

M E M O R A N D U M

TO: CELA LEGAL STAFF, MANAGEMENT COMMITTEE AND BOARD

FROM: CELA NON-LEGAL STAFF

RE: DETERMINATION OF SALARY

DATE: MAY 27, 1987

After considerable discussion about determination of salary this year, CELA non-legal staff has been unable to concur with the suggestion of the legal staff. This is the second year that no consensus has been reached among staff about salary. We feel that the approach CELA is taking to salary determination is no longer a productive or viable one. We are very concerned about the strain these discussions have put on staff and the impact on morale and cohesiveness. Non-legal staff has been unable to concur in principle on two issues which we feel warrant discussion by the Board. These issues are the lack of a consistent policy and guidelines for salary determination and a concern that other staffing needs should be provided for in CELA's salary budget (see attached memo re: Provisions of Contingency Funds).

Background

Last year for the first time CELA Management Committee varied the approach to salary determination, which had been utilized since 1979. That approach was to give all staff the same percentage increase. Each year the Ontario Legal Aid Plan goes through an elaborate process to determine the salary pool for each clinic. This methodology takes the previous year's base rate, adds a percent increase to reach the new base rate. Further funds from staff members' career progress units (CPUs) for each year of experience are added. There is one CPU rate for lawyers, another for community legal workers (CLWs) and another for support staff. Lawyers' CPUs are determined from the year they are called to the bar, with a 12-year limitation. All other staff can only contribute CPUs for the years they have worked in OLAP clinics and can only accumulate CPUs for a 6-year period. In the past, OLAP's criteria have been ignored when CELA Management Committee determined the staff's salaries. All staff were subject to the same percentage increases, which ranged from 5% to 8% from 1979 to 1985. In 1986, when OLAP gave more significant increases, this policy was abandoned. Last year different percent raises were given to each member of the staff. Although some of the increase was intended for lawyer catch-up, the treatment of the allocations did not just distinguish between the lawyers and the rest of the staff in percent increase. Little rationale was given to the staff and Board for treating

each staff member differently last year. Non-legal staff was concerned that new factors were being taken into consideration. However, those factors were never fully articulated.

This year, non-legal staff feels the staff and the Board would benefit by evaluating the process and examining options available to them to help determine salaries. It is the hope of non-legal staff that this will result in a policy which will satisfy all staff and which can be applied from year to year.

Non-legal Staff's Suggested Policy

Non-legal staff is again proposing a policy that the Board give all staff the same percentage increase. Last year a motion to this effect was defeated at the Board meeting by one vote. That decision left us to repeat the same confused and disruptive process again this year. We feel that this is an equitable approach and one that recognizes the contributions that all staff make to the operation of the clinic, and times of thick and thin will have the same impact on all staff. The distance between the legal, CLW and support staff categories are still maintained, and those in much higher salary ranges will continue to get much higher raises than those at the lower edges of the scale. Our proposal this year for a 15% increase for all staff does not prevent the legal staff from catching up. Over a two year period, 1986-88, they will have received 25% salary increases.

Wage Parity

We strongly feel all staff should be moving closer to market equivalents. Last year we provided information to the Board about the experience of CELA's non-legal staff; that experience, we feel, is significant. CELA has a highly qualified staff, all of whom could be paid more if they were working in the private sector.

Co-ordinator - 15 years work experience, 8 at CELA and 7 years in other managerial positions

Newsletter editor - 15 years work experience, 4 of them in editorial positions (3 at CELA), 10 years as a bookkeeper

Resource librarian - 26 years work experience, 20 years in community development, education and scientific, 6 years as a professional librarian (3 at CELA)

Clinic secretary - 27 years work experience, TV production, secretarial, administration and operating own typesetting business (2 years at CELA)

Secretary/receptionist - 9 years work experience, 5 years as research assistant to federal MP, 1 year teaching english as a second language, 2 years community development (1 year at CELA)

A further concern of non-legal staff is the indication that we are allowing OLAP to influence our salary determination. Prior to 1986, the Board always divided the salary pool as they saw fit, as an autonomous clinic board should do. However, last year

members of the Board sought OLAP's advice during the salary determination process. We feel this sets a very dangerous precedent.

