

News for OPSEU members at MPAC from your leadership team

Impact

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Hearings set to start for CSR, PA5 grievances

OPSEU members who didn't get the jobs they applied for when "Futures" turned MPAC upside down are about to get their grievances heard and decided.

Hearings into 40 Property Assessor 5 grievances will start on Feb. 17. Hearings into 112 Customer Service Representative grievances will start on March 9. Using a mediation/arbitration ("med/arb") process, arbitrator William Kaplan will first work with OPSEU and MPAC to see if the parties can agree on a settlement for each grievance. Where there is no agreement, Mr. Kaplan will make a ruling to decide the grievance.

OPSEU will notify all grievors of the date and time their grievance is set to be heard. MPAC will notify all incumbents when grievances that relate to their position are set to be heard.

All hearings will take place in Toronto. All grievors and incumbents are welcome to attend. It is OPSEU's expectation that members will use the most economical means of transportation such as same-day travel and car pooling. If you have any questions, please contact the OPSEU team member responsible for communication with your office (see below).

Please read the following pages for specifics on the process.

Keep in touch!

To keep in touch with your OPSEU leadership team, contact the member responsible for communication with your office. Contact us by e-mail at work or at home, as follows:

- **Jennifer Reid (team chair, London):** London, Brantford, Sault Ste. Marie, Ottawa, Cornwall. E-mail: reidje@mpac.ca; queenvic100@hotmail.com
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All about the PA5 grievances

Background

1. During negotiations for the current collective agreement, OPSEU and MPAC agreed to deal with outstanding grievances arising from the reorganization of the workplace ("Futures") as follows (see page 60 of the Collective Agreement):

- (a) Union policy grievances were withdrawn on a without prejudice basis. All outstanding (individual) grievances were to be resolved by way of mediation/arbitration.
- (b) The Union Management Committee was to review outstanding grievances and help make the mediation/arbitration process work.
- (c) The arbitrator is to deal with the outstanding grievances in a manner "as expeditious as possible" and to use such material/and or submissions as he considers necessary.

Getting ready for med/arb

2. In accordance with paragraph (b) above, the union wrote to all grievors to find out if they still wanted to proceed with their grievances. Those who chose to proceed were asked to send all supporting documentation to the office of OPSEU Grievance Officer Anne Lee by the end of July 2003. After this material was gathered, it was forwarded to legal counsel hired by the union.
3. MPAC hired PA5 candidates to work in one of six areas of specialization (i.e., residential, industrial, etc.). In accordance with the med/arb process, individuals who had filed grievances in more than one area were required to identify their best case and to proceed in that area only. The union has made submissions to the arbitrator on behalf of each individual grievor with respect to the skills, ability, qualifications, experience required on the job posting. The information required was pulled from the grievors

resume, documents and notes submitted by the grievor to the union, and individual telephone interviews as required.

4. PA5 grievors were listed in priority sequence based on seniority in their area of expertise.
5. Incumbents in the PA5 positions were identified as the less senior candidates for the various positions. The union made submissions with respect to their skills, abilities, qualifications and experience relevant to those of the grievors. This information was gathered from the candidates' resumes.
6. Individual interview answers were **not** reviewed, as it is the union's position that the selection process was fatally flawed and cannot be relied upon for the following reasons: (a) the selection was based solely on the interview scores; (b) the scores were based on questions that were subjective in nature and failed to measure the candidates' skills, ability, qualifications and experience as required by the collective agreement; (c) there was no weight given to seniority; and (d) the interview team was not properly trained to conduct a reasonable assessment of the candidates.
7. The union argues that the grievances should be upheld and the senior grievors should be awarded PA5 positions with full back pay and interest. In the alternative, the grievances should be upheld and the competition re-run properly.

The med/arb process

8. The hearings into the PA5 grievances will be held before Arbitrator William Kaplan at the Delta Chelsea Hotel in Toronto, starting on Feb. 17, 2004 and continuing as necessary March 8, 9 and 10. Grievors will be advised by Anne Lee's office of the date their grievance is expected to be heard.

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9. Written submissions have been provided to the arbitrator and the union is waiting for the employer's material. All material will be exchanged no later than two weeks before the first hearing date.
10. Individual grievors are welcome to attend on the day their grievance is scheduled to be heard. Grievors are welcome to answer any questions the arbitrator may have or

contribute additional comments to the union's legal counsel. Grievors will also have the opportunity to review the information the union has disclosed on their grievance.

