

IN THE MATTER OF AN ARBITRATION

BETWEEN:

CANADIAN UNION OF PUBLIC EMPLOYEES LOCAL 4400
(“the Union”)

AND:

TORONTO DISTRICT SCHOOL BOARD
(“the Employer”)

RE: TAMMY CORREIA (C-5483) & EDIT TERRAZZINO (C-5475)

SOLE ARBITRATOR:

Kevin Burkett

FOR THE UNION:

Megan Reid - Counsel

FOR THE EMPLOYER:

Dolores Barbini - Counsel

PRELIMINARY AWARD

A hearing in these matters is scheduled for June 21, 2016. These are grievances that challenge a denial of LTD. The Employer has requested an adjournment. The Union is opposed to the adjournment.

The reason advanced in support of the adjournment is the absence of a decision by Sun Life, the plan administrator, with respect to appeals from an earlier Sun Life decision to reject the LTD applications of these grievors. By way of background Sun life was provided with additional medical information in mid-April 2016 and given a June 1, 2016 deadline for ruling in advance of a June 21, 2016 scheduled hearing date. To date, Sun Life has not rendered a decision.

Counsel for the Employer argues that if Sun Life ultimately approves these claims for LTD the litigation will be unnecessary and, conversely, if Sun Life rejects these claims for LTD even between now and June 21, 2016 it will not have sufficient time to prepare its case.

These parties have endeavoured to put in place an expeditious process for resolving LTD denial cases. Sun Life was given more than five weeks to deal with these appeals so that the parties could either cancel the June 21, 2016 hearing date in advance or properly prepare in the event of a Sun Life denial. If Sun Life is unable to meet a 5 week deadline in order to facilitate the expeditious

resolution/hearing of these matters, the Employer should consider moving to an administrator that can accommodate the time constraints that exist in cases such as these.

Having regard to the foregoing I hereby grant the Employer's request for an adjournment of the June 21 hearing of these matters on the understanding that these matters will proceed on the first suitable date that becomes available after a two week period following release of the Sun Life decision should that decision be to reject these appeals.

I remain seized.

DATED in Toronto, Ontario on this 17th day of June, 2016

Kevin Burkett

Kevin M. Burkett