

IN THE MATTER OF AN ARBITRATION

BETWEEN:

Participating Hospitals,

Employers,

- and -

Ontario Public Service Employees Union,

Union

BEFORE: Michael Bendel, Chair
Douglas K. Gray, Employer Nominee
J. Cameron Nelson, Union Nominee

Decided without a hearing.

SUPPLEMENTARY ARBITRAL AWARD

I

This board issued an award on August 29, 2003. The parties have now asked us to clarify the following four issues:

Matters Agreed to by the Parties

We direct that the parties incorporate in the relevant collective agreements all matters that have been agreed to between them.

Retroactivity

Retroactivity will be dealt with as follows:

Current employees on staff the date of the award will be paid retroactivity within a period of 60 calendar days of the date of the release of this Supplementary Award on the basis of hours paid. Retroactivity shall be paid on wage increases, including any payments based on the wage rate (for example, the percentage in lieu of benefits, vacation pay, and SUB).

The Hospital will contact former employees at their last known address on record with the hospital, within 60 calendar days of the date of the release of this Supplementary Award, to advise them of their entitlement to retroactivity.

Former employees will have a period of 60 days from the date of the notice to claim such retroactivity and, if they fail to make a claim within the 60-day period, their claim will be deemed to be abandoned.

Elimination of First Step on the Grid for RT and above

To clarify the intent of the elimination of the lowest step for RT and above, effective April 1, 2003, we would note that the intent is to move those who were at the start rate to the new start rate, employees at Step 1 will move to the new Step 1 rate, employees at Step 2 will move to the new Step 2 rate, and so on through the grid, and employees at Step 9 will move to the new Step 8 rate, all effective April 1, 2003.

Vacation Improvements

The award on vacation improvements is intended to be effective the first day of the month following the month the award was issued, and shall be determined in accordance with whatever system is in place in the individual hospital for determining vacation entitlement. In other words, those hospitals that determine vacation entitlement by a uniform date for all employees shall continue to do so, and those that determine by an anniversary date, or by some other means, shall continue to do so.

The Board will remain seized with respect to any other implementation issues that arise.

DATED at Thornhill, Ontario, this 25th day of September 2003.

Michael Bendel,
Chair

~~I concur~~/**dissent**
Partial dissent attached

Douglas K. Gray,
Employer Nominee

~~I concur~~/**dissent**

J. Cameron Nelson,
Union Nominee

PARTIAL DISSENT OF EMPLOYER NOMINEE

I can subscribe to most of the clarifications issued by the Chair, but I cannot agree with the clarification regarding the elimination of the lowest step on the grid. In my view, employees at RT and above have already been most generously treated in the award, and the additional amounts awarded through this clarification are unwarranted.

Douglas K. Gray
Employee Nominee