



**CUPE LOCAL 79**

**DISPELLING THE MYTHS:**

**THE CITY OF TORONTO'S**

**SHORT TERM DISABILITY**

**PLAN OFFER**

(Permanent Full-Time, Unit B, Recreation Workers)

Revised – July 16, 2009

## **DISPELLING THE MYTHS OF THE CITY OF TORONTO'S OFFER OF SHORT TERM DISABILITY PLAN**

“Like you, your bargaining team was shocked to see the Mayor publicly release the details of the City’s last offer. We have never seen such a tactic.

The City’s offer is still inferior to what other unionized City of Toronto workers got, and that is totally unacceptable. The City is demanding huge take-aways from the existing sick leave plan and is refusing to give anything to our part-time members who currently have no sick leave plan. Temporary employees and those working permanent part-time will also be worse off.”

*-Ann Dembinski – President*

**CUPE Local 79 has reviewed, examined, and analyzed the City’s offer.**

### **SOME FACTS YOU SHOULD KNOW**

- **THE ATTENDANCE MANAGEMENT PROGRAM IS STILL IN EFFECT**

### **MEMBERS OF UNIT B**

Although there was an agreed to commitment made during bargaining in 2005 to look at a sick leave plan for your Unit, **the City is not offering any kind of sick plan for Unit B.**

### **MEMBERS OF PART-TIME RECREATION WORKERS UNIT**

Although there was an agreed to commitment made during bargaining in 2005 to look at a sick leave plan for your Unit, **the City is not offering any kind of sick plan for Part-Time Recreation Workers.**

## COMPARISON OF CURRENT SICK LEAVE PLAN VS. STD PLAN FOR FULL-TIME PERMANENT MEMBERS

Full-time Permanent Members covered by the Full-time Collective Agreement	Your current entitlements under your cumulative sick leave plan	City's Offer under their proposed Short Term Disability Plan.
I have a sick bank now. What is my gratuity entitlement under the current plan?	<p>Based on years of service you get paid out on 50% of your sick bank to a maximum of 6 months.</p> <p>The exception to the above is the former <b>City of Toronto</b> and <b>Borough of East York</b> who get day for day.</p>	See below
I have a sick bank that provides me with a gratuity at retirement/termination. What happens to it if the City places me into their STD plan?		<ul style="list-style-type: none"> <li>• You will have no gratuity under the City's plan</li> <li>• Based on years of service, the City is only giving you (35% to 80%) of the 50% that you are entitled to under the existing plan. Only if you retire prior to December 31, 2010 is the City offering you 100% of the 50% that you are entitled to under the existing plan.</li> <li>• <b>The City is trying to steal the value of the cash out you have already earned, and;</b></li> <li>• <b>The remainder of your sick bank is wiped out!</b></li> </ul>
I am a former City of Toronto employee and I have a sick bank that provides me with a gratuity at retirement/termination. What do I get now and what happens to it if the City places me into their STD plan?	Based on years of service you get paid out on 100% of your sick bank to a maximum of 6 months.	<ul style="list-style-type: none"> <li>• You will have no gratuity under the City's plan</li> <li>• Based on years of service, the City is only giving you (35% to 80%) of the 100% that you are entitled to under your grand-parented payout formula. Only if you retire prior to December 31, 2010 is the City offering you 100% that you are entitled to under your existing plan.</li> <li>• <b>The City is trying to steal the value of the cash out you have already earned, and;</b></li> </ul>

Full-time Permanent Members covered by the Full-time Collective Agreement	Your current entitlements under your cumulative sick leave plan	City's Offer under their proposed Short Term Disability Plan.
		<ul style="list-style-type: none"> <li>• <b>The remainder of your sick bank is wiped out!</b></li> </ul>
<p>I am a former Borough of East York employee and I have a sick bank that provides me with a gratuity at retirement/termination. What do I get now and what happens to it if the City places me into their STD plan?</p>	<p>Based on years of service you get paid out on 100% of your sick bank to a maximum of 6 months.</p>	<ul style="list-style-type: none"> <li>• You will have no gratuity under the City's plan</li> <li>• Based on years of service, the City is only giving you (35% to 80%) of, we presume, the 50%, under the current collective agreement. Only if you retire prior to December 31, 2010 is the City offering you 100% of, we presume, the 50% under the current collective agreement.</li> <li>• <b>The City is not treating you the same</b> as former City of Toronto employees, even though you have the same grand-parented provisions under the current collective agreement.</li> <li>• The City is trying to steal the value of the cash out you have already earned, and;</li> <li>• The remainder of your sick bank is wiped out!</li> </ul>
<p>Do I get a payout at retirement/termination?</p>	<p>Your gratuity payout at time of retirement/termination, with at least 10 years of service, is half of your accumulated bank, to a maximum of 6 months. Payout is at the rate of pay you are earning at the time you retire/sever your employment.</p>	<p>No. There will be no payout at the time of retirement/termination.</p>
<p>Typically, I have a number of minor illnesses during a calendar year. What will I be paid?</p>	<p>You draw on your existing bank and as long as you have one day in your bank you continue to accumulate each month.</p>	<ul style="list-style-type: none"> <li>• For the first four times you are sick you will be paid from day one of your illness either 75% or 100% depending on your years of service.</li> <li>• On the fifth and sixth time that you are sick,</li> </ul>

