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| PLEASE POST |

Date: April 15, 2020

To: Members who filed classification appeals relating to the
Ministry of Forests, Lands, Natural Resource Operations & Rural
Development (FLNRORD)

Re: FLNRORD Appeals Update

The BC Government and Service Employees' Union (BCGEU) and the BC Public Service Agency (PSA) continue to work as a Joint Technical Working Committee (JTWc) on the FLNRORD appeals.

The parties are continuing to work on appeals as indicated on the status charts below. Note:

- At present, we anticipate that the COVID-19 situation will not interfere with our work, and are **continuing to work on all FLNRORD appeals as a priority over other appeals**. This should help to reduce the backlog of appeals.
- Your retroactive pay, in the event of success, is protected through the previously agreed upon Memorandum of Agreement. There is further information regarding retro pay below.
- If you have already had an appeal meeting with the JTWc, we are doing our best to work to finalize a decision as soon as possible, but we cannot anticipate when you will receive a final decision.
- Many of you have expressed your frustration about the time taken to conclude appeals.
 - Many of you have also submitted a high volume of detailed information that you wish to be considered when deciding on your appeal.
 - The JTWc is ensuring we review all of the detailed information submitted for each appeal. This has contributed *significantly* to the amount of time being taken to ensure that correct decisions are reached.
 - The decisions are not subject to further appeal and the need to get them right outweighs the need to complete them quickly, given that retroactive pay rights are not at risk.



- If we have not yet contacted you to arrange an appeal meeting or sent you a formal Request for Information, we will not, in all likelihood, be able to proceed with your appeal until late 2020 at the earliest, depending on the current situation with COVID-19.

If you have left or ***will be*** leaving the BC Public Service (including retiring), we need your personal contact information in order for retroactive pay to be actioned, should you be eligible at the conclusion of a committee decision. **If we do not have your current contact information, the PSA cannot action retroactive pay or confirmation of the appeal outcome.** Please keep the BCGEU up to date with your personal (home) email and phone information at ClassificationAppeals@bcgeu.ca in order to share with the PSA for decision implementation.

As we have previously said, if you retire or move to another position before your appeal is heard:

- Consider setting aside work examples that will demonstrate the highest level of complexity of your work. The best work examples will be narrative examples that are detailed, specific, practical and relevant to important aspects of your work under appeal.
- If you think you will need to refer to examples involving actual emails, reports etc., consider sending these in advance to the JTWC for us to access during the appeal, although we will be asking for specific information once we begin work on your appeal.

Below is the current status of appeals.

Completed: Changes from the December 2019 bulletin are shown in **bold**.

Positions below marked * receive retro pay due to successful full reclassifications for the time incumbents were in the position and performing the full scope of work. Those marked with ** indicate time limited or temporary reclassifications.

| Job Title | Original Classification |
|--|-------------------------|
| Billing Support Analyst | Clk 14** |
| Branch Coordinator | Clerk 9 |
| Business Admin Officer | AO18 |
| Certification Standards Officer | STO 21* |
| Chainsaw Specialist | STO 18* |
| Client Services Assistant/Representative | Clerk 9* |
| Coast Check Scaler | TEO 18 |
| Ecosystem Biologist | BIO 24 |
| Equipment and Machinery Mechanic | MACH OP 14* |
| Fire Camp Coordinator | MACH OP 13* |
| FWL Permit Administrator | Clerk 11 |
| Geospatial Analyst | STO21** |
| Geospatial Technician | STO18* |
| Head, Dam Safety | STO 30* |
| NRO - Supervisor | STO 24* |
| Parks Permit Administrator | Clerk 11 |



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| Portfolio Administrator | AO 14 |
| Program Assistant | Clerk 9 |
| Provincial Chainsaw Coordinator | STO 21* |
| PWCC Services Administrator | AO 14 |
| PWRC Supervisor | Clerk 14 |
| Regional Appraisal Administrator | Clerk 14 |
| Regional Tenures Analyst | AO 14** |
| Resource Technologist | STO 18 |
| Revenue Supervisor | STO 24* |
| Senior Business Information Manager | AO 27 |
| Stock Assessment Scientist | BIO 27 |
| Strategic Resource Management Analyst | AO 18* |
| Team Lead Geomatics | STO 24* |
| Technical and Office Services Administrator | Clerk 9** |
| Wildfire Risk Coordinator | Clerk 11* |

In Progress: The following have had appeal meetings, with decisions outstanding at various stages of completion. We have several appeals nearing completion, and the **bold** font below indicates jobs next in line for completion. Those marked as "finalizing" are closest to being finished:

