

IN THE MATTER OF AN ARBITRATION
Pursuant to the *Labour Relations Act*, R.S. 1995

BETWEEN:

CITY OF KINGSTON

("Employer")

- and -

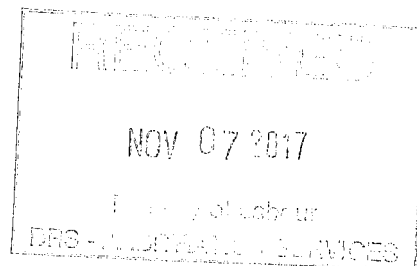
CANADIAN UNION OF PUBLIC EMPLOYEES, LOCAL 109

("Union")

(Grievance re Acting Assistant Supervisor)

ARBITRATOR:

Jasbir Parmar



On Behalf of the Employer:

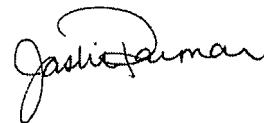
Rob Little, Counsel, Hicks Morley

On Behalf of the Union:

Peggy Smith, Counsel

1. The Union filed a group grievance on January 13, 2017, involving a number of employees in the public works department.
2. The grievance claims that the Employer violated the collective agreement by failing to credit employees permanently appointed to the Assistant Supervisor role for hours spent working in the Acting Assistant Supervisor role. These were hours the employees worked on a temporary basis while holding a different position.
3. Having heard the parties' submissions and reviewed the collective agreement, I find there has been no breach of the collective agreement.
4. I appreciate that an employee may feel that the time working in this manner should be recognized in their new position.
5. However, the collective agreement language is clear and expressly addresses how the pay rate of employees promoted to a new classification is to be set, and how employees' pay will progress.
6. Article 13.11(d) states that when an employee is promoted to a higher classification, which all of these individuals were, he will receive the wage rate next highest to his current rate.
7. Article 13.11(e) states that the salary of an employee will progress (in accordance with the salary grid) "following the anniversary date".
8. There is no provision to place the employee at a different level for any other reason.
9. Accordingly, the grievance is dismissed.

Dated this October 24, 2017.



JASBIR PARMAR