



October 27, 2020

Blair Chahley Lawyers
203, 10265 107 Street
Edmonton, AB T5J 5G2
Attention: Leanne M. Chahley
leannechahley@blairchahley.ca

The Faculty Association of Grant
MacEwan University
7-102, 10700 104 Avenue
Edmonton, AB T5J 4S2
**Attention: Rafat Alam/
Jasmine French**
AlamR2@macewan.ca
jasmine.french@macewan.ca

MacEwan Staff Association
7-102D, 10700 104 Avenue
Edmonton, AB T5J 4S2
**Attention: Donna-Mae Winqvist/
Harry Oosterhoff**
dwinquist@macewanstaff.ca
hoosterhoff@macewanstaff.ca

The Board of Governors of Grant
MacEwan University
P.O. Box 1796
Edmonton, AB T5J 2P2
**Attention: Dr. Annette Trimbee/
Karen Boros**
annette.trimbee@macewan.ca
borosk@macewan.ca

OUR VISION...

The fair and equitable
application of Alberta's
collective bargaining laws.

OUR MISSION...

To administer, interpret and
enforce Alberta's collective
bargaining laws in an
impartial, knowledgeable,
efficient, timely and
consistent way.

501, 10808 - 99 Avenue
Edmonton, Alberta
T5K 0G5

Tel: 780-422-5926
Fax: 780-422-0970

308, 1212 - 31 Avenue NE
Calgary, Alberta
T2E 7S8

Tel: 403-297-4334
Fax: 403-297-5884

E-mail:
alrb.info@gov.ab.ca

Website:
www.alrb.gov.ab.ca

**RE: An application brought by the MacEwan Staff Association affecting
The Faculty Association of Grant MacEwan University and The
Board of Governors of Grant MacEwan University – Board File No.
GE-08377**

On October 22, 2020, the Board received a determination application from Leanne M. Chahley on behalf of the MacEwan Staff Association ("MSA") affecting The Board of Governors of Grant MacEwan University (the "University") and The Grant MacEwan University Faculty Association ("GMUFA"). A copy of the application has been provided to the parties.

Specifically, MSA is seeking the determination of the placement in the MSA bargaining unit of employees generally referred to as advisors. Some employees working as advisors are assigned to the GMUFA bargaining unit with titles such as Faculty School Advisors, Academic Advisors, and/or Instructional Assistants. Other employees working as advisors are assigned to the MSA bargaining unit with titles such as University Advisors and Academic Advisors. MSA submits that all advisor positions should be in a single bargaining unit, the proper bargaining unit is the MSA bargaining unit and the collective agreement between MSA and the University governs.

MSA alleges that the University was going to place the advisor positions in its bargaining unit, but abruptly changed its course on June 30, 2020. MSA complains under section 45(1)(a) *Public Service Employee Relations Act* that the University has interfered with its administration in doing so.

The Board accepts this complaint under sections 3(2)(h), 3(2)(p) and 50 of the *Public Service Employee Relations Act*, and sections 12(3)(i), 12(3)(o), and 58.6(1) of the *Labour Relations Code*.

Information Bulletin #2 generally describes how the Board processes applications and Information Bulletin #22 specifically describes Board determinations.

Particulars

If the Respondents' require additional particulars from the Union, file your written request for more particulars **on or before November 4, 2020**. Specify in detail the additional information needed. If no request is made by the deadline, the Board will proceed with the information provided by the applicant.

Responses

The Board directs the Respondents' file a written response to this application **on or before November 13, 2020**. Please include the details required in Information Bulletin #2 and the Rules of Procedure.

Setting the Hearing Date

If the matter is not resolved informally, the application will proceed to a formal hearing.

At this time, the presumptive method of hearing will be by video conference, unless the Board Chair or Vice-Chair approves and directs otherwise in a particular case.

Officers scheduling matters for resolution conferences and hearings will operate on the presumption that video conferencing will be used unless:

2. the party asserts the matter is one where a video conference hearing is not appropriate due to the nature of the issue, the complexity of the file, the unavailability of video conference resources, the case being appropriate for written-submissions alone, or other extenuating factors; or
2. the Board itself identifies the matter, or type of matter, as one where another option may be more appropriate.

Where a party seeks a resolution conference or hearing other than by video conference, the Board will schedule a case management conference for the Board to determine the issue. The Board will then explore the options of video conference hearing; in-person hearing where the safety of participants can be ensured; written submissions only; or a hybrid of the preceding alternatives. All parties must provide a brief written position on the appropriate method of hearing in advance of the case management conference, including, where applicable, their reasons why the presumption of a video conference hearing ought not to apply in their case.

All matters set for video conference will have a further case management conference booked at a later date with the Chair or Vice-Chair presiding at the hearing, to:

- determine the extent an Agreed Statement of Facts, affidavits and/or an agreed exhibit book can be used;
- address deadlines for providing potential exhibits, authorities and submissions;
- address the scheduling of witnesses;
- determine whether the hearing should proceed by a single Chair as opposed to a three-member panel; and
- address any other video-conferencing issues.

For video conference hearings, please see the Board's Guidelines for Remote Proceedings.

For in-person hearings, please see the Board's Protocol for In-Person Hearings.

Given the above, **all parties** are requested to provide, in writing, by the **end of business on November 20, 2020**:

- whether this application could be disposed of by way of written submissions only;
- any objections to conducting the resolution conference and hearing as a video conference;
- confirm the participants you require at a resolution conference and hearing have the capability to participate in a Zoom video conference; and
- availability of you and your required participants for a resolution conference and hearing over the next four months, the number of witnesses you will require and the anticipated number of hearing days.

If you are objecting to a video conference, then please provide a brief written position on the appropriate method of hearing and the reasons why the presumption of a video conference hearing ought not to apply in this case.

Copies

The parties are responsible to ensure they send copies of all correspondence, to all other parties and the Board. **You can confirm you have done this by statement in the letter or by noting a "cc to ____" on the letter.** We encourage you to send copies to the other parties in the same way you send them to the Board.

Filing Documents by E-Mail

The Board has created e-mail addresses for filing of applications and correspondence. To e-mail the Edmonton Office, use ALRB.EDM@gov.ab.ca. The hours for filing documents with the Board are from 8:15 a.m. to 4:30 p.m., Monday to Friday, excluding statutory holidays. Any materials received by this e-mail account after these hours will be treated as received at 8:15 a.m. the next business day. **Ensure you quote the correct Board file number in the header of your correspondence.**

Labour Relations Officer Kent Nelson is assigned to this file and he can be contacted at (780) 415-2714 or kent.nelson@gov.ab.ca.

Tannis Brown
Director of Settlement

KN/cs

Enclosure

W:\Common\PROCESS\General\GE-08377\Acknowledgement Letter.doc