

Memorandum

TO: All Institutions Involved in the Faculty Common Agreement BCGEU and CIEA

FROM: Unions & Employers - JADRC

DATE: October 18, 2001

RE: Policy Statement – Article 3.2 (Joint Administration and Dispute Resolution Committee)

The Unions and the Employers negotiated changes to Article 3.2 in the 2001-2004 Common Agreement. Please review this memorandum in detail as there are significant changes to the referral process.

1. Gae Sellstedt (PSEA Executive Assistant) will serve as Registrar at JADRC. Disputes will be assigned a file number upon receipt by the Registrar.
2. Either local party may refer a dispute concerning "the interpretation, application, operation or alleged violation" of the Common Agreement to JADRC in accordance with Article 3.2.4 using the Form at Appendix C of the Agreement (copy attached).
3. Such referral to JADRC may occur only after the local grievance procedure is exhausted or is deemed completed by the local parties.
4. The Registrar, on behalf of JADRC will forward the dispute to an arbitrator within thirty (30) days of receipt of the dispute, unless the local parties agree to extend this time line in order to facilitate the attempted resolution of the dispute at JADRC (see #5 below) or by the local parties.
5. Notwithstanding referral of the dispute to an arbitrator, the local parties may mutually agree to ask JADRC to attempt to resolve the dispute prior to the arbitration hearing. A mutual decision by JADRC is final and binding upon the local parties.
6. When the local parties ask JADRC to attempt to resolve the dispute, they will provide JADRC with an agreed statement of facts, if possible, and they will each provide JADRC with a submission outlining their positions on the issue(s) in dispute. These submissions will be made within five working days of the local parties referral of the request to JADRC. These submissions will be exchanged between the local parties. JADRC will schedule a meeting to deal with the dispute within twenty days of receipt of the written submissions.

7. A representative from each local party will be invited to attend the JADRC meeting. Members of JADRC will not represent either of the referring parties.
8. Either local party, or JADRC, may request the local parties to make oral presentations at the JADRC meeting.

All referrals and/or submissions are to be made by mail or courier to the PSEA office at Suite 300 – 700 West Pender Street, Vancouver, BC V6C 1G8 to the attention of Gae Sellstedt and by e-mail to gae@psea.bc.ca.

All records of submissions will be held at the PSEA office and may be accessed through your local representative. The telephone number is 604-895-5062.

attachment: Dispute Referral Form