Memorandum of Agreement

Between

Simon Fraser University (SFU)  (the “University”)

And

Canadian Union of Public Employees, Local 3338 (CUPE)  (the “Union”)


1) In February of 2016, the outstanding Policy Grievance regarding the interpretation and operation of CUPE Article 35 was scheduled to proceed to Arbitration. The Policy Grievance centered on the administration of sick leave and the methodologies for aggregating sick leave usage for each illness or injury. Specifically, the Policy Grievance was intending to address: concurrent illnesses or injuries; casual sick leave usage; sick leave for the same illness or injury before and after 5 years of seniority and triggers and thresholds for informing employees about their aggregates.


3) The University has been managing CUPE sick leave in accordance with the Agreement and Protocol since late 2017. Despite reaching agreement on its administration/application, the University and CUPE acknowledge and agree that the administration of the Protocol has some challenges. The Parties met periodically from late 2017 onward in an effort to resolve outstanding issues on a case by case basis. The cases reviewed exemplified the outstanding problems all parties were having with the new protocols.

4) In the Fall of 2018, the University reviewed its general practices within the Return To Work/Disability Management (RTW/DM) Unit including the processes for the administration of the CUPE sick leave.

5) Following the review, the University approached CUPE with a request to revisit the current operation of the Protocol document with the intention of improving the overall administration of the Plan for CUPE employees. Through a series of without prejudice discussions, the parties have created a revised protocol to streamline the administration of CUPE sick leave.
The protocol will be implemented in accordance with a joint project plan which includes robust communication, education, evaluation procedures and a Joint Case Review Committee.

6) This Agreement and the Protocol will be run on a pilot basis, implementation Fall 2019. It will run for the duration of the new Collective Agreement, whatever the negotiated term, and will continue until the ratification and approval of the subsequent Collective Agreement. The pilot will be evaluated on a continuous basis by the Joint Evaluation Committee, who will have authority to review, propose amendment and propose termination of the pilot project.

7) Either party may give notice of 120 days to end the pilot. In the event that the pilot is terminated, the previous Agreement and Protocol (Protocol for the Application and Operation of CUPE Sick Leave 2017) will recommence.

8) The provisions of Article 35 will apply throughout this pilot unless addressed by the Protocol for the Application and Operation of Sick Leave for CUPE Employees 2019.

Signatures subject to ratification

[Signatures]

For CUPE 3338
Fiona Brady Lenfestey
Date: July 30, 2019

For Simon Fraser University
CHRIS HATY
Date: July 30, 2019