

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, 2004.

Introduction

Further to my award dated March 15, 2004 in which Mr. Ron Franklin was awarded the next PA5 position in case management, it is my understanding that Mr. Franklin has been offered such a position in Toronto or Richmond Hill. Mr. Franklin has five days from the date of this award to accept either offer, such offers being in complete compliance with the earlier award. The union requested damages, but I find, in all of the circumstances, that the appropriate remedy is the awarding of the position with no damages. Should Mr. Franklin decline these offers of the position, the employer will be deemed to have complied with my award.

DATED at Toronto this 17th day of May 2004.



William Kaplan, Sole Arbitrator