

IN THE MATTER OF AN ARBITRATION

BETWEEN:

Municipal Property Assessment Corporation

- and -

OPSEU

(Implementation of earlier award)

Before: William Kaplan
Sole Arbitrator

Appearances

For the Employer: Doug Gray
Hicks Morley Hamilton Stewart Storie LLP
Barristers & Solicitors

Daniel Fogel
Hicks Morley Hamilton Stewart Storie LLP
Barristers & Solicitors

For the Union: Peggy Smith
Elliot Smith
Barristers & Solicitors

Anne Lee
Grievance Officer, OPSEU

This matter proceeded to a hearing in Toronto on May 11 & 14 2004.

Introduction

In May 2001, MPAC announced a major reorganization. As part of this reorganization, a number of new bargaining unit positions were filled through a competitive process, including the position of Customer Service Representative (CSR). A total of 707 applications were received for the 225 unilingual positions available and 57 applications received for the 37 bilingual positions available. Of the 707 applicants for the unilingual position, only one applicant was screened out at the resume review stage. A more intensive screening took place with respect to the french language positions. A number of job competitions took place more or less simultaneously. In the result, some CSR applicants obtained other positions. In the end, 674 CSR applicants were interviewed. By early April, 2002, 262 job offers were made and accepted. A large number of grievances were subsequently filed. Given the volume of grievances in this job competition and in several others occurring at the same time, the parties negotiated a protocol for their expeditious and fair resolution in a process of mediation/arbitration.

The parties were advised, before the first case was heard, that it was my view, having carefully considered the collective agreement, the submissions of the parties, and the governing authorities, that the first step in the process was for the candidates to establish relative equality. It was also my view that absent exceptional circumstances, the assessment would be based on interview scores. Finally, it was indicated to the parties that remedy would be tailored as appropriate.

All potentially affected incumbents were notified of these proceedings and their right to attend and participate. Appropriate arrangements for disclosure were made. A large

number of incumbents did attend and made representations. These representations, together with the detailed written briefs of the parties and the submissions made by union counsel, the grievors, and management counsel at the hearing, have all been given careful consideration. It should be noted that a significant number of these grievances were resolved in mediation, obviating any need for a hearing.

Award

1. James McKellar awarded \$4500.00 less deductions required by law. Payment to be made within thirty days of today's date.
2. Norman Freele awarded next CSR position.
3. Grant Shelton should have been awarded a CSR position in London. Declaration to that effect issued, but no compensation as no losses.
4. Moreen Piddington awarded damages of \$2500.00 less deductions required by law. Payment to be made within thirty days of today's date.
4. All other Goderich, Hamilton, Cambridge, Guelph, London, North Bay, Parry Sound, Sault Ste. Marie, St. Catharines and Sudbury CSR grievances dismissed.

Conclusion

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

DATED at Toronto this 17th day of May 2004.



William Kaplan, Sole Arbitrator