

October 30, 2006

**To All SEIU Members Affected by SAHO and the Employers' Provider Joint Job Evaluation Overpayment/Repayment Scheme**

SEIU is now able to provide you with an update regarding the above-noted matter. I am sure that you will recall having received a letter from your Employer several months ago which set out an alleged JJE overpayment and requested you meet to discuss repayment of same. Following this, your Local Union sent you a letter advising that you not sign any documentation or agree in any way to a repayment option until such time as you were able to receive advice from the Union.

Here is what we can advise. The Union attempted to negotiate with SAHO in respect to the overpayment repayment issues, using the Department of Labour mediation services. Such efforts failed. At the same time, we also applied to the Labour Relations Board (LRB) asking it to order the Employer (and SAHO) to negotiate with the Union with respect to their JJE overpayment repayment scheme. As well, we asked for the LRB to direct the Employer to pay, in full, any and all monies owing to employees, such as retroactive wage adjustments, disability income plan benefits, and the like which were withheld by the Employer or SAHO as a result of alleged JJE overpayments. This hearing occurred on August 2, 2006.

We have now received an order from the LRB which establishes, among other things, that SAHO and the Employers **must** negotiate with the Union. The LRB ordered that the Employers must give back any documents related to JJE overpayments to employees. The Employers must pay any and all monies owing to members such as retroactive wage adjustments, disability income plan benefits, and the like which were withheld by the Employer or SAHO. We are including a copy of the Summary of this Order which was prepared by legal counsel for your review, on the next page.

Please keep in mind that this is the summary of the Board's interim order. The Board will hear the Union's full Unfair Labour Practice complaint in the future. Also, please keep in mind the order only deals with SAHO and the Employer's wrong actions. It does not extinguish the concept of a recovery by the Employer of a JJE overpayment as the result of incorrect bundling or evaluation.

Those members who have been identified previously by SAHO and the Employers as owing money as a result of JJE overpayments will receive correspondence from the Union. Please contact your Local Union Office if you should have any questions. We will endeavour to keep you apprised of further developments.

Barbara Cape, President SEIU Local 299  
Ken Winton-Grey, President SEIU Local 333  
Janice Platzke, President SEIU Local 336

## **Summary of Board 26 October 2006 Interim Order Re Recover of JJE alleged Overpayment**

In the Board's Interim Order, the respondents refer to all of the respondents listed in the application by the three Locals of SEIU, SGEU and CUPE. In all cases this included SAHO as well as a number of Health Authorities and affiliates. In SEIU's case, it includes SAHO, the Five Hills Regional Health Authority, Saskatoon Regional Health Authority, Heartland Regional Health Authority, Cypress Regional Health Authority and affiliates connected with these Health Authorities. In the Board's Order SAHO, the Health Authorities and affiliates are collectively referred to as the Respondents.

The Board's Interim Order briefly provides:

1. The respondents immediately discontinue all efforts to collect alleged overpayments as a result of the JJE process, including communicating or negotiating with individual employees.
2. The respondents are prohibited from acting on or taking any further actions in relation to any agreements reached with individual employees relating to alleged overpayments as result of the JJE, including any agreements, promissory notes or other documents obtained from individuals. They are further ordered to return all such documents to the employees pending final determination or until the Board orders further.
3. The respondents are to return and repay to employees any monies or other valuable consideration collected from employees or otherwise obtained by them, including interest and costs in relation to alleged JJE overpayments, including any deductions, setoffs or withholdings against wages, retroactive pay or other monies payable pursuant to the collective agreements or monies payable pursuant to DIP plans or any other benefits to employees pending final determination or further order by the Board.
4. The respondents forthwith will advise the unions of the identity of all employees from whom they have received monies or have provided any acknowledgments or agreements in relation to any alleged JJE overpayments.
5. If the respondents voluntarily and in good faith negotiate with the unions in respect to the matters in issue in the application, the respondents may apply to the Board to ask it to amend or set aside the Order before the final hearing.
6. The Board retains jurisdiction in the matter to determine any issues concerning implementation or interpretation of the Order.

It should be noted the Board's order is concerned only with methods of collection and obligation of the employers to negotiate with the Unions. The order does not impact on what monies, if any, may be owing by an employee in the end result.

This is only a summary of the Board's Interim Order for more particular information please see the text of the Order itself. The same is available from your Local or the Labour Relations Board.