KEY ELEMENTS OF THE NJC WORKFORCE ADJUSTMENT DIRECTIVE

Flow chart serves as an information guide only.

WORKFORCE ADJUSTMENT
Department/Organization decides that the services of 1 or more indeterminate employees will no longer be required beyond a specified date because of a lack of work, the discontinuance of a function, a relocation of a work unit to which the employee does not want to relocate or an alternative delivery initiative

NOTIFICATION TO EMPLOYER AND BARGAINING AGENT(S)
1) Treasury Board Secretariat – Where 6 or more affected employees, not less than 4 working days prior to notifying affected employees (subsection 2.1.2)
2) National Head of each Bargaining Agent(s) – Not less than 2 days prior to notifying affected employee (subsection 2.1.3)
3) Consultation to continue with Bargaining Agent(s) throughout the WFA process (subsection 1.1.14)

WRITTEN NOTICE OF RELOCATION OF A WORK UNIT
Employees have 6 months to decide if they wish to move with their position or to be treated as if they were subject to a workforce adjustment situation (section 3.1)

EMPLOYEE DECIDES NOT TO MOVE WITH THE POSITION
DH provides GRJO or Options

EMPLOYEE DECIDES TO MOVE WITH THE POSITION
NJC Relocation Directive applies

NOTIFICATION OF AFFECTED STATUS (for lack of work, discontinuance of a function or alternative delivery initiative)
An indeterminate employee receives notification that his/her services MAY no longer be required or that the relocation of the work unit has been approved.
The department or organization will review the status of each affected employee annually, or earlier, from the date of initial notification of affected status and determine whether the employee will remain on affected status or not (subsection 1.1.40)

VOLUNTARY DEPARTURE PROGRAMS (only applicable when DH cannot provide GRJO)
1) For less than 5 affected employees at the same group and level in the same unit the DH may establish a voluntary departure program
2) For 5 or more affected employees the DH must establish a voluntary departure program
3) 30 calendar days to decide to select options B, C(i) or C(ii)
4) See other requirements (subsection 6.2.3)

OFFICIAL NOTIFICATION OF WFA STATUS
An indeterminate employee receives written notification as to which of the 4 workforce adjustment situations applies (with a copy of the applicable Work Force Adjustment provisions) (subsection 1.1.6)

SURPLUS WITH GUARANTEE OF REASONABLE JOB OFFER (GRJO)

OPTING EMPLOYEE – NO GUARANTEE OF A REASONABLE JOB OFFER (no GRJO)

ALTERNATION PROGRAM
- Employee may participate in an Alternation Program during the 120-day opting period or during 12-month Option A surplus period.
- Employee can only select Option B or C(i).
- If alternation is during Option A surplus period, alternate's TSM will be reduced by 1 week for each completed week between beginning of employee surplus period and date of alternation.

SURPLUS PRIORITY STATUS
Employee receives a letter giving surplus priority rights for appointment to other positions in the Core Public Administration (CPA). Employee remains in surplus status until appointed or deployed to another indeterminate position, refuses a reasonable job offer, is laid-off or chooses to resign.

OPTING EMPLOYEE
- Employee receives a letter from the DH and has 120 days to choose between Options A, B or C (subsection 6.4.1)
- Employee must choose 1 of the 3 options and cannot change it once it is submitted in writing.
- If employee fails to select an option, Option A is deemed to be the selected option.
- Entitled to $1,200 for financial and job placement counselling services (subsection 6.4.6)
- The employee is ineligible for Option B or C if RJO which does not require relocation is made during the opting period and prior to the receipt of the employee's written choice.

