

IN THE MATTER OF AN ARBITRATION

BETWEEN

University of Western Ontario

("University")

and

Canadian Union of Public Employees Local 2361

("Union")

Re: Grievance 2015-13

ARBITRATOR: James Hayes

APPEARANCES

For the Union

Michael Klug, Counsel

For the University

Frank Angeletti, Counsel

A teleconference hearing was held on December 19, 2016

AWARD

1. CUPE Local 2361 alleges on behalf of Ron Morland, a Regular Full-time Caretaker, that the University violated the Collective Agreement by awarding the Regular Full-time Lead Caretaker position in job posting 4491 to a junior employee.

2. Pursuant to Section 50 of the *Labour Relations Act, 1995*, the parties agreed to refer this grievance to me as mediator-arbitrator for the purpose of resolving it in an expeditious and informal manner.

3. Article 13.02(b) of the Collective Agreement reads:

In all cases of promotion to another position within the bargaining unit, where the skill, knowledge, experience, and general fitness are assessed to be relatively equal by the interviewing team, seniority shall govern as follows. In all cases of promotion, a part-time employee with 1040 hours seniority, or an employee or sessional, seniority within the employee designation (as expressed in Article 4.03, .04 and .06) of the new position shall govern.

4. Under Article 4.03, as a Regular Full-time employee, Mr. Morland is “an employee.”

5. Based on my discussions with, and the agreement of, the parties, I hereby order as follows:

- a. Effective January 3, 2017, the Grievor will be placed in the Temporary Lead Caretaker Position identified in posting 8206 for the duration of this temporary position.
- b. At the conclusion of this temporary position, the Grievor will return to his position of Caretaker subject to any application he may make for other postings in the interim, which will be considered in accordance with the Collective Agreement.

- c. With respect to their ongoing relationship, this Award shall not constitute a precedent with respect to any other incident or matter that may arise and is without prejudice to any other matter not addressed herein which arises between or among the University, the Union, and/or Mr. Morland.
- d. The Award constitutes a complete and final resolution of all issues raised in Grievance 2015-03.
- e. I remain seized to deal with any issue that may arise regarding the implementation of this Award including in relation to the Temporary Lead Caretaker Position identified in posting 8206.

Dated at Toronto, Ontario this 20th day of December, 2016.



James Hayes