

IN THE MATTER OF AN ARBITRATION

BETWEEN:

Municipal Property Assessment Corporation

And

OPSEU

(Multiple Grievances regarding

Layoffs/Postings/Severance/VEOs/Protocol)

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 August 15, 2005.

Introduction

In May 2001, MPAC announced a major reorganization. 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. The process has been ongoing for a considerable period of time and a large number of grievances have been resolved and numerous awards issued. In each instance, the parties submitted detailed written briefs setting out the facts in issue and their respective positions and arguments as to the appropriate disposition of the various cases. On August 15, 2005, various layoff/postings/severance/VEO/protocol cases proceeded to a hearing.

Having carefully considered the evidence and arguments of the parties, I am of the view, subject to particular awards below, that the employer was in compliance with the collective agreement and with the Futures Protocol negotiated between the parties. Mention must be made of the fact that several grievors, while notified of the proceedings, choose not to attend. The union, nevertheless, augmented its written submissions with oral submissions at the hearing, and the employer responded. It should also be

noted that all incumbents were notified of their right to attend and participate.

Decisions

Lay-off Grievance of Esther Egri

Grievance dismissed.

Lay-off Grievance of Carol Frost

Grievor awarded the sum of \$2000 less deductions required by law. Payment to be made within thirty days of issue of award.

Lay-off Grievance of Lana Shirley Harper

Grievor awarded the sum of \$2000 less deductions required by law. Payment to be made within thirty days of issue of award.

Lay-off Grievance of Angela Midea

Grievance dismissed.

Severance Grievance of Tom Stevenson

Employer in compliance with the Letter of Understanding (pages 58-61 of the collective agreement). Grievance dismissed.

VEO Grievance of Cheryl Baker

Grievance adjourned *sine die*. If not brought forward for a hearing within one year of today's date, grievance deemed dismissed.

VEO Grievances of Bradley Malony

Grievances dismissed.

Protocol Grievance of Ronald Franklin

Grievance dismissed.

CSR Posting Grievance of Michael Weatherbee

Grievance dismissed.

Conclusion

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

DATED at Toronto this 16th day of August 2005.

A handwritten signature in black ink, appearing to be 'W. Kaplan', written in a cursive style.

William Kaplan, Sole Arbitrator