

VIA EMAIL

Alberta Labour Relations Board

Attn.: Tannis Brown, Director of Settlement

501, 10808 – 99 Avenue

Edmonton, Alberta, T5K 0G5

T: 780.422.5926

F: 780.422.0970

E: Tannis.Brown@gov.ab.ca & ALRB.EDM@gov.ab.ca

November 6, 2020

Dear Madam:

Re: An application brought by MacEwan Staff Association affecting The Faculty Association of Grant MacEwan University and The Board of Governors of Grant MacEwan University -- Board File No. GE-083337

Re: An application brought by MacEwan Staff Association affecting The Board of Governors of Grant MacEwan University and The Faculty Association of Grant MacEwan University -- Board File No. GE-083338

Further to my letter of 5 November 2020, and to clarify the scope of the Association's summary dismissal application (at the request of counsel for the Union), the Association asks the Board to summarily dismiss all aspects of the Union's applications and complaints that pertain in any way to "academic staff", under both PSERA and the Code.

The Association takes no position, at this time, on those aspects of the Union's applications and complaints that pertain solely to "The group of employees in ... positions referred to as 'other', 'out-of-scope', 'dependent contractors', and 'managerial' (the 'non-union employees')" under PSERA. However, the Association remains an affected party in relation to same under the Code, and reserves its participatory rights. As I wrote yesterday, "the Association may in future be filing its own Code s [58.6] application(s) for the Board to decide whether certain Excluded Employees are in fact and law 'academic staff', given the far less restrictive definition of 'employee' under the Code in relation to 'academic staff' than under PSERA in relation to 'non-academic staff'." Depending on how the Union's application in relation to the Excluded Employees (under PSERA) unfolds, the Association may choose to file its own Code s 58.6 application(s) in relation to the Excluded Employees (under the Code) and ask the Board to hear its application(s) with the Union's applications.

I trust that this letter clarifies the Association's application for summary dismissal, or alternatively deferral, of the Union's applications and complaints, and the Association's positions generally.

Please also note that references to "the Code s 56.8" in my summary dismissal letter should read "the Code s 58.6" throughout.

Sincerely,



E. Wayne Benedict Professional Law Corporation
EWB/

- c.c. - **Faculty Association of Grant MacEwan University**
Attn.: Jasmine French, Executive Director (via email)
Attn.: Graham Baker, Professional Officer (via email)
- c.c. - **Alberta Labour Relations Board**
Attn.: Kent Nelson, Labour Relations Officer (via email)
- c.c. - **Board of Governors of Grant MacEwan University % Field Law**
Attn.: Geoffrey M. Hope, Barrister and Solicitor (via email)
Attn.: Jason Kully, Barrister and Solicitor (via email)
- c.c. - **MacEwan Staff Association % Blair Chahley Lawyers**
Attn.: Leanne Chahley, Barrister and Solicitor (via email)