We further believe that the limitations placed by Ontario Legal Aid on the ability of non-legal staff to contribute to the salary pool with career progress units after six years is unequitable and discriminatory. Last year we asked that the Board make special representation to OLAP to work in conjunction with OALC to change this practice. We are suggesting that this matter be pursued this year in correspondence and meetings with Legal Aid.

A good deal of staff time has had to be expended in the negotiations and meetings leading up to these memos reaching you. Given the circumstances in the last two years, we feel staff will continue to be hard pressed to reach a consensus on salary matters. We would urge you to develop a policy this year, so we avoid this costly process in the future.

PROPOSAL FOR OVERALL SALARY INCREASE FOR CELA STAFF
FOR APRIL 1, 1987 TO MARCH 31, 1988

Proposed: Uniform increase of 15% for all staff, legal and non-legal.

Lawyers

	<u>1986-87</u>	<u>15% increase</u>	
TV	39,062.00	5,859.30	44,921.30
SS	36,612.00	5,418.00	42,030.00
MS	37,600.00	5,640.00	43,240.00
			<u>\$130,191.30</u>
		+ 7% benefits*	9,113.39
		+ Law Society dues	3,000.00**
Sub-total legal staff			<u>\$142,304.69</u>

Other Staff

	<u>1986-87</u>	<u>15% increase</u>	
SM	27,386.00	4,107.90	31,493.90
KC	26,500.00	Ø	25,655.52***
LG	20,824.00	3,123.60	23,947.60
MJ	20,824.00	3,123.60	23,947.60
BG	13,102.00	1,965.30	15,067.30
MV	8,735.00	1,310.25	10,045.25
art. student	19,962.00	2,994.30	22,956.30
			<u>\$153,113.48</u>
		+ 7% benefits*	10,717.94
		+ Bookkeeping fees (Kathleen Mitchell)	2,000.00
Sub-total other staff			<u>\$165,831.41</u>

Contingency Funds**** 5,209.89

TOTAL ALLOTMENT \$313,346.00

* Benefits have been raised from the 6.4% OLAP allocation to 7% to reflect our payment of OHIP for staff. In 1986-87 we expended 7% for benefits

** Law Society dues are likely to be about \$1,000 per lawyer for 1987. OLAP has granted a total of \$1,275.00 (\$425.00 for each lawyer) in their 1987-88 allotment for the compensation fund. We suggest that all the dues come out of the salary category this year, rather than out of our other account.

*** Researcher salary: This allotment includes \$24,694.00 (the actual amount to be paid to Kathy Cooper) and \$961.52 (the amount paid to Peter Pickfield for work done in March and April 1987 on the West Burlington case).

**** Contingency funds: This amount includes \$1,038.45 already approved to replace Maureen Johnston while she is on holiday in May and June, 1987, as well as other provisions for additional replacement salaries, for secretarial overtime at time and a half, funds for merit bonuses and funds for temporary staff. A memo with rationales for allocation of these contingency funds is attached.

PROVISION FOR CONTINGENCY FUNDS

Background

Discussions about salary allocations among non-legal staff this year has resulted in a recommendation that the Board consider designating contingency funds in our salary budget each year. In the past, paid maternity leave, overtime, staff vacation replacements, temporary secretarial help and bonuses for staff leaving have been possible only when there were surplus funds in the salary category. These surpluses are generated if staff leaving are not replaced immediately or are replaced at a lower salary rate or if recoveries were made to the salary category for staff time spent on outside non-clinic activities.

Non-legal staff feels that provision for these contingencies in our budget would improve the quality and the quantity of the clinic's work. The provisions of these funds would alleviate a lot of the work pressures on existing staff.

1. Replacement of Staff on Vacation

In the last year it has not been possible for the clinic to function without their full compliment of support staff. Continual heavy work loads mean that we need to hire replacement staff when support staff are on holiday.

This year we have already committed \$1,038.45 to replace Maureen Johnston while she is on holiday. It is likely we will need to replace Linda Gilbert when she schedules her holidays as she may not take holidays over Christmas as she did last year.

