

CUPE-SCFP

Canadian Union of Public Employees
Syndicat canadien de la fonction publique

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FORT McMURRAY AREA OFFICE

120, 9521 Franklin Avenue, Fort McMurray, AB T9H 3Z7 Tel.: (780) 743-2880 Fax: (780) 743-2896 / cupe.ca / scfp.ca

December 20, 2017

BY FAX ONLY

Alberta Labour Relations Board
501, 10808-99 Avenue
Edmonton, Alberta
T5K 0G5

Attention: Tannis Brown, Director of Settlement

Dear Madam:

**RE: An application for reconsideration brought the Canadian Union of Public employees,
Local 2157 affecting The Board of Governors of Keyano College**

The Canadian Union of Public Employees, Local 2157 hereby makes an application pursuant to Section 58(8) of the *Labour Relations Code* and involving The Board of Governors of Keyano College.

The name, postal, email addresses, telephone and fax numbers of the applicant and of their Counsel or Representatives:

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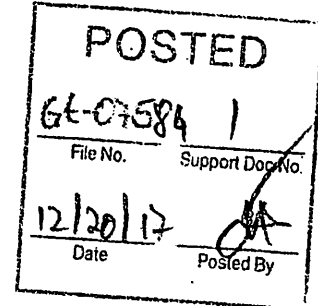
The name, postal, email address, telephone and fax number of the Respondents:

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MARK HANCOCK – National President / Président national **CHARLES FLEURY** – National Secretary-Treasurer / Secrétaire-trésorier national

FRED HAHN – DANIEL LÉGÈRE – LUCIE LEVASSEUR – KELLY MOIST – MARLE ROBERTS – General Vice-Presidents / Vice-présidences générales



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Reference to the provision under the *Code* under which the application is being made:
Section 58.6 of the *Code*.

Full particulars of the facts, of relevant dates and of grounds for the application:

- a) The Canadian Union of Public Employees, Local 2157 is the certified bargaining agent for a group of employees working at Keyano College, described as "All employees of the Board of Governors of Keyano College when employed in general support services", Certificate 11-78.
- b) Keyano College faculty employees are represented by the Keyano College Faculty Association, which is a member of the Alberta Colleges and Institutes Faculties Association.
- c) The group of employees for which this application is made are known as "Contract Instructors", and include individuals involved in programs such as Language Instruction for Newcomers to Canada (LINC), Aboriginal Education and Regional Stewardship Programs, and Career and College Preparation.
- d) CUPE Local 2157 made an application to the Labour Board on June 13, 2017 for reconsideration of Certificate #11-78 to add in the group of unrepresented employees, the "LINC Instructors", in the bargaining unit.
- e) On June 19, 2017, the Union submitted an amendment to the application, which was received and accepted by the *Board* on June 20, 2017.
- f) The *Board* assigned Board File No GE-07546 to the Union's application for reconsideration.
- g) On June 27, 2017, Board Officer Fenton Corey issued an investigation report regarding file No. GE-07546. The conclusions and recommendations from that report are as follows:
 1. The Employer is: Keyano College (Board of Governors).
 2. The Union is: Canadian Union of Public Employees, Local 2157.
 3. I recommend the Board find the proposed add-on group appropriate for Collective Bargaining.
 4. On June 13, 2017, Keyano College employed 36 employees who appear to perform work within the scope of the proposed add-on group. Of those, less than 40% have indicated their support for the Union. I recommend the Board dismiss the application as the Union does not have the necessary support.
- h) On June 30, 2017, the Union withdrew their application for reconsideration.
- i) The Union commenced collective bargaining with Keyano College and alerted the Employer that the Union was actively seeking the inclusion of the "Contract Instructors" in the bargaining unit through Collective Bargaining, which was denied by the Employer.
- j) The Union has been actively seeking support from the remaining contract instructors and are in an earnest effort to organize them with CUPE Local 2157 under their certificate.

