit staffing actions to the PPU.
6. *What is the basic process for the PPU:*
 - a. *Are WFA notified members automatically eligible and registered, or must they opt in?*
All affected employees will be registered as soon as their written consent is provided.
 - b. *Are WFA notified members eligible once deemed "affected", or "surplus"?*
Yes, subject to their consent to be referred.
 - c. *Are WFA notified members entitled to compete for, or dispute staffing actions under the PPU?*
WFA employees continue their eligibility to compete and may pursue further information regarding non-referral or non-qualification.
7. *What procedural and decision-making guidelines have been established for the PPU?*
An outline of procedures is attached as Appendix B.
8. *Will PPU submit routine reports, available to the AJC and other bargaining agents?*
Reports are being developed for the WMB and could be made available to the Bargaining Agents.
9. *Will the PPU be responsible for applying PSC policy and guidelines for retention and lay-off?*
No, this is a managerial responsibility when conducting such processes.
10. *What training will you provide on PPU?*
Training is not required, as the PPU will be administered within Human Resources. Managers and employees will be informed of its functions.

6) WFA Employee Guide

A copy of the WFA Employee Guide was forwarded to the AJC and other Bargaining Agents by e-mail on May 14, 2012. This Guide is available to all employees and is posted on the «HR and You» website.

7) Estimated Savings Attributable to WFA Notices and Non-Conversion of Term Employees After Three Years

As you may be aware, the Department is committed to achieving savings of approximately \$67.5 million over 3 years. As mentioned earlier, to achieve the necessary savings in salary dollars, we anticipate that our current workforce will be reduced by approximately 6.5 % over the three-year implementation period.

8) Notice of Non-Renewal of Term Employees

The Department of Justice Policy requires that term employees hired for a period of more than six months be provided with a three-month notice when their term will not be renewed. We wish to assure the AJC that we will abide by our policy and provide sufficient notice to our employees.

With respect to notification to the Association of non-renewal of terms, as you are no doubt aware, the workforce adjustment directives apply to employees who are appointed on an indeterminate basis. Notification to bargaining agents of workforce adjustment situations that impact indeterminate employees is also outlined in the Directive.

As the Directive does not apply to employees appointed for a term period, we would submit there is no requirement to notify bargaining agents of non-renewal of terms. That being said, we would be pleased to include in the notice letter of non-renewal to employees that they can contact their bargaining agent, should they choose.

9) Future WFA Notices

It is anticipated that there will be a need to provide more notices of affected status and we will of course provide the AJC and affected employees with the required notification in a timely fashion.

PRIORITY PLACEMENT UNIT

PURPOSE

The purpose of this document is to outline the roles and responsibilities as well as the departmental process in relation to the Priority Placement Unit (PPU).

OBJECTIVE

The Priority Placement Unit (PPU), which resides within the Human Resources and Professional Development Directorate, was created as a mechanism to support the overall governance structure that has been implemented within the Department as part of our Workforce Management Strategy.

In its simplest form, the PPU is responsible for reviewing all staffing requests on a national basis and to market departmental affected and surplus employees and those with other priority entitlements for employment opportunities within the Department. The Unit will monitor the progress related to the placement of these departmental employees and will inform the Workforce Management Board (WMB) accordingly.

Direct Reports are accountable for the implementation of the Economic Action Plan decisions as they pertain to their areas of responsibility. Delegated managers are accountable for the planning and conduct of selection processes.

Delegated managers must first give consideration to departmental employees with an affected, surplus or priority status prior to seeking candidates through other staffing or other mechanisms (such as contracts, consultants) for all employment opportunities. Exceptions to this measure will require the endorsement of the Workforce Management Board.

PROCESS

As such, all Direct Reports must review all staffing requests pertaining to their area of responsibility and approve their transmittal to the PPU.

Sub-delegated managers, upon receipt of Direct Report approval, will forward their staffing¹ requests to the Priority Placement Unit electronically to a centralized email address.

The PPU will review all requests and identify affected or surplus employees with other priority entitlement for referral. To support this process, the Manage Priority Module has been implemented within the Departmental Human Resources Management System (HRMS). Information pertaining to all affected, as well as surplus and priority employees registered in the

¹ Staffing means external and internal processes on an indeterminate or temporary basis (i.e. deployments, acting appointments for more than four months, term appointments, assignments, secondments etc.)

Public Service Commission's Priority Information Management System (PIMS) is captured within the HRMS. It is the responsibility of the affected, surplus or priority employee to provide an up-to-date resume for referral purposes.

