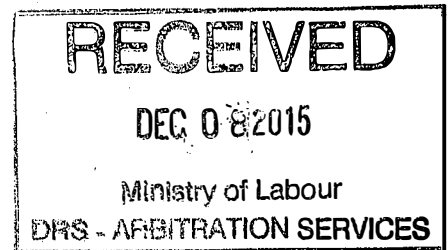


IN THE MATTER OF AN ARBITRATION

BETWEEN:



The Scarborough Hospital

-and-

Ontario Nurses' Association

Union grievance re: Use of Nursing Resource Team

Lorne Slotnick, Arbitrator

Representing the Union – John D'Orsay

Representing the Employer – Rob Weir

Hearing – Toronto, Ont., December 1, 2015

Rel id: 35950
File id: 845216
Folder id: 10395-RR-15

A W A R D

The grievance before me claims a violation of the local appendix to the collective agreement in the use of the Nursing Resource Team to fill certain shifts at the hospital. The Nursing Resource Team is a group of full-time nurses who can be deployed as needed in various units at the hospital.

In the grievance, the union states that nurses from the Nursing Resource Team are being given extra shifts prior to those shifts being offered to part-time and casual nurses on the unit, in violation of the collective agreement.

At the hearing of this matter, the parties discussed a proposed flow chart outlining the process for filling extra shifts. The chart is attached to this award.

On reviewing the relevant language of the collective agreement and hearing the submissions of the parties, I have concluded that the attached flow chart complies with the collective agreement. In particular, I note that Article I.1 (l) of the Local Issues Appendix to the agreement with an expiry date of March 31, 2014 (renumbered in the renewed agreement) contains the following sentence: "Extra shifts resulting in premium pay will only be offered after all opportunities to pay at regular time have been exhausted." In my view, use of a Nursing Resource Team member to fill an extra shift, if the hospital is unable to fill it with part-time or casual nurses, qualifies as an opportunity to pay at regular time before a shift is offered at overtime rates.

I therefore order the hospital to implement the attached staffing process by no later than January 1, 2016. Units using the central scheduling office will use the entire chart; other units would start at the first rhombus in the middle column.

The staffing flow chart attached will replace any prior staffing process that includes the Nursing Resource Team.

I will remain seized to deal with any issues regarding implementation of this award.

A handwritten signature in cursive script, reading "Lorne Slotnick", written in black ink.

Lorne Slotnick, Arbitrator

December 8, 2015