MARK HANCOCK – National President / Président national CHARLES FLEURY – National Secretary-Treasurer / Secrétaire-trésorier national

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- k) On 06 December 2017, the Keyano College Board of Governors passed a motion designating all contract instructors as "faculty" and recognizing the Keyano College Faculty Association (KCFA) as the representative for this group.
- l) In communication with the Administrative Director of KCFA, CUPE Local 2157 has learned that the KCFA did not make this exact request and had not engaged in a discussion with the College on this item since July 2017. Further, KCFA was also not forewarned of the motion with enough advanced notice to be able to speak to the motion through their Board representative.
- m) CUPE Local 2157 was not given notice of the motion that was being presented at the Board on 06 December 2017, and not given a chance to speak to the motion through CUPE's Board of Governor's representative at the meeting or at any other time.
- n) At the time of passing the motion, 06 December 2017, the employer was aware of CUPE's efforts to organize these individuals and include them in pre-existing CUPE bargaining unit at Keyano College. Further, the employer was aware of the Board's investigation report from the previous application for certification.
- o) It is the position of CUPE that pursuant to s60(2) of the *PSLA* and s58.6 of the *Code*, the Board of Governors had a duty to consult with CUPE prior to making the designation of contract instructors as "faculty."

Attached find copies of supporting documents:

- a) Certificate issued by the Board (#11-78)
- b) Copy of the Keyano College Board of Governors motion from 06 December 2017.

A description of the order sought:

- a) CUPE Local 2157 is hereby making an application under Section 58.6 of the *Labour Relations Code*, to appeal the decision of the Keyano College Board of Directors to designate the contract instructors as "faculty."

Sincerely,



Stephanie Lustig
National Representative
SL/CM/COPE#491

Cc: Tracy Edwards, President, Keyano College (by email)
Michael Smith, President, KCFA (by email)
Lise Comeau, President, CUPE Local 2157 (by email)

MARK HANCOCK – National President / Président national CHARLES FLEURY – National Secretary-Treasurer / Secrétaire-trésorier national

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R01



Board of Governors

Motion: 2017-18 - 004

BRIEF DESCRIPTION OF AGENDA ITEM:

The Keyano College Faculty Association (KCFA) requests the Board of Governors designate all contract teaching staff at the College as Faculty. The request to the Board of Governors is specific to:

- An individual providing instruction, developing course materials or supervising practicums for a credit program.
- An individual providing instruction within credit or non-credit courses that are longer than four weeks. These include individuals involved in programs such as Language Instructions for Newcomers to Canada (LINC), Aboriginal Education and Regional Stewardship Programs, Career and College preparation.

Further, KCFA recognizes separate terms and conditions of employment will be negotiated for these employees. College Management acknowledges a group of these Contract Instructors meet the definition of Faculty and should be designated as Faculty.

Administration recommended that the Board of Governors proceed with the following motion:

MOTION: "THAT effective December 6, 2017:

1. The group of Contract Instructors as negotiated with KCFA be designated as Faculty;
2. Keyano College President and CEO, or designate, will negotiate the terms and conditions of employment for this group with KCFA; and
3. When the terms and conditions of employment are mutually agreed to, the group will be represented by KCFA."

I hereby certify that this Motion has full force and effect on the 6th day of DECEMBER, 2017.

A handwritten signature in black ink, appearing to read "Andy Carter", written over a horizontal line.

Andy Carter, Interim Chair

CERTIFICATE NO. 11 - 78**IN THE MATTER OF THE PUBLIC SERVICE EMPLOYEE RELATIONS ACT, 1977****Canadian Union of Public Employees,
Local Union 2157,
Fort McMurray, Alberta****- and -****The Board of Governors of
Keyano College,
Fort McMurray, Alberta**

WHEREAS an application for certification of a bargaining agent for a unit of employees of The Board of Governors of Keyano College, Fort McMurray, Alberta, has been received from the applicant trade union by the Public Service Employee Relations Board under the provisions of The Public Service Employee Relations Act;

AND WHEREAS, the Board has determined the merits of the application in the manner provided by the Act and is satisfied that the applicant trade union should be certified as bargaining agent;

NOW, THEREFORE, the Public Service Employee Relations Board does hereby certify the Canadian Union of Public Employees, Local Union 2157, as bargaining agent for a unit of employees of The Board of Governors of Keyano College, Fort McMurray, Alberta comprising: - "All employees of The Board of Governors of Keyano College when employed in general support services."

ISSUED at Edmonton, Alberta this 21st day of October A.D., 1978 by the Public Service Employee Relations Board and signed by its Chairman.


D. Blair Mason
Chairman