



CAAT-A COLLEGES
ACADEMIC
DIVISION



To: CAAT Academic Local Presidents,
From: Ted Montgomery, Chair 2006 Bargaining Team
Re: Return-to-Work Grievances

Many faculty filed grievances relating to their return to work following the 2006 academic strike. Those grievances remain active. They have not been abandoned, lost, or settled. The processing of the grievances has been quite slow. Despite the slowness, the resolution process is still very much underway.

Several days of hearing have been held to address preliminary objections raised by the colleges. All of those objections have now been denied by the Board of Arbitration. The union presented the circumstances of a number of grievors whose claims raised a broad sample of the types of claims that had been made by faculty for compensation resulting from their return to work. Those grievances were addressed only in terms of the college's preliminary objections.

The Board of Arbitration has decided to proceed now by allowing the colleges to make the case that these grievors are not entitled to the compensation they have claimed on the basis of facts and arguments other than those adduced in the colleges' unsuccessful preliminary objections.

The Board has further decided that the cases which were used by the parties in relation to the preliminary objections will form "test cases" for all of the return-to-work grievances. Once these grievances have been finally determined, the parties are to use those decisions as a guide to resolve all the remaining grievance claims at the local level. The colleges may also introduce some further test cases and will probably call their own "witnesses."

The union did not agree with this approach to resolution of these grievances because the onus to resolve the claims is divested from the Board to the local level, which the union believes was never the intent of nor the letter of the protocol agreed to by the parties in resolution of the 2006 strike.

One day of further arbitration was previously set for November 1, 2010 and the next scheduled dates are May 3, 9, 10 and 11 and June 1, 2, 3 and 7 of 2011.

All the return-to-work grievances of faculty members and also those persons who grieved but are no longer in the college's employ remain fully active. The union will continue to press for resolution and for payment for the work created by the colleges' semester recovery plans and other return to work requirements.

Ted Montgomery, for the 2006 CAAT A Bargaining Team