EMPLOYEE ACCEPTS RJO
- If appointment to a lower-level position, salary protected
- until appointed or deployed to a position with a
- maximum rate of pay equal to or higher than that of the
- surplus position.
- Also, if to a lower level, a Reinstatement Priority for
- reappointment to a former level.
- If needed, retraining is provided (Part IV)

EMPLOYEE REFUSES RJO
- Laid-off but no sooner than 6 months from beginning of surplus period
- 1 month lay-off notice required
- Lay-off priority for 1 year
- Severance pay at lay-off rate
- No access to lump-sum amounts nor pension waiver

OPTION A - 12 MONTH SURPLUS PERIOD IN WHICH TO SECURE A REASONABLE JOB OFFER (RJO)
(may extend by remainder of 120-day opting period)

OPTION B - TRANSITION SUPPORT MEASURE (TSM)
Lump-sum payment based on employee's years of service in the Public Service.

OPTION C- EDUCATION ALLOWANCE
Lump-sum payment equivalent to the TSM plus reimbursement of up to $17,000 for receipted expenses for tuition fees, costs of books and relevant equipment.

OPTION B or C(i) - EMPLOYEE RESIGNS
- Lump-sum amount(s). The cash amount ranges from 4 to 52 weeks' salary(see WFAD).
- Individuals with 16-29 years service get maximum amount.
- Considered laid-off for severance pay purposes. Management establishes departure date.
- Cannot be combined with any other payment under the WFAD.
- Relinquishes any priority rights for reappointment.
- Pension Waiver (applies to Option B only) if:
  - the person became a plan member before January 1, 2013, and is at least 55 years of age with at least 10 years of service at the end of their employment (not in receipt of an RJO and is laid-off); or
  - the person became a plan member on or after January 1, 2013, and is at least 60 years of age with at least 10 years of service at the end of their employment (not in receipt of an RJO and is laid-off).

SURPLUS PRIORITY STATUS
Employee receives a letter giving surplus priority rights for appointment to other positions in the Core Public Administration (CPA)
- 12-month time limit to find RJO.
- Pension Waiver if:
  - the person became a plan member before January 1, 2013, and is at least 55 years of age with at least 10 years of service at the end of their employment (not have received an RJO and is laid-off); or
  - the person became a plan member on or after January 1, 2013, and is at least 60 years of age with at least 10 years of service at the end of their employment (not have received an RJO and is laid-off).
- Pay in lieu of unfulfilled surplus period may be authorized to a surplus employee who offers to resign before the end of the 12-month surplus period.
- The lump-sum payment is equal to the surplus regular pay for the balance of the surplus period, up to a maximum of 6 months.
- The amount cannot exceed the maximum that would have been received under Option B.
- Employee's work must be discontinued on resignation date.
- Employee is ineligible for pay in lieu if an RJO has been refused during the surplus period.
- Considered laid-off for severance pay.

EMPLOYEE ACCEPTS RJO
- If applicable, eligible for retraining, salary protection or reinstatement priority rights.
- If appointment to a lower-level position, salary protected until appointed or deployed to a position with a maximum rate of pay equal to or higher than that of the surplus position.
- Also, if to a lower level, a Reinstatement Priority for reappointment to a former level.
- If needed, retraining is provided (Part IV)

EMPLOYEE REFUSES RJO
- Laid-off but not sooner than 6 months from beginning of surplus period.
- 1 month lay-off notice required.
- Lay-off priority for 1 year.
- Severance pay at lay-off rate.
- No access to lump-sum amounts nor pension waiver.

NO RJO RECEIVED WITHIN 12 MONTH SURPLUS PERIOD
- Lay-off notice at least 1 month before the scheduled lay-off date.
- Lay-off priority rights for appointment to positions in the CPA for 1 year following lay-off date.
- If applicable, eligible for retraining, salary protection or reinstatement priority entitlements.

OPTION C(ii) – EMPLOYEE REQUESTS LEAVE WITHOUT PAY (LWOP) FOR A MAXIMUM OF 2 YEARS
Delay departure date and go on LWOP while attending learning institution
Note: Proof of registration required within 12 months of starting LWOP otherwise deemed to have resigned from the core public administration and considered laid-off for severance pay purposes.
- Can continue to be a member of benefit plans by paying both the employer and employee's share to the plans and to the PS Superannuation Plan.
- At the end of the 2 years, the employee is laid off unless alternate employment is found.
- 12 month lay-off priority status.