

**Joint Administration Dispute Resolution Committee (JADRC)**

**August 18-19, 1999**

**CIEA Offices  
555 West 8<sup>th</sup> Avenue  
Vancouver, B.C. V5Z 1C6**

**In Attendance:** Leo Perra, Barry Bompas, Val Cochran, Derek Francis, Trudy Parks, Edwin Deas (PSEA alternate), Bonnie Pearson, Debby Offermann, George Davison, Rob Huxtable, Stu Siefert, David Piasta ( CIEA alternate)

**Alternates Martin Gerson (PSEA) and Linda King (BCGEU) joined the meeting in progress**

**Recorder:** Margaret Sutherland

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**1. Introductions/Call to Order**

The meeting was called to order at 9:30 a.m. David Piasta was introduced as CIEA's alternate member.

**2. Approval of Agenda**

The Employers asked that "Minutes and Content" be added to the agenda. The issue of conflict of interest can be dealt with under "Meeting with Munroe".

The Unions added "Framing Submissions to JADRC under 3.3.2" as "New Business" (ii); referral 12-99-08-12 is "New Business" (iii).

The Employers also added "Next Meeting Dates" as "New Business" (iv); Anomalies can be dealt with under Business Arising.

The Agenda was accepted as amended.

**3. Approval of Minutes of Meeting of June 16**

The parties agreed to a revised copy of the June 16 minutes which clarified the positions taken by the Unions.

**The Minutes were approved as amended.**

The Employers raised the issue of what is being included in the minutes. Some discussion followed. It was agreed that the minutes would state the Unions' position and the Employers' Position, and that "Action Items" be highlighted.

**4. Business Arising out of Previous Minutes**

**i) Harassment Investigators/Umpires**

It was agreed that the orientation for harassment investigators should be scheduled for the afternoon of September 1. Any committee member who wishes to may attend.

**Action: Margaret Sutherland**

**ii) Meeting with Don Munroe/ Bias / Conflict of Interest**

The case management meeting with Don Munroe scheduled for June was cancelled as a result of an Employer objection. There exists a difference of opinion on the validity of representatives of JADRC meeting with Mr. Munroe to canvass the availability of dates, and the terms of referral agreed to in the Common Agreement. The Employers were concerned tht the representatives to the meeting might engage in a broader discussion which would limit argument on interpretation in the future. If such a discussion took place, it was argued, a jurisdiction dispute might be mounted.

Following the caucus, it was agreed to write to Munroe canvassing his availability. Depending on his reponse, a case management meeting could be requested that would include legal counsel.

**Action: Val Cochran, Bonnie Pearson, Debby Offermann**

Martin Gerson of Langara (PSEA alternate) and Linda King of BCGEU (alternate) were introduced.

In addition to the discussion of alleged conflict in meeting with Don Munroe, the Employers restated their position on alleged conflict of interest within the committee.

The Employers continued to advance the view that members of JADRC should declare a conflict when a matter referred to JADRC involved their institution.

The Unions expressed the opinion that committee members do come with bias, and that is consistent with the function of joint committees, The Unions' position was that as a ember of JADRC, union members represent their respective organizations and not their local unions. The Unions accept that a committee member should declare an issue of personal conflict.

The Employers expressed the concern that JADRC decisions could be challenged on a reasonable apprehension of bias argument.

It was agreed that the issue of conflict did not extend to Union Staff Representatives.

Following further caucus discussion, the Parties agreed to make a joint referral to Rod Germaine and to request that he render a decision on the question of conflict of interest. It was further agreed that the submissions should be in writing. The Arbitrator may request additional information if he so requires to make a decision.

**Action: Val Cochran, Bonnie Pearson, Debby Offermann**

The Unions proposed without prejudice, and the Employers agreed, that the Parties would proceed for the remainder of the meeting on an individual challenge basis. If challenged, a committee member would have no voice in the discussion on the case under consideration. This restriction would apply to referrals under Article 3 and Article 6.

### **iii) Distributed Learning Committee Members**

The Employers asked for some more time to name their representatives, and will work towards having names for the next meeting.

The Unions named their representatives: CIEA's members are Tom Friedman (Cariboo), Gladys Latty (North Island) and Linda Sperling (staff rep); BCGEU's members are Vi Klesnikoff (Selkirk), Rick Shea (Okanagan), and Nural Parmar (Northwest).

### **iv) Anomalies**

The Employers suggested a presentation to the Ministry of Advanced Education with someone from PSEC in attendance, and that a small committee from JADRC be established.

The Unions said that their representatives might not be from JADRC, but that two from each union should meet with Employers' representatives prior to the meeting with provincial officials on the Employers' letter of commitment on p. 49 of the Common Agreement.

## **5. New Business**

- i) The Unions suggested that whichever party referred, should present first. Also, that the committee should deal with the Article 3 referrals first, and then go on to those referred under Article 6.

### **File # 02-99-04-07 Okanagan U/College Faculty Association – Prior Learning Assessment Coordinator**

The Employers requested that the Union member from Okanagan have no voice in this discussion.

The Unions stated that the matter at issue is the duties of the Prior Learning Assessment Coordinator and the elimination of the coordinator position. The Common Agreement says this coordination work is bargaining unit work. The institutions are funded for PLA, and the ministry has established a committee of coordinators: Okanagan is the only institution that sends an excluded person to this working group.

The Employers understood that the coordinator at Okanagan has always been excluded, and that the actual work is still being done by persons in the bargaining units. The Vice President responsible for PLA does little of what was done by the coordinator, and the start-up work is done in any case. Other institutions are looking at the low level of PLA activity and the low level of funding, and at ways to get the work

done without devoting specific resources to it. The question is how much coordination work is being done by members of the bargaining units.

