

**IN THE MATTER OF AN EXPEDITED ARBITRATION
PURSUANT TO A MEMORANDUM OF AGREEMENT
DATED FEBRUARY 1, 2018**

BETWEEN

TORONTO DISTRICT SCHOOL BOARD

(the “TDSB”)

and

LOCAL 4400, CANADIAN UNION OF PUBLIC EMPLOYEES

(the “CUPE Local 4400”)

GRIEVANCE D-5277

CHIEF ARBITRATOR: John Stout

APPEARANCES:

For the TDSB:

Carolyn Kay, Hicks Morley

For CUPE Local 4400:

Ian McKellar, Dewart Gleason

**HEARING HELD BY WRITTEN SUBMISSIONS AND VIDEOCONFERENCE ON
MARCH 19, 2021**

INTERIM AWARD

1. This matter comes before me in my capacity as Chief Arbitrator under the Expedited Arbitration Pilot Project Memorandum of Agreement dated February 1, 2018 (the "MOA").
2. Counsel for the TDSB wrote to me on March 9, 2021 requesting a hearing be convened to address a dispute between the parties regarding a December 21, 2020 grievance (D-5277) filed on behalf of an employee relating to eligibility for Long-Term Disability (LTD) benefits under the Collective Agreement.
3. On March 10, 2021, I directed the parties to file written submissions with respect to my jurisdiction and I scheduled a video conference for March 19, 2021.
4. On March 19, 2021, the videoconference was held. At the onset of the video conference it was agreed that I could engage in mediation. At the end of the mediation it was agreed I could issue a direction for having the grievance heard by Traditional Arbitration before one of the arbitrators listed in the MOA.
5. Therefore, for reasons provided during the March 19, 2021 videoconference, I make the following orders:
 - Without prejudice to its position on the eligibility requirements of part-time employees under the Collective Agreement, the Board will allow the grievor to make application for LTD and have it adjudicated on its merits.
 - For clarity, the grievor's application for LTD will be treated as if she was eligible to participate in LTD benefits but no determination has been made as to her entitlement to benefits. That determination will be made by the insurance carrier in the normal course.
 - The grievance is assigned to Arbitrator Gail Misra who shall hear the matter pursuant to the Traditional Arbitration process.
 - The parties are directed to contact Arbitrator Misra and provide her with the grievance, particulars, anticipated number of witnesses and days that they anticipate the hearing will take to be completed.
 - Arbitrator Misra shall have all the powers conferred upon her by the *Labour Relations Act, 1995* and in the MOA, including resolving all preliminary matters prior to the first day of hearing, unless she directs otherwise, or unless *viva voce* evidence is required for their determination.

6. I am no longer seized of this grievance.

Dated at Toronto, Ontario this 19th day of March 2021

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

John Stout- Chief Arbitrator