

IN THE MATTER OF AN ARBITRATION

BETWEEN:

Municipal Property Assessment Corporation

- and -

OPSEU

(Implementation Issues)

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
Eliot Smith
Barristers & Solicitors**

**Anne Lee
Grievance Officer, OPSEU**

This matter proceeded to a hearing in Toronto on April 27, 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. In the aftermath of that process, 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 under the *Labour Relations Act*. To date, a large number of grievances have proceeded to a hearing and a number of awards issued. Given the volume of cases in dispute, and the specific protocol negotiated by the parties for the just and expeditious resolution of those cases, detailed reasons for decision in the various grievances have not been given. However, in each case, the parties have presented detailed documentary evidence which has been supplemented by representations made at the hearing. Every grievor has been afforded the opportunity to make submissions. All of the materials, submissions and legal authorities have been carefully considered in determining the individual grievances (as set out in separate awards).

Two specific implementation issues have arisen, and those issues proceeded to a hearing on April 27, 2004.

Wages

It is my expectation, given the remedial nature of the various decisions awarding grievors' jobs, that these awards will be put into effect as soon as possible, meaning within a reasonable period of time depending on local conditions. Any dispute about

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this may be brought back before me in an expedited process. Once a job has been obtained pursuant to my decision, the grievor will be placed on the grid as if he or she had obtained the job as of the date of my award. Moreover, the anniversary date of the individual will not change as a result of obtaining the job.

Patrick Bond

Mr. Bond was awarded a PA5 position in an earlier award. Subsequent to that award, Mr. Bond offered two commercial vacancies in Toronto. Mr. Bond has five days from the date of this award to either accept or decline these job offers. In the event he accepts, any issue of work assignment to be addressed to his manager. In the event, he declines, the employer will have complied with my earlier direction and no further PA5 positions need be offered to Mr. Bond.

Conclusion

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

DATED at Toronto this 1st day of May 2004.



William Kaplan, Sole Arbitrator