Other needs may arise to replace other staff while they are on holidays. Many of the staff are entitled to four weeks holidays. It is, we feel, unrealistic to assume that the heavy work loads staff have can always wait to be done. If no provision is made for carrying on this work, staff is overwhelmed with work upon their return. Some provision needs to be made to ensure that administrative work and clinic files are maintained when staff is away.

2. Overtime and Other Support Staff Needs

We are requesting that the Board of Directors budget funds for at least 12 days a year for temporary help and for overtime for our staff.

a) Secretarial

This year secretarial staff have docketed over 15 days of overtime. Based on the experience of the past year and given the nature of the work scheduled for next year, we anticipate there will be a need for the Board to provide for support staff overtime. We submit that overtime be budgeted

into the salary allocation category, to be either paid at time-and-a-half or as compensatory time off, as stated in our Personnel Policy:

- 4.1 Overtime
Overtime for support staff is defined as time worked in excess of the required work week.
- 4.2 Request for overtime work for support staff must be made with reasonable notice.
- 4.3 Legal staff and administrative/research staff shall not be eligible for paid overtime, however, they may take up to 5 days off a year at the discretion of the management committee, when they have been required to work exceptional amounts of excess hours.
Support staff may be paid for pre-authorized overtime worked, at a rate of 1-1/2 times the regular rate of pay. As an alternative staff may claim compensatory time off in lieu of payment for overtime work (at a rate not exceeding one hour off for each hour of overtime worked), scheduling of this time subject to the discretion of the Clinic Director.

b) Library

Non-legal staff agrees that the most pressing need which the clinic has now is for more assistance in the library. Because there are significant recovery funds available, largely due to MISA, we are recommending in a separate memo that these one-time funds be utilized for more staffing for our library.

3. Discretionary Funds for Merit Bonuses

Legal staff has suggested that funds be provided specifically to allow for a merit bonus for this year's articling student. In the past, when staff has left, the CELA Board has recommended bonuses for contributions which those staff have made to CELA. This did not happen when Grace Patterson and Frank Giorno left, because there were no funds on hand for this purpose.

4. Maternity Leave

Staff feels that paid maternity leave should not be denied one staff member and given to another, and that provision for contingency funds is important to avoid such disparities.

We recognize that all of the demands may not be made on contingency funds in any one year but, with careful administration and review of these funds, management committee can ensure they are expended each year by year end.

RE: BUDGETING SPECIAL ONE-TIME FUNDS IN THE SALARY CATEGORY
1987-88 FISCAL YEAR

This year it is anticipated that at least \$4,500 will be recovered in the salary category: \$4,000 of these funds will be derived from the Ontario Ministry of the Environment for Toby Vigod's work done on the MISA Advisory Committee; the remainder of the funds will be coming from Queen's University for Toby teaching an Environmental Law course between January and March of 1988. As these functions are carried out on clinic time, OLAP requires that they be vetted back to the salary category. Non-legal staff feels that since these funds are one-time only and subject to Toby's participation, they should be treated as "special" and utilized for "special" one-time only projects rather than for on-going salary needs.

Non-legal staff concur that the greatest need of the clinic in the 1987-88 year is for funding to enable more time to be devoted to CELA's library, which is in desperate need of a concentrated work program. Mary Vise, our librarian, cannot begin to tackle this in two days a week, for which OLAP funds us. Attached is an outline of those needs.

Non-legal staff is proposing that funds for up to 40 additional days be allocated on a one-time only basis to hire Mary Vise to perform the work program attached, commencing September 1, 1987. At the rate we have proposed for that position from our OLAP budget, this would mean an additional \$3,862.20 for base salary plus \$270.30 for benefits, giving a total of \$4,132.55 for the period from September 1 to November 30, 1987. Should the grant from the Ministry of the Environment be approved, this arrangement would terminate. However, there is no guarantee those funds will be forthcoming during this period.

Attachment

LIBRARY NEEDS

The following memo is a brief explanation of why there is a special need for additional work in the library at this time.

