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185-2-395 (1)e

**IN THE MATTER OF THE PUBLIC SERVICE STAFF RELATIONS ACT
and IN THE MATTER OF A DISPUTE AFFECTING THE
Federal Government Dockyard Chargehands Association and
Her Majesty in Right of Canada as represented by the Treasury Board Secretariat**

Between:

The Federal Government Dockyard Chargehands Association

"ASSOCIATION"

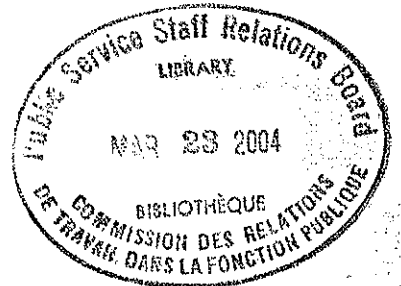
- and -

**Her Majesty in Right of Canada
as represented by Treasury Board Secretariat**

"EMPLOYER"

Before:

Jules B. Bloch, Chairperson
Pierce Sutherland, Nominee of the Employer
James K.A. Hayes, Nominee of the Association



APPEARANCES:

For the Association:

Ronald A. Pink, Q.C. , Counsel
Gail Gatchalian, Counsel
Heather Totton, Counsel
Darryl Roode, President
Willy Courtney, Vice-President
Tom Hatcher
Adrian Lohnes

For the Employer:

Frank Jamieson, Negotiator
Marc Richard, Senior Researcher
Laudalina Santos-Lanthier, Compensation Analyst
Capt. (N) A.M. Smith, DND
Raymond Cormier, DND
Gerry Bauder, DND
Donna Stringer, DND

PROCESS

1. The Public Service Staff Relations Board ("PSSRB") appointed Pierce Sutherland, on the nomination of the Treasury Board Secretariat ("Employer") and James Hayes, on the nomination of the Federal Government Dockyard Chargehands Association ("Association"), to this Arbitration Board ("the Board") on September 25, 2003. Mr. Sutherland and Mr. Hayes agreed upon the nomination of Jules Bloch to act as chairperson. On December 5, 2003, the PSSRB established this Arbitration Board.
2. The Terms of Reference from the PSSRB were issued on December 5, 2003. They are attached hereto as Appendix "A".
3. The Association represents 62 first-level supervisors working for the Department of National Defence at Fleet Maintenance Facility Cape Scott in Halifax, Nova Scotia who supervise skilled tradespeople and technicians in the repair, modification and refitting of naval vessels and equipment.
4. The previous collective agreement between the Association and the Employer expired on March 31, 2003.
5. The Employer and the Association exchanged extensive pre-hearing briefs with respect to all of the relevant facts and issues in dispute.
6. The parties met with the Board in Halifax on March 6 and 7, 2004. The Board deliberated in Halifax on March 8, 2004.

ISSUES

7. The following issues were presented to the Board for determination:
 - (A) Duration and Renewal - Article 32:02
 - (B) Rates of Pay- Appendix "A"
 - (C) Other Types of Leave With or Without Pay- Article 13.02(a)
 - (D) New Allowance Article
8. The positions of the parties briefly stated were:
 - (A) Duration and Renewal

Association: two year term expiring March 31, 2005

Employer: three year term expiring March 31, 2006

(B) Rates of Pay

Association:

- two new 5% pay increments effective April 1, 2003
- elimination of all increments except the top three increments
- economic increases of 3% effective April 1, 2003 and 3% effective April 1, 2004
- a "me too clause" effective October 1, 2004 with the Charge Hand rates on the West Coast

Employer:

- elimination of the first four increments
- economic increases 2% effective April 1, 2003, 1.5% effective April 1, 2004, and 1.5% effective April 1, 2005

(C) Other Types of Leave With or Without Pay

Association: change bereavement leave entitlement from five consecutive calendar days to "five days".

Employer: renew

(D) New Allowances Article

Association:

- submarine trials
- sea pay
- height pay
- dirty work
- transfer at sea
- team pay

Employer:

- no new allowances

9. The Board carefully considered all of the extensive written briefs, exhibits, submissions and all authorities presented. The Board received lengthy and exhaustive oral representations over the two days of hearings. The Board was grateful for the thoughtful and passionate submissions of both parties.

10. The Board in determining this matter carefully considered the *PSSRA* and in particular the criteria found in section 67 of the *Act*.

DECISION

11. The Decision of the Board is as follows:

(A) Duration and Renewal:

- a three year term to expire on March 31, 2006

(B) Rates of Pay

- delete the first five pay increments effective April 1, 2003
- introduce one new 5% pay increment effective April 1, 2003
- economic increase of 2.5% effective April 1, 2003, 2.5 % effective April 1, 2004, and 2% effective April 1, 2005.

(C) Other Leave With or Without Pay

- renew current provision

(D) New Allowances

- not to be included.

12. This panel remains seized of all matters of implementation.

Dated in Toronto this 18th day of March, 2004.

Jules B. Bloch, Chairperson