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July 8, 2004

Mr. Doug Gray
Hicks Morley Hamilton
T-D Tower, 30th Floor
T-D Centre, Box 371
Toronto, Ontario
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- and -

Ms. Peggy Smith
Eliot Smith
308 Wellington Street, Suite 200
Kingston, Ontario
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Dear Mr. Gray and Ms. Smith:

Re: Municipal Property Assessment Corporation and OPSEU

As you know, a large number of job competition grievances have now proceeded to a process of expedited mediation/arbitration as agreed to by the parties. On several occasions during this process, the union requested that I provide reasons for the decisions and orders issued. In particular, the union requested that I provide reasons for my decision, absent exceptional circumstances, that the starting point for arbitral review was the scores awarded to the candidates. Under the expedited mediation/arbitration process agreed to by the parties, I am not required to provide reasons. Moreover, it was not appropriate in the particular circumstances of this case that reasons be provided. A great many grievances, as you are aware, were successful with grievors awarded positions and provided with other relief.

I would also like to share with you some observations about the job competition process. Obviously, considerable reliance was placed on a particular tool for the evaluation of candidates. Without expressing a view as to whether reliance on this tool is appropriate in all circumstances, I would like to indicate that it is my opinion, in general, that management can, when possible and appropriate, also consult references and review performance appraisals as part of a job competition process. The union raised a concern that some of the grievors whose cases proceeded in this process should have had their references consulted and/or their performance appraisals reviewed. In my view, the post-

job competition interviews that were offered by the employer were worthwhile and, in the right circumstances, can be useful. Candidates can learn a lot from such a process and, in that way, improve their prospects for success next time around. I would recommend that these general observations be placed before the union-management committee for study and review.

Please do not hesitate to contact me if you have any questions about this matter or if I can assist you in any other way.

Yours very truly,



William Kaplan

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