Full-time Permanent Members covered by the Full-time Collective Agreement	Your current entitlements under your cumulative sick leave plan	City's Offer under their proposed Short Term Disability Plan.
		<p>the first day is with no pay.</p> <ul style="list-style-type: none"> <li>• On the seventh time, or any time after that in the calendar year, you will not be paid for the first two days of your illness.</li> <li>• You may have to use earned vacation or lieu time to supplement the days you get a portion of your pay, or no pay at all.</li> </ul>
<p>I have a chronic condition that requires me to receive treatment regularly. For example, I need treatment 2 or 3 times a week. What will I be paid?</p>	<p>You draw on your existing bank and as long as you have one day in your bank you continue to accumulate each month.</p>	<p>By the second week you are on your fourth occurrence and therefore every day of treatment thereafter will be unpaid for the rest of the calendar year.</p>
<p>I have a major illness, such as a heart attack or cancer that requires me to be off for an extended period of time. What will I be paid?</p>	<p>You draw on your existing bank and as long as you have one day in your bank you continue to accumulate each month.</p>	<ul style="list-style-type: none"> <li>• What you get will depend on how many prior occurrences of illness you've had in the calendar year.</li> <li>• How much you get paid, and how long you get paid, will depend on your years of service.</li> <li>• If you don't qualify for LTD, and you have exhausted your STD days, you will not get paid.</li> </ul>
<p>Do I get 100% pay for each day I'm sick?</p>	<p>Yes, to the maximum amount of days in your bank.</p>	<p>It depends:</p> <ul style="list-style-type: none"> <li>• On the fifth and sixth time that you are sick, the first day is with no pay.</li> <li>• On the seventh time, or any time after that in the calendar year, you will not be paid for the first two days of your illness.</li> <li>• You may have to use earned vacation or lieu time to supplement the days you get a portion of your pay, or no pay at all.</li> <li>• <b>This is a deterrent to using sick days and builds the City's Attendance Management</b></li> </ul>

Full-time Permanent Members covered by the Full-time Collective Agreement	Your current entitlements under your cumulative sick leave plan	City's Offer under their proposed Short Term Disability Plan.
		<b>Program into the STD Plan.</b>
When do I start getting 100% pay when I am sick?	After probation all your paid sick time is at 100%	<ul style="list-style-type: none"> <li>• The City's plan is based on service and starts on completion of probation.</li> <li>• Some of your days are paid at 75% and some at 100%.</li> <li>• The less service you have the more days are paid at 75%.</li> <li>• Up to 7 years of service the majority of days available to you are paid at 75%.</li> </ul>
I'm a long service employee. How does the plan benefit me?	Most long service members have large banks that protect their income beyond 6 months.	<ul style="list-style-type: none"> <li>• On the City's plan you get a maximum of 6 months sick time in a calendar year which may not cover all your days of illness.</li> <li>• Your sick days may not always be paid.</li> </ul>
I am a newer member with short to medium service, how does the plan benefit me?	You are paid full pay for all days to the maximum amount of days in your bank.	The City's plan is based on service and starts on completion of probation. Some of your days are paid at 75% and some at 100%. The less service you have the more days are paid at 75%. Until you are at 7 years of service, the majority of days you take are at 75% pay.
What if I have more than four separate illnesses in the calendar year (to Dec. 31 <sup>st</sup> )	No effect, you continue to get paid full pay provided you have days in your bank.	<ul style="list-style-type: none"> <li>• On the fifth and sixth time that you are sick, the first day is with no pay.</li> <li>• On the seventh time, or any time after that in the calendar year, you will not be paid for the first two days of your illness.</li> <li>• You might be allowed to use vacations days and lieu days to top up your unpaid sick days.</li> <li>• This is a deterrent to using sick days and builds an attendance management plan into the STD Plan.</li> </ul>
Is there any effect on my sick time	Sick bank pays you continuously	If your illness goes into the next calendar year

