

NCJC / CMNC NAV CANADA JOINT COUNCIL

CONSEIL MIXTE DE NAV CANADA

COMMUTING ASSISTANCE PROGRAM

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Commuting Assistance Program

1. General

Effective date: This program was effective on March 1, 2009.

1.1 Application: This program applies to all employees at a work-site where commuting assistance has been authorized, and does not apply:

- a) to the transportation of schoolchildren,
- b) to those employees who normally take public transportation to and from the work-site and who are unable to do so because of an interruption in service caused by a work stoppage of the public transportation employees;
- c) to transportation to and from a place of work other than the regularly assigned work-site or between the work-site and another place of work;
- d) where adequate public transportation operates between a work-site and a suitable residential community, irrespective of the distance criteria; or
- e) to employees who, when they are assigned to the work-site, decline a written offer of corporately-owned or corporately-controlled living accommodation either at or within 16 kilometres of the work-site and choose to reside elsewhere.

1.2 Purpose and scope

The purpose of providing commuting assistance is to help defray excessive costs incurred in employees' daily travel to and from the regularly assigned work-site on the days when they are required by NAV CANADA to report for work and so report.

Normally, employees are expected to report for work at their own expense since they are free to choose where they will live. They can choose the convenience of living close to work or the cost and inconvenience of commuting.

At some work-site locations, this freedom of choice does not exist because there is no suitable residential community reasonably close to the work-site. The employees must reside elsewhere and become subject to higher transportation costs than would otherwise have been the case.

1.3 Definitions

i. adequate public transportation (transports en commun adéquats) - means public transportation serving the work-site

- a) whose schedule enables employees to report for work at their assigned times and to depart for home within a reasonable time after the end of their scheduled work period,

- b) that has the capacity to carry the employees, and
- c) that is available to employees at reasonable cost;

ii. commuting assistance (aide au transport quotidien) - means the assistance provided to an employee under this program;

iii. majority of the employees (majorité des employés) - means 50 per cent or more of the employees at a work-site, excluding those occupying corporately-owned or corporately-leased accommodation that is located at the work-site;

iv. suitable residential community (quartier résidentiel convenable) - means a location where, in the opinion of NAV CANADA,

- a) taking the vacancy rate into account, the majority of employees could reside,
- b) adequate utilities and educational and commercial facilities are available, and
- c) road connections to the work-site are adequate.

v. work-site (lieu de travail) - means the location at or from which employees ordinarily perform the duties of their positions and, in the case of employees whose duties are of an itinerant nature, the actual building to which they return to prepare and/or submit reports, etc., and where other administrative matters pertaining to their employment are conducted.

Part 2 Application

2.1 Criteria

2.1.1 Commuting assistance may be authorized only when:

- a) adequate public transportation is not available between a suitable residential community and the work-site; and
- b) no suitable residential community is located within a direct road distance of 16 kilometres from the work-site.

2.1.2 A community may be deemed to be a suitable residential community

- a) with the mutual consent of NAV CANADA and the local representatives of the employees affected, or
- b) if the majority of the employees reside within 16 kilometres of the work-site.

2.2 Implementation

2.2.1 Subject to this program, a responsible manager may authorize commuting assistance.

2.2.2 Authorization referred to in this section shall be reviewed at least once each fiscal year and, subject to 2.3, may be continued, modified or revoked.

2.2.3 Allowances authorized under the Isolated Posts Program shall not be construed to include commuting assistance. The criteria outlined in this program will be used to determine whether commuting assistance will be authorized at isolated posts.

2.2.4 Following consultation with local representatives of bargaining agents, an authorization shall:

- a) designate a suitable residential community; and
- b) specify the form of commuting assistance to be provided.

2.2.5 Where there is a large number of employees at a work-site or where there are a number of suitable residential communities adjacent to the work-site, NAV CANADA may designate more than one suitable residential community.

2.2.6 An authorization shall be limited to:

- a) the most practical and economical form of commuting assistance; and
- b) where practical and reasonable, the same form of commuting assistance for all employees at a work-site.

2.2.7 Energy conservation shall be considered when choosing the form of commuting assistance.

2.2.8 Commuting assistance will normally be provided by the use of corporately-owned/leased vehicles, charter services, taxi pools or subsidizing regular commercial transportation fares. The use of privately-owned vehicles should only be authorized under exceptional circumstances where it can be clearly shown to be cost-effective.

