

87L37
L420

IN THE MATTER OF AN ARBITRATION
B E T W E E N :

ONTARIO COUNCIL OF REGENTS FOR COLLEGES
OF APPLIED ARTS AND TECHNOLOGY
(LOYALIST COLLEGE)

- and -

ONTARIO PUBLIC SERVICE EMPLOYEES UNION
(FOR ACADEMIC EMPLOYEES)

- Grievance of H. Plummer (87L37)

BOARD:

Martin Teplitsky, Q.C.
Chairman

Allen Merritt

Ed Seymour

APPEARANCES:

On behalf of the Union: Ross Wells, Counsel

On behalf of the Company: A. Burke, Counsel

Hearing held March 21, 1988 in Toronto.

For a number of years the grievor has obtained indeterminate leaves of absence for central negotiations as a result of which he has been unable to take his annual vacations and by the end of this year approximately 114 days of vacation will have accumulated. The grievor asked that part of these 114 days be paid out in cash. The employer refused. The grievor alleges that the refusal is based on discrimination for union activity.

Suffice to say, having heard the evidence, and having read the documents and having heard the arguments, I am satisfied that there was no discrimination. Miss Burke submits that the grievance should be dismissed if there was no discrimination. In our opinion the claim based on discrimination must be dismissed.

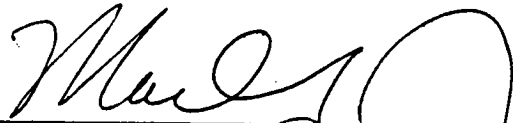
The basic problem between the parties relates to the grievor's obtaining his vacation entitlement both past and future.

What is reasonable ^{qua} Mr. Plummer and his accumulation of vacation cannot be determined at this time. The current negotiations are not concluded. When he can return to work is unknown. I would have adjourned the matter sine die pending the employer's determination of the grievor's

vacation periods including his entire accumulation, such determination to be made forthwith after the grievor's leave of absence terminates. If this determination did not satisfy the grievor, the matter could have been brought on before us for resolution.

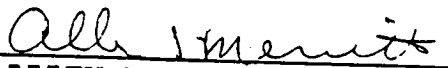
However neither the employer who seeks a dismissal of the grievance nor the grievor who is desirous of launching other grievances seeks a retention of jurisdiction. In these circumstances, the only sensible order is to dismiss the grievance.

ISSUED the 20th day of July, 1988.



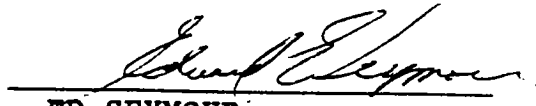
MARTIN TEPLITSKY, Q.C.
Chairman

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ALLEN MERRITT

I. Dissent



ED SEYMOUR.