

news from

CUASA

Volume 15, No. 9

Editor: Jon Alexander

March, 1985.

ARBITRATOR RULES YOU ARE ENTITLED TO YOUR CDI

"I order the University to recalculate 1984-85 salaries for those who were denied part or all of their 1983-84 CDIs as a result of Bill 179 so as to include the lost CDIs in the April 30, 1984 nominal salaries under Article 45."

This ruling by Arbitrator Arthur M. Kruger on March 4, 1985, sustaining CUASA's grievance that all CDIs should have been added to nominal salaries as of April 30, 1984 will retroactively raise your salary anywhere up to \$1270 if you were earning \$35,000 or more after June 1983.

Kruger's ruling in your favour, is based on an interpretation of the Province's Inflation Restraint Act (Bill 179) which limited increases in earnings in 1983-84. CUASA grieved the employer's refusal to:

1. Put back on your nominal salary the full 8.95% increase negotiated for the 1983-84 middle year of our three-year contract. You only got 5% because of Bill 179.
2. Restore to the nominal salary effective April 30, 1984, all CDIs withheld during that year. The employer had paid full or partial CDIs in 1983-84 only to the extent that they did not raise any salary above \$35,000.

As you know, we lost the first grievance. Arbitrator Martin Teplitsky ruled that Bill 179 did, in fact, amend general salary increase sections of collective agreements.

But we have now won the second grievance. Arbitrator Kruger has ruled that Bill 179 did not amend negotiated performance increases, such as the CDI. He accepted CUASA's argument that you are entitled to this increase as a right defined in a collective agreement signed by CUASA and the employer before Bill 179 came into effect. He rejected the employer's argument that Bill 179 should supercede the collective agreement.

What will this mean in real money to you? That depends on your salary level as of April 30, 1983. Academic staff who, in 1983-84, were earning less than \$35,000 including the CDI got full CDIs in 1983-84 and are therefore not affected. Those earning upwards of \$35,000 had whatever amount the CDI would raise their salaries above that limit withheld, and they are owed this amount plus the 1984-5 scale increase of 5.7% on this amount. As an example, faculty earning \$35,000 or more who were entitled to a full CDI in 1983-84 are owed, \$1,270. Similarly, those entitled to 2/3 CDI which went unpaid in 1983-84 are owed \$860. Since next payday marks the eleventh month of the salary year, those owed \$1,270 for the year should see retroactive pay ($11/12 \times \$1,270$) of \$1164.17, plus another \$105.83 in April. Those owed \$860 should get ($11/12 \times \860) \$788.33 retroactively at the end of this month, and \$71.67 in April.

On March 14, 1985 CUASA delivered a letter to Dr. Beckel advising the administration that the back pay should be paid by the end of March. To date no response has been received.

Arbitrator Kruger has remained seized of the matter for 60 days should he be needed to clarify it.

If you require a more detailed explanation of the award and how it affects you, call us and we will arrange a meeting with you.

We hope that you share in our satisfaction at having defended your rights -- this time in a way you will see reflected in your salary cheque.

THE END OF MANDATORY RETIREMENT AT CARLETON

Recently there have been questions about whether age discrimination would continue at Carleton in violation of the constitutional Charter of Rights and Freedoms. It now appears, based upon specific requests from faculty members to postpone retirement which have now been accepted by both the administration and the Board of Governors that such requests will be accepted on a year-to-year basis during the time it takes for the full reach of prohibition against age discrimination to be determined by constitutional interpretation.

BULLETIN

This reply received by CUASA at 10:00 a.m. Friday, March 22nd, 1985:

Professor Stan Jones
President
Carleton University Academic Staff Association
Carleton University
Ottawa, Canada


Dear Professor Jones

Re: CDI Arbitration

Thank you for your letter of March 14, 1985. I am advised that the March payroll will not reflect the Kruger award.

We are currently reviewing the decision to determine our course of action.

Yours sincerely



W.E. Beckel
President