

**MOTION WITHOUT NOTICE**

<b>MM35.11</b>	<b>ACTION</b>	Amended		
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**Exemption from Non-Union Wage Freeze - Councillor Filion, seconded by Councillor Moscoe**

**City Council Decision**

City Council on April 29 and 30, 2009, adopted the following:

1. City Council direct and authorize the City Manager to study and implement a procedure through which those non-union employees:
  - a. who are at the maximum salary (Job Rate) for their position;
  - b. will acquire their OMERS "90 Factor" or unreduced pension at any time between January 1, 2009 and December 31, 2011;
  - c. will be eligible to retire at any time between January 1, 2009 and December 31, 2011; and

shall be eligible, in 2009, to receive a cost of living increase in the amount of 2.42 % of their 2008 salary and, should they continue to be employed in 2010, to receive, as an increase to their 2009 salary, a cost of living increase in an amount equal to the Consumer Price Index for Toronto (i.e., the 2009 monthly average), any of the foregoing shall be subject to their provision of an irrevocable written commitment to retire effective no later than December 31, 2011.
2. City Council authorize the City Manager to also consider and extend the payments, contemplated in paragraph 1, to non-union employees who are at the maximum salary (Job Rate) for their position and have already acquired their OMERS "90 Factor" or unreduced pension as of the date of this motion, any of the foregoing shall be subject to their provision of an irrevocable written commitment to retire effective no later than December 31, 2011.
3. City Council direct the City Manager to ensure that, in the event that he implements such a procedure, it contain appropriate safeguards to ensure that an employee's commitment to retire, in return for receipt of the amounts contemplated in paragraph 1, is legally enforceable, including a claw back provision.
4. In the event that the City Manager determines through further study that this measure is not recommended, he shall be directed to report the basis for his decision to the Employee and Labour Relations Committee.

**Background Information (City Council)**

Member Motion MM35.11

(<http://www.toronto.ca/legdocs/mmis/2009/mm/bgrd/backgroundfile-20878.pdf>)

**Motions (City Council)**

*Motion to Introduce Motion without Notice (Carried)*

Speaker Bussin advised Council that she had granted her consent to Councillor Filion to seek leave of Council to add this Motion to the agenda. The provisions of Chapter 27, Council Procedures, require the affirmative vote of at least 30 Members of Council present at the meeting to add Motion MM35.11 to the agenda. The vote to add Motion MM35.11 to the

agenda for consideration at this meeting carried unanimously.

*Motion to Amend Item moved by Councillor John Filion (Carried)*

Motion 1 - That Recommendations 1 and 2 of the Item be amended by inserting the words "or unreduced pension" after the words "OMERS 90 Factor".

**Vote (Amend Item)**

Apr-30-2009 6:52 PM

<b>Result: Carried</b>	MM35.11 - Filion - Motion 1
Yes: 27	Ainslie, Augimeri, Bussin, Carroll, Davis, Di Giorgio, Feldman, Filion, Fletcher, Hall, Holyday, Jenkins, Lindsay Luby, McConnell, Mihevc, Milczyn, Moscoe, Nunziata, Palacio, Pantalone, Perks, Perruzza, Rae, Saundercook, Shiner, Stintz, Vaughan
No: 6	De Baeremaeker, Del Grande, Ford, Kelly, Lee, Walker
Absent: 12	Ashton, Cho, Giambrone, Grimes, Heaps, Mammoliti, Miller, Minnan-Wong, Moeser, Ootes, Parker, Thompson

*Motion to Refer Item moved by Councillor Pam McConnell (Lost)*

Motion 2 - That this Item be referred to the Employee and Labour Relations Committee for consideration.

**Vote (Refer Item)**

Apr-30-2009 6:31 PM

<b>Result: Lost</b>	MM35.11 - McConnell - Refer the Item
Yes: 10	Davis, Del Grande, Di Giorgio, Jenkins, Lee, McConnell, Milczyn, Minnan-Wong, Rae, Walker
No: 21	Ainslie, Augimeri, Bussin, Carroll, Feldman, Filion, Fletcher, Ford, Hall, Holyday, Kelly, Lindsay Luby, Moscoe, Nunziata, Palacio, Pantalone, Perks, Saundercook, Shiner, Stintz, Vaughan
Absent: 14	Ashton, Cho, De Baeremaeker, Giambrone, Grimes, Heaps, Mammoliti, Mihevc, Miller, Moeser, Ootes, Parker, Perruzza, Thompson

*Motion to Amend Item moved by Councillor Mike Del Grande (Out of Order)*

Motion 3 - That the preamble to Recommendation 1 be amended by deleting the words "be authorized to implement" and replaced with the words "report to City Council on", so that the preamble now reads as follows:

"1. That the City Manager be directed to study and report to City Council on a procedure through which those non-union employees:".

*Ruling by Speaker Sandra Bussin*

Speaker Bussin ruled motion 3 by Councillor Del Grande out of order because it has the same effect as a referral, which had already been voted on by Council.

*Motion to Adopt Item as Amended (Carried)*

**Vote (Adopt Item as Amended)**

Apr-30-2009 6:53 PM

<b>Result: Carried</b>	MM35.11 - Adopt the Item, as amended
Yes: 25	Augimeri, Bussin, Carroll, Davis, Feldman, Filion, Fletcher, Ford, Hall, Holyday, Lindsay Luby, McConnell, Mihevc, Miller, Moscoe, Nunziata, Palacio, Pantalone, Perks, Perruzza, Rae, Saundercook, Shiner, Stintz, Vaughan
No: 9	Ainslie, De Baeremaeker, Del Grande, Di Giorgio, Jenkins, Kelly, Lee, Milczyn, Walker

Absent: 11	Ashton, Cho, Giambrone, Grimes, Heaps, Mammoliti, Minnan-Wong, Moeser, Ootes, Parker, Thompson
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