It was agreed that JADRC would request additional information from OUC and OUCFA and that this referral be tabled until the next meeting.

**Action – Val Cochran, Bonnie Pearson, Debby Offermann**

**03-99-04-07 Okanagan U/College Faculty Association Union Leave**

The Employers requested that the Union member from Okanagan have no voice in this discussion. The Unions noted that their alternate, David Piasta, now has voice.

The Unions stated that the issue in this referral is the value of the ¼ time release. In this instance, that is ¼ of the OUCFA President's salary; any additional release is at replacement cost. The language in 3.6.2 was worded this way to avoid costing.

The Employers' understanding was that the union leave was to be on an as-needed basis, not an automatic ¼ FTE.

The parties broke to caucus.

On the issue of union release, the Employers suggested communicating the following principle: the institution will provide ¼ release time to a union-identified person or persons, without loss of pay or other entitlements; for release time in excess of ¼ time identified by the union, billing will be at replacement cost.

The meeting adjourned at 4:33 pm.

The meeting reconvened at 8:35 am. on Thursday August 19, 1999.

Discussion resumed on the value of ¼ release. The Unions suggested that JADRC send out an Interpretation Bulletin, and request that the local parties meet to implement that interpretation. JADRC would remain seized of the issues.

The Parties agreed to send the Interpretation Bulletin.

**Action: Bonnie Pearson and Val Cochran**

**11-99-07-16 VCC Faculty Association Union Leave**

The Unions asked if any of the Interpretation Bulletin would deal with VCC's issue, as VCCFA wants to buy replacement cost under Article 3.6.3.

The Employers responded that it was the view of VCC that they were providing more release to VCCFA than is mentioned in 3.6.2. Thus, neither 3.6.2 nor 3.6.3 apply. The college is obliged to replace based on seniority, and seniority is at top of scale.

The Unions argued that the employer does not identify who replaces the union president. The clause was meant to level up across the system, where some unions had employer-paid release. If you did not have ¼ release, employer-paid, you get it; if you have more than ¼, you get the additional leave at replacement cost. Article 3.6.3 is not tied to 3.6.2.

The Employers requested tabling this item to the next meeting. The Unions agreed.

**04-99-05-31 Malaspina Faculty Association Article 6 - Regularization**

Edwin Deas (PSEA alternate) declared a conflict and left the room. The Unions did not request this action.

The Unions were concerned about the types of arguments put forward in some of the submissions. As almost every conceivable challenge has been made to JADRC's jurisdiction, it is unlikely that we will be able to narrow the dispute in any way. In any case, some of the submissions are not on the substantive issues; rather, they challenge the idea that the parties agreed to implement regularization provisions.

The Employers responded that a straight referral would be the best way to deal with them; that JADRC was not meant to renegotiate regularization.

The Unions stated that JADRC's responsibility is clearly to narrow the issues and submit **its** differences to the arbitrator.

The Employers stated that when a person has no voice, he/she can be asked a question and respond without the entire caucus leaving the room.

The Employers agreed that there were inconsistencies in the format of the submissions, and suggested that JADRC recommunicate the information needed for Article 3 and Article 6 referrals.

It was agreed that a letter would be sent to Munroe stating that the Common Agreement required the local parties to negotiate employment security and regularization, and refer to JADRC those issues they are unable to agree on. Further, JADRC has also been unable to agree, therefore the matter is referred to you for resolution.

Specifically, on OUCFA's referral, the Unions requested that the minutes reflect that it is their position that the grievance filed by the employer is properly in JADRC's hands under Article 6.1.7 of the Common Agreement: it should therefore be included in the submission

to Munroe. The local union has sent a letter to OUC indicating that the matter should be dealt with in this way.

**04-99-05-31 Malaspina Faculty Association Article 6.1**

The matter will be referred to the arbitrator.

**05-99-06-08 (e) (u) Camosun BCGEU Article 6.1**

The matter will be referred to the arbitrator.

**06-99-06-16 Malaspina BCGEU Article 6.1**

The matter will be referred to the arbitrator.

**07-99-06-02 College of the Rockies Faculty Association Article 6.1**

The matter will be referred to the arbitrator.

**08-99-06-02 Kwantlen Faculty Association Article 6.1**

The matter will be referred to the arbitrator.

**09-99-06-25 (e) (u) Okanagan U/C Faculty Association Article 6.1**

The matter will be referred to the arbitrator.

**10-99-06-24 Okanagan BCGEU Article 6.1**

The matter will be referred to the arbitrator.

ii) Format of Referrals

**Article 3.3.2 Suspension/Dismissal**

Process for submissions – JADRC should send out a statement about submissions under Article 3.3.2, to the effect that when the Registrar receives a submission, she will assign it a file number and send it to the next umpire within ten days of receipt. The Registrar should consult with the parties and keep track of the use of umpires.

iii) New Referrals

**12-99-08-12 Malaspina Faculty Association - Article 3.3.2**

The Employers and Unions agreed that this termination case be referred to Robert Blasina. In the absence of the Registrar, the CIEA office will take care of the matter.

**Action: Bonnie Pearson**

iv) Meeting Dates

The parties will meet next at 8:30 am on September 2, 1999. October's meeting date remains the same, but November's meeting will be held on November 26 at 8:30 am.

On the Harassment Workshop for the system, it was suggested that C2T2 be approached for funds.

**Action: Bonnie Pearson**

The meeting adjourned at 11:50 am.