

IN THE MATTER OF AN ARBITRATION**BETWEEN:****Municipal Property Assessment Corporation****And****OPSEU**

**(Multiple Grievances regarding job competitions and various
implementation matters)**

Before: William Kaplan
Sole Arbitrator

Appearances

For the Employer: Daniel Fogel
Hicks Morley Hamilton Stewart Storie
Barristers & Solicitors

For the Union: Kristin Eliot
Eliot, Smith
Barristers & Solicitors

These grievances proceeded to a hearing in Toronto on April 5 & 6, 2005.

Introduction

In May 2001, MPAC announced a major reorganization. As part of this reorganization, a number of new bargaining unit positions were filled through various competitive processes. In the aftermath of that reorganization a large number of grievances were filed. By the decision of the parties, an expedited mediation-arbitration system was put into place to fairly and quickly resolve the numerous outstanding grievances in dispute. In the decision dated May 1, 2004, the general approach to resolving the outstanding issues was set out. While a large number of these job competition grievances have already been resolved, a number of job competition grievances remained outstanding and proceeded to mediation-arbitration in early April 2005.

It should be noted that many of the grievors in this round either retired or applied for and accepted a voluntary exit opportunity. As in the past, affected incumbents were notified of their right to attend and participate and many of them did so. In addition to resolving the outstanding job competition grievances, a number of implementation issues arising from the first set of hearings last year also proceeded to hearing and are finally determined by this decision. Also determined is one jurisdictional matter.

Decision re outstanding Job Competition Grievances**Customer Service Clerk**

1. Giselle Campeau to be awarded \$3000 less deductions required by law.
2. Grievance of Carol Frost dismissed.
3. Grievance of Maureen Hacking dismissed.
4. Grievance of Mary Ingham dismissed.
5. Grievance of Carol Kelly dismissed.
6. Debbi Wilson to be reimbursed \$1000 for mileage expenses.

Data Collection Analyst/Property Inspection Analyst

1. Peter Fanelli to be offered either \$2500 less deductions required by law or a three-month developmental opportunity in property inspection analysis, timing of which to be mutually agreed.
2. As no violation was established with respect to his grievances, and as Mr. Joseph Fantetti did not appear at the proceedings, his grievance is dismissed.
3. Grievance of Jeff Thompson dismissed.
4. Grievance of Patricia Thompson dismissed.
5. Grievance of Everett Kelly dismissed.

6. Grievance of Keith Meadows dismissed.
7. Stephen Lazette awarded \$5000 less deductions required by law.
8. Grievance of Rob Stuerem dismissed.
9. Grievance of Louise St. Jean withdrawn.

Administrative Clerk – Property Values

1. Grievance of Mary Ingham dismissed.
2. Grievance of Terri Kitching withdrawn.

Customer Contact Specialist

1. Grievance of Mary Ingham dismissed.

Data Verification Clerk

1. Grievance of Mary Ingham dismissed.

Municipal Relations Assistant

1. Grievance of Diane Blackborow dismissed.
2. Grievance of Maureen Hacking dismissed.
3. Lorelle Rempel to be awarded the first Municipal Relations Assistant or the first Administrative Clerk – Property Values position to become

vacant in St. Catharines. Also to be awarded \$5000 less deductions required by law.

Office Administrator

1. Grievances of Kathleen MacLean withdrawn.

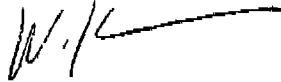
Decision re Implementation and Jurisdiction Issues

1. Effective date of award, hourly rate of M. Lacelle increased to \$30.94 per hour. Anniversary date to remain April 1st. No retroactivity.
2. No breach of the earlier award dated May 1, 2004 having been established, Ron Donnelly to be awarded next available CSR position in Peterborough as provided in the earlier award.
3. No breach of the April 27, 2004 Minutes of Settlement relating to Thomas Chisolm established.
4. There is no jurisdiction for me to consider and decide the grievance of Mr. George Matthew dated February 22, 2005 in which Mr. Matthew grieves the employer's decision to deny him a supervisor's position. Moreover, while Mr. Matthew was notified of the proceedings, he did not attend. Accordingly, his grievance is dismissed.

Conclusion

I remain seized with respect to the implementation of my award.

DATED at Toronto this 8th day of April 2005.



William Kaplan, Sole Arbitrator