2.3 Effect of changes

2.3.1 The local representatives of the bargaining agents shall be consulted concerning the effective date of any modification to or revocation of commuting assistance authorized under this program.

2.3.2 When commuting assistance is modified or revoked, each employee and local representative of the bargaining agents shall be given written notice of the change. Such change shall be effective on the first day of the third month following the employees' receipt of the written notice, or the effective date of the change, whichever is later.

2.4 Exceptions

2.4.1 Where the Vice President, Human Resources is of the opinion that he/she is not permitted by this program to authorize commuting assistance, either he/she or the bargaining agent may submit the matter to the NAV CANADA Joint Council. NAV CANADA may, on the recommendation of the NAV CANADA Joint Council, make a determination.

2.4.2 The documentation submitted to the NAV CANADA Joint Council shall include a statement:

- a) to the effect that consultations with local representatives of the bargaining agents have taken place; and
- b) identifying the abnormal circumstances supporting a recommendation that commuting assistance be authorized, even though such circumstances clearly lie outside these program.

2.4.3 Examples of such circumstances are:

- a) difficulties in recruiting and retaining employees that are directly attributable to the lack of commuting assistance;
- b) the practice of private employers in the area of the work-site;
- c) excessive commuting costs;
- d) significant alterations to transportation patterns; and
- e) major changes to operational requirements of the employer.

2.5 Consultation

2.5.1 NAV CANADA should consult with the local representatives of the bargaining agents concerning:

- a) the designation of a suitable residential community;
- b) the form of commuting assistance;
- c) any proposed change in the form of commuting assistance;
- d) any modification in or revocation of commuting assistance; and
- e) matters referred to in 2.4.

2.6 Reporting

2.6.1 Each responsible manager shall maintain records that may be examined by the Vice President, Human Resources or form the basis of reports when requested.

2.6.2 The records shall include:

- a) by work-site, a statement of the annual commuting assistance costs, the number of employees who are receiving commuting assistance at the end of the fiscal year and the form of commuting assistance provided;
- b) a statement and explanation of any changes in the commuting assistance from the previous fiscal year, giving the estimated increase or reduction in cost associated with each change;
- c) the results of any review referred to in 2.2.2; and
- d) the number of situations that were referred to the NAV CANADA Joint Council for resolution.

Part 3. Types of Assistance

3.1 Employer provided

3.1.1 When a responsible manager determines that the most practical and economical form of commuting assistance is to provide a corporately-owned/leased or chartered vehicle service, employees using the service shall be directed to pay a contribution towards the cost of the service.

3.1.2 When the vehicle service provides transportation only to and from the public transportation stop that is closest to the work-site, employees shall not be directed to pay a contribution.

3.1.3 When a vehicle service is provided between the designated suitable residential community and the work-site, the employee contribution for each one-way trip shall be \$1.30 if no local public transportation system exists, or an amount equal to the regular fare on the local public transportation system, as adjusted from time to time.

3.1.4 NAV CANADA may, in accordance with the approved methodology, vary the rate of contribution if there is no local public transportation system.

3.1.5 When the rates are changed, each employee and local representatives of the bargaining agents shall be given written notice of the change. Such change shall be effective on the first day of the third month following employees' receipt of the written notice, or the effective date of the change, whichever is later.

3.1.6 The vehicle service may be permitted to stop along its normal direct route to pick up other employees. These passengers shall contribute the same amount as others.

3.1.7 When possible and practicable, the contribution may be collected through payroll deduction.

3.2 Private motor vehicle

3.2.1 When a responsible manager determines that the use of private vehicles is the most practical and economical form of commuting assistance, the rate of commuting assistance shall be the rate established and adjusted from time to time in the Travel Program for an employee who requests and is granted permission to use a private vehicle on corporate business (paragraph 1.2, Appendix B - Travel Program).

3.2.2 The amount of commuting assistance to which employees are entitled for each working day they report to work shall be calculated by multiplying the rate:

a) for an employee who resides in a designated suitable residential community, by the shortest return-road distance between the work-site and the geographical centre of that designated suitable residential community less 32 kilometres; or

b) for an employee who does not reside in a designated suitable residential community, by the lesser of:

i) the shortest return-road distance between the work-site and the employee's residence less 32 kilometres; and

ii) the shortest return-road distance between the work-site and the geographical centre of the farthest designated suitable residential community less 32 kilometres.