

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NUMBER 123-2006

A BY-LAW TO AUTHORIZE THE EXECUTION OF A LETTER OF UNDERSTANDING BETWEEN THE CORPORATION OF THE CITY OF KENORA AND C.U.P.E. LOCAL 191 CONCERNING CITY HALL MATERNITY VACANCIES

WHEREAS The Corporation of the City of Kenora deems it necessary to execute a Letter of Understanding with Local 191 of the Canadian Union of Public Employees;

NOW THEREFORE, the Corporation of the City of Kenora hereby enacts as follows:-

1. **THAT** The Corporation of the City of Kenora hereby enters into a Letter of Understanding with Local 191 of the Canadian Union of Public Employees concerning City Hall Maternity Vacancies – Customer Service Assistant and Accounting Assistant.
2. **THAT** the Mayor and Clerk be and are hereby authorized to execute the Letter of Understanding on behalf of the Corporation of the City of Kenora.
3. **THAT** this By-law shall take effect and come into force upon third and final reading thereof.

BY-LAW read a FIRST & SECOND TIME THIS 11TH DAY OF SEPTEMBER, 2006.

BY-LAW read a THIRD & FINAL TIME THIS 11^H DAY OF SEPTEMBER, 2006.

THE CORPORATION OF THE CITY OF KENORA:

.....**MAYOR**
David Canfield

.....**CLERK**
Joanne McMillin

LETTER OF UNDERSTANDING

Between:

**THE CORPORATION OF THE CITY OF KENORA
(hereinafter called the “Employer”)**

-and-

**THE CANADIAN UNION OF PUBLIC EMPLOYEES
And it’s LOCAL 191
(hereinafter called the “Union”)**

Re: City Hall Maternity Vacancies - Customer Service Assistant and Accounting Assistant

The above named parties do hereby agree without prejudice or precedent to any similar situation that, notwithstanding the temporary vacancies and method of making appointments shown in Article 7.06 & 7.08 of the Collective Agreement, the parties understand in this particular situation special arrangements were required in order to fill the two above-noted maternity leave vacancies.

In order to cover the Assistant Accountant Maternity Vacancy the parties agree to the following:

- Andrea Green will cover both maternity leave Assistant Accountant vacancies in the Finance Department until one of the Assistant Accountants returns from their leave. At that time she will continue to perform the duties of the one vacant position.
- All workload will remain in the classification of Assistant Accountant except for:
 - Miscellaneous bank reconciliation related work;
 - U. S. Bank Reconciliation; and
 - GST & PST Returns;which will be transferred to the Payables Officer during this leave. This work will be transferred back to the Assistant Accountants as soon as one of the Assistant Accounts return from their leave.
- If required or requested by the Assistant Accountant, assistance may be provided from time to time by the department in accordance with Article 1.05.
- The hours of work for Andrea Green, Assistant Accountant, will be increased to 8 hours per day. The 8 hour day will be adjusted back to the 7 ¼ hr day upon the return of the first Assistant Accountant.

- If at any time either Andrea Green or the employer feels this work situation of covering off both Assistant Accountant Maternity leave positions is not working, the plan will be aborted and the employer will review their options again.

In order to cover the Customer Service Assistant maternity leave vacancy the parties agree to the following:

- As a result of the internal posting, the City received two applicants, both of whom did not meet the minimum qualifications of the posting. The employer advertised externally and one candidate was hired. During this time, a second vacancy occurred in the department. Based on a review of available options, and in recognition of anticipated workload changes within the department over the next year, the employer provided notice to the union that we had decided to replace the vacancy with a 18 month Customer Service Assistant. This new position was posted internally and one internal applicant was received for the position. This applicant did not meet the minimum posted qualifications for the position. Rather than posting externally again, the employer moved our new hire for the Maternity Leave vacancy to the 18 month position. As a result of that move, the maternity leave vacancy was re-opened. Since the employer had fulfilled its obligation in accordance with the Collective Agreement, alternative options were reviewed.
- The employer is prepared to allow the three internal candidates that did post to the vacant position to take the Customer Service Assistant test to show if they have the skills and abilities for the position, without prejudice or precedent to any similar situation. If they pass the test with a mark of 65% or greater, in accordance with the Collective Agreement, the employer is prepared to take them through the interview process.
- If there is no passing mark achieved by the internal applicants, the employer will again review its options.

Dated at Kenora, Ontario this _____ day of _____, 2006.

THE CORPORATION OF THE CITY
KENORA

CANADIAN UNION OF PUBLIC
EMPLOYEES AND ITS LOCAL 191

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