

III. General

Section 14 – Complaint Process

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14.1 Purpose

The Commission is committed to making timely decisions in an open and consultative manner, in accordance with the principles of procedural fairness and natural justice, to ensure fair and equitable treatment of all parties involved.

The Complaint Process provides the parties to a dispute with an opportunity to have their respective points of view considered by the Commission before the matter in dispute is decided.

The parties to a dispute may be any combination of the following:

- a member of the Plan;
- an employee of a participating employer in the Plan;
- a participating employer in the Plan; and
- MEPP’s administration.

The Commission’s authority to resolve disputes is derived from Section 64 of *The Municipal Employees’ Pension Act*, which states as follows:

“Decision of commission final

64 When a question arises as to the application, interpretation or intent of this Act or the regulations it shall be determined by the commission whose decision shall be final.”

14.2 Process

The Commission has determined that the following process must be followed in order for a matter to come before the Commission for a decision:

1. A complaint is to be filed in writing, by the party or parties in dispute, with the Director, Policy and Governance, at the Public Employees Benefits Agency (PEBA) (The Director).
2. The Director will promptly inform all members of the Commission that a complaint has been filed, affording all Commission members the ability to respond appropriately, and in keeping with the Commission's Code of Conduct and Conflict of Interest Procedures (Section 12 of this Governance Manual) to any inquiries on the matter they may receive. The Director will provide Commission members with the names of the parties in dispute, but will not provide any further information with respect to the dispute.
3. The Director will research the complaint and prepare a report containing full details of the matter in dispute, a copy of which will be provided to each party having an interest in the matter together with a request for submissions with respect to the matter in dispute.
4. The Director will review the submissions from the parties. The review is to determine whether additional issues have been raised or additional parties have been identified which may require additional submissions in order for the Commission to have before it everything it needs to make an informed decision.
5. The Director will provide a copy of the submissions from each party to the other parties for their review, and shall provide each party with the opportunity to reply to the submissions of the other party or parties.
6. The Director will review the replies from the parties. The review is to determine whether additional issues have been raised or additional parties have been identified which may require additional submissions in order for the Commission to have before it everything it needs to make an informed decision.

7. A party to the dispute may request to make a presentation in person to the Commission when it meets to hear the matter. A party cannot request a presentation in person in lieu of a written submission. The request must state in writing the reason for the request and provide submissions as to why the written materials would not be sufficient for the Commission to make a decision on the dispute. The Director will inform all parties with an interest in the matter of a party's request to appear in person before the Commission and provide the parties with an opportunity to:
 - a. make submissions with respect to the request; and
 - b. notify the Commission whether, if the request is granted, they wish to also make a presentation in person to the Commission.

8. The Director will place a request pursuant to paragraph 7 together with his or her report and all submissions, responses and documentation relating to the matter in dispute on the agenda for the next available meeting of the Commission. If the Commission decides to grant the request, the Commission will either:
 - a. schedule a hearing of the matter for the next available Commission meeting; or
 - b. strike a Hearing Committee of three or more members to schedule and hold a hearing of the matter on behalf of the Commission.

If the Commission decides not to grant the request, the Commission will proceed to make a decision with respect to the dispute based on the written materials submitted by the party or parties.

9. Where the Commission grants a request pursuant to Paragraph 7, the Chair or the person designated as the Chair of the Hearing Committee, shall determine the procedure for making the presentations and may:
 - a. permit further documents to be filed at the hearing;
 - b. permit the parties to ask questions of the party making a presentation; or
 - c. adjourn the hearing to permit a party to respond to any document or information that had not been disclosed in the written submissions.

10. In the absence of a request pursuant to Paragraph 7, the Director will place the report and all submissions, responses, and documentation relating to the matter in dispute before the next available meeting of the Commission, which will make a decision based upon the materials submitted by the party or parties.

11. The Commission will render its decision in writing, stating:
 - a. the decision; and
 - b. the reasons for the decision.

The decision by the Commission is final and will be communicated in writing to all the parties involved in the dispute.

12. The Commission may review a decision, should the party or parties in dispute provide new information which was not available at the time of the initial decision, where the Commission considers it appropriate and no other party is prejudiced by the review.

14.3 Commission's Point of Reference for the Complaint Process

The Commission will make its decision based upon its interpretation of *The Municipal Employees' Pension Act and Regulations*, and may consider established policy practices and previous decisions that it considers relevant.

14.4 History

Approval date:	January 21, 2005; and June 20, 2007
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