

IN THE MATTER OF AN ARBITRATION

BETWEEN:

Municipal Property Assessment Corporation

- and -

OPSEU

(Multiple Grievances Relating to Senior Valuation Analyst (PA5) Job Competitions)

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 February 17, 2004, and March 8, 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 Senior Valuation Analyst (PA5). Almost 1000 employees applied for this position, and 556 of the applicants proceeded to an interview before a job competition panel. Interviews were conducted across the province in January and February 2002. By early March 70 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 PA5 job competition grievances proceeded first at a hearing held in Toronto on February 17, 2004, and March 8, 2004. The parties were advised, before any 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 number of these grievances were resolved, obviating any need for a hearing. One PA5 grievance was adjourned because the grievor was unwell. It may be rescheduled for a hearing at a time convenient to the grievor and the parties.

Award

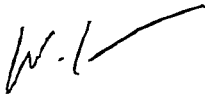
Except as follows, all grievances are dismissed.

1. Susan Lutes awarded the next PA5 position in Farm/Residential/Multi-Residential.
2. Ron Franklin awarded the next PA5 position in Case Management.
3. Patrick Bond awarded the next PA5 position in Commercial. Bond also awarded \$1000 less deductions required by law to be paid within thirty days.
4. Lori Whitworth awarded the next PA5 position in Vacant Land
5. Roman Andrezejewski awarded the next PA5 position in Vacant Land.

Conclusion

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

DATED at Toronto this 15th day of March 2004.



William Kaplan, Sole Arbitrator