

August 28, 2008

Special Bulletin

Civil Service Employees in Bargaining Unit Positions Changes for Casual and Seasonal Employees

How does this affect pensions?

The Legislature passed amendments to the *Civil Service Collective Bargaining Act* impacting individuals working in the civil service in bargaining unit positions as casual and seasonal employees. These changes impact the length of time such individuals are required to work before they may be appointed to civil service. Amendments to the Civil Service Master Agreement negotiated between the Province as the Employer and the NSGEU to accommodate this new legislation are set out in a Memorandum of Agreement which, among other things sets out when employees are eligible to participate in the Public Service Superannuation Plan (PSSP). See attached Press Release dated December 14, 2007 from the Public Service Commission.

These changes have definitely impacted the Agency's Pension Plan members and retirees; thus, we wanted to inform you of the potential impacts.

Employee Groups are identified as follows in the Memorandum of Agreement:

A **seasonal employee** is an employee who works full or part time hours on a seasonal basis for more than ten (10) weeks but less than fifty-two (52) weeks each year and returns each season to the same department and the same geographic location. Seasonal employees are members of the bargaining unit. Seasonal employees who are employed more than four (4) months are eligible to participate in the PSSP while working.

A **temporary employee** is an employee who works full or part time hours for more than ten (10) continuous weeks but less than thirty-nine (39) continuous weeks or is employed in the same department for more than ten (10) but less than thirty-nine (39) weeks in a fifty-two week period. Temporary employees are members of the bargaining unit. Temporary employees are not eligible to participate in the PSSP.

A **term employee** is an employee working full or part time hours in a bargaining unit position in an assignment of work that is anticipated to be or turns out to be thirty-nine (39) weeks or more but not more than one hundred and four (104) weeks (i.e. two years). Term employees are members of the bargaining unit. Term employees are eligible to participate in the PSSP.

The effective date of pension eligibility is April 13, 2008, as dictated by the Memorandum of Agreement. It is important to note that employees who are in receipt of a pension benefit from the PSSP; return to work in a position that requires them to pay contributions to the plan, must have their pension benefit stopped per pension plan legislation. If their new enrollment date is within the first fifteen (15) days of

the month, they will receive pensionable credit for the full month and their pension payment will cease the end of the previous month. If their new enrollment date is after the fifteenth (15th) day of the month, their pension payment will cease the day before enrollment and their pension payment will be prorated for the month.

It is mandatory for all term employees to participate in the PSSP as dictated by the Memorandum of Agreement, unless excluded under the *Public Service Superannuation Act*. Term employees and seasonal employees who work more than four months, are entitled to participate in the pension plan and may be able to purchase prior service. Those employees who received a pension while working in a casual or seasonal position do not qualify to purchase past service.

Please note that retirees in receipt of pension payments who are working in a bargaining unit position and who meet the definition as a term or permanent employee, on or after February 1, 2008, are required to defer pension payments or resign from their term or permanent role. It is the responsibility of the Employer (HR Department) to notify the Nova Scotia Pension Agency (NSPA) of such changes. It is imperative the attached form be completed (per employee) and returned to NSPA. This form can also be downloaded at www.novascotiapension.ca/publicserviceplan/employers.

Questions

Please contact the Nova Scotia Pension Agency with your questions, (902) 424 5070.

Press Release

"Public Service Commissioner" <Commissioner@gov.ns.ca> 2007-12-14 5:00 PM >>>

On December 10, 2007, the Legislature passed amendments to the Civil Service Collective Bargaining Act (the Act) which could impact hundreds of individuals working in the civil service as casual and seasonal employees.

The amendments change the length of time such workers are required to work before they can be appointed to civil service in bargaining unit positions. These amendments do not impact individuals working as casuals in positions considered excluded under the Act (such as AS and MCP positions) however, we will be reviewing this issue in the months to come. The amendments also do not apply to workers covered by other legislation such as the Corrections Act, NSBI, or the Highway Workers Collective Bargaining Act.

Effective February 1, 2008, a casual or seasonal employee who has been working continuously for more than 10 weeks, or who has worked in the same department for more than a total of 10 weeks in a 52-week period, will be eligible to become members of the NSGEU, to receive the bargaining unit rate of pay for the job they are in, and to apply for civil service bargaining unit positions as internal candidates.

The benefits that will be available to these casual and seasonal employees once they are members of the bargaining unit have been negotiated between the employer and the NSGEU and will depend on the length of time an individual has worked.

Work is now underway to identify those casual and seasonal workers who will be eligible for appointment to the civil service, as members of the bargaining unit, on February 1, 2008.

If your employment ends before February 1, 2008, this change will not affect you on that date, but the new rules will apply to you should you be re-employed as a casual or seasonal employee at some point after February 1, 2008.

For those who are working casually or seasonally on February 1, 2008, we will be determining your status and the category of benefits applicable to you based on the length of your employment on that date. We will be working closely with the union throughout January and February on this front, as well.

This change requires substantial re-configuration of the HR SAP payroll system, which has begun. While some employees will be entitled to a wage adjustment of February 1, 2008, our payroll system will not be able to implement these changes before, at the earliest, May 2008. As well, we have agreed with the union that any benefits that employees will be entitled to will not start until April 13, 2008. Again, these will not appear on an employee's pay until May of 2008, at the earliest.

Once we have completed the work internally, and with the union, we will send letters to the individuals affected.

There is a great deal of work to be done in a short period of time. We ask for your patience while this process is underway and we look forward to welcoming so many of our workers into the Civil Service.

Rosalind Penfound,
Public Service Commissioner