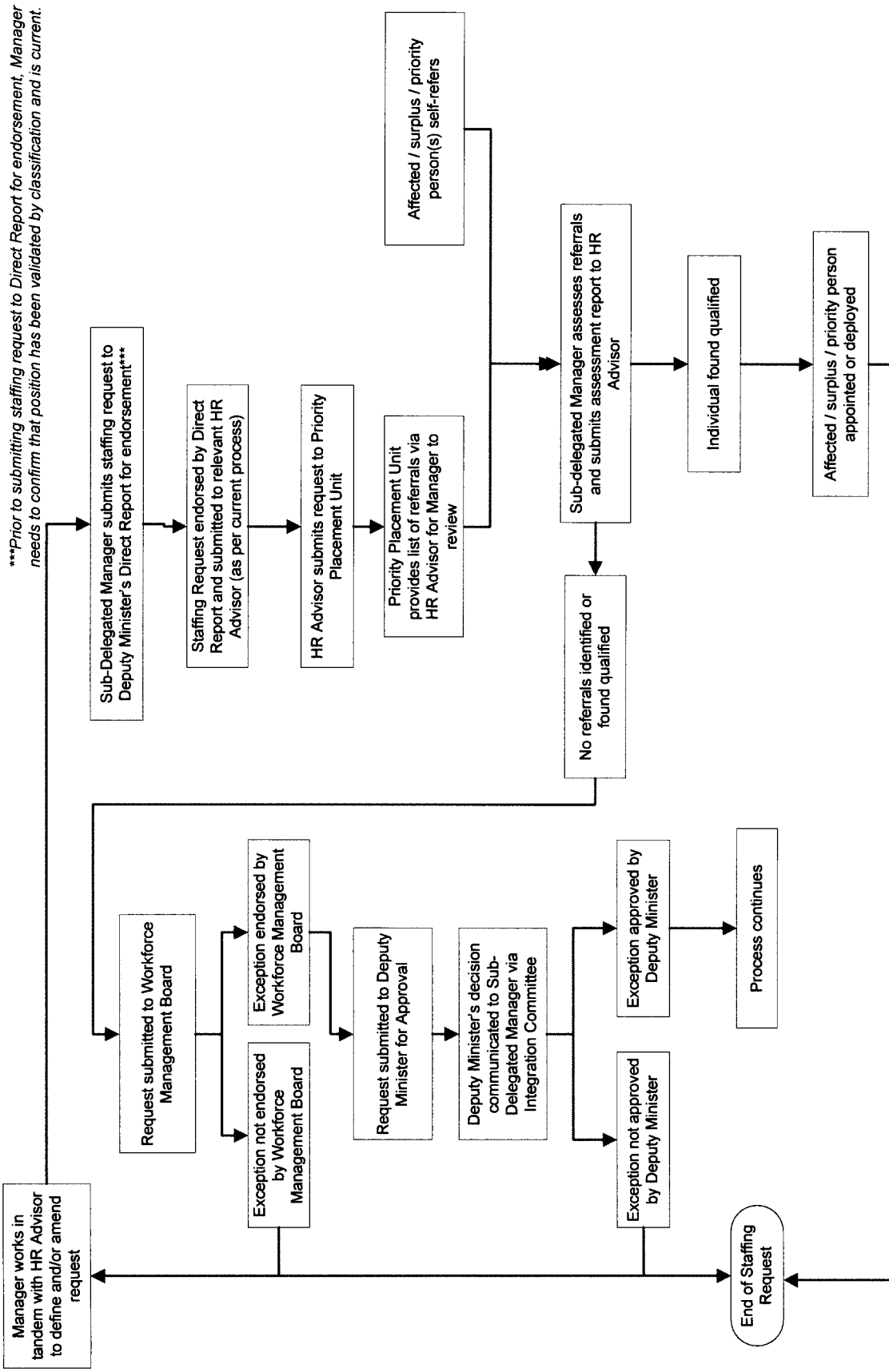
For each staffing request where affected staff can be considered, the PPU will refer these individuals to the sub-delegated manager for consideration and will monitor the status of the referral. Information on the position being staffed and the date of the referral will be maintained within the HRMS. The PPU, with support of the responsible HR Advisor, will follow up with the sub-delegated manager. If an employee is placed as a result of the referral, this information will be captured within the HRMS. If additional information is required in relation to the employee in order to effectively market them, the PPU or HR Advisor will contact the employee directly.

The PPU will refer the staffing request to the WMB for consideration if there is no affected, surplus or other priority employee to be considered; or when the sub-delegated manager is of the opinion that it is not appropriate to take an affected, surplus or other priority employee. The WMB will subsequently forward recommendations to the Deputy Minister on next steps.

The PPU will provide reports to the WMB on the number and status of placement of affected surplus and priority employees.

A flowchart of the Priority Placement Process is attached.

JUSTICE PRIORITY PLACEMENT PROCESS



1) Initiation of the PPU

The Priority Placement Unit will be operational in the short coming days. Thus, managers are reviewing their planned staffing actions in anticipation of submissions. We have also shared with the AJC the communication to affected employees wherein their consent is sought to register in the referral system.

At the upcoming Workforce Adjustment Committee in June, we would expect to be able to share related information with Bargaining Agents.

2) Alternation/Volunteer Resignation

The Department will be going live with its Alternation Program shortly. A website, as part of the Workforce Management website in 'HR and You' has been created to support information and registration. As you are aware, there is also a public service wide alternation forum on GC Forums.

Managers in areas with affected employees have communicated the option for volunteering, where appropriate. Support and guidance in this regard is provided by HR Advisors.

3) SERLO Processes

These are ongoing presently in two of the affected areas. They have not yet been completed. The processes are being conducted in accordance with the related Guide that the Public Service Commission has published to support departments' actions in this regard.

4) Conflict of Interest

We will provide information in relation to this issue shortly.

5) Transportation Canada: LA 2A or 2B opportunities

We can confirm that there have been no LA-2A or LA-2B opportunities advertised within the past several months for the Transport Canada Legal Services Unit which is part of the Department of Justice. What may have been reported to you was a notice for opportunities with the Canadian Transportation Agency, which is not part of our department. As you may be aware, the Public Service Commission would be responsible for referring employees with priority status (surplus, lay-off, leave of absence, etc.) to organizations outside JUS. Persons with affected status are not registered in the PSC's priority system. That being said, employees with priority status can 'self-refer' to posted opportunities that interest them and both affected and surplus priority employees retain eligibility to compete for any opportunity for which they are eligible.

As indicated in the workforce adjustment directives and reiterated in our Employee Guide, affected and surplus employees have the responsibility to actively seek alternative employment in cooperation with their departments. Thus, employees are strongly encouraged to monitor posted opportunities so that these can be pursued, as appropriate. Both managers and HR Advisors can support this also. We will be providing assistance to employees in terms of cv and interview preparation, as well as facilitating networking.