1. MOE's response to our application for funding for a one-year project to establish a more efficient computerized system in the library was to give us the funding requested for purchase of computer equipment (computer, printer and modem) and library management and word processing software, but not to provide the funding requested of the services of a librarian to implement such a system. We are presently engaged in submitting a second application to them urging the need for this funding, and while we have been encouraged to go ahead with this application, the earliest response they have indicated as likely is in the fall. Meanwhile, there is no extra time available for Mary Vise, our librarian, to carry out the necessary market research, purchase and installation of the computer and software, nor is there the time or expertise available from anyone else on staff. Installation time should be recognized as including not only the time to purchase and physically install the new equipment, but also time to set up the library database program, including at least a minimal needs analysis and rethinking of our present library system which is increasingly inadequate to the demands placed upon it. To quote from the application we are presently submitting to the Ministry, "Numerous studies have documented that computerization frequently fails to achieve its potential for increased efficiency and improvement of service when the need for an initial substantial investment in needs analysis and system conversion has not been recognized by allocating the time and skilled personnel required." We hope that the Ministry will respond positively to our second request, but there is, of course no assurance that they will. At present, our 'computer money' is sitting in the bank, waiting until someone has the time to go spend it. Our application to the Ministry estimates the time required for a full analysis, redesign and pilot testing of the system as taking 6 to 8 weeks. Minimum time for purchase, installation and minimal system analysis, design and conversion is 24 working days.

2. The installation of a modem and the establishment of communications with other organizations, either directly or through such conferencing systems as ALTERNET or COSY, is an exciting prospect for all the CELA staff whose work includes participation in the various geographically dispersed environmental coalitions or networks - the OEN, GLU and PAN immediately come to mind. The time required for getting the modem working and implementing the arrangements needed to join and use these communications networks depends on the level of service we wish to use/provide but other organizations advise us that a minimum of several days is to be expected, even with the help of several volunteers who have offered their services to Mary.

3. The development of an integrated index for the many separate files presently existing in the CELA/CELRF offices has been seen as a real need for some time. The purpose of such a system would be to indicate all the different sources of in-house information available on a given topic. The keyword indexing provided by the library database program we have requested means that even a simple listing of file headings, for topical files, or titles, for important files such as the briefs file, would allow us to have greatly improved access to our information, even without extensive subject indexing. Again, time is needed to plan and set up such a system, but once established it should be easy to maintain and keep up-to-date if it has been properly planned and implemented.

4. The librarian increasingly has been sharing some of the responsibility for answering the continual stream of information requests received by CELA. We have long aimed to develop some bibliographies which can be used as a ready-made response to some of the more commonly recurring requests, in fact, the job description for summer student position for the past two years has included a clause about working with the librarian to develop some of these bibliographies when time allows. The MOE application includes as a major part of its rationale for a computerized library system the capability such a system has, when properly designed, of providing continuously updated bibliographies on both standardized subjects and very specifically defined topics. The ability to provide these selective literature searches and bibliographies would be a significant aid to all CELA staff who need such information, either for their own work, or in response to public requests for information.

5. There is an enormous, and ever increasing, amount of valuable material accumulated by CELA and CELRF over the years which is simply waiting for the time needed to include it in the library collection. Staff changes inevitably lead to valuable documentation being routed to the library, as personal files are emptied onto the librarian's desk. Unfortunately, of the wealth of material contributed at the time of departure by Marcia, Grace and Frank, only a small amount has been incorporated into the library. Two days a week allows for very little extra time after the regular work of selection, ordering and cataloguing of current material has been taken care of. The number of 'archive' boxes in the basement is growing rapidly, particularly since the library shelves allocated for 'documents awaiting cataloguing' have become too full to hold any further material. There remain in CELRF offices literally dozens of boxes of material which we would like to make accessible to both our own staff and our users from the general public, but at present have not even been able to label and store in any systematic manner. The MOE proposal requests funds to make a one-time special effort to identify and incorporate the most important of these documents into the library. The establishment of a computerized system should also help begin to deal with this opportunity/problem, since it will be significantly more efficient than the manual library system presently in use.

May 27, 1987