11. The employer will inform incumbents of the date when grievances that relate to their positions are expected to be heard. Incumbents have a legal right to participate in the proceedings.

All about the CSR Grievances

Background

1. During negotiations for the current collective agreement, OPSEU and MPAC agreed to deal with outstanding grievances arising from the reorganization of the workplace ("Futures") as follows (see page 60 of the Collective Agreement):
 - a) Union policy grievances were withdrawn on a without prejudice basis. All outstanding (individual) grievances were to be resolved by way of mediation/ arbitration.
 - b) The Union Management Committee was to review outstanding grievances and help make the mediation/arbitration process work.
 - c) The arbitrator is to deal with the outstanding grievances in a manner as expeditious as possible and to use such material/and or submissions as he considers necessary.

identify the location of the work, and individuals were not told how many positions would be filled at each office. A previous arbitration award said that the failure to cite the location of the work was a breach of the collective agreement that could be cured by allowing individuals to now come forward and identify the location in which they wished to work.

4. In accordance with the arbitration award, and the obligation under paragraph (b) above, all CSR grievors were forwarded a list of the number of positions filled in each office and the seniority dates of both grievors and incumbents. They were asked to review the list and identify the office in which they wished to proceed. Changes were to be requested no later than Nov. 18, 2003.
5. The union made submissions on behalf of each individual grievor with respect to the skills, ability, qualifications, and experience required on the job posting. The information required was pulled from the grievor's resume, the documents and notes submitted by the grievor to the union, and from individual telephone interviews as required.
6. Incumbents were identified as the less senior candidates for the various positions, and the union made submission with respect to their skills, abilities, qualifications and experience relative to those of the grievors. This information was gathered from the candidates' resumes.

Getting ready for med/arb

2. In accordance with paragraph (b) above, the union wrote to all grievors to find out if they still wanted to proceed with their grievances. Those who chose to proceed were asked to send all supporting documentation to the office of OPSEU Grievance Officer Anne Lee by October 2003. Grievors did this. The material was forwarded to legal counsel hired by the union.
3. The job posting for the CSR position failed to

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7. In particular, the union submitted that the lack of experience as a PA3 or PA4 rendered a candidate unqualified for the CSR position, as they would not hold the “advanced presentation skills” required by the job posting.
8. The grievors’ interview answers were not reviewed, as it is the union’s position that the selection process was fatally flawed and cannot be relied upon for the following reasons: (a) the selection was based solely on the interview scores, (b) the scores were based on questions that were subjective in nature and failed to measure the candidates skills, ability, qualifications and experience as required by the collective agreement, (c) there was no weight given to seniority and (d) the interview team was not properly trained to conduct a reasonable assessment of the candidates.
9. The union argues that the grievances should be upheld and the senior grievors should be awarded CSR positions with full back pay and interest. In the alternative, the grievances should be upheld and the competition re-run properly.

The med/arb process

10. The hearings into the CSR grievances will be held before Arbitrator William Kaplan at the Delta Chelsea Hotel in Toronto, commencing March 9, 2004 and continuing as necessary March 10, April 27 and 28, and May 11 and 14. Grievors will be advised by Anne Lee’s office as to when their grievance is tentatively scheduled to be heard. This will happen after Feb. 17.
11. Written submissions have been provided to the Arbitrator and we are waiting for the employer’s material. All material will be exchanged no later than two weeks prior to the first hearing date.
12. Individual grievors are welcome to attend on the day their grievance is scheduled to be heard. Grievors are welcome to answer any questions the arbitrator may have or contribute additional comments to the union’s legal counsel. Grievors will also have the opportunity to review the information the union has disclosed on their grievance.
13. The employer will inform incumbents of the date when grievances that relate to their positions are expected to be heard. Incumbents have a legal right to participate in the proceedings.

Pay equity info on the web

MPAC and OPSEU have met and agreed to Terms of Reference for the Joint Pay Equity Committee to do its work. Updates on the committee’s progress towards a Pay Equity Plan for staff at MPAC are available on the MPAC Intranet and the OPSEU web site at www.opseu.org.