

**IN THE MATTER OF A MEDIATION- ARBITRATION**

**BETWEEN:**

**The Department of Transportation & Infrastructure Renewal  
Represented by the Public Service Commission**

**("the Employer")**

**and**

**CUPE, Local 1867**

**("the Union")**

**Before:** William Kaplan, Chair  
Don Munroe, Employer Nominee  
Paul Cavalluzzo, Union Nominee

**Appearances**

**For the Employer:** Erin Cain  
Andrew Taillon  
Department of Justice

**For the Union:** Gail Gatchalian  
Daniel Wilband  
Pink Larkin  
Barristers & Solicitors

The matters in dispute proceeded to mediation/ arbitration in Halifax on August 13, 2018.

## **Award**

This is the award of an interest arbitration board convened to resolve the outstanding issues in dispute between the Department of Transportation & Infrastructure Renewal (hereafter "the employer") and CUPE, Local 1867 (hereafter "the union"). The matters in dispute are subject to the *Highway Workers Collective Bargaining Act* and the *Public Services Sustainability Act* and proceeded to a mediation/arbitration in Halifax on August 13, 2018. Both parties filed detailed mediation/arbitration briefs in advance of the hearing, and those briefs, along with the submissions made by the parties, and the governing criteria, most notably replication, have been carefully considered. The new collective agreement settled by this award shall, therefore, include the terms of the previous collective agreement except as amended by this award, the agreed upon items and the terms of this award. Any proposal not addressed in this award is deemed dismissed.

## **Term & Wages**

As agreed by the parties. Effective date: November 1, 2014

## **Article 14.03 Equipment Operator Training**

Amended as follows:

Employer Proposal awarded by adding: "An employee unsuccessful in testing or training as an operator will not be eligible for retesting or retraining until the employee can provide evidence that he/she has undertaken further equipment operator driver improvement through training or experience in the form of a certified truck driving course, minimum Class 3 with air brake endorsement at the employee's cost."

### **Special Adjustment (Mechanic II and Mobile Service Mechanic)**

Effective November 1, 2018: \$1.50 per hour.

Effective November 1, 2019: \$1.50 per hour.

### **Pregnancy & Parental**

Employer proposals awarded.

### **Service Award**

Employees, as of August 14, 2018, will have the option to elect an early payout (“the Service Payout”) of the Public Service Award available in Article 26. The Service Payout will be based on service accrued to March 31, 2015. The regular hourly rate and regular weekly hours used to calculate the Service Payout will be those in effect on October 31, 2017.

Article 26 of the collective agreement will be amended as per the Employer’s brief, page 29, to reflect that service is frozen as of March 31, 2015 and no new employee hired after April 1, 2015 will be eligible for a Public Service Award pursuant to Article 26. Article 26 will be further amended such that calculation will be based on the hourly rate at the time of retirement from employment or death. Offers to be made within eight weeks of today’s date and responses within four weeks from the date of the offer.

We request that the appropriate exemption regulation be passed by the Province.

### **Conclusion**

We remain seized with respect to the implementation of our award.

DATED at Halifax this 14<sup>th</sup> day of August 2018.

*"William Kaplan"*

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William Kaplan, Chair

*"Don Munroe"*

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Don Munroe, Employer Nominee

*"Paul Cavalluzzo"*

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Paul Cavalluzzo, Union Nominee