



Ontario Professional Fire Fighters Association

An Association Run for and by the Membership



October 2, 2006

Attention All OPFFA Locals

Re: Pay in Lieu of Statutory Holidays & OMERS – What Happened?

Dear Brothers & Sisters:

The OPFFA has now concluded the ongoing matter of asserting that pay in lieu of statutory holidays should be included in our contributory earnings with OMERS.

Unfortunately a late June decision by a Judicial Review Panel from the Ontario Superior Court ruled against our position and those contributions are now considered erroneous. Since the time of the decision the OPFFA Executive Board was faced with the tough decision of whether to carry on with further legal action (i.e. Court of Appeal) or to attempt to resolve the matter directly with OMERS.

At our mid-July Board meeting the Executive debated the merits of all possible avenues with our legal counsel from Nelligan O'Brien Payne. It was determined that despite a willingness to proceed based upon our original belief, the risk was too great for all members, including our retirees. Therefore we have been in negotiations with OMERS throughout the summer to seek a resolve to avoid further legal action.

The Board supported a settlement provided that we could obtain the following objectives:

1. All retirees were protected and their pensions would not be adjusted
2. All active members would be reimbursed all contributions allocated for pay in lieu of statutory holidays, with interest
3. A window of opportunity will be provided to members who have made these contributions to retire with a greater pension or accept the refund
4. Both sides are responsible for their own legal cost associated with this matter

I decided, given the various possibilities and the myriad of questions that would no doubt follow the release of the Court's decision that we would attempt to resolve the matter first and provide answers based on fact and not release any information until a resolve had been reached.

Attached to this letter you will find the Court's decision and the minutes of settlement.

Working through our legal counsel we have achieved all of these goals in this settlement. All retirees are protected, all active members will be reimbursed through their employer – with interest, and active members who are considering retirement (and who have made these contributions) may retire inclusive of these contributions provided they retire by December 31, 2006.

Despite the collective disappointment in the outcome, I believe we have effected a satisfactory resolve in the fairest manner possible.

We are arranging for an OMERS representative to attend this fall's seminar to address any concerns respecting this matter. Should anyone have any questions do not hesitate to contact me.

Fraternally,

Fred LeBlanc

Fred LeBlanc,
President