

IN THE MATTER OF AN EXPEDITED ARBITRATION

BETWEEN

TORONTO DISTRICT SCHOOL BOARD

(the “TDSB”)

and

LOCAL 4400, CANADIAN UNION OF PUBLIC EMPLOYEES

(the “CUPE Local 4400”)

GRIEVANCE B-1982

SOLE ARBITRATOR: John Stout

APPEARANCES:

For the TDSB:

Tiffany Thomas - Labour Relations Advisor

For CUPE Local 4400:

Ian McKellar - Dewart Gleason

Amani Rauff – Dewart Gleason

HEARING HELD BY VIDEOCONFERENCE ON AUGUST 20, 2020

AWARD

1. This matter came before me pursuant to the expedited arbitration agreement between the parties.
2. Unit B of CUPE Local 4400 filed grievance B-1982 on behalf of Anjum Sherazi (the “grievor”) alleging that the TDSB breached Article Y.6 of the collective agreement by failing to indicate the grievor’s unrefreshed sick credit balance on her pay stubs.
3. There is no dispute that beginning on September 20, 2018, the grievor’s pay stubs did not indicate her unrefreshed sick leave credit balance.
4. The evidence indicates that the grievor’s pay stubs in the previous fiscal year (2017/2018) listed her sick leave credit balance. The sick leave credit balance only stopped being listed on the grievor’s pay stubs on September 20, 2018, which is just after the commencement of the next fiscal year (2018/2019). The grievor did not receive a new sick leave allotment in September 2018. Rather, she carried over her allotment from the previous fiscal year.
5. Once the grievor qualified for a refresh, according to the TDSB’s calculations, there was a further delay before the grievor’s pay stubs started listing the current fiscal year’s sick leave credits.
6. The central issue in this grievance is whether the collective agreement requires the TDSB to indicate on a member’s pay stubs a sick leave credit balance that is carried over from previous fiscal years.
7. Article Y.6 of the Unit B collective agreement provides as follows:

Information on Pay Stub

Y.6 An Employee shall receive a pay stub, which shall indicate: [...]

j) **balance of sick credits**/vacation credits if applicable [emphasis added]

8. After carefully considering the parties’ submissions, I find that Article Y.6(j) obligates the School Board to indicate the balance of sick leave credits on pay stubs, and does not distinguish between the present fiscal year and previous fiscal years.
9. Therefore, I am allowing the grievance and I direct the TDSB to henceforth list on CUPE Local 4400 member’s pay stubs all carried-over sick leave credit balances from previous fiscal years, until they have been refreshed. To be clear the pay stubs are to list either the previous year carry over amount or the current fiscal year refreshed amount.

10. I remain seized of any issues concerning implementation of this award.

Dated at Toronto, Ontario this 20th day of August, 2020.

A handwritten signature in dark ink, consisting of several loops and a long horizontal stroke extending to the right.

John Stout- Chief Arbitrator