

IN THE MATTER OF AN ARBITRATION

BETWEEN:

The City of Ottawa

("the Employer")

AND:

The Ottawa-Carleton Public Employees Union, CUPE Local 503

("the Union")

IN THE MATTER OF:

Grievance of Frank Storti – Supplementary Award

BOARD OF ARBITRATION

Kevin Burkett	- Chair
Joe Herbert	- Union Nominee
Kathryn Butler-Malette	- Employer Nominee

FOR THE EMPLOYER:

David Patacairk	- Counsel
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FOR THE UNION:

David Jewitt	- Counsel
Alison Longmore	

SUPPLEMENTARY AWARD

In an Award dated March 23, 2017, the Board reinstated Mr. Frank Storti into his employment with the City albeit with a demotion to the “Labourer, Solid Waste position or to a position with an equivalent pay grade which is mutually agreeable between the Union and the City”. The reinstatement was to be “to an active and vacant position in a Department of the City’s choice as soon as a Labourer position becomes available and as soon as is administratively feasible”. Mr. Storti was to remain on leave without pay and subject to a disciplinary suspension while awaiting placement.

There were a number of conditions attached to the reinstatement of Mr. Storti that are not here relevant. The Board remained seized with respect to any issues arising from this Award.

The Labourer Solid Waste position into which Mr. Storti was to be placed has become available. However, the City is refusing to place Mr. Storti into the position because the incumbent may have access to precious metals. The City has not identified an alternative Labourer position into which Mr. Storti could be placed such that he remains on disciplinary suspension as per the terms of our Award without compensation or accumulation of seniority or service.

Having considered the submissions of respective counsel we hereby confirm our oral ruling given on November 30, 2017 as follows:

“If Mr. Storti is not placed in a Labourer position or equivalent within 14 days of the date hereof he is nevertheless to be reinstated at the Labourer’s rate and benefits. If reinstated without placement into a position and not placed into a position within a further 14 days, the matter of placement may be brought forward to the Board on short-notice by way of teleconference.”

The Board continues to remain seized with respect to any issues arising from either our March 23, 2017 Award or this Supplementary Award.

Dated this 6th day of December 2017 in the City of Toronto.

Kevin Burkett

Kevin Burkett – Chair

I Concur

“Joe Herbert”

Joe Herbert – Union Nominee

I Concur

“K. Butler-Malette”

K. Butler-Malette – Employer Nominee