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M R-612-ARB  
92-628  
ROBERTSON

IN THE MATTER OF AN ARBITRATION

BETWEEN:

THE MINISTER OF PERSONNEL FOR THE  
GOVERNMENT OF THE NORTHWEST TERRITORIES

(the "Employer")

AND:

THE UNION OF NORTHERN WORKERS

(the "Union")

AND IN THE MATTER OF AN EXPEDITED ARBITRATION  
ARISING OUT OF A GRIEVANCE FILED ON BEHALF OF

RESIDENCE OFFICERS OF ARCTIC COLLEGE

(Grievance File No. (92-628))

COUNSEL:

FOR THE UNION:

Evelyne Henry

FOR THE EMPLOYER:

Greg Wolfe

DATE OF HEARING:

July 28 and 29, 1993

PLACE OF HEARING:

Yellowknife, N.W.T.

COLIN TAYLOR, Q.C.  
ARBITRATOR

This is an expedited arbitration pursuant to Article 37.27 of the Collective Agreement. At the conclusion of the hearing, an oral decision was given. At the request of the parties, brief written reasons follow.

The parties submitted the following Agreed Statement of Facts:

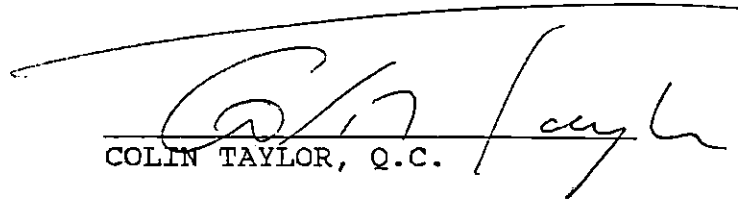
- "1. Arctic College maintains a satellite campus in Fort Smith. Three Residence Supervisors are employed to supervise the dormitory in which students who are studying away from home reside during the school year.
2. The three Resident Supervisors work a fixed day, afternoon or evening shifts. They do not rotate.
3. The Union has grieved that the Employer should post a master shift schedule and that these three employees should work a rotating shift schedule. The Union relies on the wording of Article 22 of the Collective Agreement.
4. The Employer's position is that based on the wording of Article 22.01(b) the decision to place an employee on a rotating/irregular shift is discretionary and unless operational requirements change there is no reason to disrupt the established scheduling practice."

The organization of work is initially at the discretion of the Employer unless that discretion is circumscribed by the Collective Agreement.

On the facts of this case, it was for the Employer to set the shift schedule. Moreover, the Grievors hired into the existing shift schedule which has been in existence for a considerable length of time.

The grievance is denied.

DATED at Vancouver, British Columbia this 16  
day of August, 1993.

  
COLIN TAYLOR, Q.C.