Full-time Permanent Members covered by the Full-time Collective Agreement	Your current entitlements under your cumulative sick leave plan	City's Offer under their proposed Short Term Disability Plan.
at the beginning of the year or at year end?	regardless of the end of a calendar year (ending December 31 <sup>st</sup> ), provided you have days in your bank.	(January) and your STD Plan runs out, you can only replenish your hours by being well enough to return to full-time work for two consecutive weeks.
How much sick time do I get?	18 days/yr Accumulated year to year.	<ul style="list-style-type: none"> <li>• Maximum of 910 hours (35 hr week) or 1,040 hours (40 hr week) per year, beginning in the first month following completion of probation</li> <li>• The percentage of payment is on a sliding scale until you reach 10 years of service.</li> </ul>
What about LTD?	You must serve a 6 month waiting period before you can go on LTD. You will be able to draw from your sick bank during the waiting period.	<ul style="list-style-type: none"> <li>• The STD plan gives the false sense of security that LTD is guaranteed – it is not.</li> <li>• You may not have enough hours left in your STD bank to bridge you to LTD.</li> </ul>
Does everyone who applies for LTD get LTD?	No, not everyone qualifies. The waiting period for applying for LTD is 6 months. Under the current plan you can continue to draw on your bank during the 6 month waiting period. If you're denied LTD you can continue to draw on your bank as long as you have days in your bank.	<ul style="list-style-type: none"> <li>• No, not everyone qualifies.</li> <li>• The waiting period to apply for LTD is 6 months, which is the maximum amount of time you get under the STD plan – it is not a seamless transition.</li> <li>• <b>If you're denied LTD, you're out of luck.</b></li> </ul>
What impact is there on my service accumulation?	Service is all time paid with the City.	Service is all time paid with the City. However, under the STD plan, not all days are paid, and not all days are paid at 100 % of your pay.

**NOTE: WE WILL SOON BE POSTING COMPARISONS FOR THE FOLLOWING:**

- TEMPORARY FULL-TIME MEMBERS AND PERMANENT PART-TIME MEMBERS IN THE FULL-TIME COLLECTIVE AGREEMENT.
- PART-TIME MEMBERS IN LONG TERM CARE HOMES AND SERVICES
- MEMBERS GRANDPARENTED ON EXISTING STD PLANS



**CUPE LOCAL 79**  
**DISPELLING THE MYTHS:**  
**THE CITY OF TORONTO'S**  
**SICK BANK CASH OUT**  
**PLAN OFFER**

(Permanent Full-Time, Unit B, Recreation Workers)

July 16, 2009



# COMPARISON OF THE SICK BANK CASH OUT THAT THE CITY IS OFFERING YOU TO THE SICK BANK GRATUITY THAT IS PROVIDED UNDER THE CURRENT COLLECTIVE AGREEMENT

## CURRENT COLLECTIVE AGREEMENT SICK PAY GRATUITY

UNDER THE CURRENT COLLECTIVE AGREEMENT AND BASED ON YEARS OF SERVICE IN COLUMN 1 YOU ARE ENTITLED TO 50% OF YOUR CUMULATIVE SICK BANK TO THE MAXIMUM AMOUNT NOTED IN COLUMN 2.

PAID OUT AT THE RATE THAT YOU ARE EARNING AT THE TIME OF RETIREMENT

Column 1	Column 2
<u>Service Requirement</u>	<u>Period</u>
At least 10 years and less than 15 years	Three (3) calendar months
At least 15 years and less than 20 years	Four (4) calendar months
At least 20 years and less than 25 years	Five (5) calendar months
At least 25 years	Six (6) calendar months

### \*HOW THE CITY IS RIPPING YOU OFF:

#### EXAMPLE # 1

I am a **Support Assistant B** at a **Wage Grade 8** with 12 years of Service and work 35 hours per week. I am at the top of the scale and make \$29.37 per hour. I have **135** days in my bank. If I were to leave the City now under the current entitlements I would receive **50% of 135** days pay to a maximum of **3 months** salary. I would receive **65.25 days pay**.

