

PSLRB FILE No. 566-02-2361 through 2365 and 566-02-2462

BETWEEN:

**PAUL MINNAAR, RICK MCGREGOR, GORDON MANUEL, GLEN
BLACHFORD, ED TATARYN and MICHAEL REID**

Grievors

-and-

CANADIAN FEDERAL PILOTS ASSOCIATION (CFPA)

Bargaining Agent

-and -

TREASURY BOARD (TRANSPORT CANADA)

Employer

Whereas the grievors have filed grievances alleging a violation of Article 33.01 of the Collective Agreement signed on October 10, 2006 between the Bargaining Agent and the Employer (Expiry date – January 25, 2008;

Whereas the grievors and the bargaining agent have referred the said grievances to adjudication;

Whereas George Filliter, Board Member, has been appointed as adjudicator to hear and determine these references to adjudication;

The parties hereby agree to resolve the within references to adjudication on the following basis:

1. Transport Canada hereby commits to issuing a statement of current duties for each of the grievors' positions, no later than March 31, 2010.
2. Transport Canada has determined to achieve the design of the statement of current duties through the use of a focus group approach. A minimum of one CFPA representative who is a member of the AO Bargaining Group will be invited to participate in the focus group exercise. Additionally, a maximum of two of the six grievors will be permitted to participate in the relevant focus group. Such participation, whether on the part of the Association or the grievors, shall not be mandatory, and Transport Canada will issue a statement of current duties, as contemplated herein not later than March 31, 2010, irrespective of the nature and extent of such participation, if any.

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3. Transport Canada agrees that within 30 days following the issuing of such statements of current duties, they shall be referred to classification for rating and classification purposes. ✓
4. In consideration of the Employer's commitments specified in clauses 2 and 3 of this Memorandum of Agreement, the six within grievances are hereby adjourned, to be rescheduled for hearing no sooner than April 30, 2010, at the option of the Association and the grievors.
5. The parties agree that counsel will cooperate to jointly request a rescheduling of the within grievances to a date no earlier than April 30, 2010.
6. The parties agree that Adjudicator George Filliter shall remain seized of these matters.
7. The parties agree that in the event that the Association and the grievors exercise their right to return the matter to a hearing, the adjudicator shall be seized of and shall have jurisdiction:
 - to determine whether the statements of current duties existing as at the date of each grievance accurately and completely describe the duties and functions of such position as at the date the grievance was filed and to issue such remedy as he deems appropriate in the circumstances pursuant to section 228 of the *Public Service Labour Relations Act*;
8. Following such a hearing as aforementioned, if necessary, the parties are jointly committed to the goal of reaching agreement on the date for retroactive application of the statement of current duties for each individual position. In the event that they are unable to agree, the parties will jointly refer such individual retroactive application disputes to Adjudicator Filliter for determination.
9. The Association hereby agrees to adjourn the group grievance bearing PSLRB File Number 567-02-20 which is currently scheduled to be heard in Ottawa on November 13, 2009 on the same terms and conditions as the six within grievances. ✓
10. The parties agree that all other outstanding Article 33.01 grievances with the Operational Branches of Civil Aviation Directorate of Transport Canada shall be dealt with as follows:
 - (a) Parties shall consult in order to establish similarities with the within grievances;

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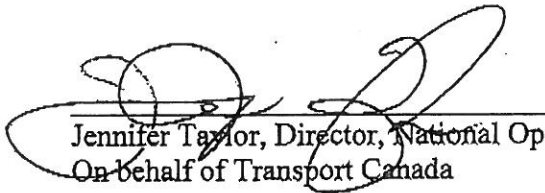
(b) Those grievances that are similar in nature or identical to the within grievances shall be dealt with on the same terms as this agreement.

11. Pursuant to section 223(2)(b) of the *Public Service Labour Relations Act*, the parties hereby agree and jointly select Board Member George Filliter as the Adjudicator to be appointed to hear all of the grievances described in paragraphs 9 and 10 of the Memorandum of Agreement in the event that any of them are referred to adjudication and jointly agree to make this request to the Chair of the Board.

DATED at Moncton this 7th day of October, 2009.



Phil Hunt on behalf of the Grievors and
Canadian Federal Pilots Association



Jennifer Taylor, Director, National Operations,
On behalf of Transport Canada