

Retroactive Salary Increments

ARFL members should be aware of the following issue, which has recently come to light, concerning one-time post-retirement retroactive payments members may have been entitled to but not received. The problem is described in more detail below. ARFL urges you to

- (1) read the information below,
- (2) determine whether your retirement date was such that you should have received such a retroactive payment, and
- (3) if you should have received such a payment, check the records of post-retirement payments received during the first year after your retirement to see if you did, indeed, receive this payment.

We know that there are at least some retirees who should have received such payments but did not, but do not yet know the full scope of the problem. Thus, if you find you were entitled to such a payment, but did not receive it, please contact us. The relevant contact details, and information to provide, are specified below, after the detailed description of the nature of the problem which follows.

The issue is as follows:

(1) A YUFA member who retires on July 1 of a year in which the previous Collective Agreement (CA) expired May 1 but a new CA was not signed until after the July 1 retirement date is typically supposed to receive the retroactive salary increase stipulated in the new CA for the two months, May and June, immediately prior to retirement. This is explicitly stated in Section 25.06 of the various Memoranda of Settlement and Collective Agreements. (The Memoranda of Settlement/CAs for 2015-18, 2012-15, 2009-12, and 2003-06 can be found on the YUFA website www.yufa.ca under the 'Collective Agreement' heading; the 2006-09 CA link there, unfortunately, is broken, but the 2006-09 CA can be found by searching for it on the York site.)

(2) Former YUFA members who retired July 1 2003, 2006, 2009, 2012 or 2015 should, according to Section 25.06, all have received, in the year immediately after their retirement, such a two-month retroactive payment. This may be true for earlier July 1 retirement dates as well, but we currently lack information on whether the new CAs from earlier years were signed late or not, and whether or not those new CAs also had Sections 25.06 with the same wording.

(3) We have checked the case of a past YUFA member who retired July 1, 2015 and found that he did NOT receive the retroactive payment he should have under Section 25.06 (ongoing YUFA members received their retroactive payments in April 2016, so we would expect such retirees to have received theirs in April 2016 as well). This is likely to be a much broader problem.

Unfortunately, this entitlement to post-retirement retroactive pay increments covering the months immediately before retirement applies only to July 1, and not to January 1, retirees. You might reasonably think that, in the case of the late 2006-09 CA (not signed until March 2007) and the late 2015-18 CA (not signed until April 2016) that those who retired January 1, 2007 or January 1, 2016 would be entitled to 8 months of retroactive increase to cover the months May through December of 2006 or 2015, immediately before their retirements, when they were still working and still YUFA members. Unfortunately, however, Section 25.06 specifies the right to the retroactive payment only for July 1 retirees, and Article 2 of the Memoranda of Settlement states that no aspect of the settlement applies retroactively unless explicitly stated to do so. Thus, though it is not really fair, January 1 2007 and January 1 2016 retirees are not entitled to the 8 months of retroactive pay increments. We hope to have YUFA address this loophole in the next round of bargaining, but there is nothing that can be done about January 1 retirees from past years.

The upshot of all this is as follows: If you retired July 1 of 2015, 2012, 2009, 2006 or 2003 you should have received a retroactive payment covering the post-retirement retroactive pay increase for the May and June immediately prior to your retirement. If you were entitled to one of these payments but did not receive it, please contact both ARFL (yuarfl@yorku.ca) and Kim Maltman (kmaltman@yorku.ca) who is working with YUFA on this, and related, pension issues. Please provide your name and retirement date, and a statement confirming that you did not receive the retroactive payment you should have. If you retired in a year before 2003 when the previous CA expired May 1 and you know that the new CA was signed later than your July 1 retirement date, please also let us know this – we may be able to track down the earlier year Memoranda of Settlement and determine whether or not you should have received a two-month retroactive payment in those years as well.

FYI, in helping to determine where to look in your records to see whether you received one of these post-retirement retroactive payments, the dates retroactive payments associated with late-signed CAs were received by ongoing YUFA members since 2001 are given in the following table.

Month and year in which ongoing YUFA members

Year of expiring CA received their retroactive payments

-----	-----
2015	April 2016
2012	November 2012
2009	November 2009
2006	March 2007
2003	July 2003
2001	October 2001