

**September 18, 2013**

**Employment and Income Security Agreement**

**Clarification and Understandings**

The Parties met and discussed the application of certain provisions of the Employment and Income Security Agreement (EISA) as well as the Clarification of Employment Security and Application document. The following are the clarifications and understandings of certain provisions of the EISA.

- The provisions of the EISA apply along with the provisions of the Local CBA; the application of the former is not conditional on agreement to modify the terms of the latter.
- The one-year transition period begins on the date that is agreed to by the parties, taking into consideration the circumstances of the situation. If the parties do not reach an agreement, the one-year transition period begins on the date the employee leaves the job voluntarily or is displaced.

The following examples are provided for guidance and do not represent all potential scenarios which may occur. The employee could leave voluntarily in several scenarios. If the employee leaves for a higher paying or comparable position, the goal of the EISA has been met and no transition period applies. If the employee leaves for a lower paying position, a one year transition period would apply. The employee could also be permanently displaced by accepting a severance agreement.

The employee can be effectively displaced in a number of ways: The employee could stay in the home department and perform lesser duties of a different classification, which are substantially different from the former position. The employee could be assigned less than comparable work in the same or different classification in a different department. The employee could perform work in a float pool. The employee could be sent home if there is no work available.

Displaced is the point at which the one year transition period begins and is the point at which the employee is no longer substantially performing the duties of their former position.

- The one-year transition period may exceed one year by agreement of the parties. The transition period would be less than one year if the employee is offered a comparable position and does not accept it.

- The *Clarification of Employment Security Principles and Application*, dated October 20, 1999, provides criteria for determining if a position is comparable and that this group should not add to or clarify those criteria.
- The applicable Local CBA may provide additional guidance in determining if a position is comparable.
- There may be opportunities to negotiate more flexible and standard approaches to administering existing Local CBA seniority and bumping provisions and that discussions to explore those opportunities should occur at the regional, rather than the national, level.
- WFP&D concerns and opportunities should be discussed and addressed by the Regional LMP Councils and by the Labor Management Partnership Strategy Group.
- The Strategy Group should address the question of how to fund EISA training.



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