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| BCTS Engineering Specialist | STO 24 |
| Communications Assistant | CO 14 |
| Communications Officer | CO 21 |
| Dispatch Lead – finalizing | Clerk 11 |
| Dispatch Supervisor – finalizing | Clerk 14 |
| Dispatcher – further investigating | Clerk 9 |
| Engineering Officer - Reg. Ops | STO 24 |
| Engineering Specialist/Technician | STO 21 |
| Engineering Specialist/Technician - BCTS | STO 21 |
| Fire Crew Leader - Initial Unit Attack | STO 13 |
| Fire Crew Member | FTR 7 |
| Fire Crew Supervisor | STO 18 |
| Operations Assistant | FTR 7 |
| Regional Scaling & Billing Officer | AO 24 |
| Resource Specialist – Revenue | STO 21 |
| Revenue Technician - finalizing | STO 18 |
| Safety & Staff Development | STO 21 |
| Scaling & Waste Specialist | TEO 18 |
| Scaling Officer Interior – finalizing | TEO 21 |
| Sr. Engineering Specialist | STO 24 |
| Wildfire Assistant | STO 18 |
| Wildfire Corporate Services Admin. | AO 14 |
| Wildfire Officer - finalizing | STO 24 |
| Wildfire Services Clerk | Clerk 9 |



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| Wildfire Technician - finalizing | STO 21 |
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On Hold: The following appeals are on hold where the Committee wishes to hold until related jobs are reviewed, or at the request of the appellant and supported by the committee. The JTWC will proceed with these appeals at the appropriate time, depending on the individual circumstances:

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| GIS Analyst FCBC | STO 21 |
| Policy Analyst | AO 24 |
| Regional Scaling Specialist, Coast | TEO 21 |
| Senior Project Manager | STO 27 |

The following appeals are on hold pending further consultation between the parties and/or further investigation/consideration by the union. These will be dealt with only after all other appeal decisions have been made, and we have no further updates at this time.

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| Pricing and Tenures Administrator | Clerk 11 |
| Resource & Contract Administrator | Clerk 11 |
| Resource Info Technician | STO 15 |
| Water Info Technician | STO 15 |

Outstanding Appeals: Appeal meetings are still to be set for the following:

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| Area Residual Waste & Export Specialist | STO 21 |
| Assistant Water Manager | STO24 |
| Authorization Technician | STO 18 |
| BCTS Resource Technologist | STO 18 |
| Contract Manager | Clerk 11 |
| District Recreation Officer | STO 24 |
| IMIS Administrator | Clerk 14 |
| Land & Resource Coordinator | STO 24 |
| Land & Resource Specialist | STO 27 |
| Natural Resource Specialist 21 | STO 21 |
| Operation Technician | STO 21 |
| Records Clerk | Clerk 9 |
| Recreation Technician | STO18 |
| Resource Assistant | STO15 |
| Stewardship Technician | STO 18 |
| Wildfire Records Clerk | Clerk 9 |

Withdrawn: Five



Retroactive Pay Information

All retroactive pay relates back to the effective date of April 1, 2011 as per the Memorandum of Agreement between the parties, for all time that incumbents were occupying the position and performing the full scope of duties.

- The PSA is processing each retroactive pay calculation in turn, on a case-by-case basis. Those who had earlier appeal decisions will receive their retro before those whose decisions have been more recent. It can take several weeks to complete the payroll calculations.
- Once informed of their retroactive pay information, anyone with questions about their specific situation should first request a retro spreadsheet from payroll through MyHR. You will be provided with additional information as to who to contact if you require further assistance after you have reviewed your payroll spreadsheet.
- Article 27.5 of the Collective Agreement applies to salary administration of retro pay (below). Retroactive pay calculations include all necessary pay adjustments while a member was occupying a reclassified position *and* performing the full scope of duties, including associated pension adjustments through the Public Service Pension Plan.
- Every member's retroactive pay situation will be different depending on individual members' situations, including amount of overtime, time spent acting temporarily in other positions, time taken for leaves etc.
- Other factors may also affect the overall amount of retro pay, such as when a member began in the position, and their step level.
- If your retroactive pay amount is significant (over \$3,000) you may wish to investigate the requirements under the *Income Tax Act* regarding “lump sum retroactive payments”. The Union doesn’t have sufficient expertise in tax law to competently advise you on this point aside from directing you to the material. Basic information can be found at <https://www.canada.ca/en/revenue-agency/services/tax/businesses/topics/payroll/payroll-deductions-contributions/special-payments/qualifying-retroactive-lump-payments.html>

Article 27.5 Rate of Pay on Reclassification or Promotion

(a) When an employee is promoted or reclassified to a higher-paying position in the salary schedule, the employee will receive the rate for the position if a single salary, or, in the case of positions on a salary range, will receive the rate in the salary range which is the closest step to 8% above their previous rate, or the minimum of the new range, whichever is greater, but not more than the top of the new salary range.

(b) If an employee is promoted or reclassified to a higher paying classification where the salary placement in the salary range is less than the salary they would have received if substituting in a classification between their current classification and the new position, then the salary placement will be equivalent to the higher rate. This shall only apply to classifications in the same classification series or the classification series to which the employee is reclassified or promoted. An employee shall not receive a salary greater than the maximum of the range of the classification to which the employee is



promoted or reclassified. Future increments, if any, shall be to the next higher step in the range of the classification to which the employee has been promoted or reclassified.

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