



January 29, 2008

**INFORMATION AND NOTICE**  
**Employment Checks - CUPE Local 15 Members**

To: CUPE 15 members employed by the City of Vancouver (including Park Board) who, on or around November 1, 2006, received a letter from their employer directing them to obtain a Police Record Check or an Enhanced Reliability Check by October 31, 2007

Incumbents in about 1,465 positions – about 40% of CUPE Local 15 bargaining unit – are impacted by the newly required “employment checks”.

Your Employer is using the newly required “employment checks” as a “screening tool to assist the City in determining suitability” of employees holding “positions of trust” to continue or start employment. “Positions of trust” are those positions that are “responsible for protecting City employees, clients and material assets”. There are three kinds of employment checks – Police Record Check, Enhanced Security Check and Credit Record Check.

Regarding Credit Record Checks, your Employer has decided not to require them at this time. Should your Employer start requiring Credit Record Checks, your Union has retained its right to have the arbitrator decide on the reasonableness of Credit Record Checks. Your Union argues that they are unreasonable.

CUPE 15 grieved your Employer's new policy on these checks. An arbitrator heard the grievance. The arbitrator made the following rulings.

Vancouver Police Department and the RCMP require those members who work in police facilities or have access to protected police or emergency response material assets to have an "Enhanced Security Check". The arbitrator ruled that this requirement was proper.

The arbitrator ruled that the following CUPE Local 15 positions require an Enhanced Reliability Check:

**For members working at E-Comm**

Application Systems Specialist  
Senior Technical Specialist

Technical Specialist

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**For members working at Vancouver Police facilities or with restricted Vancouver Police data**

Building Cleaner	Building Services Supervisor I
Building Worker	Maintenance Technician I, II and III
Operations Supervisor	Working Supervisor – Building Services
Remote Data Access Personnel	Payroll Clerk III
Clerk VI – Help Centre Supervisor	Computer Programmer Analyst
Help Centre Specialist	IT Asset Coordinator
User Support Technician II	

**The arbitrator ruled that the following CUPE Local 15 positions require a Police Record Check:**

Activity Leader	Adapted Aquatics Specialist
Admin Asst Community Resource Ctre	Aquatics Attendant Instructor I and II
Asst Dir Community Resource Ctre	Asst Manager Evelyne Saller
Building Worker (CSG Comm Ctre)	By-Law Process Server
Centre Support Clerk (CSG CC)	Children's Activity Leader
Clerk II (CSG Community Centre)	Clerk II (Engineering – Yards)
Clerk II and III (CGS Community Ctre)	Coin Collector
Clerk-Typist II and III (CGS Comm Ctre)	Community Activity Coordinator
Community Programmer	Community Youth Worker
Cook I	District Building Inspector
District Plumbing and Gas Inspector	Emergency Planning Coordinator I and II
Fitness Centre Worker	Food Services Coordinator
Health Facility Attendant I and II	Housing Relocation Officer
Ice Skating Instructor	Inspector – Vehicles for Hire
Kitchen Attendant II	Kitchen Program Assistant
Kitchen Volunteer Leader	Operations Supervisor – Engineering
Parking Enforcement Officer	Parking Meter Technician
Plumbing Inspector I and II	Program Assistant I, II and III
Property Use Inspector I and II	Quality Control Coordinator
Reading Room Coordinator	Recreation Programmer I and II
Recreation Programmer – Youth	Resident Attendant
Resident Attendant I and II	Rink Attendant
Security Attendant I and II	Security Coordinator
Security Officer	Security Supervisor
Social Planner I (Tenants)	Supervisor – Inspection Branch
Swimming Instructor Attendant	Volunteer Program Assistant I and II
Volunteer/Youth Program Coordinator	Working Supervisor (Building Services – CSG Community Centre)

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Regarding consequences of these employment checks, should an employment check provide information that suggests a member is unsuitable to hold a position of trust, your Employer must take further steps before acting on it. The first step is for your Employer to interview the member to confirm the information and, if correct, discuss its circumstances. The arbitrator affirmed that:

The criteria used for the review of the individual circumstances of employees will be those set out in *Woodward Stores (British Columbia) Ltd. V. McCartney* (1983), 15 D.L.R(3d) 193; 43 B.C.L.R. 314; [1983] B.C.J. No. 40 (B.C.S.C.),

An employer must consider the circumstances of the conviction before concluding that the charge relates to the employment. Such factors as the details of the offence, the length of time intervening between the conviction and employment decision, the employment history of the individual concerned, his age at the time of the offence and his efforts at rehabilitation, must be considered.  
(Paragraph 7).

Your Employer has directed that those senior managers designated to make security clearance decisions to do the following:

Please take the considerations outlined below into account when determining whether or not concerns arising from criminal charges and/or are related to employment. The factors listed below should be considered during your discussion with the individual (employee or external applicant) about check results and in making a clearance decision.

- The nature of the employment including the duties of the position and the working conditions (e.g. working under close supervision or independently);
- Whether or not the behavior that led to the charge or conviction would, if repeated, pose a threat to the City's ability to carry on its business safely and/or efficiently;
- Whether the charge or conviction would damage the reputation of the City or affect the public's confidence in City Services;
- The details of the offence;
- The circumstances (extenuating or otherwise) of the charge or conviction;
- The individual's age at the time of the offence;
- The length of time between the charge or conviction and the employment decision;
- The employment history of the individual, and;
- The individual's efforts at rehabilitation since the time of the offence.

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If you were directed to obtain a Police Record Check or an Enhanced Reliability Check and have not already done so and given it to the manager or excluded employee designated to receive it, please contact your Union immediately. There is some updated information that you really need to know. Please contact Graeme Moore, one of your Staff Representatives either by telephone or email. (You cannot email Graeme from your @vancouver.ca email address because your employer is blockading emails between cupe15.org and @vancouver.ca). Please remember to leave your contact information and your job position, so that he can get in touch with you.

The Police Record must only list criminal convictions for which a pardon has not been granted. The Police Record must not list charges that have been stayed. If the Police Record lists either criminal convictions for which a pardon has been granted or charges that have been stayed, please contact your Union before submitting it to your Employer.

In solidarity,

Graeme Moore  
Staff Representative

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CEP L467-UW