I would receive **\$13,414.75** (entitlement under the current Collective Agreement)

The City is offering me **\$4,677.17 (35% of the 50% that I am entitled to** under the Collective Agreement) (City rounded down to 65 days)

#### EXAMPLE # 2

I am an **Early Childhood Educator (ECE)** at a **Wage Grade 8** with 26 years of service and work 35 hours per week. I am at the top of the scale and make \$29.37 per hour. I have **370** days in my bank. If I were to leave the City now under the current entitlements I would receive **50% of my 370 days** pay to a maximum of **6 months** salary. I would receive **130.5 days pay**.

I would receive **\$26,829.50** (entitlement under the current Collective Agreement)

The City is offering me **\$20,045.03 (75% of the 50% that I am entitled to** under the Collective Agreement) (City rounded down to 130 days)

However, if I were to retire before December 31, 2010 I would receive my full entitlement under the Collective Agreement.

**Unfortunately many of our long service members will not be old enough and therefore not eligible to retire by the City's deadline.**

### **EXAMPLE # 3**

I am a **Public Health Nurse** at a **Wage Grade 13** with 9 ½ years service and I work 35 hours per week. I am at the top of the scale and make \$38.38 per hour. I have **78 days** in my bank. If I were to leave the City now I would not receive a payout. However, in 6 months time, I would be entitled to the following payout: **50% of my 78 days** to a maximum of **3 months**. In my case, I would be paid out for **39 days**.

In 6 months I would receive **\$10,477.74** (entitlement under the current Collective Agreement)

In 4 months time the City is offering me **\$700.00 (17.5% of my bank to a maximum of \$700.00)**

### **EXAMPLE # 4**

I am a **Caseworker** at a **Wage Grade 10** with 23 years of service and I work 35 hours per week. I am at the top of the scale and make \$32.68 per hour. I have **102 days** in my bank. If I were to leave the City now under the current entitlements I would receive **50% of my 102 days** to a maximum of **5 months** salary. In my case I would receive **51 days pay**.

I would receive **\$11,666.76** (entitlement under the current Collective Agreement)

The City is offering me **\$7,583.39 (65% of the 50% that I am entitled to** under the current plan)

### **EXAMPLE # 5**

I am a **Support Assistant C** at a **Wage Grade 6** with 17 years service and I work 35 hours per week. I am at the top of the scale and make \$26.39 per hour. I have **181 days** in my bank. If I were to leave the City now under the current entitlement I would receive **50% of my 181 days** to a maximum of 4 months salary. I would receive **87 days pay**.

I would receive **\$16,071.51**

The City is offering me **\$7,204.75 (45% of the 50% that I am entitled to** under the current collective agreement) (City rounded down to 86.67 days)

### **EXAMPLE # 6**

I am an **Engineering Technologist Technician 1** at a **Wage Grade 12** with 19.5 years service and I work 40 hours per week. I am at the top of the scale and make \$36.38 per hour. I have **203** days in my bank. If I were to leave the City now under the current entitlement I would receive **50% of my 203** days to a maximum of **4 months** salary. I would receive **87 days pay**.

I would receive **\$25,320.48**

The City is offering me **\$11,351.00 (45% of the 50% that I am entitled to** under the current collective agreement) (City rounded down to 86.67 days)

Additionally, if I were to work another 6 months under the existing plan I would reach the next threshold and be entitled to **5 months** salary and I would receive 101.5 days pay which is **\$29,540.56**. This does not take into account that I would receive an additional 9 days sick bank in the 6 months nor does it consider that I may use some sick time in that same 6 months.

**\*The number of days per month that an employee would be eligible to receive payment for has been based on the average number of working days per month in 2009. There are 261 working days this year.**

### MEMBERS OF UNIT B

Although there was an agreed to commitment made during bargaining in 2005 to look at a sick leave plan for your Unit, **the City is not offering any kind of sick plan for Unit B.**

Instead the City is offering you a maximum lump sum payment of \$500.00. The lump sum would be prorated based on regular hours **actually worked** in the last year. **To receive \$500.00 you would need to have worked 1820/2080 hours in the last year.** The City has also stated that the lump sum is not pensionable and does not form part of your base salary. This will amount to **peanuts for most members.**

### MEMBERS OF PART-TIME RECREATION WORKERS UNIT

Although there was an agreed to commitment made during bargaining in 2005 to look at a sick leave plan for your Unit, **the City is not offering any kind of sick plan for Part-Time Recreation Workers.**

Instead the City is offering you a maximum lump sum payment of \$500.00. The lump sum would be pro-rated based on regular hours **actually worked in the classification you worked the most hours in during the last year.** The City has also stated that the lump sum is not pensionable. This will amount to **peanuts for most members.**