KEY ELEMENTS OF THE NJC WORKFORCE ADJUSTMENT DIRECTIVE

The flowchart serves as an information guide only.

WORKFORCE ADJUSTMENT
Department decides that the services of one 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 in which the employee does not want to relocate or an alternative delivery initiative

NOTIFICATION TO EMPLOYER AND BARGAINING AGENT
1) Treasury Board Secretariat – Where 6 or more affected employees not less than 4 working days prior to notifying affected employees (Section 2.1.2)
2) Bargaining Agent(s) – Not less than two days prior to notifying affected employee (Section 2.1.3)
Consultation to continue with Bargaining Agent(s) throughout the WFA process (Section 1.1.2)

NOTIFICATION OF AFFECTED STATUS
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 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 (Section 1.1.38)

OFFICIAL NOTIFICATION OF WFA STATUS
An indeterminate employee receives written notification that his/her services will no longer be required or that the relocation of the work unit has been approved (with a copy of the applicable Work Force Adjustment provisions) - (Section 1.1.6)

Written Notice of Relocation of a Work Unit
Employees have six 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 RELOCATE

EMPLOYEE DECIDES TO RELOCATE

NJC INTEGRATED RELOCATION DIRECTIVE APPLIES

Surplus with - GUARANTEE OF REASONABLE JOB OFFER (GRJO)

SURPLUS PRIORITY STATUS
Employee receives a letter giving him/her surplus priority rights for appointment to other positions in the Public Service (PS)
- Individual remains in surplus status until appointed to another indeterminate position, is laid-off or chooses to resign

INDIVIDUAL 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)

INDIVIDUAL REFUSES RJO
- Laid-off but no sooner than 6 months from beginning of surplus period
- One 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

Opting Employee – NO GUARANTEE OF A REASONABLE JOB OFFER (no GRJO)

OPTING EMPLOYEE
Employee receives a letter from the Deputy Head and has 120 days to choose among options a), b) or c)
- Employees must choose one of the three options and cannot change it once it is submitted
- If employee fails to select an option, Option a) is deemed to be the selection option.
- The employee is ineligible for Option a), b) or c) if RJO which does not require relocation is made during the option period and prior to the receipt of the employee's written choice.

ALTERNATION PROGRAM
Employee may participate in an Alternation Program during the 120-day opting period

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

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

OPTION C) EDUCATION ALLOWANCE
Cash payment equivalent to the TSM plus reimbursement of up to $11,000 for receipted expenses for tuition fees, costs of books and mandatory equipment

SURPLUS PRIORITY STATUS
Employee receives a letter giving him/her surplus priority rights for appointment to other positions in the Public Service (PS)
- 12 month time limit to find RJO
- Pension Waiver if 55-59 years of age with at least 10 years of service (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 six 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 a RJO has been refused during the surplus period
- Considered laid-off for severance pay.

EMPLOYEE RESIGNS – option B or C (i)
- Lump-sum amount(s). The cash amount ranges from 4 to 52 weeks salary (see collective agreement or 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/WFAA.
- Entitled to $600 for financial and job placement counselling services (Section 6.3.6)
- Relinquishes any priority rights for reappointment.
- Pension waiver if 55-59 years of age with at least 10 years of service (not in receipt of a RJO and is laid-off) **(applies to option B only)**

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 PS 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.

INDIVIDUAL ACCEPTS RJO
- If appointed 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 former level.
- If needed, retraining is provided (Part IV).

INDIVIDUAL REFUSES RJO
- Laid-off but not sooner than 6 months from beginning of surplus period.
- One 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 months surplus period
Lay-off notice at least 1 month before the schedule lay-off date.

LAY-OFF PRIORITY STATUS
Employee receives a letter giving him/her lay-off priority rights for appointment to positions in the PS for one year following lay-off date.
If applicable, eligible for Retraining, Salary protection or Reinstatement Priority Rights.